

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

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UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	§	
	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Case No. 2:16-CV-00393
	§	LEAD CASE
AVG TECHNOLOGIES USA, INC.	§	
	§	
<i>Defendant,</i>	§	
	§	
v.	§	Case No. 2:16-CV-00741
	§	LEAD CASE
ADP, LLC	§	
	§	
<i>Defendant.</i>	§	
	§	

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**MEMORANDUM OPINION AND ORDER**

On August 10, 2017, the Court held a hearing to determine the proper construction of the disputed claim terms in United States Patent Nos. 6,324,578 (“the ’578 Patent”), 6,728,766 (“the ’766 Patent”), 6,510,466 (“the ’466 Patent”), and 7,069,293 (“the ’293 Patent”) (collectively “the Asserted Patents”).<sup>1</sup> The Court has considered the arguments made by the parties at the hearing and in their claim construction briefs. Docket Nos. 140, 150, 155, 174, 185 & 190.<sup>2</sup> The Court has also considered the intrinsic evidence and made subsidiary factual findings about the extrinsic

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<sup>1</sup> The ’466 and ’293 Patents share a common specification. Unless otherwise noted, citations related to either of these patents are made collectively to the ’466 Patent. Similarly, the ’578 and ’766 Patents share a common specification. Unless otherwise noted, citations related to either of these patents are made collectively to the ’578 Patent.

<sup>2</sup> Citations to the parties’ filings are to the filing’s number in the docket (Docket No.) and pin cites are to the page numbers assigned through ECF in Case No. 2:16-CV-393.

evidence. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005); *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 841 (2015). The Court issues this Claim Construction Memorandum and Order in light of these considerations.

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## I. BACKGROUND

### A. The '578 Patent

The '578 Patent was filed on December 14, 1998, issued on November 27, 2001, and is titled “Methods, Systems, and Computer Program Products for Management of Configurable Application Programs on a Network.” The '578 Patent relates to obtaining user and administrator preferences for the application programs installed at a server and providing these preferences along with an instance of the application program to a client for execution. *See, e.g.*, '578 Patent, col. 3:50–4:5.

Claim 1 of the '578 Patent is an exemplary claim and recites the following elements (disputed term in italics):

1. A method for management of configurable *application programs* on a network comprising the steps of:  
receiving an *application launcher program* associated with an *application program* having a plurality of configurable preferences from a server;  
providing a user set of the plurality of configurable preferences from one of the plurality of authorized users executing the *application launcher program* to the server; and  
requesting that the server *provide an instance of the application program* and a stored user set and an administrator set of the plurality of configurable preferences for use in executing the *application program* responsive to a request from the one of the plurality of authorized users.

### B. The '466 Patent

The '466 Patent was filed on December 14, 1998, issued on January 21, 2003, and is titled “Methods, Systems, and Computer Program Products for Centralized Management of Application Programs on a Network.” The '466 Patent relates to installing application software on a server, and providing instances of that software to clients for execution via a user desktop interface with display regions associated with the installed software. *See, e.g.*, '466 Patent, col. 3:48–50, 4:39–44.

Claim 15 of the '466 Patent is an exemplary claim and recites the following elements (disputed term in italics):

15. An *application program* management system for managing *application programs* on a network including a server and a client comprising:
  - means for installing a plurality of *application programs* at the server;
  - means for receiving at the server a login request from a user at the client;
  - means for establishing a user desktop interface at the client associated with the user responsive to the login request from the user, the desktop interface including a plurality of display regions associated with a set of the plurality of *application programs* installed at the server for which the user is authorized;
  - means for receiving at the server a selection of one of the plurality of *application programs* from the user desktop interface; and
  - means for *providing an instance of the selected one of the plurality of application programs* to the client for execution responsive to the selection.

### C. The '766 Patent

The '766 Patent was filed on April 10, 2001, issued on April 27, 2004, and is titled “Methods, Systems, and Computer Program Products for License Use Management on a Network.” The '766 Patent relates to maintaining license related policies and information in the client-server environment for the installed software such that license availability can be communicated to clients on a user-specific basis. *See, e.g.,* '578 Patent, col. 3:24–28, 3:40–45, 5:38–60.

Claim 7 of the '766 Patent is an exemplary claim and recites the following elements (disputed term in italics):

7. A license use management system for a network comprising:
  - means for maintaining license management policy information for a plurality of *application programs* at a license management server, the license management policy information including at least one of a user identity based

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