

PTAB Construction vs. Federal Circuit Analysis*

PTAB Construction	Fed. Cir. Analysis
<p>Container: a logically defined data enclosure which encapsulates any element or digital segment (text, graphic, photograph, audio, video, or other), or set of digital elements. IPR Final Decision 8.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container” in the computer processing field.</p>	<p>EI conceded that “containers,” “registers,” and “gateways” are “conventional and routine” structures. Slip op. 4</p> <p>No analysis of what a “container” may be in the context of the claims or specification or how it is used in combination with the other claim terms, some of which are not considered.</p>
<p>Register: A value or code associated with a container. IPR 9.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container.”</p>	<p>EI conceded that “containers,” “registers,” and “gateways” are “conventional and routine” structures. Slip op. 4</p> <p>No analysis of what a “register” may be in the context of the claims or specification or how it is used in combination with the other claim terms, some of which are not considered.</p>
<p>Gateway: hardware or software that facilitates the transfer of information between containers, systems and/or processes. IPR 11.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container,” and the claim term’s specific function—to facilitate transfer of information.</p>	<p>EI conceded that “containers,” “registers,” and “gateways” are “conventional and routine” structures. Slip op. 4</p> <p>No analysis of what a “gateway” may be in the context of the claims or specification or how it is used in combination with the other claim terms, some of which are not considered.</p>
<p>Active Space Register defined based on “Register” and its function to identify space in which a container will <i>act upon</i> other containers, processes, systems or gateways. IPR 9.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container,” and the claim term’s specific function—to identify space in which the container will act.</p>	<p>Limitation not mentioned in decision.</p>

*This chart does not include the additional claim terms the parties construed at the district court in their Patent Local Rule 4-2 exchanges, which were filed with the court in 13-cv-04513, Doc. 229. Those additional claim terms were also not considered by either the district court or the Federal Circuit.

PTAB Construction	Fed. Cir. Analysis
<p>Passive Space Register defined based on “Register” and its function to identify space in which the container <i>can be acted upon</i> by other containers, processes, systems or gateways. IPR 9.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container,” and the claim term’s specific function—to identify space in which the container can be acted upon.</p>	<p>Limitation not mentioned in decision.</p>
<p>Neutral Space Register defined based on “Register” and its function to identify space in which the container <i>may interact</i> with other containers, processes, systems, or gateways. IPR 10.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container,” and the claim term’s specific function—to identify space in which the container may interact.</p>	<p>Limitation not mentioned in decision.</p>
<p>Acquire Register defined based on “Register” and its function to enable the user to search and utilize other registers. IPR 10.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “register,” in the computer processing field and the claim term’s specific function—to enable the user to search and utilize other registers.</p>	<p>Limitation not mentioned in decision.</p>
<p>First register having a unique container identification value – first register having a value that uniquely identifies the given container. IPR 15.</p> <p>PTAB BRI construction, not disputed by the parties, limited to construction of <u>claimed</u> “container” and <u>claimed</u> “register” and the term’s specific function—to provide a unique identification value for its associated “container.”</p>	<p>Limitation not mentioned in decision.</p>

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