

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BEDROCK COMPUTER TECHNOLOGIES,
LLC,

Plaintiff

vs.

SOFTLAYER TECHNOLOGIES, INC., et al.

Defendants.

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Civil Action No. 6:09-cv-00269-LED

JURY TRIAL DEMANDED

**DEFENDANTS’ NOTICE OF COMPLIANCE REGARDING COURT’S ORDER TO
MEET AND CONFER REGARDING CLAIM CONSTRUCTIONS**

Defendants’ Softlayer Technologies, Inc., Yahoo! Inc., Google, Inc., MySpace Inc., Amazon.com, Inc., Match.com Inc., and AOL LLC (collectively “Defendants”) hereby notifies the Court and all counsel herein that they have timely complied with the Court’s order on October 7, 2010 during the *Markman* hearing that parties meet and confer regarding the definition of “dynamic” and other claim terms and advise the Court regarding any agreement over particular constructions. The parties have discussed claim constructions still at issue and met and conferred on October 21, 2010.

Regarding the claim term “dynamically determining,” Defendants provided an alternate construction during the *Markman* hearing:

Prior to traversing the linked list, determining a single number or quantity that serves as an upper limit on the number of expired records to remove, where the determination is based on factors such as how much memory is available in the system storage pool, general system load, time of day, [and] the number of records currently residing in the informational system.

Hearing Tr. at 141.

In the meet and confer, plaintiff Bedrock Computer Technologies, LLC (“Bedrock”)

proposed an alternate construction for “dynamically determining”:

- the step of method claim 4 and 8 is performed before the removing step of claim 3 and 7 that is the object of the determination.

Defendants do not agree to Plaintiff’s proposal because this construction addresses when a dynamic determination would occur but still does not provide any guidance regarding the “dynamic” aspect of the determination.

For the Court’s convenience, attached as Exhibit are updated charts showing the most current state of the parties’ positions for the terms to be construed by the Court. The charts reflects the compromises that were made after the Patent Rule 4-5 charts were submitted but before the Markman hearing, as well as alternative constructions that were made during the *Markman* hearing, and reflects the post-*Markman* discussion regarding constructions between the parties.

DATED: October 21, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM-ECF system per Local Rule CV-5(a)(3).

/s/ Yar R. Chaikovsky

Yar R. Chaikovsky

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