

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TABLEAU SOFTWARE, LLC,
Petitioner,

v.

iCHARTS LLC,
Patent Owner.

IPR2024-01387
Patent 8,271,892 B2

Before DAVID C. McKONE, JASON M. REPKO, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

AHMED, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Tableau Software, LLC (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–16 of U.S. Patent No. 8,271,892 B2 (Ex. 1001, “the ’892 patent”). iCHARTS LLC (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2022). To institute an *inter partes* review, we must determine that the information presented in the Petition shows “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Based on the information presented in the Petition and the supporting evidence, we are persuaded that there is a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims. Accordingly, we institute an *inter partes* review of the challenged claims on the grounds set forth in the Petition.

II. BACKGROUND

A. *Real Parties in Interest*

Petitioner, Tableau Software, LLC, further identifies Salesforce, Inc. as a real party in interest. Pet. 94. Patent Owner identifies itself as a real party in interest. Paper 3, 1.

B. *Related Matters*

The parties identify the following proceedings as related matters involving the ’892 patent: *iCharts LLC v. Tableau Software, LLC*, No. 1:23-cv-01225 (W.D. Tex.); *iCharts LLC v. Tableau Software, LLC*, No. 3:24-cv-03157-WHA (N.D. Cal.)). Pet. 94; Paper 3, 1.

C. The '892 patent

The '892 patent, titled “Creation, Sharing and Embedding of Interactive Charts,” issued September 18, 2012, with claims 1–16. Ex. 1001, codes (45), (54), 18:33–20:24. The '892 patent discloses generating interactive charts “in an online portal that allows users to customize the interactive features of the chart,” and sharing the interactive charts by “embedding the interactive chart in an external electronic document.” *Id.* at code (57).

Figure 2 of the '892 patent, reproduced below, illustrates a block diagram of an illustrative interactive chart generation and sharing system. Ex. 1001, 4:50–51.

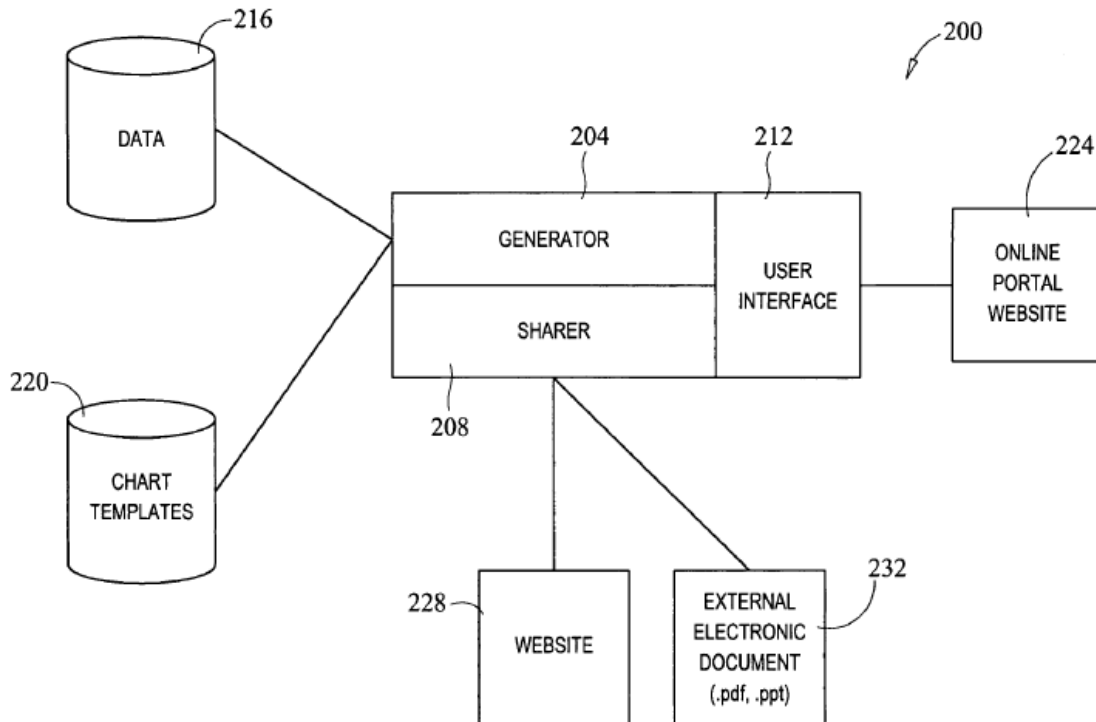


FIG. 2

Figure 2 illustrates an interactive chart online portal for generating and sharing interactive charts. *Id.* at 9:5–7. Interactive chart online portal 200 includes interactive chart generator 204, interactive chart sharer 208, user

interface 212, data store 216, and chart template data store 220. *Id.* at 9:13–16. The '892 patent explains that users enter or upload data at a website and the interactive chart generator uses the data and chart templates stored in the chart template data store to generate interactive charts. *Id.* at 9:27–32. The generated interactive chart can be published on an external webpage or embedded in an external document as an interactive chart or static chart. *Id.* at 9:34–38.

Figure 3 of the '892 patent, reproduced below, is a schematic view of an interactive chart. Ex. 1001, 4:52–53.

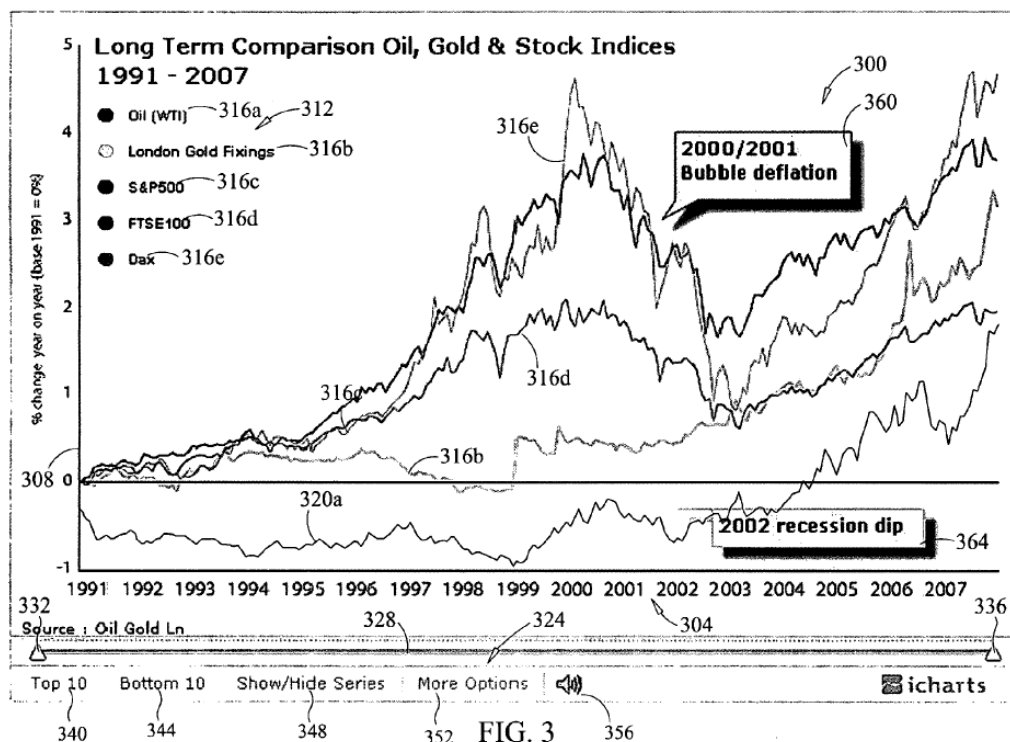


Figure 3 illustrates an exemplary interactive chart 300. *Id.* at 9:49–50.

Interactive chart has interactive features that allow a user to interact with the chart to “modify or change their view of the chart, learn more about the chart data, and the like.” *Id.* at 10:36–40.

D. Challenged Claims

Petitioner challenges claims 1–16 of the '892 patent. Claims 1 and 10 are independent. Claim 1 is illustrative of the claimed subject matter and is reproduced below:

1. [1P] A computer system comprising:
 - [1A] a data module configured to store data;
 - [1B] a chart template module configured to store chart templates;
 - [1C] a generation module configured to generate an interactive chart on a generation interface,
 - [1D] wherein the generation interface is configured to enable a user to generate the interactive chart from data stored in the data module and a template from the chart template module;
 - [1E] a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document,
 - [1F] wherein the self-contained and independent interactive chart, when opened in a program in the absence of the generation interface and the chart template module, enables a user to a) render the chart, b) obtain input from a user and c) rerender the chart using the input as a parameter thereby enabling the interactive chart to retain interactivity when published or embedded.

Ex. 1001, 18:33–52 (Petitioner's annotations added); Pet. 15–28.

E. Asserted Grounds of Unpatentability

Petitioner contends that the challenged claims are unpatentable based on the following grounds:

Claims Challenged	35 U.S.C. §¹	Reference(s)/Basis
1, 2, 4, 5, 7–9	103(a)	Becerra ²
3, 10, 11, 13–16	103(a)	Becerra, Couckuyt ³
10, 11, 13–16	103(a)	Becerra, Couckuyt, Keys ⁴
6	103(a)	Becerra, Moyer ⁵
7	103(a)	Becerra, Jou ⁶
12	103(a)	Becerra, Couckuyt, Keys, Jou
1, 2, 5–9	103(a)	QlikView Manuals ⁷
3, 10–16	103(a)	QlikView Manuals, Couckuyt
10–16	103(a)	QlikView Manuals, Couckuyt, Keys
6	103(a)	QlikView Manuals, Moyer

Pet. 10. Additionally, Petitioner supports its challenge with a declaration of Christopher Schmandt (Ex. 1003). Patent Owner supports its arguments with a declaration of Jeffrey Miller (Ex. 2001).

¹ Because the challenged claims of the '892 patent have an effective filing date before March 16, 2013, patentability is governed by the pre-AIA version of 35 U.S.C. § 103.

² U.S. Pub. No. 2003/0169295 A1, published September 11, 2003 (Ex. 1005, “Becerra”).

³ U.S. Patent No. 6,906,717 B2, issued June 14, 2005 (Ex. 1006, “Couckuyt”).

⁴ U.S. Pub. No. 2001/0050681 A1, published December 13, 2001 (Ex. 1034, “Keys”).

⁵ U.S. Pub. No. 2008/0028037 A1, published January 31, 2008 (Ex. 1010, “Moyer”).

⁶ U.S. Pub. No. 2003/0071814 A1, published April 17, 2003 (Ex. 1007, “Jou”).

⁷ QlikView Reference Manual, v.8.50, 1st ed. (Ex. 1008) and QlikView Server Reference Manual, v8.50, 1st ed. (Ex. 1009) (collectively, “QlikView Manuals”). Petitioner contends that the QlikView Manuals are printed publications that were publicly available at least by July 8, 2008. Pet. 7.

III. ANALYSIS

A. *Legal Standards – Obviousness*

A claim is unpatentable if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. 35 U.S.C. § 103(a); *see KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations, including commercial success, long-felt but unsolved needs, failure of others, and unexpected results. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966).

When evaluating a combination of teachings, we must also “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). “[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Kahn*, 441 F.3d at 988.

“[W]here a party argues a skilled artisan would have been motivated to combine references, it must show the artisan ‘would have had a reasonable expectation of success from doing so.’” *Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.*, 876 F.3d 1350, 1360–61 (Fed. Cir. 2017) (quoting *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1068–69 (Fed. Cir. 2012)).

B. Level of Ordinary Skill in the Art

We review Petitioner's asserted obviousness grounds in view of the understanding of a person of ordinary skill in the art at the time of the invention. *Graham*, 383 U.S. at 17. The person of ordinary skill in the art is a hypothetical person who is presumed to have known the relevant art at the time of the invention. *In re GPAC, Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995).

Petitioner contends that a person having ordinary skill in the art, would have had a B.S. degree in Computer Science, Computer Engineering, or equivalent experience relating to computing, as well as two to three additional years of academic or industry experience related to web application development and data visualization services. The [person of ordinary skill in the art] would have, therefore, been familiar with client-side scripting technologies, such as JavaScript and/or ActionScript. The [person of ordinary skill in the art] would have further worked as part of a multidisciplinary team and drawn upon not only her own skill but of others on the team, e.g., to solve a given problem.

Pet. 4 (citing Ex. 1003 ¶ 70). Patent Owner does not dispute the level of ordinary skill in the art. *See* Prelim. Resp. 31.

We determine, on the current record, that Petitioner's proposed level of ordinary skill is consistent with the '892 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d at 1579. We adopt that level of ordinary skill in deciding whether to institute trial.

C. Claim Construction

In this *inter partes* review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b) (2020). The

claim construction standard includes construing claims in accordance with the ordinary and customary meaning of such claims as would have been understood by one of ordinary skill in the art at the time of the invention. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc). In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Phillips*, 415 F.3d at 1315–17.

Both Petitioner and Patent Owner contend that all claim terms should be given their ordinary and customary meaning. Pet. 4–5; Prelim. Resp. 31–32.

D. Obviousness Based on QlikView Manuals

Petitioner asserts that claims 1, 2, and 5–9 are unpatentable based on QlikView Manuals. Pet. 10, 58–76.

1. Scope and Content of the Prior Art

a) QlikView Manuals

The QlikView Manuals include the QlikView First Edition Version 8.5 Reference Manual for Microsoft Windows (Ex. 1008, “QlikView Reference Manual”) and the QlikView Server First Edition Version 8.5 Reference Manual for Microsoft Windows (Ex. 1009, “QlikView Server Reference Manual”).

The QlikView Reference Manual explains how to create charts using “a wizard that will help you create the chart.” Ex. 1008, 880.⁸ Figure 1 of the QlikView Reference Manual is reproduced below.

⁸ We refer to the internal page numbers at the bottom center of Exhibits 1008 and 1009.

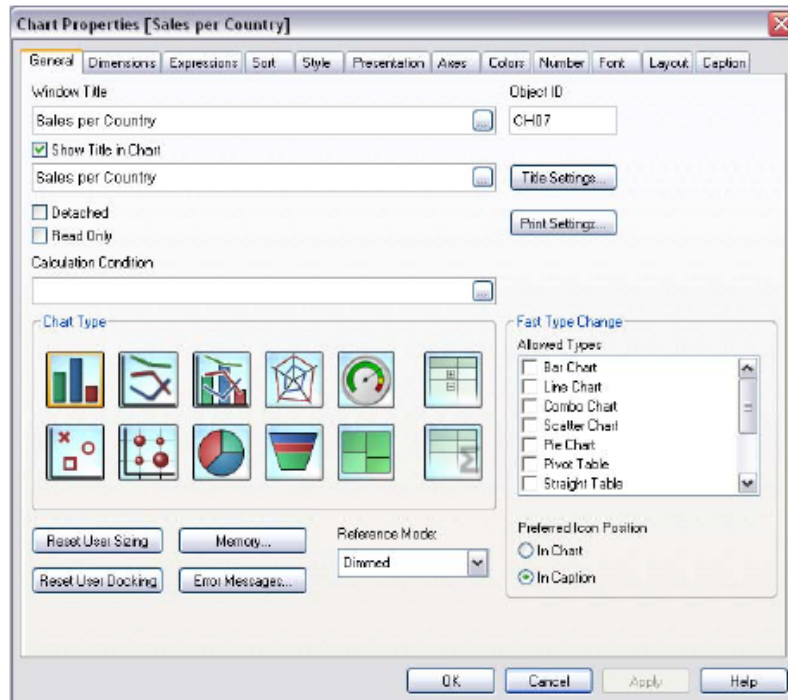
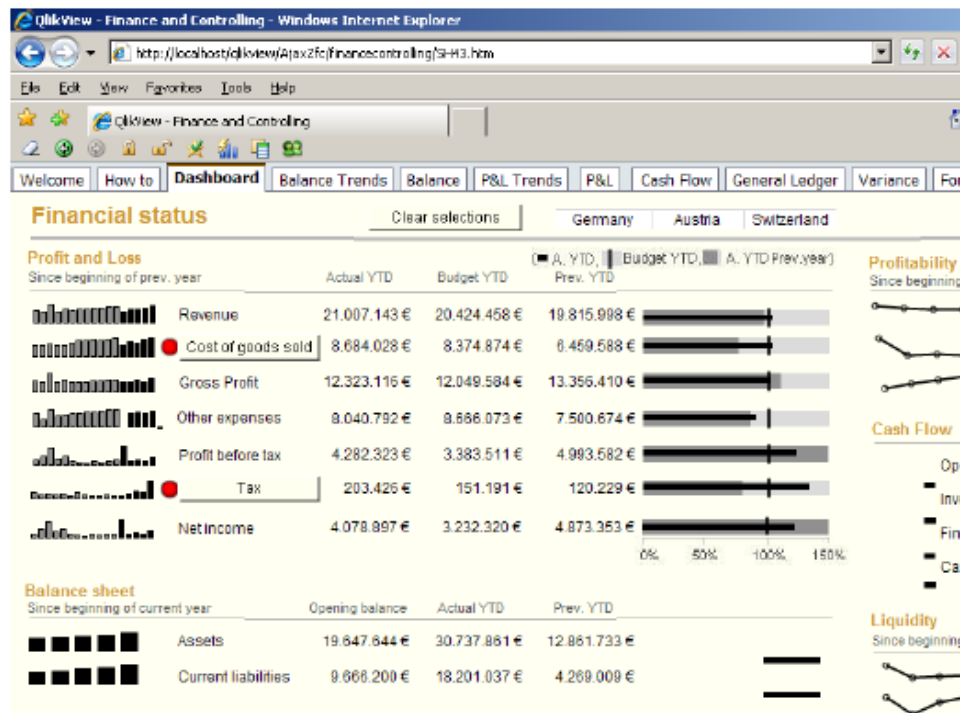


Figure 1. The General page in the Chart Properties dialog

Figure 1 illustrates the general page in the “Chart Properties” dialog. *Id.* at 882. The general page allows setting the chart title, chart type, as well as other chart properties. *Id.* at 881–886.

The QlikView Server Reference Manual describes the QlikView Server, which “provides a platform for hosting, distributing, and sharing QlikView information over the Internet/Intranet.” Ex. 1009, 9. The QlikView Server Reference Manual also describes the QlikView AJAX (Asynchronous JavaScript and XML) ZFC (zero-footprint client), which allows the QlikView Server to send “Dynamic HTML (DHTML) pages and XML data to the browser running on” a client’s computer. *Id.* at 155–156.

The below figure from the QlikView Server Reference Manual illustrates a QlikView AJAX client. Ex. 1009, 155.



QlikView AJAX client with the toolbar option

The QlikView Server Reference Manual explains that “[a] QlikView client is required for display and usage of an existing QlikView document,” and describes various clients that can be used with the QlikView server. *Id.* at 123.

2. Independent Claim 1

a) Preamble [1P]: A computer system comprising:

Petitioner contends that the QlikView Manuals teach the preamble. Pet. 58. Petitioner contends that the QlikView Manuals describe a computer system having a QlikView Server, a Web server, and clients. *Id.* at 58–59 (citing Ex. 1008, 1326–27; Ex. 1009, 95, 98).

Patent Owner does not specifically respond to these arguments. *See* Prelim. Resp. Based on our review of the current record, at this stage of the

proceeding, we determine that the information presented sufficiently supports Petitioner’s contentions relating to the preamble of claim 1.⁹

b) Limitation [1A]: a data module configured to store data

Petitioner contends that QlikView Manuals teach this limitation. Pet. 59–60. Petitioner contends that QlikView Manuals explain how QlikView loads data and stores the data in database tables, including from external databases and local files. *Id.* (citing Ex. 1008, 61–63, 79, 229, 234–35, 242–47, 269; Ex. 1003 ¶ 307). Petitioner further contends that once loaded, QlikView stores the data in database tables within the QlikView file. *Id.* (citing Ex. 1008, 238–39, 241, 269, 348, 505–508).

Patent Owner does not specifically respond to these arguments. *See generally* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner’s assertions as to this limitation.

c) Limitation [1B]: a chart template module configured to store chart templates

Petitioner contends that QlikView Manuals teach this limitation. Pet. 60–61. Petitioner contends that QlikView Manuals explain how QlikView stores chart themes, which are files containing chart properties, which QlikView calls “templates.” *Id.* (citing Ex. 1008, 795–805, 1323; Ex. 1003 ¶¶ 309–15). According to Petitioner, once created, QlikView’s Theme Maker Wizard saves the defined chart theme/template in a dedicated theme folder. *Id.* at 61 (citing Ex. 1008, 795, 804; Ex. 1003 ¶ 313).

⁹ At this stage in the proceeding, we do not decide whether the preamble of claim 1 is limiting.

Patent Owner does not specifically respond to these arguments. *See generally* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner’s assertions as to this limitation.

d) Limitation [1C]: a generation module configured to generate an interactive chart on a generation interface

Petitioner contends that QlikView Manuals teach this limitation because they teach a Chart Wizard. Pet. 61 (citing Ex. 1008, 667; Ex. 1003 ¶¶ 316–330). Petitioner contends that the user interface (“UI”) of the Chart Wizard shown in Figure 1 of the QlikView Reference Manual (reproduced above) teaches a “generation interface” that allows a user to select different chart types and chart styles. *Id.* at 62 (citing Ex. 1008, 665, 883–85, 887–89; Ex. 1003 ¶¶ 317–320). Petitioner contends that QlikView charts are interactive because selections in field data can be made directly in most of QlikView’s charts and tables by clicking or painting with the mouse. *Id.* at 62–63 (citing Ex. 1008, 13, 154–55, 668–69, 881, 1306–07; Ex. 1003 ¶¶ 321–329).

Patent Owner does not specifically respond to these arguments. *See generally* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner’s assertions as to this limitation.

e) Limitation [1D]: wherein the generation interface is configured to enable a user to generate the interactive chart from data stored in the data module and a template from the chart template module

Petitioner contends that QlikView Manuals teach this limitation. Pet. 63–64. Figure 4 of the QlikView Reference Manual, reproduced below,

illustrates the Dimensions page in the “Chart Properties” dialog. Ex. 1008, 882.

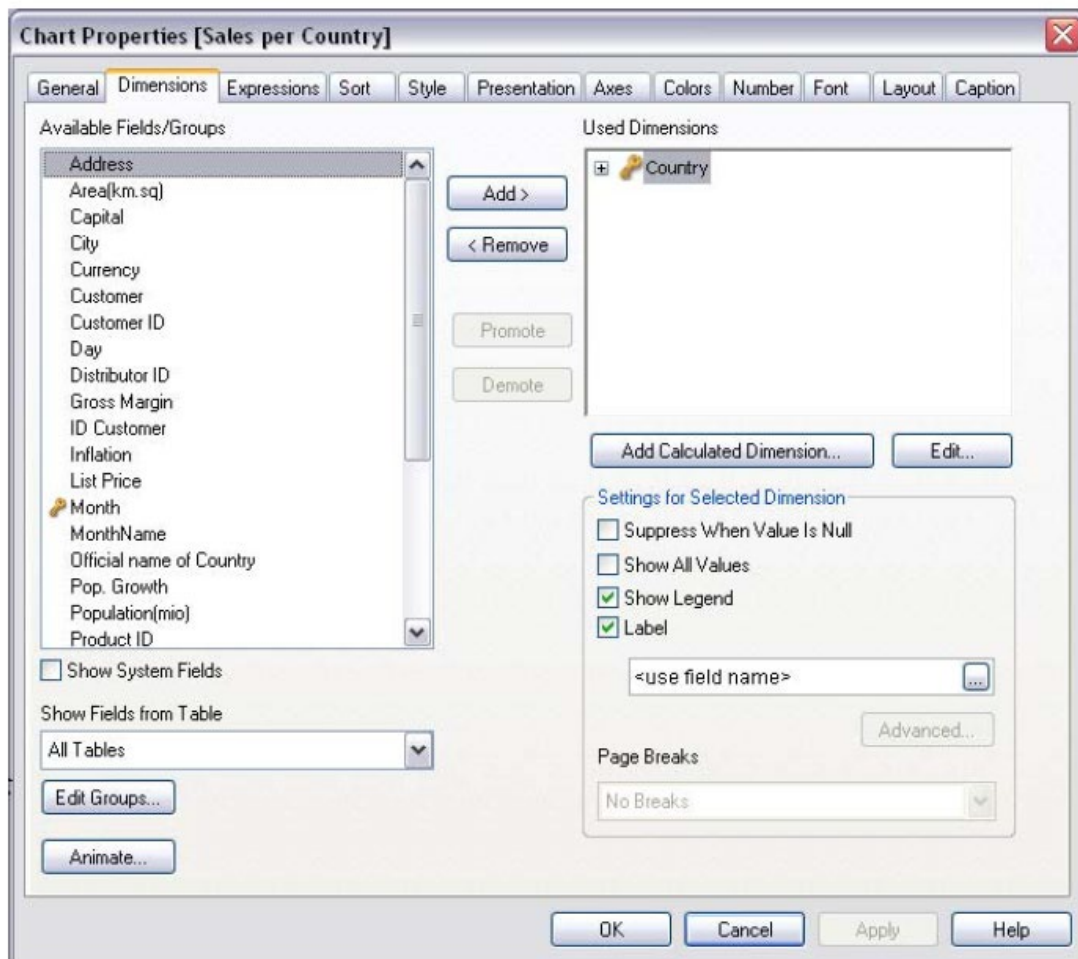


Figure 4. The Dimensions page in the Chart Properties dialog

Petitioner asserts that QlikView’s Chart Wizard UI allows the user to add available fields/groups in the data module’s database or data file to generate the chart. Pet. 63 (citing Ex. 1008, 894–95, 901–14; Ex. 1003 ¶¶ 332–334). Petitioner further contends QlikView’s Chart Wizard UI includes a Layout tab that provides the user with options to apply a chart theme or template from the Theme Maker Wizard. *Id.* at 64 (citing Ex. 1008, 939, 942; Ex. 1003 ¶ 335).

Patent Owner does not specifically respond to these arguments. *See generally* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner’s assertions as to this limitation.

- f) *Limitation [1E]: a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document,*
- g) *Limitation [1F]: wherein the self-contained and independent interactive chart, when opened in a program in the absence of the generation interface and the chart template module, enables a user to a) render the chart, b) obtain input from a user and c) rerender the chart using the input as a parameter thereby enabling the interactive chart to retain interactivity when published or embedded*

Petitioner contends that QlikView Manuals teach limitation [1E]. Pet. 64–68. Petitioner contends that QlikView’s Objects Client Page Generator enables users to generate a webpage once an interactive chart is generated. *Id.* at 64–65 (citing Ex. 1008, 807; Ex. 1009, 134; Ex. 1003 ¶ 338). Petitioner points to QlikView’s disclosure that “generated pages will be saved in a location of your choice in separate folders for each client type, *ready for publication* on your web server.” *Id.* at 65 (citing Ex. 1008, 807; Ex. 1009, 134; Ex. 1003 ¶ 339) (Petitioner’s emphasis). Petitioner further contends that the Objects Client Page Generator can generate a webpage for different clients, such as Java Objects, QlikX, and AJAX, and that the user can publish or embed QlikView objects (e.g. charts) as webpages with all the clients. *Id.* at 65–66 (citing Ex. 1009, 9, 123–24, 133–49, 155–66; Ex. 1003 ¶¶ 339, 340–343). Petitioner contends that QlikView AJAX allows the QlikView server to produce and send Dynamic HTML (DHTML) pages and XML data to the browser running on the client computer and that

the embedded charts displayed on the client computer retain interactive features. *Id.* at 66–67 (citing Ex. 1008, 35–36; Ex. 1009, 16–17, 57, 133, 155–56; Ex. 1003 ¶ 344).

According to Petitioner, the published webpages are stored in a separate directory folder as QlikView files and chart objects and they rely on self-contained applications that display the interactive charts independently from the generation module/interface. *Id.* at 67–68 (citing Ex. 1008, 23, 807–08; Ex. 1009, 59–60, 134, 199; Ex. 1003 ¶¶ 346–347).

Petitioner contends that QlikView Manuals also teach limitation [1F]. Pet. 68–70. Petitioner contends that when QlikView’s interactive chart is opened in an applet on an Internet browser outside of QlikView Developer, the web client enables a user to render the chart and provide input via various features such as buttons and slider objects. *Id.* at 68–69 (citing Ex. 1009, 12, 16–17, 19, 133, 155, 204). According to Petitioner, QlikView uses the user input as a parameter to rerender the chart thereby enabling the interactive chart to retain interactivity when published or embedded. *Id.* at 69–70 (citing Ex. 1008, 689, 355–59; Ex. 1009, 12, 123; Ex. 1003 ¶ 354).

Patent Owner responds that QlikView Manuals do not teach limitations [1E] and [1F]. Prelim. Resp. 59–69 (citing Ex. 2001 ¶¶ 196–219). Patent Owner argues that “the QlikView Manuals disclose a server-client system for data analysis that does not concern ‘publishing’ or ‘embedding’ interactive charts independent of QlikView.” *Id.* at 60 (citing Ex. 1009, 9). According to Patent Owner, “the QlikView clients must establish and maintain a connection to the QlikView server to display and interact with the QlikView documents that are hosted on the QlikView server.” *Id.* at 64 (citing Ex. 1009, 9; Ex. 2001 ¶ 212) (Patent Owner’s emphasis). Patent Owner contends that QlikView’s “Objects Client HTML

Page Generator includes a box called ‘Document URL’ where the user specifies the QlikView target document URL on the QlikView Server where the html pages are to be run,” providing “further evidence that the QlikView clients must establish and maintain a connection to the QlikView server to display and interact with the QlikView documents.” *Id.* at 66 (citing Ex. 1008, 808; Ex. 2001 ¶ 214) (Patent Owner’s emphasis).

Patent Owner further contends that because a connection from the QlikView clients to the QlikView server must always be present, “the QlikView charts do not retain interactivity when opened in a program in the absence of the generation interface, which is the interface to the QlikView Server, where the charts were created and hosted.” Prelim. Resp. 67 (citing Ex. 2001 ¶¶ 215–216).

Based on the current record and for the purposes of institution, we are persuaded that the QlikView Manuals teach limitations [1E] and [1F]. Claim 1 requires that “a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document,” and further requires that

the self-contained and independent interactive chart, when opened in a program in the absence of the generation interface and the chart template module, enables a user to a) render the chart, b) obtain input from a user and c) rerender the chart using the input as a parameter thereby enabling the interactive chart to retain interactivity when published or embedded.

Ex. 1001, 18:33–52. Although Patent Owner does not propose a claim construction for any of the claim terms recited in limitations [1E] and [1F] (*see* Prelim. Resp. 32), Patent Owner appears to contend that a connection between the QlikView client displaying the interactive chart and the QlikView server necessarily means that the interactive chart cannot be “self-

contained and independent.” *See* Prelim. Resp. 64–66 (arguing that QlikView clients must maintain a connection to the QlikView server). We are not persuaded by Patent Owner’s reading of the claim limitation. First, the claim language does not impose such a limitation. Nothing in the claim requires or precludes network connectivity in relation to the “self-contained and independent” document or chart. Second, the Specification discloses that “[s]haring the interactive chart 808 may include publishing the chart in a web page (block 832).” Ex. 1001, 11:43–44, Fig. 8. The Specification thus supports that a “self-contained and independent interactive chart” may be displayed in a client browser connected to a web server when the chart is published in a web page. We are therefore not persuaded by Patent Owner’s narrow interpretation of the limitations [1E] and [1F].

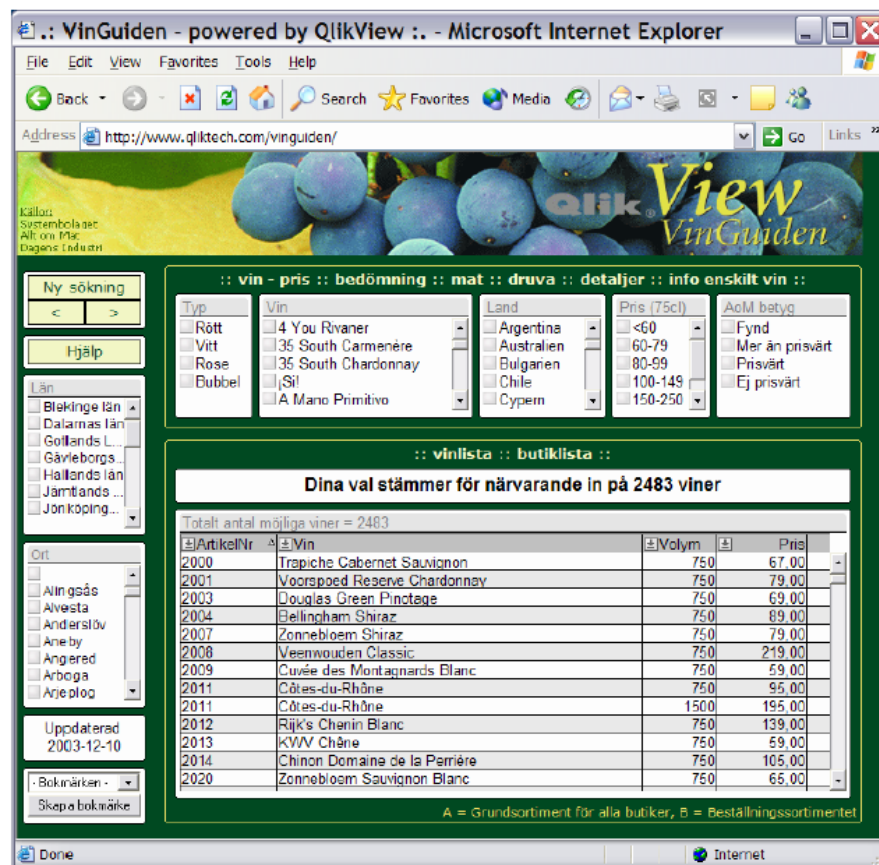
As Petitioner points out, QlikView discloses that once an interactive chart is created, the Objects Client Page Generator enables users to generate a webpage that is saved in separate folders for each client type, *ready for publication on the web server*. Pet. 64–65 (citing Ex. 1008, 807; Ex. 1009, 134; Ex. 1003 ¶ 338). “The user can publish or embed QlikView objects (e.g. charts) as webpages with all the clients,” including Java and Java Objects clients. *Id.* at 65–66 (citing Ex. 1009, 123–24, 133–49, 155–66; Ex. 1003 ¶¶ 340–343). Petitioner persuasively argues that “Java programs which are *self-contained applications* written in Java,” and the charts that run in the Java client are self-contained and independent “because they rely on self-contained applications that display the interactive charts independently from the generation module/interface.” *Id.* at 67 (quoting Ex. 1009, 199; citing Ex. 1003 ¶¶ 346–347). Moreover, “*the [Java Runtime Environment (‘JRE’)] is a plug-in to an internet browser which creates a*

‘sand-box’ for running applets written in Java inside the browser.” *Id.* at 68 (citing Ex. 1009, 199) (Petitioner’s emphasis).

Petitioner’s cited disclosure sufficiently shows that the interactive chart, when part of the Java client running in the JRE sand-box, is a “self-contained and independent interactive chart.” The QlikView Manuals also highlight that the disclosed QlikView version provides the possibility to change certain field values without running any script, calling it a “true paradigm shift” in QlikView. Ex. 1008, 23; Pet. 68. This further supports that QlikView charts are independent interactive charts. Based on this disclosure, we are persuaded, for the purposes of institution, that the QlikView Manuals teach “a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document.”

Patent Owner also argues that because QlikView clients require some connection to the QlikView server, the QlikView charts do not retain interactivity when opened in a program in the absence of the generation interface, which is the interface to the QlikView Server, where the charts were created and hosted. Prelim. Resp. 67–68 (citing Ex. 2001 ¶ 215). Once again, limitation [1F] does not require that the interactive chart be opened in absence of a connection to a server. Instead, the claim plainly requires that the interactive chart be “opened in a program in the absence of the generation interface.” Patent Owner does not dispute that the QlikView Manuals disclose interacting with a QlikView chart through a QlikView client in absence of the Chart Wizard user interface of the QlikView Developer, which Petitioner alleges to be the claimed “generation interface.” *See* Pet. 61–62.

At this stage, Petitioner persuasively shows that once an interactive chart is rendered in QlikView, the chart can obtain input from the user via drop-down select in tables, slider objects, buttons, and interactive search feedback. Pet. 69 (citing Ex. 1009, 16–17, 19, 133). A figure from the QlikView Reference Manual, reproduced below, illustrates the QlikView Java Objects client in Internet Explorer. Ex. 1009, 133.

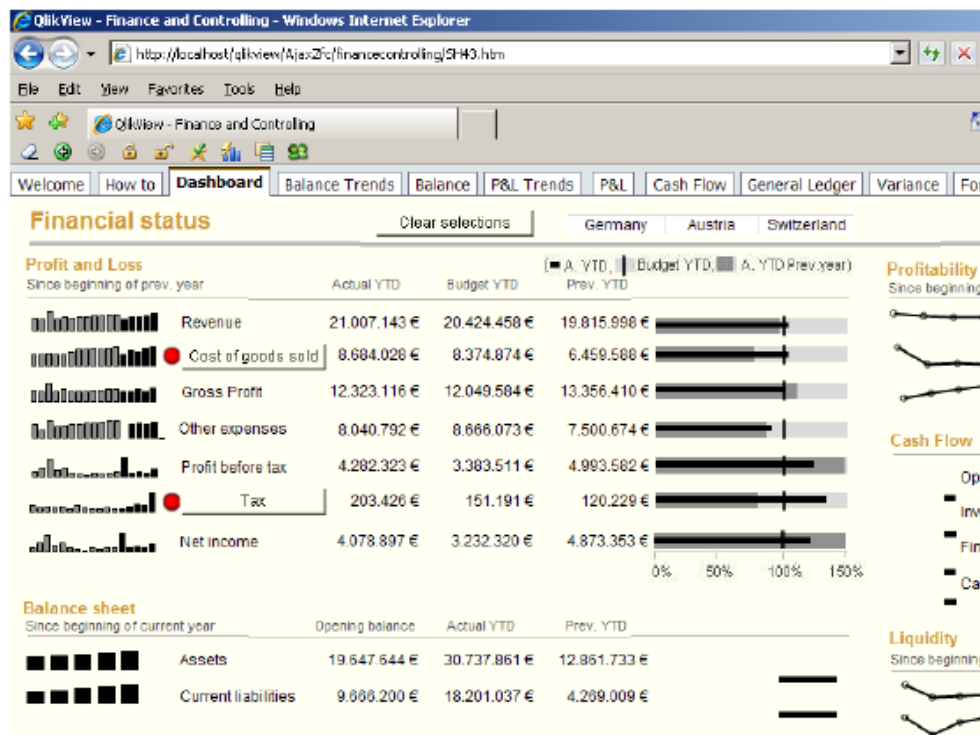


QlikView Java Objects client in Internet Explorer.

Mr. Schmandt testifies that the Java Objects Client shown above “enables a user to change the data presented in the chart and sort columns in the chart itself.” Ex. 1003 ¶ 352.

Petitioner also points to another figure from the QlikView Reference Manual, reproduced below, that illustrates the QlikView AJAX client with

toolbar options that allow a user to interact with charts. Ex. 1009, 155; Pet. 69.



QlikView AJAX client with the toolbar option

Mr. Schmandt testifies that a person of ordinary skill in the art “would have understood that the QlikView Manuals disclose interactive charts that retain interactivity when published or embedded . . . also because [such a person] would have known how QlikView was actively being used on different web applications,” including on an online Web Selector Tool. Ex. 1003

¶¶ 355–359 (citing Exs. 1024–1027). On the other hand, Dr. Miller testifies that “the *QlikView* clients must establish and maintain a connection to the QlikView Server to display and interact with the *QlikView* documents given that those documents are hosted on the QlikView Server.” Ex. 2001 ¶ 216.

For the purposes of institution, we find Mr. Schmandt’s testimony persuasive because it is consistent with the disclosure of the QlikView Manuals discussed above. In contrast, Dr. Miller’s testimony, like Patent

Owner's arguments, fails to explain the relevance of the connection to the QlikView server to the recited claim limitations.¹⁰

h) Motivation to Combine the QlikView Manuals

Petitioner argues that a person of ordinary skill in the art would have been motivated to combine the QlikView Reference Manual and the QlikView Server Reference Manual because they describe the same product suite and they cross reference one another. Pet. 58 (citing Exs. 1008, 1009; Ex. 1003 ¶¶ 294, 295).

Patent Owner does not specifically respond to these arguments. *See* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that Petitioner provides an adequate reason why one of ordinary skill in the art would have combined the teachings of the QlikView Manuals in the manner asserted by Petitioner, with a reasonable expectation of success.

i) Summary as to Claim 1

For the reasons discussed above with regard to claim 1, we determine that the information presented supports sufficiently, for purposes of institution, Petitioner's assertions as to claim 1.

¹⁰ Petitioner alternatively argues that QlikView Manuals disclose "publishing or embedding" an interactive chart as a Microsoft Excel document to satisfy limitations [1E] and [1F]. *See* Pet. 68, 70. Patent Owner responds that exporting data and tables to Excel does not teach the claimed interactive charts. *See* Prelim. Resp. 68–69. At this stage, we need not resolve this dispute because, as discussed above, we determine that QlikView Manuals' disclosure of QlikView objects teaches limitations [1E] and [1F].

j) Objective Indicia of Nonobviousness

In the record presently before us, neither Petitioner nor Patent Owner has presented any evidence of objective indicia of nonobviousness.

k) Weighing the Graham Factors

“Once all relevant facts are found, the ultimate legal determination [of obviousness] involves the weighing of the fact findings to conclude whether the claimed combination would have been obvious to an ordinary artisan.” *Arctic Cat*, 876 F.3d at 1361. On balance, considering the record presently before us, Petitioner has established a reasonable likelihood that it would prevail in showing that the QlikView Manuals would have rendered the subject matter of claim 1 of the ’892 patent obvious to one of ordinary skill in the art at the time of the invention.

3. Dependent Claims 2 and 5–9

Claims 2 and 5–9 depend from claim 1. Ex. 1001, 18:53–55, 18:66–19:12. Petitioner contends that these claims are also unpatentable over the QlikView Manuals. Pet. 71–75 (citing Ex. 1003 ¶¶ 364–384). Patent Owner does not present separate arguments for these claims. *See* Prelim. Resp. 69. Based on our review and consideration of the current record, at this stage of the proceeding, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing that the QlikView Manuals would have rendered the subject matter of claims 2 and 5–9 of the ’892 patent obvious to one of ordinary skill in the art at the time of the invention.

E. Obviousness Based on QlikView Manuals and Couckuyt

Petitioner asserts that claims 3 and 10–16 are unpatentable based on QlikView Manuals and Couckuyt. Pet. 76–93.

1. Claim 3

Claim 3 depends from claim 1 and further recites:

wherein the generation interface comprises a data pane and a chart pane and is configured to receive a user selection of data from the data pane and allow the user to drag and drop the data into the chart pane and wherein the generation module automatically generates the interactive chart from the data stored in the data module when the user interface receives an indication that the user has dropped the data into the chart pane.

Ex. 1001, 18:56–63.

Petitioner contends that claim 3 is unpatentable over the combination of QlikView Manuals and Couckuyt. Pet. 80–82 (citing Ex. 1003 ¶¶ 393–397). Petitioner contends that the QlikView Manuals teach a generation interface comprising a data pane and configured to receive a user selection of data from the data pane. *Id.* at 80 (citing Ex. 1003 ¶ 393). Petitioner’s annotated version of Figure 4 from the QlikView Reference Manual is reproduced below.

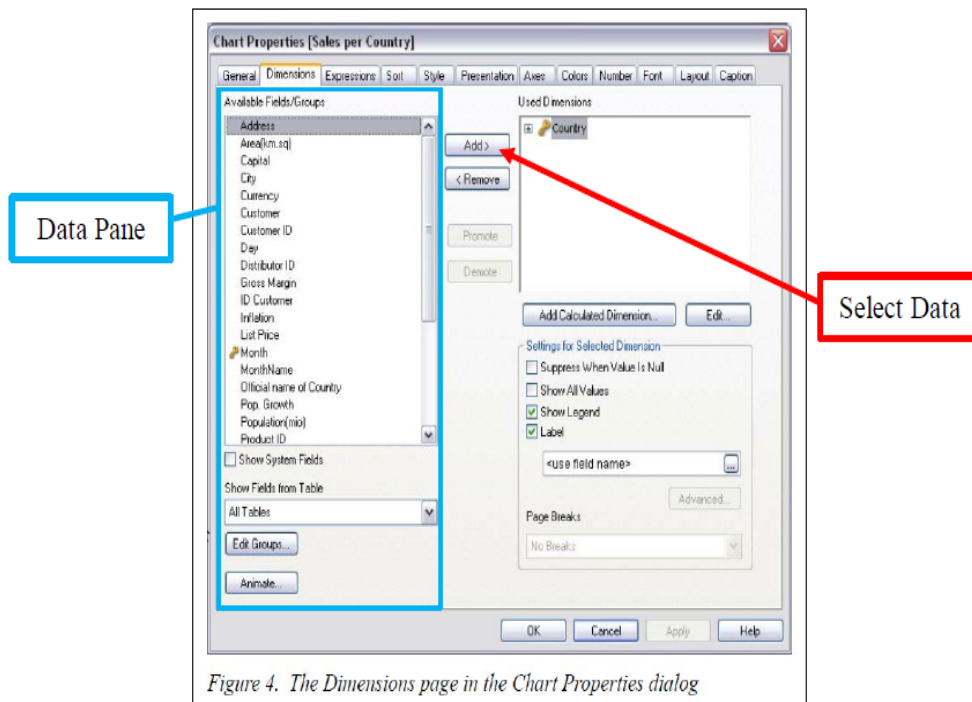
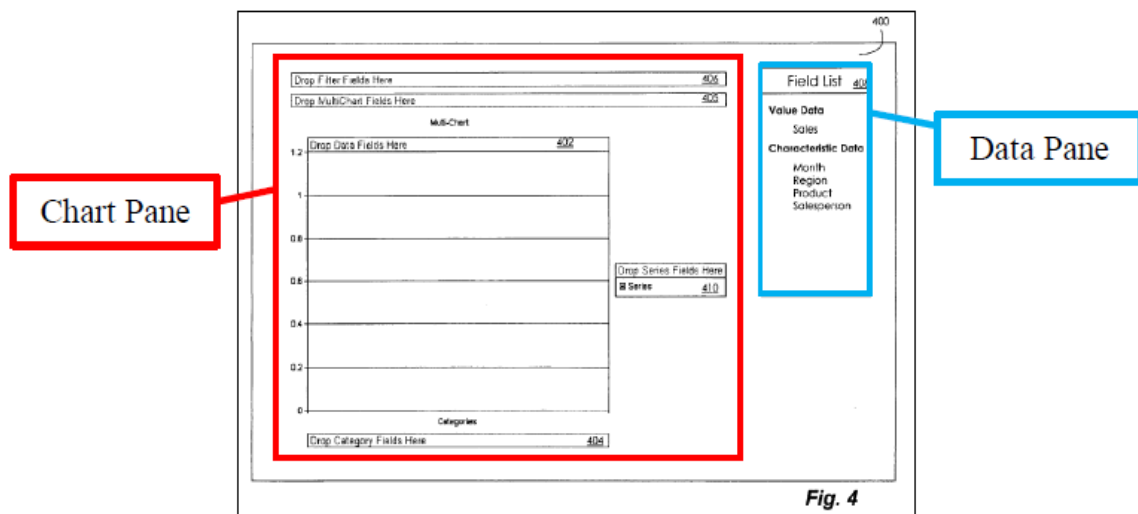


Figure 4. The Dimensions page in the Chart Properties dialog

Id. (annotating Ex. 1008, 894, Fig. 4). Figure 4 shows the Dimensions page in the Chart Properties dialog, and Petitioner points to the list of Fields/Groups as a “Data Pane” and to the Add/Remove buttons as “Select Data.”

Petitioner acknowledges that the QlikView Manuals do not explicitly disclose drag-and-drop of data from the data pane into a chart pane, but contends that Couckuyt discloses a drag-and-drop UI (DDUI). *Id.* at 80 (citing Ex. 1008, 894; Ex. 1003 ¶¶ 393–394). Petitioner’s annotated version of Couckuyt’s Figure 4 depicting the DDUI is reproduced below.



Id. at 81 (annotating Ex. 1006, Fig. 4). Petitioner contends that Couckuyt’s Figure 4 depicts a DDUI that permits the value data fields and the characteristic data fields to be dragged and dropped into drop zones. *Id.* (citing Ex. 1006, 1:14–34, 2:22–32, 2:42–55, 7:24–26, 7:64–8:36, Figs. 4–6; Ex. 1003 ¶ 395). Petitioner argues that Couckuyt will “automatically generate” a chart from stored data when a field icon is dropped into Couckuyt’s drop zone via a user releasing a click of mouse. *Id.* at 81–82 (citing Ex. 1006, code (57), 1:32–34, 2:12–16, 3:23–28, 7:14–16, 7:26–39, 7:64–8:36, 9:48–52, 10:52–54, Figs. 5, 6; Ex. 1003 ¶¶ 396–397).

Patent Owner does not specifically respond to these arguments. *See* Prelim. Resp. 69–70. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner’s assertions as to the additional limitations of claim 3.

a) Motivation to Combine QlikView Manuals and Couckuyt

Petitioner argues that a person of ordinary skill in the art would have been motivated to combine the teachings of the QlikView Manuals and Couckuyt because the “QlikView interface is not as intuitive as other design options [and a person of ordinary skill in the art] would have looked for other references about adding data to charts,” and Couckuyt “describes a data visualization tool that generates a chart by dragging-and-dropping data fields into ‘drop zones’ of the chart.” Pet. 76–79 (citing Ex. 1003 ¶¶ 385–391).

Petitioner asserts that combining Couckuyt’s drag-and-drop interface with QlikView’s Chart Wizard would be equivalent to combining known methods to yield predictable results. *Id.* at 79 (citing Ex. 1003 ¶ 389). Petitioner argues that dividing a user interface window into multiple panes was a basic building block of user interface design, and that drag-and-drop capabilities were well known in the industry. *Id.* (citing Ex. 1003 ¶¶ 103–116, 389). According to Petitioner, because both of these techniques were well known, an ordinarily skilled artisan “would have known how to predictably combine the two methods within a data visualization tool.” *Id.* (citing Ex. 1003 ¶¶ 103–16, 389).

Petitioner also contends that applying Couckuyt’s drag-and-drop to QlikView would have improved a similar device in the same way. *Id.* (citing Ex. 1003 ¶ 390). Petitioner contends that both references (1) describe data visualization tools used to create charts, (2) source data from

spreadsheets and databases using Microsoft products, and (3) select data from a field list to populate charts. *Id.* (citing Ex. 1008, 61–63, 887–89, 894–95; Ex. 1006, 1:29–31, 5:29–38). Petitioner argues that an ordinarily skilled artisan would have had a reasonable expectation of success in combining these teachings because Couckuyt’s drag-and-drop interface can work with “any program module operative to graphically render charts or graphs or any other graphical display of data.” *Id.* (citing Ex. 1006, 5:27–29, Ex. 1003 ¶ 391).

Patent Owner responds that the QlikView program’s Quick Chart feature was developed for the user who wants to create a simple chart in a quick and easy way without bothering about the great number of different setting and options available. Prelim. Resp. 69–70 (citing Ex. 1008, 216). According to Patent Owner, because the QlikView Manuals already describe a straightforward way to add data fields to QlikView’s Chart Wizard, an ordinarily skilled artisan would not have been motivated to implement Couckuyt’s drag and drop interface. *Id.* (citing Ex. 2001 ¶¶ 221–225; *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882 (Fed. Cir. 2024)).

Based on our review of the current record, at this stage of the proceeding, we determine that Petitioner provides an adequate reason why one of ordinary skill in the art would have combined the teachings of the QlikView Manuals and Couckuyt in the manner asserted by Petitioner, with a reasonable expectation of success. As the Federal Circuit has explained in *Intel Corp. v. PACT XPP Schweiz AG*, when two references address the same problem and the second reference discloses a known way to address that problem, that is precisely the reason that there’s a motivation to combine the two references under *KSR*. 61 F.4th 1373, 1380–81 (Fed. Cir.

2023) (citing *KSR*, 550 U.S. at 417). We agree with Petitioner, for the purposes of institution, that the proposed combination is more intuitive than QlikView's button options and an ordinarily skilled artisan would have understood that applying drag-and-drop to select data for a chart would have improved a similar device in the same way. *See* Pet. 78 (citing Ex. 1003 ¶ 388).

2. Independent Claim 10

a) Limitations [10P], [10A]–[10B], [10D]–[10G]

Petitioner contends that the QlikView Manuals, either alone or in view of Couckuyt, teach the preamble and each of limitations [10A]–[10B] and [10D]–[10G] for the reasons discussed with respect to claims 1 and 3. Pet. 82, 85–86.

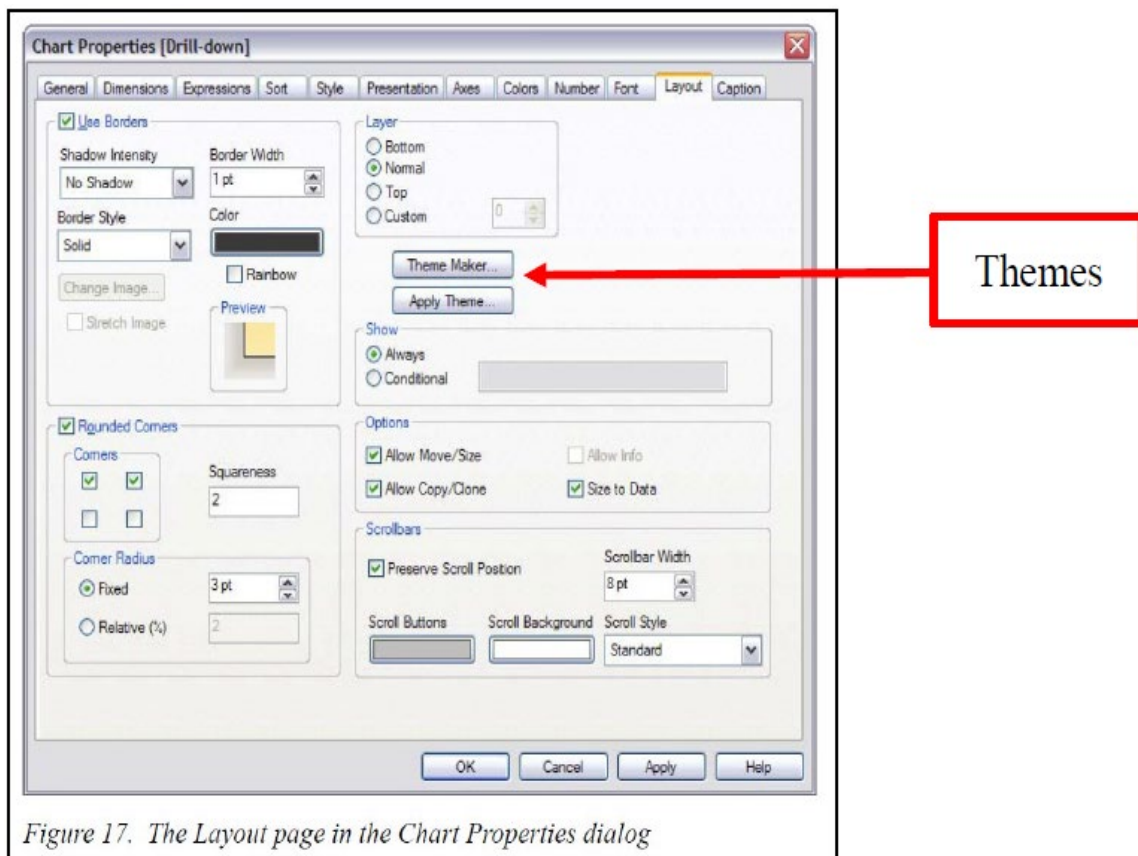
Patent Owner repeats its contentions that (1) the QlikView Manuals do not disclose publishing or embedding an interactive chart as a self-contained and independent electronic document or interactive chart, and (2) the QlikView charts do not retain interactivity when published or embedded in absence of the interface to the QlikView Server. Prelim. Resp. 71–72. As discussed at § III.D.2, on the current record, we are not persuaded by Patent Owner's arguments. Based on our review of the current record, for the reasons discussed above with respect to claims 1 and 3, we determine that the information presented supports sufficiently Petitioner's assertions as to these limitations.

b) Limitation [10C]: receiving a user selection of a chart template in the chart pane, wherein the chart template is stored in a chart template module located on a remote server;

Petitioner contends that the QlikView Manuals in view of Couckuyt disclose this limitation. Pet. 83–85. Petitioner asserts that The QlikView

Manuals disclose “a chart template module configured to store chart templates” via QlikView’s Theme Wizard. *Id.* at 83 (citing Pet. X.B.3; citing Ex. 1008, 590–91, 795; Ex. 1003 ¶ 406); *see supra* § III.D.2.c.

Petitioner further contends that the QlikView Chart Wizard (Figure 17 from the QlikView Reference Manual), reproduced below, discloses “receiving a user selection of a chart template.”



Id. at 83–84 (annotating Ex. 1008, 939). Figure 17 depicts the Layout page in the Chart Properties dialog of QlikView. Ex. 1008, 939. Petitioner’s annotation highlights the location of the “Theme Maker” and “Apply Theme” buttons. Petitioner asserts that moving these theme buttons in the Chart Wizard to “a chart pane” would have been an obvious design choice that would not change Theme Maker’s functionality. Pet. 84 (citing Ex. 1003 ¶¶ 408–409). Petitioner argues that a person of ordinary skill in

the art would have combined that design choice change with adding Couckuyt's chart pane to QlikView's Dimensions tab, with a reasonable expectation of success. *Id.* at 84–85 (citing Ex. 1003 ¶ 409).

Patent Owner does not specifically respond to these arguments. *See generally* Prelim. Resp. Based on our review of the current record, at this stage of the proceeding, we determine that the information presented sufficiently supports Petitioner's assertions as to this limitation.

3. Dependent Claims 11–16

Claims 11–16 depend from claim 10. Ex. 1001, 20:9–24. Petitioner contends that these claims are also unpatentable over the combination of QlikView Manuals and Couckuyt. Pet. 86–90 (citing Pet. §§ X.B, X.F, X.H; Ex. 1003 ¶¶ 420–437). Patent Owner does not present separate arguments for these claims. *See* Prelim. Resp. 70, 72.

a) Summary as to Claims 3 and 10–16

Based on our review and consideration of the current record, at this stage of the proceeding, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing that the combination of QlikView Manuals and Couckuyt would have rendered the subject matter of claims 3 and 10–16 of the '892 patent obvious to one of ordinary skill in the art at the time of the invention.

F. Obviousness Based on QlikView Manuals, Couckuyt, and Key; and QlikView Manuals and Moyer

Petitioner asserts that claims 10–16 are unpatentable based on QlikView Manuals, Couckuyt, and Keys (Ground 9); and claim 6 is unpatentable based on QlikView Manuals and Moyer (Ground 10). Pet. 10, 76–93. Because we have determined above that, at this stage of the

proceeding and on the present record, the information presented in the Petition shows that there is a reasonable likelihood that Petitioner will prevail with respect to its challenge based on QlikView Manuals or the combination of QlikView Manuals and Couckuyt (Grounds 7 and 8), we need not address, in this Decision, Petitioner’s additional challenges (Grounds 9 and 10). *See* 35 U.S.C. § 314(a); *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1356 (2018) (“Section 314(a) does not require the Director to evaluate every claim individually. Instead, it simply requires him to decide whether the petitioner is likely to succeed on ‘at least 1’ claim. Once that single claim threshold is satisfied, it doesn’t matter whether the petitioner is likely to prevail on any additional claims; the Director need not even consider any other claim before instituting review.”); 37 C.F.R. § 42.108(a).

G. Obviousness Based on Becerra

Petitioner asserts that claims 1, 2, 4, 5, and 7–9 are unpatentable based on Becerra. Pet. 15–33.

1. Scope and Content of the Prior Art

a) Becerra

Becerra is a patent titled “Method and System for Creating Graphical and Interactive Representations of Input and Output Data.” Ex. 1005, code (54). Becerra relates to “a method and tool which allows users to create interactive representations of input and output data, and simulate the associated algorithms used to manipulate this data.” *Id.* at code (57). In one embodiment, Becerra describes assembling a control panel by allowing a user to select components from a component library, assigning data sources to each component, extracting any applicable math model, and generating a Flash movie that contains the control panel. *Id.* ¶¶ 21–25.

Figure 2 of Becerra, reproduced below, illustrates a computer screen display of a canvas layout tool. Ex. 1005 ¶ 14.

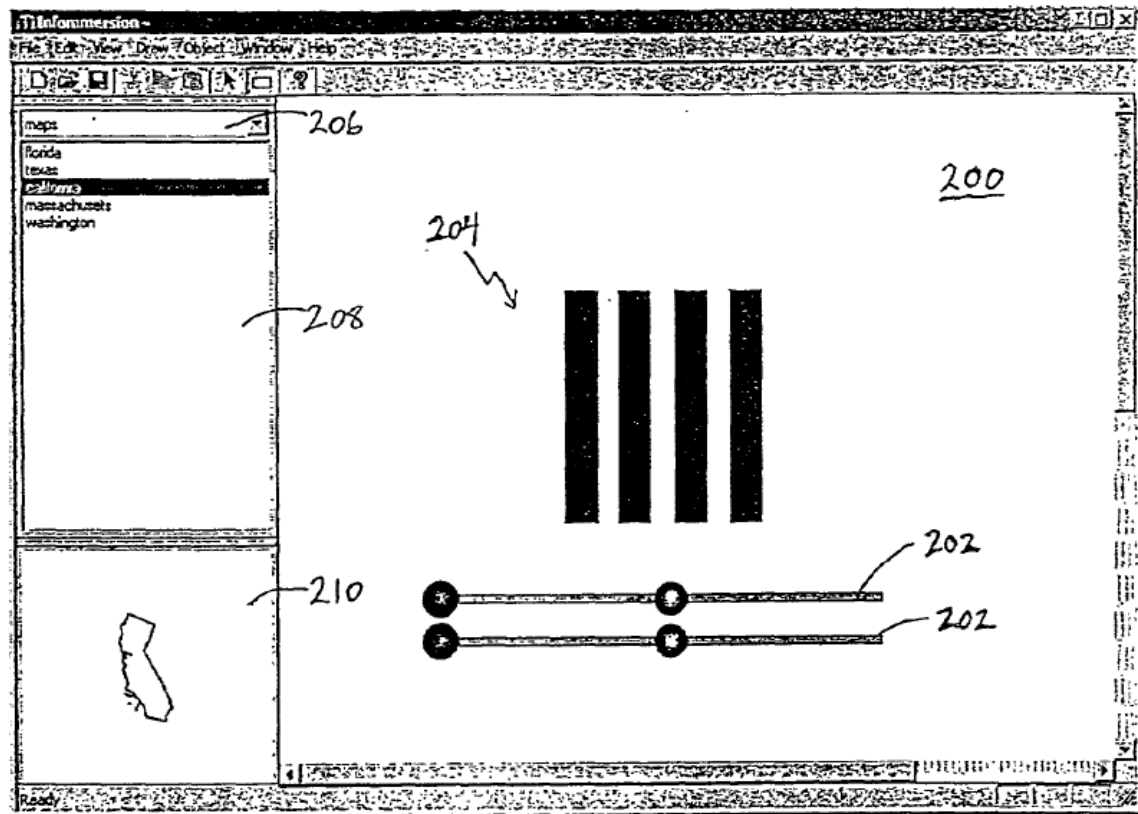


Figure 2 depicts two slider components 202, canvas 200, and a bar chart component 204. *Id.* ¶ 32. Becerra explains that “[o]nce components have been placed on the canvas, . . . they have to be associated with cells on an existing spreadsheet.” *Id.* ¶ 37. In one example, “a user can select a data source by selecting a valid spreadsheet file . . . and one or more cells” to associate with a selected component. *Id.* ¶ 38.

Figure 5 of Becerra, reproduced below, illustrates an exemplary control panel. Ex. 1005 ¶ 17.

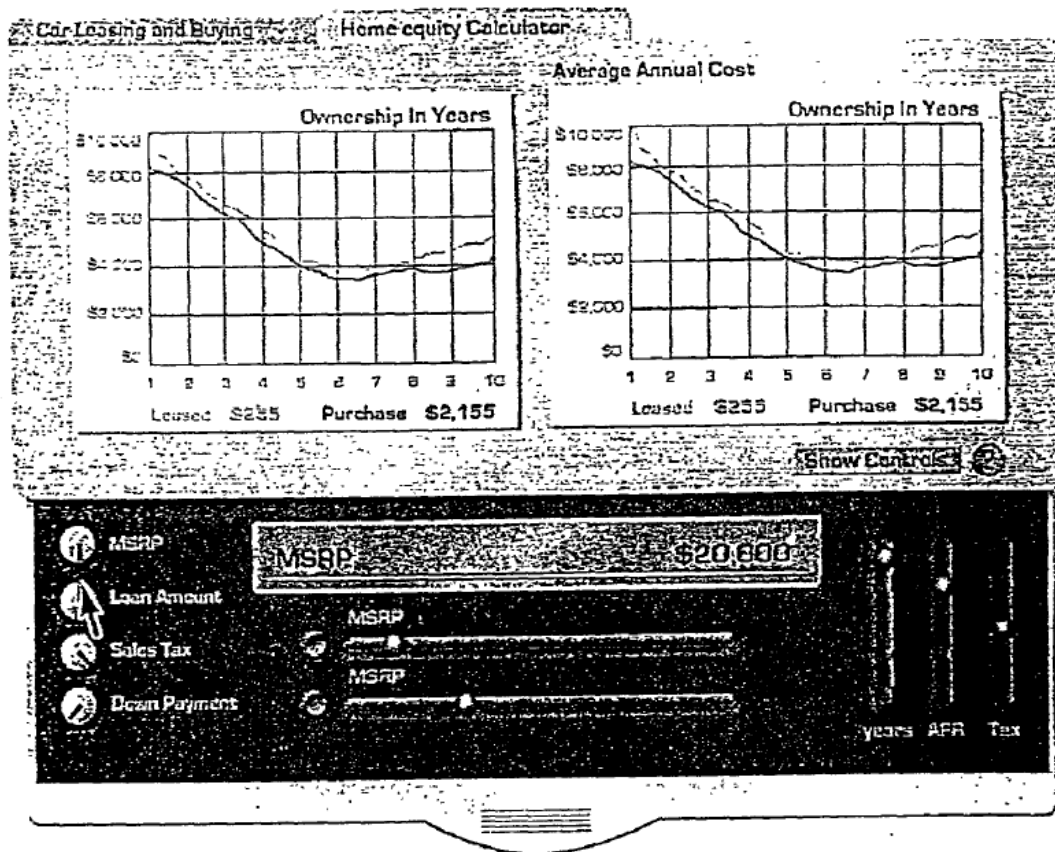


FIGURE 5

Figure 5 illustrates a control panel that provides graphical input and output components. *Id.* ¶ 52. Becerra explains that “[b]y manipulating or adjusting input components, . . . output components will dynamically change” based on mathematical models extracted from the spreadsheet used to create the control panel. *Id.*

2. Independent Claim 1

Petitioner contends that Becerra teaches all of the limitations of claim 1. Pet. 15–28. Patent Owner argues, among other things, that Becerra does not teach limitation [1E].

- a) *Limitation [1E]: a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document,*

Petitioner contends that Becerra teaches this limitation because it discusses exporting a control panel, including an interactive chart. Pet. 24–26 (citing Ex. 1005 ¶ 52; Ex. 1003 ¶¶ 191–195). Petitioner contends that Becerra discloses that the “control panel may be saved as a separate file that is executable by a standalone program (e.g., Flash Player™) that is independent of the layout tool or spreadsheet used to create it.” *Id.* (citing Ex. 1005 ¶¶ 50–52). Petitioner points to Becerra’s Figure 5 as depicting “an example published control panel, including an ‘*interactive chart*’ (e.g., a line graph).” *Id.* (citing Ex. 1005 ¶ 52).

Patent Owner argues Becerra does not disclose or teach a “module that enables publishing or embedding the control panel.” Prelim. Resp. 40–41. Patent Owner asserts that Becerra’s disclosure of “exporting or saving” the control panel is different from the claimed “publishing or embedding” of the ’892 patent and that Becerra’s “subsequently opening [a] file is not publishing the control panel.” *Id.* at 41 (citing Ex. 2001 ¶ 136).

Because we determine above that Petitioner has shown a reasonable likelihood of prevailing with respect to other grounds based on the QlikView Manuals, discussed above, we need not resolve the parties’ dispute as to this ground at this stage. We do, however, find some merit to Patent Owner’s argument that Petitioner does not clearly explain how exporting a control panel as a separate file teaches “enabl[ing] a user to publish or embed the interactive chart” as required limitation [1E]. *See* Pet. 25. Becerra states that a control panel, as shown in Figure 5, “may be exported such that it is no longer dependent in any way on either the tool that created it or the

spreadsheet that was used in creating it,” and that the “control panel may be saved as a separate file.” Ex. 1005 ¶ 52. Becerra does not, however, appear to disclose aspects related to embedding that control panel anywhere. To the extent Petitioner contends that Becerra teaches enabling publishing the control panel, we are not persuaded, at this stage, that Petitioner has explained how exporting the control panel to a separate file is sufficient to teach the publishing aspect of limitation [1E].

H. Obviousness Based on Becerra and Couckuyt; Becerra, Couckuyt, and Key; Becerra and Moyer; Becerra and Jou; and Becerra, Couckuyt, Key, and Jou

Petitioner asserts that claims 3, 10, 11, 13–16 are unpatentable based on Becerra and Couckuyt (Ground 2); claims 10, 11, and 13–16 are unpatentable based on Becerra, Couckuyt, and Keys (Ground 3); claim 6 is unpatentable based on Becerra and Moyer (Ground 4); claim 7 is unpatentable based on Becerra and Jou (Ground 5); and claim 12 is unpatentable based on Becerra, Couckuyt, Keys, and Jou (Ground 6). Pet. 10, 33–57. Because we have determined above that, at this stage of the proceeding and on the present record, the information presented in the Petition shows that there is a reasonable likelihood that Petitioner will prevail with respect to its challenge based on QlikView Manuals or the combination of QlikView Manuals and Couckuyt (Grounds 7 and 8), we need not address, in this Decision, Petitioner’s additional challenges (Grounds 2–6). *See* 35 U.S.C. § 314(a); *SAS Inst.*, 138 S. Ct. at 1356; 37 C.F.R. § 42.108(a).

IV. CONCLUSION

Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that at least one claim of the '892 patent is unpatentable. Our analysis is based on the preliminary record developed thus far and may change after the record is developed fully, during trial.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1–16 of the '892 patent on the unpatentability grounds asserted in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this Decision.

IPR2024-01387
Patent 8,271,892 B2

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