

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TABLEAU SOFTWARE, LLC

Petitioner,

v.

iCHARTS LLC,

Patent Owner.

Case No. IPR2024-01387

U.S. Patent No. 8,271,892

**PATENT OWNER'S RESPONSE TO INSTITUTION OF
INTER PARTES REVIEW**

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EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Dr. Jeffrey Miller in support of Patent Owner's Preliminary Response, dated February 18, 2025
2002	Email from S. Duncker, dated January 10, 2007
2003	Project: Jeezee, last modified January 30, 2007
2004	iCharts Power Point, last modified February 15, 2007
2005	Email from S. Duncker, dated February 15, 2007
2006	iCharts Business Concept Power Point, last modified March 2, 2007
2007	iCharts Power Point, last modified February 28, 2007
2008	iCharts Power Point, last modified February 8, 2007
2009	iCharts Power Point, last modified January 20, 2008
2010	<i>Reserved</i>
2011	iCharts Power Point, last modified February 15, 2007
2012	Email from S. Duncker, dated February 15, 2007
2013	Jeezee Service Description, last modified February 12, 2007
2014	Email from S. Duncker, dated April 9, 2008
2015	iCharts Power Point, last modified June 4, 2008
2016	Jeezee Business Model, last modified February 9, 2007
2017	iCharts The CookBook, last modified March 16, 2008
2018	iCharts Business Model, last modified June 4, 2007
2019	Email from S. Prem, dated March 11, 2008
2020	iCharts The CookBook, last modified March 11, 2008
2021	Email from S. Duncker, dated January 8, 2008
2022	Email from S. Duncker, dated March 29, 2007
2023	iCharts Power Point, last modified February 15, 2007
2024	Email from T. Montgomery, dated March 30, 2007
2025	iCharts Power Point, last modified May 25, 2008
2026	Target Groups, last modified March 15, 2007
2027	Email from Bug Reporter, dated October 21, 2007
2028	Email from Bug Reporter, dated February 17, 2008
2029	Email from G. Karachiwala, dated October 19, 2007
2030	iCharts Power Point, last modified June 4, 2007
2031	Email from S. Badrinarayanan, dated June 5, 2008

2032	Email from S. Duncker, dated June 5, 2008
2033	Email from S. Duncker, dated June 5, 2008
2034	Email from G. Karachiwala, dated June 5, 2008
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2048	iCharts Interactive Charting Made Simple, last modified on June 20, 2008
2049	Email from G. Karachiwala, dated June 20, 2008
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2056	Email from S. Duncker, dated June 30, 2008
2057	Email from S. Duncker, dated July 1, 2008
2058	Email from S. Duncker, dated July 1, 2008
2059	Email from H. Dreis, dated July 1, 2008
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2061	Email from S. Duncker, dated July 6, 2008
2062	Email from S. Duncker, dated July 7, 2008
2063	Email from G. Karachiwala, dated July 8, 2008
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2077	Email from G. Karachiwala, dated July 22, 2008
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2090	Email from S. Duncker, dated August 1, 2008
2091	Email from S. Duncker, dated August 2, 2008
2092	Email from S. Duncker, dated August 2, 2008
2093	Email from S. Prem, dated August 3, 2008
2094	Email from H. Dreis, dated August 5, 2008
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2100	Email from S. Duncker, dated August 8, 2008
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2103	Email from S. Duncker, dated August 8, 2008
2104	Email from T. Montgomery, dated August 8, 2008
2105	Email from G. Karachiwala, dated August 5, 2008
2106	Email from H. Dreis, dated August 5, 2008

2107	<i>Reserved</i>
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2110	Email from G. Karachiwala, dated August 14, 2008
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2166	Email from H. Dreis, dated September 9, 2008
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2194	Email from G. Karachiwala, dated November 25, 2007
2195	Email from S. Duncker, dated February 6, 2008
2196	Email from G. Karachiwala, dated February 8, 2008
2197	<i>Reserved</i>
2198	<i>Reserved</i>
2199	<i>Reserved</i>
2200	Declaration of Seymour Duncker in support of Patent Owner's Response, dated August 6, 2025
2201	Declaration of Dr. Jeffrey Miller in support of Patent Owner's Response, dated August 6, 2025

I. INTRODUCTION

Patent Owner iCharts LLC (“Patent Owner”) submits this Response to Tableau Software, LLC’s (“Petitioner”) Petition for *Inter Partes* Review of U.S. Patent No. 8,271,892 (“the ’892 Patent”). The Response is accompanied by Dr. Jeffrey Miller’s supplemental declaration, *see* EX2201 ¶¶1-4, 65, and Mr. Seymour Duncker’s inventor declaration, EX2200, *see* ¶¶1-4.

The Petition fails to show that any claim of ’892 Patent is rendered obvious. For the claimed invention of the ’892 Patent, the interactive chart is a self-contained and independent electronic document that retains interactivity when published or embedded.

U.S. Patent Publication No. US 2003/0169295 of Becerra Jr. (“Becerra”) discloses creating a control panel that is an interactive graphics simulation. Exporting the Becerra control panel as a separate file does not disclose enabling a user to publish or embed an interactive chart as required by the limitation [1E] of claim 1. The Board correctly found 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 by claim limitation [1E]. Decision Granting Institution of *Inter Partes* Review (“DI” or “Decision”) p.34. U.S. Patent No. 6,906,717 of Couckuyt et al. (“Couckuyt”), U.S. Patent Publication No. 2003/0071814 of Jou et al. (“Jou”), U.S. Patent Publication

No. 2001/0050681 of Keys et al. (“Keys”), and U.S. Patent Publication No. 2008/0028037 of Moyer et al. (“Moyer”) relied upon by Petitioner for arguments of alleged obviousness do not make up for the deficiencies of Becerra.

The Petition based on QlikView Reference Manuals fails because the QlikView Manuals are not prior art. Furthermore, each open chart/table in a QlikView document must be recalculated on the server after each change in the logical state, so each QlikView document is not self-contained and independent. Couckuyt, Keys, and Moyer references relied upon by Petitioner for arguments of alleged obviousness do not make up for the deficiencies of QlikView Manuals.

II. OVERVIEW OF THE '892 PATENT, AND THE ALLEGED PRIOR ART

A. The '892 Patent

The '892 Patent relates to a system and method for generating and sharing interactive charts. The interactive charts are “generated in an online portal” that allows users to “customize the interactive features of the chart.” EX1001, Abstract. The interactive chart can be published on an external webpage or embedded in an external document. *Id.* 9:34-38; EX2201 ¶¶9-10.

The '892 Patent discloses “an interactive chart online portal 200 [that] includes an interactive chart generator 204, an interactive chart sharer 208, a user

interface 212, a data store 216 and a chart template data store 220.” EX1001 9:13–16. This is illustrated in Fig. 2 of the patent, which is reproduced below:

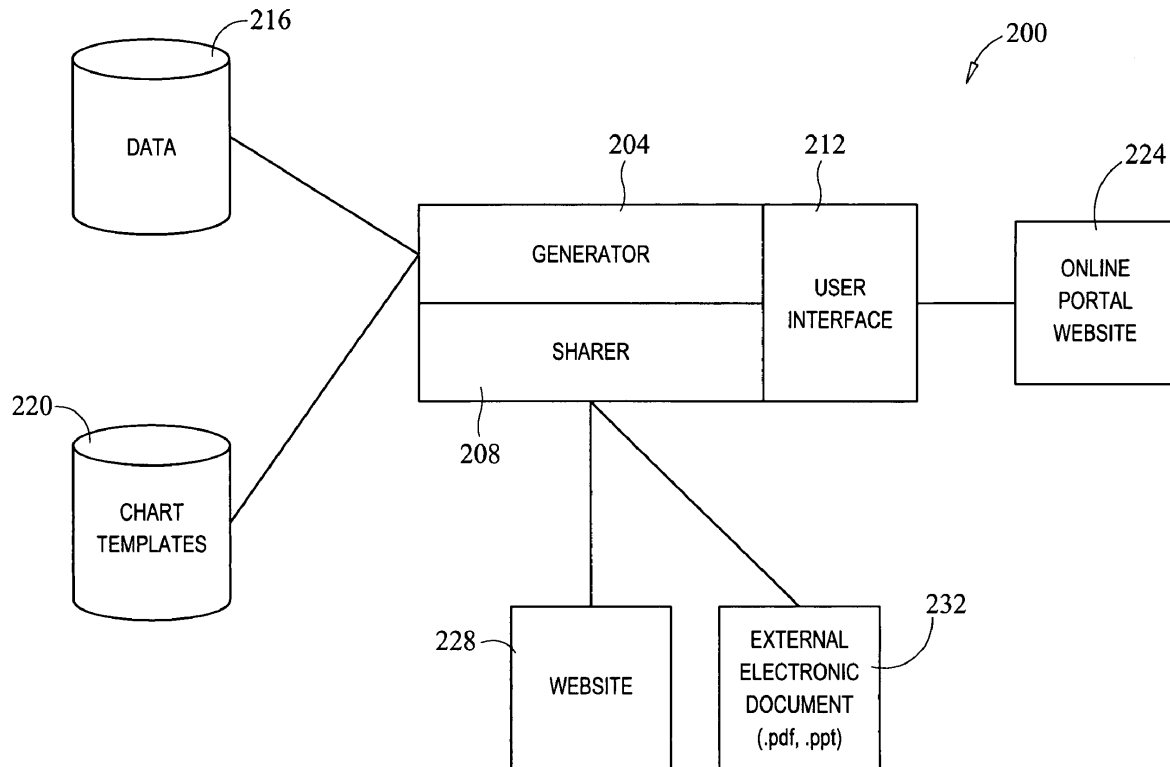


FIG. 2

Users upload or enter data at the online portal website 224 through the user interface 212. *Id.* 9:28-29. Data is stored in the data store 216. *Id.* 9:28-30. The interactive chart generator 204 “uses the data and chart templates stored in the chart template data store 220 to generate the interactive charts.” *Id.* 9:30-32. The sharer 208 can be accessed through website 224 and user interface 212. *Id.* 9:33-34. A generated interactive chart can be published on an external webpage 228 as an

interactive chart or as a static chart. *Id.* 9:34-36. The generated interactive chart can also be “embedded in an external document 232 as an interactive chart or as a static chart.” *Id.* 9:36-38. Examples of external documents 232 include “PPT (e.g., power point) documents, PDF (e.g., Adobe) documents, DOC (e.g., Word) documents, and the like.” *Id.* 9:38-41.

FIG. 8, reproduced below, is a flow diagram with respect to creating, sharing and embedding an interactive chart. *Id.* 4:62-64; EX2201 ¶11.

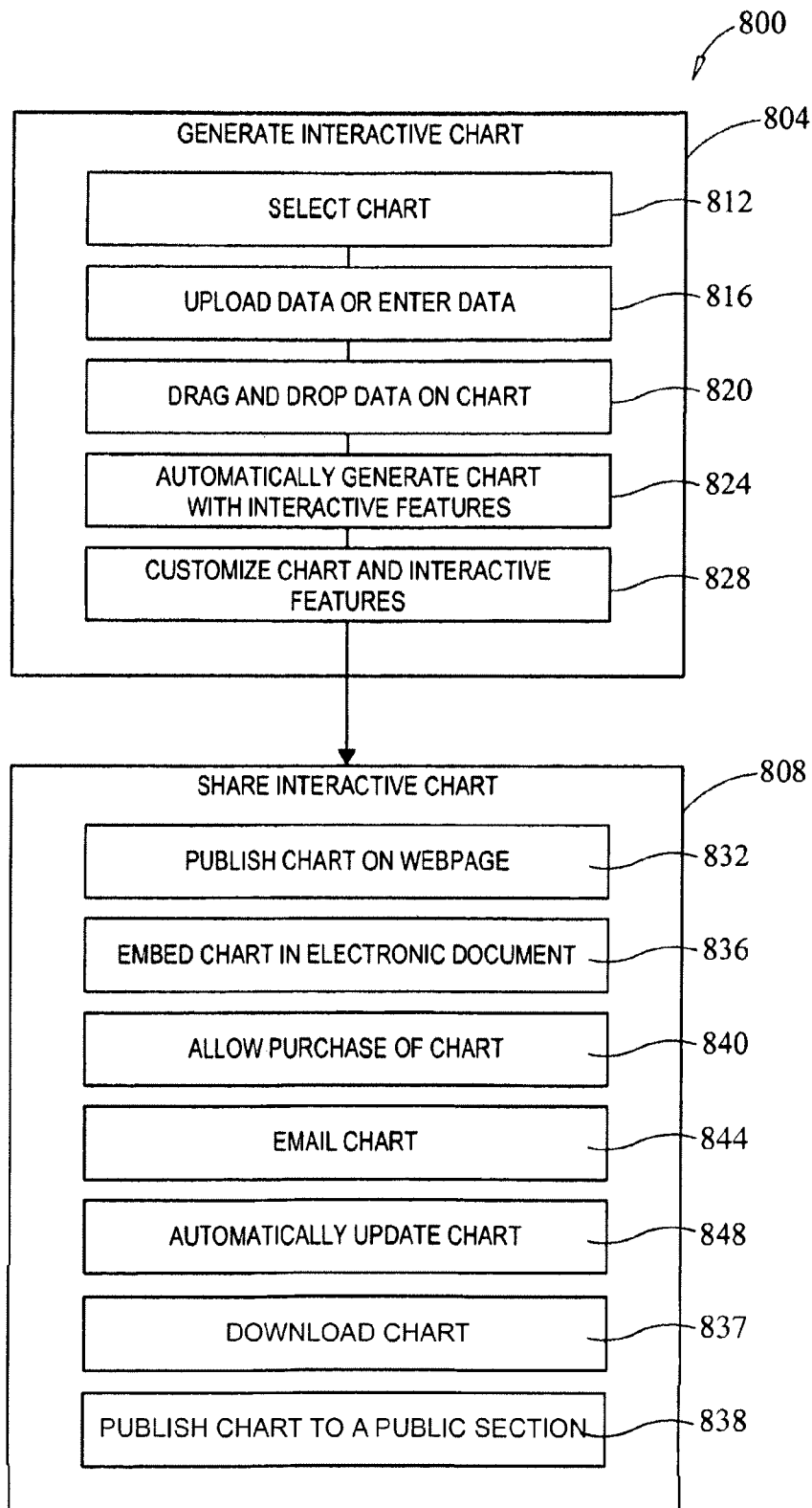


FIG. 8

The interactive chart is generated at 804. EX1001 11:37-42. Sharing 808 of the interactive chart may include publishing 832 the chart in a web page, embedding 836 the chart in an electronic document, downloading 837 the chart as “an interactive self-contained object that can be embedded elsewhere,” publishing 838 the chart to the public section of a web portal, allowing the chart to be purchased 840, and/or emailing 844 the chart. *Id.* 11:43-49; EX2201 ¶12.

FIG. 3, reproduced below, shows an exemplary interactive chart 300.

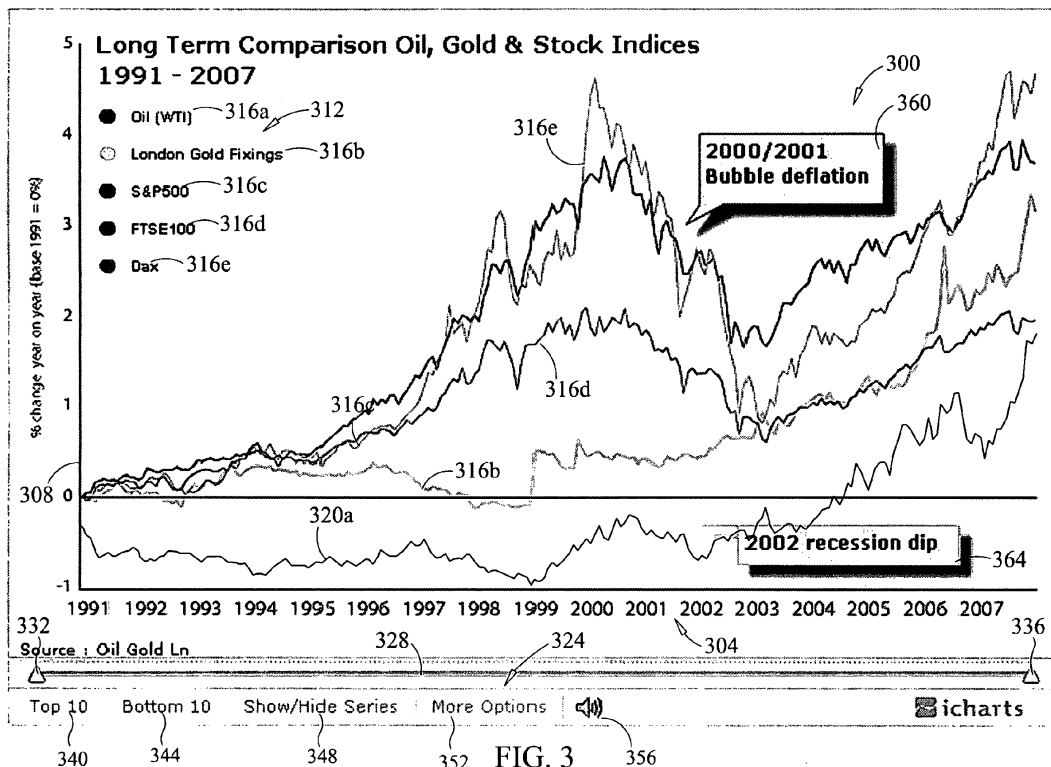


Chart 300 has interactive features that allows a user to interact with the chart to, for example, modify or change the user's view of the chart, learn more about the chart data, and the like. EX1001 10:37-39. Examples of interactive features include a zoom feature, a data mouse-over pop-up window, a data hide/share feature, an audio playback feature, a drill down feature, and data gliding feature, and the like. *Id.* 10:40-43. A video playback interactive feature may be provided. *Id.* 11:21-24. Another example of an interactive feature is a "Copy-to-my-account" feature that allows a user to copy the chart to an account at an interactive-chart-generation-and sharing web portal anywhere the user sees the chart online. *Id.* 10:43-47.

Once the interactive chart is created, it can be downloaded as an interactive self-contained object. *Id.* 11:45-47. Interactive charts that are downloaded are self-contained flash files that can exist independent of a web portal. *Id.* 10:7-8. The '892 Patent describes one embodiment of "the interactive chart 300" as "a flash file that contains code that a) renders the chart, b) obtains input from the user as per his desired action on this chart (i.e., interactivity), and c) re-renders the chart using the input as parameters." *Id.* 9:51-54. The interactive chart data could be "stored within the flash file." *Id.* 9:54-55. The flash file would contain dynamic code, executed on the client-side for interactivity. *Id.* 10:7-11; EX2201 ¶13.

B. The Cited Prior Art**1. Becerra Reference (EX1005)**

Becerra discloses creating a control panel that is an interactive graphics simulation. EX1005 [0011]:1-6. The simulation of the control panel is generated based on spreadsheet cells selected by a user during the control panel creation process. *Id.* [0011]:2-5. When the spreadsheet cells are selected, the underlying algorithms or mathematical formulas associating input data values with output data values are automatically imported into the control panel file. *Id.* [0011]:5-8. The algorithms and mathematical relationships originally created using the spreadsheet program are automatically replicated in the control panel file as a mathematical model of the relationship between selected input and output cells. *Id.* [0011]:8-12; EX2001 ¶44; EX2201 ¶19.

The spreadsheet program of the preferred embodiment of Becerra is Microsoft Excel. EX1005 [0018]:4-7. Becerra provides an example of a spreadsheet that has input cells A1 and B1 that contain values 6 and 2 respectively. *Id.* [0020]:1-2. Spreadsheet output cells have respective values in accordance with the following respective mathematical formulas: $A2 = A1 * B1$; $B2 = A1 / B1$; $A3 = A2 + B2$; $B3 = A2 - B2$. *Id.* [0020]:3-9. Changing the values of parameters contained in the spreadsheet input cells affects the values contained in the spreadsheet output cells, such as cells A3 and B3. *Id.* [0020]:15-17.

A first step for creating a control panel is placing a desired component onto a graphics canvas, which is the component layout. *Id.* [0026]:3-5. The components may be created by the user using known graphic development software (e.g., Flash) or selected from preexisting files or libraries (e.g., Flash files). *Id.* [0010]:5-7. FIG. 2 of Becerra, reproduced below, shows an exemplary computer screen display of a canvas layout tool. *Id.* [0032]:1-3.

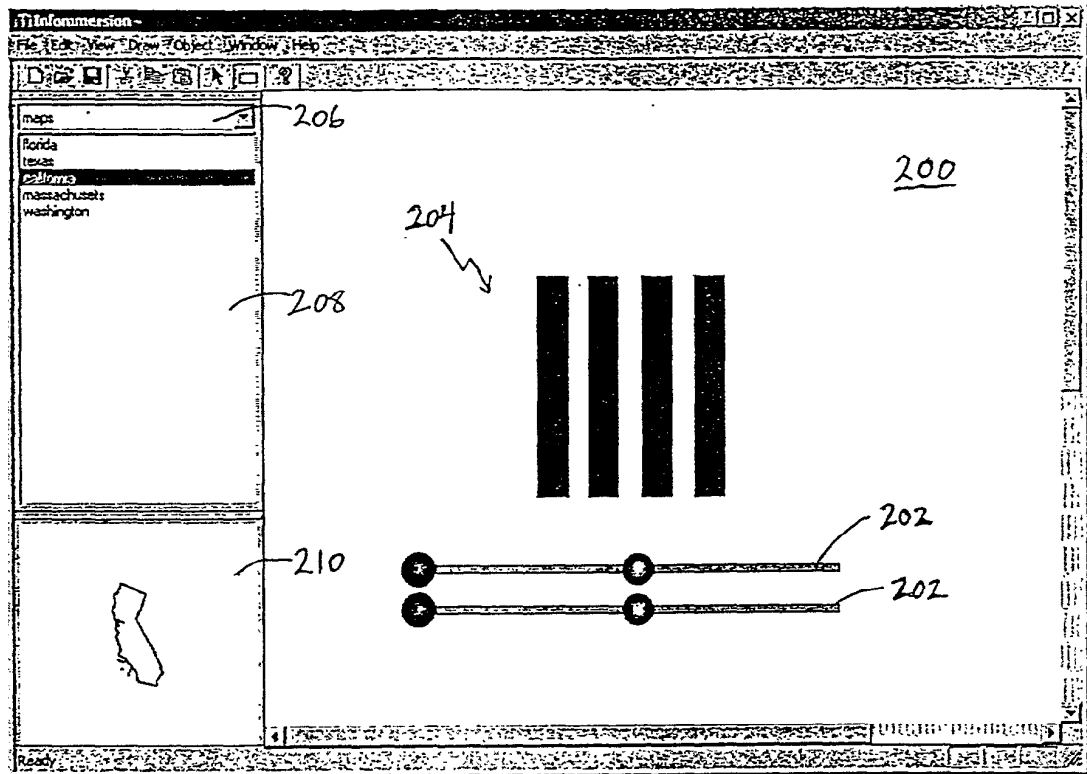


FIGURE 2

Id. FIG. 2

A user could select a slider component 202, for example, from a pre-created component library and create two instances of the slider component on the canvas, each representing one of the input cells A1 and B1. *Id.* [0032]:7-10. The user could select a bar chart component 204 having four bars, for example, and create one instance of the bar chart on the canvas to represent respective output cells A2, B2, A3, and B3. *Id.* [0032]:10-13. These components are small images that represent the type of component that will appear on the control panel and do not contain any type of styling or theme.

The next step is to bind (i.e., associate) the components of the canvas with cells of an existing spreadsheet. *Id.* [0036], [0037]:1-3. A user can select a data source by selecting a valid spreadsheet file (e.g., a file called C:test.xls) and one or more cells (i.e., a range of cells) within the corresponding spreadsheet to associate the one or more cells to a selected component of the canvas. *Id.* [0038]:11-15. FIG. 4, reproduced below, illustrates an exemplary computer screen display of the canvas layout tool as it used to select a range of cells with a selected spreadsheet.

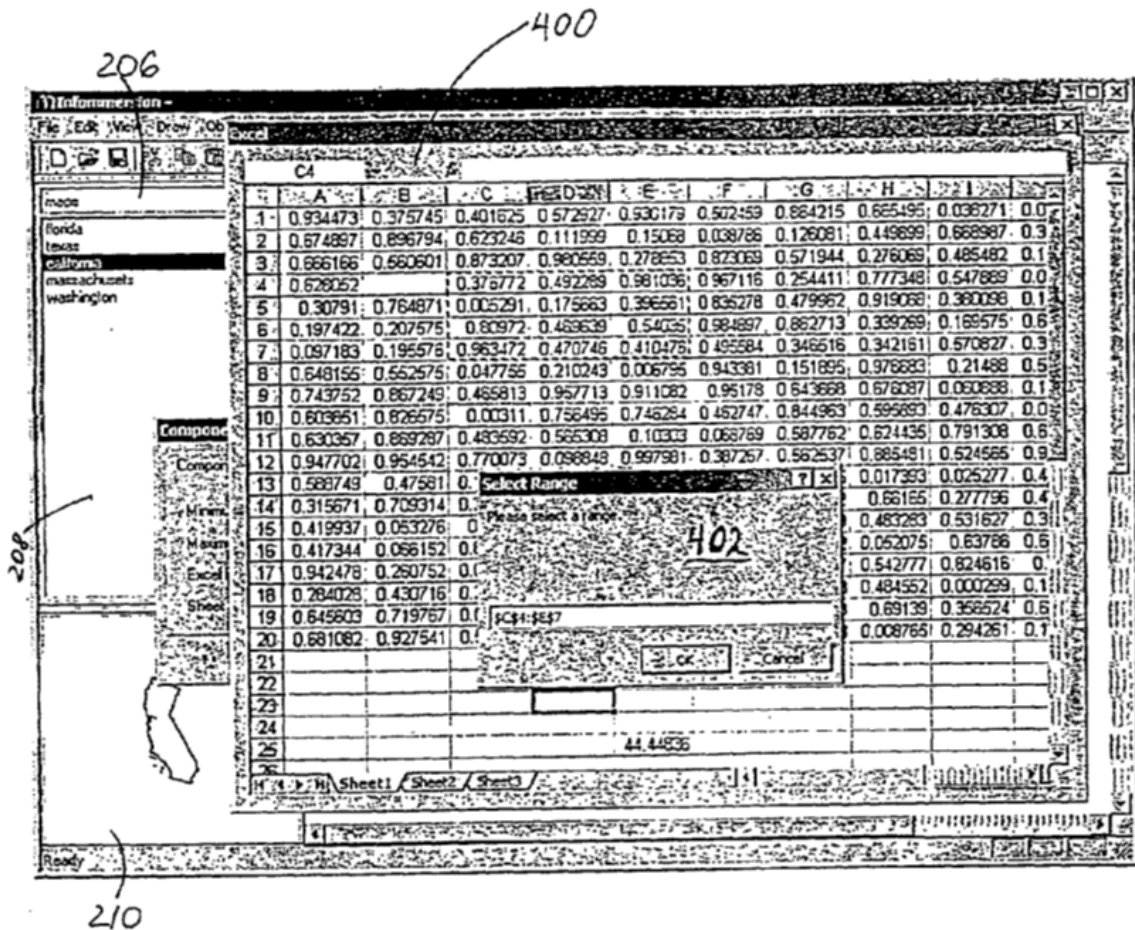


FIGURE 4

Id. FIG. 4

The next step is extraction of the applicable math model. *Id.* [0041]. In most cases, output cells of a spreadsheet contain formulas that either directly or indirectly reference the input cells of the spreadsheet. *Id.* [0043]:7-8. Formulas contained in the output cells and intermediate cells form a mathematical model of the relationship between input cells and the output cells. *Id.* [0043]:15-19. A calculation engine

generates an internal data structure that consists of a set of expression trees that represent each of the formulas in the intermediate and output cells. *Id.* [0045]:3-6.

The next step is the generation of a functional control panel. *Id.* [0048]. The process of generating the control panel has the following two pieces: (1) the generation of the visual components such as the sliders and bar chart that correspond to the graphic components or images placed on the canvas and (2) the generation of the code that represents the mathematical simulation that the control panel represents. *Id.* [0049]:13-18.

The generation of the visual components involves creating the appropriate Flash file format data structures that when written out, define the look and behavior of the graphic components and place and arrange the appropriate visual components in the same way as they appear on the canvas. *Id.* [0050]:1-6.

The generation of the math calculations involves taking the set of expression trees that were generated and generate equivalent Actionscript code in accordance with the Macromedia Flash 5 file format. *Id.* [0051]:1-5. Actionscript is the scripting language that is part of the Flash 5 file format. *Id.* [0051]:5-6. Additional code is also generated that executes the Actionscript in response to user interaction with the control panel. *Id.* [0051]:6-8.

FIG. 5, reproduced below, shows an exemplary control panel. *Id.* [0052]:4-6.

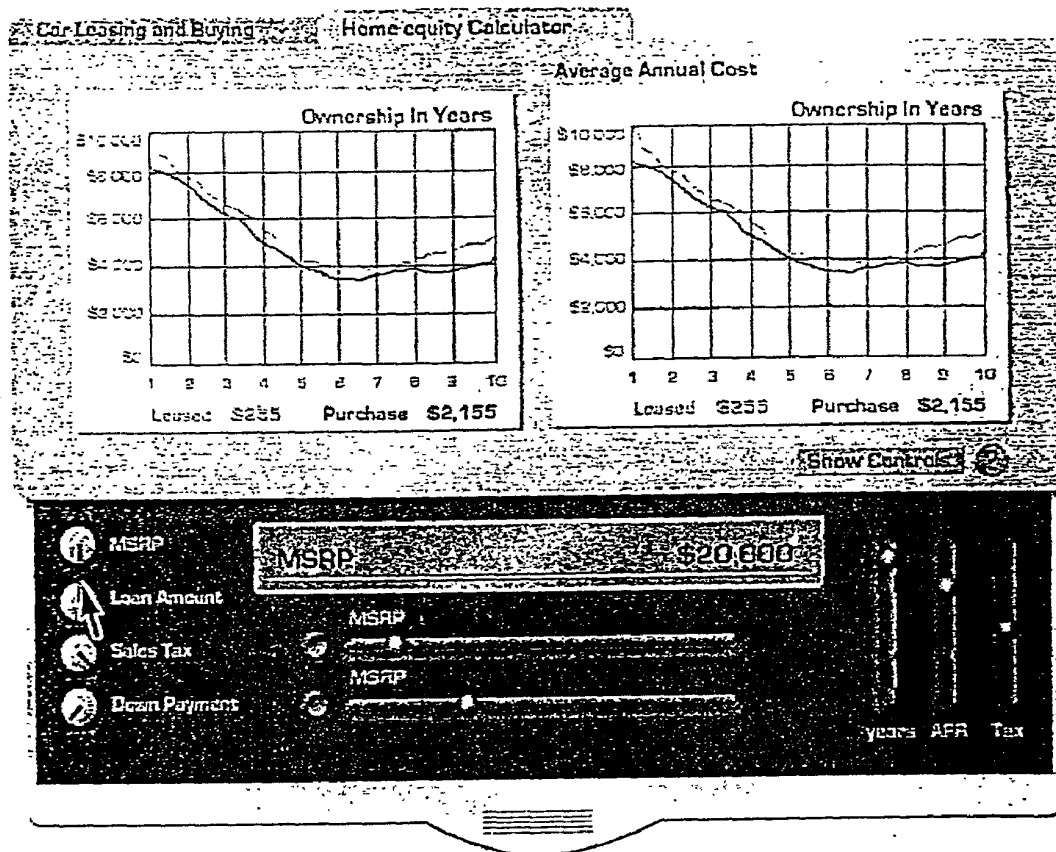


FIGURE 5

Id. FIG. 5

By manipulating or adjusting input components (e.g., sliders and rotating knobs), output components will dynamically change in accordance with the mathematical model extracted from the spreadsheet used to create the control panel.

Id. [0052]:8-12.

The control panel may be exported such that it is no longer dependent on either the tool that created it or the spreadsheet that was used in creating the control panel.

Id. [0052]:1-4. 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 the control panel. *Id.* [0052]:14-18.

2. QlikView Manuals References (EX1008 / EX1009)

QlikView manuals comprise (1) the QlikView Reference Manual for version 8.5 of QlikView (EX1008 - QlikView Manual) and (2) the QlikView Server Reference Manual for Version 8.5 of QlikView (EX1009 - QlikView Server Manual), which are collectively referred to as QlikView Manuals. As detailed below at Ground 7, QlikView Manuals are not prior art.

QlikView Manuals disclose a server-client system for data analysis. EX1009 p.0009. The QlikView Server is the centerpiece of this technology. *Id.* QlikView Server provides a centrally managed QlikView document community that connects multiple users, client types, documents, and objects within a secure and safe environment. *Id.* p.0009; EX2201 ¶¶14-15.

A QlikView document is designated as a .qvw file. EX1009 p.0123.

A QlikView client is required for the display and usage for a QlikView document, which is a .qvw file. *Id.* The QlikView server is responsible for opening, hosting, and calculating the documents. *Id.* A client is required for user interaction and presenting the document and its objects. *Id.*; EX2201 ¶16.

There are three types of QlikView Clients that interact with the QlikView Server: (1) the QlikView Developer, (2) the QlikView Professional, and (3) the QlikView Analyzer. EX1008 p.0016.

The QlikView Developer client is the full version intended for the development of QlikView documents. *Id.* p.0016. A QlikView document is a file containing what is needed to analyze data. *Id.* p.0073. The Qlik View document file contains (1) the data itself; (2) a script needed to update the QlikView file with new data from a data source; (3) layout information, including all the sheets, list boxes, charts, etc.; (4) document alerts, document bookmarks, and document reports; (5) access restriction information; and (6) a macro module. *Id.* p.0073. The QlikView Developer is the only version to provide full access to the script. *Id.* p.0016.

The QlikView Professional contains full capabilities for manipulating layout, but reloading of data is normally only with an existing script. *Id.* Limited scripting capabilities are provided for use with local data. *Id.*

The QlikView Analyzer client is the low-end client that can be used to access QlikView documents on the QlikView Server. *Id.* The user may navigate the layout, make selections, and view results. *Id.* No modification of the layout is possible, however. *Id.* The QlikView Analyzer comes in the following versions: (1) an installed Windows client, (2) a plug-in to Internet Explorer, (3) a Java applet client, or (4) an AJAX Zero Footprint client. *Id.*

Versions of the QlikView clients are designed for different respective computing environments. The QlikView Developer, Professional, and Analyzer clients can be Microsoft Windows installed clients. EX1009 p.0009. These are referred to as “exe clients.” *Id.*

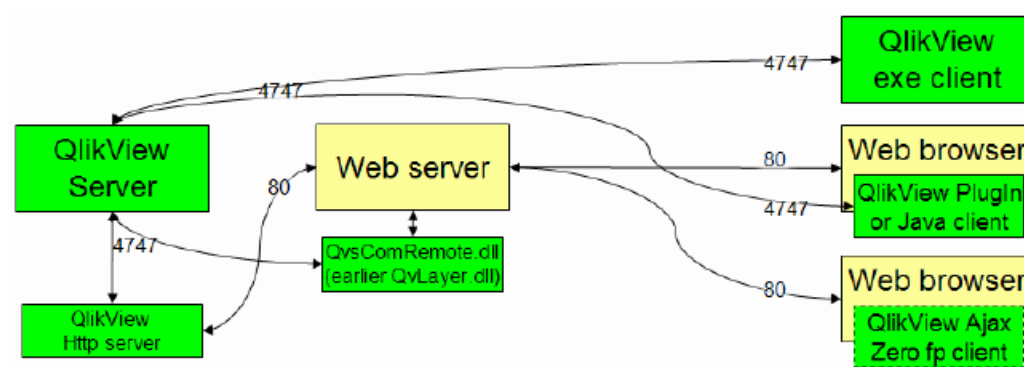
The QlikView Analyzer client also has a version that is a full image ActiveX plug-in for Microsoft Internet Explorer web browser. *Id.* pp.0123, 0125. There also is a QlikX Analyzer client that is an object only ActiveX plug-in for Internet Explorer. *Id.* p.0123.

There is a version of the QlikView Analyzer that is a full image Java Client using Sun Java in a web browser. *Id.* pp.0123, 0125.

There is a version of the QlikView Analyzer that is Java Objects Client that is an object only client using Sun Java in a web browser. *Id.*

There is a version of the QlikView Analyzer that is an AJAX Zero-Footprint Client, which is an object only dynamic HTML client that uses AJAX architecture in a web browser. *Id.*

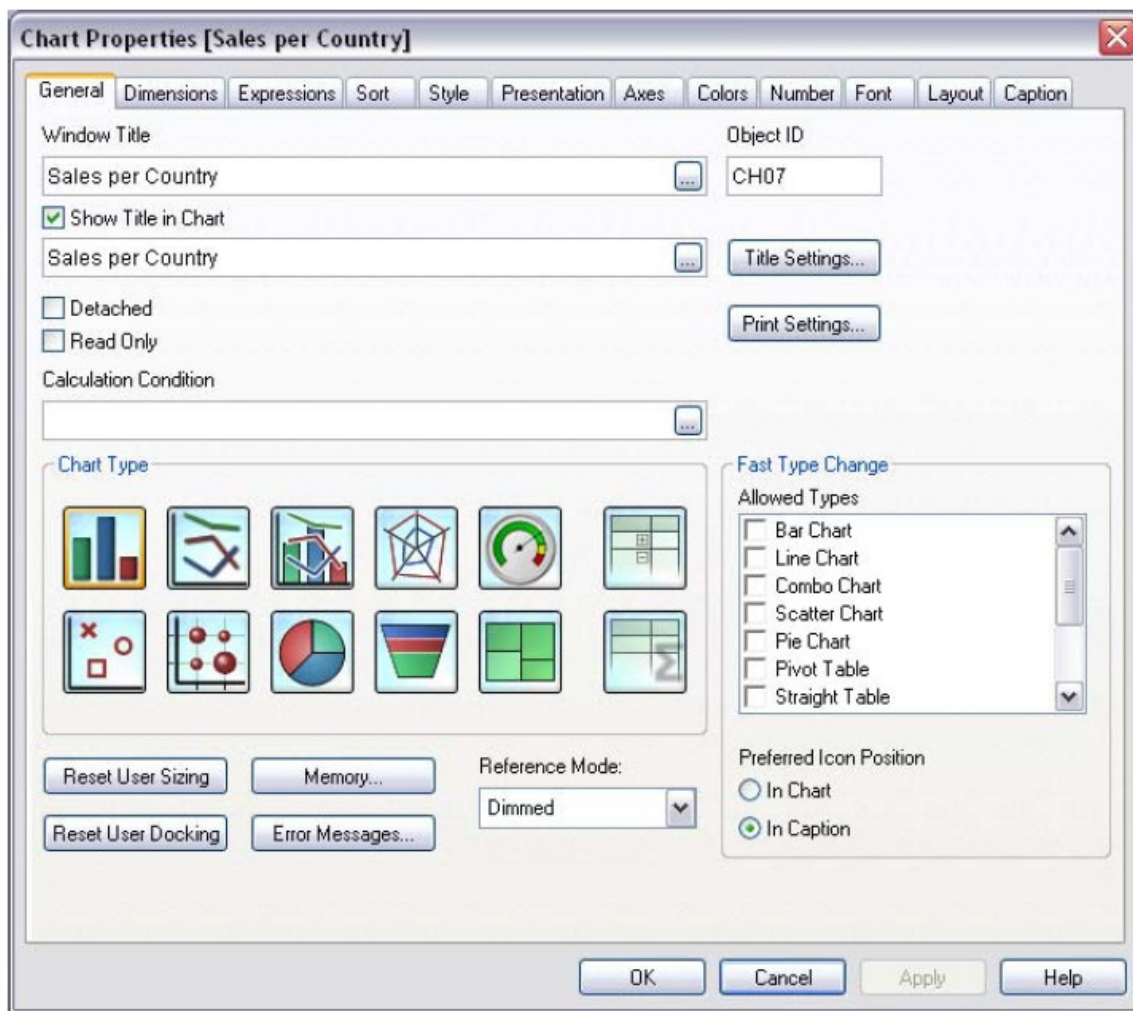
The figure reproduced below from the QlikView Server Manual shows how the QlikView clients communicate with the QlikView server.



Id. p.0098.

The Windows client communicates directly with the QlikView server. *Id.* 0098. The Java clients can communicate directly with the QlikView server, but they first must establish a connection with a Web Server serving the page containing the Java applet. *Id.* The AJAX clients must establish and maintain a connection to the QlikView Server through a Web server. *Id.*

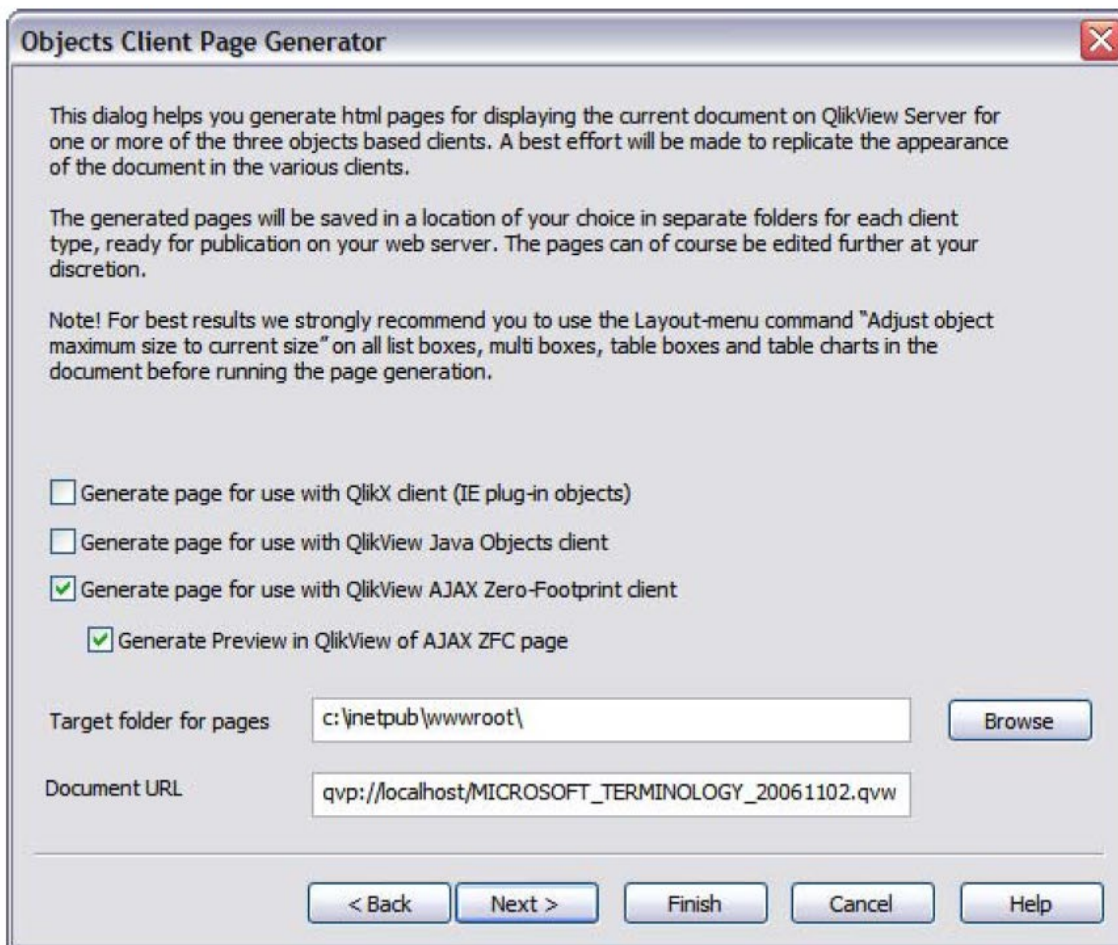
A user of the QlikView Developer client installed on Microsoft Windows can create charts and tables on the QlikView Server. EX1008 pp.0016, 0073, 0880. The General page, reproduced below, of a chart wizard is where the titles and chart type can be set.



Id. p.0882

Any QlikView document may be displayed with any QlikView client, but additional HTML code must be created for the QlikView Object clients to display and interact with the objects with a particular document. *Id.* p.0123. The QlikView Object clients are the Java Objects client, the QlikX client, and the AJAX client. *Id.* p.0009.

The QlikView Objects Client HTML Page Generator dialog box is reproduced below.



EX1008 p.0807 (FIG. 87).

The QlikView Objects Client HTML Page Generator dialog box helps a user to generate html pages for displaying the current document on the QlikView Server for one or more of the three QlikView object-based clients (i.e., the Java Objects client, the QlikX client, and the AJAX Zero-Footprint client). *Id.* p.0807.

The user can specify a target folder for the html pages where the generated

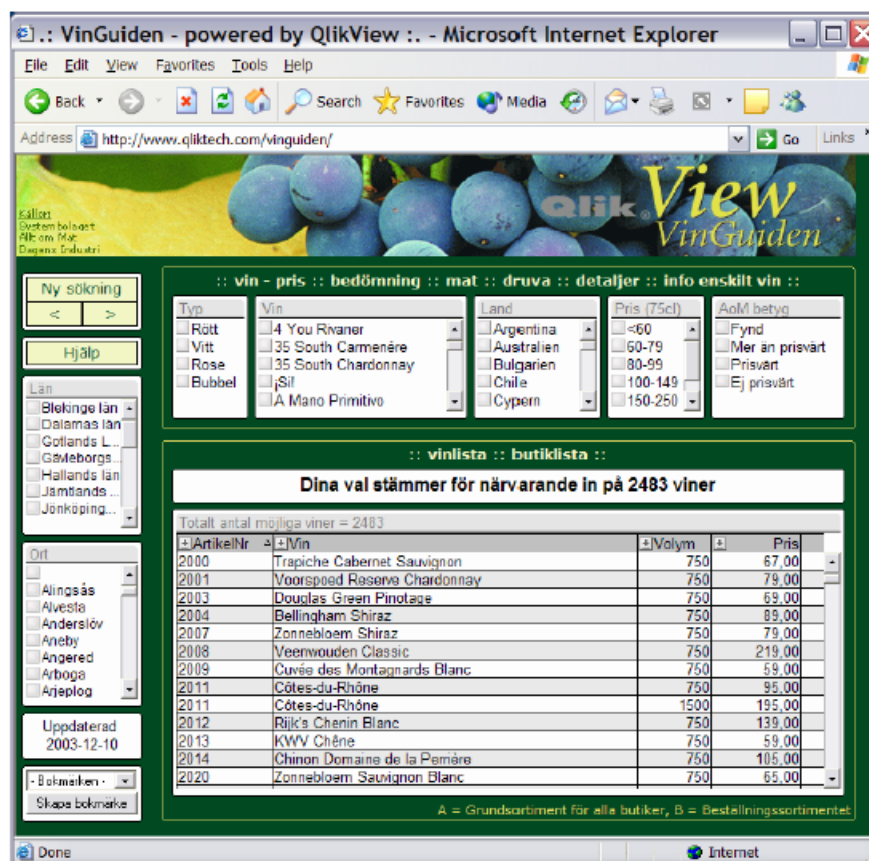
IPR2024-01387

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html pages will be saved. *Id.* p.0808. The generated html pages are ready for publication on the user's web server. *Id.* p.0807.

The 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. *Id.* p.0808.

The figure reproduced below is an example of a QlikView Objects client in Microsoft Internet Explorer.

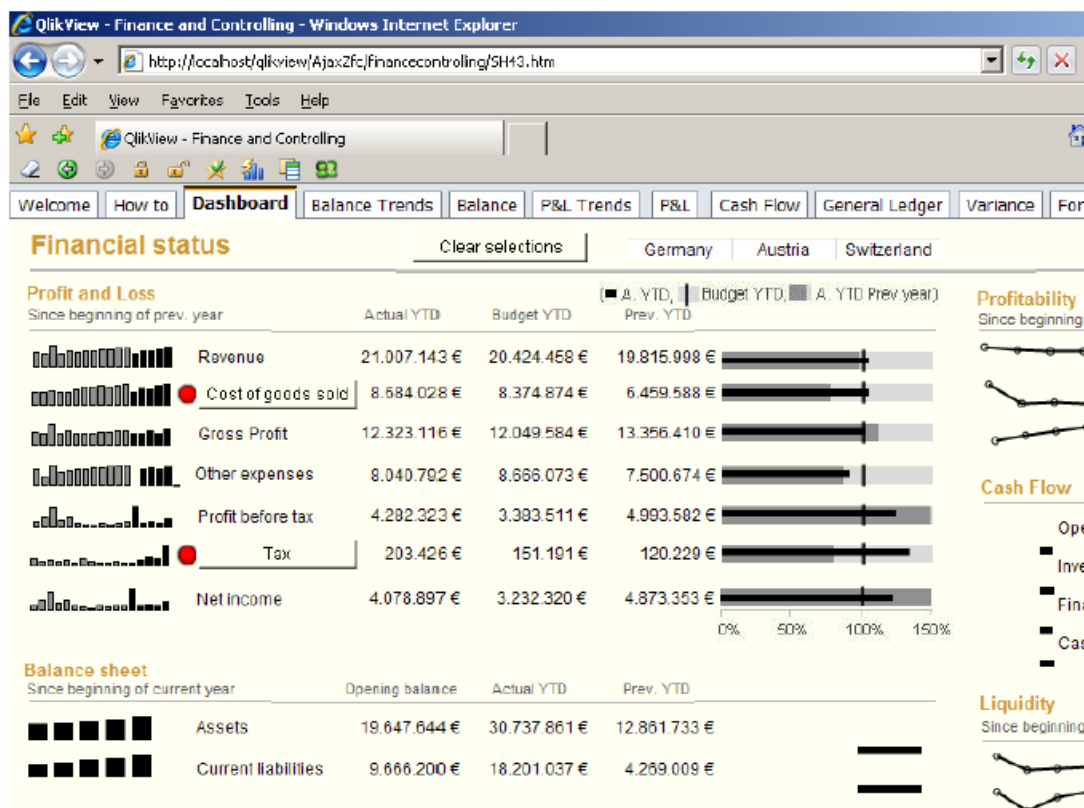


EX1009 p.0133.

The QlikView Java Objects client consists of applets, one for each sheet

object, that can be inserted at any position on an html page. *Id.* Web pages containing Java objects linked to a QlikView document may either be created through the QlikView Objects Client Page Generator or manually created. *Id.*

The figure reproduced below is an example of a QlikView AJAX client with the toolbar option.



Id. p.0155.

The QlikView AJAX Zero-Footprint Client (ZFC) is an object-based client environment built on the AJAX (Asynchronous JavaScript and XML) architecture. *Id.* The QlikView AJAX ZFC client requires no installation on the client computer. *Id.* Nevertheless, some HTML/ASP development is required to

display and interact with objects from a QlikView document hosted by the QlikView server. *Id.*; EX2201 ¶17.

The QlikView server is responsible for opening, hosting, and calculating the documents. EX1009 p.0123. Each open chart/table must be recalculated on the server after each change in the logical state. *Id.* p.0168; EX2201 ¶18.

Couckuyt Reference (EX1006)

The Couckuyt patent discloses a drag and drop interface (DDUI) that can generate multiple charts in an integrated chart report and that supports the drag and drop method of adding fields to the integrated chart report. EX1006 3:16-21. Couckuyt is US Patent No. 6,906,171, which issued from US Patent Application No. 09/794,847 filed February 27, 2001, which is the parent application of continuation patent application no. 11/060,116, filed February 17, 2005, of Couckuyt et al. That continuation application (the Couckuyt continuation) was published as US Publication No. 2005/0232055 on October 20, 2005. The Couckuyt continuation was considered by the Examiner during the prosecution of the '892 Patent. EX1001 cover page (References Cited).

Couckuyt discloses that when a data field is dragged from field list and dropped into a multiple field drop zone, the DDUI can automatically generate additional charts to represent the data in the dropped data field. EX1006 3:23-27; EX2001 ¶90; EX2201 ¶19.

3. Jou Reference (EX1007)

Jou, entitled “Interactive Business Data Visualization System,” discloses an interactive system for visualizing business data organized according to a dimensional model, which allows data to be combined from more than one data source and be presented in the form of a graphical multi-metric data visualization. EX1007 Abstract:1-4. Jou discloses that data to be included in a visualization may be filtered, i.e., limited to the subset of data available from a given source. *Id.* [0038]:1-3. Jou discloses that the visualization method and system that allows drilling on the dimension axis of the charts by moving either up or down the hierarchy of categories of a dimension (drilling up or drilling down) to obtain a more or less detailed view of the data. *Id.* [0044]:1-6. A user can obtain a closer area view of a map or layer (zooming in) or obtain a wider area view of a map or layer (zooming out). *Id.* [0049]:2-5; EX2001 ¶96; EX2201 ¶19.

4. Key Reference (EX1034)

Keys, entitled “Method and System for Creating and Delivering Electronic, Multi-Media Presentations,” discloses generating an electronic graphical presentation on a computer system. EX1034 Abstract:1-2; EX2001 ¶92; EX2201 ¶19.

5. Moyer Reference (EX1010)

Moyer discloses a system, method, and computer-readable media for

presenting video content with a web page. EX1010 Abstract:1-2; EX2001 ¶¶94; EX2201 ¶¶19.

III. PERSON OF ORDINARY SKILL AND CLAIM CONSTRUCTION

The Board adopted the Petitioner's contention that a person of ordinary skill in the art (POSA) 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. DI p.8. For the purposes of this Response, Patent Owner does not dispute the level of skill of a POSA. EX2201 ¶¶5.

The Petitioner alleges that it is construing the terms of the claims according to their ordinary and customary meanings as understood by a person of ordinary skill in the art in view of the specification and alleges that no term needs an explicit construction Pet. p.4-5.

The Patent Owner has construed the terms of the claims according to their ordinary and customary meanings as understood by a POSA in view of the specification and believes that no term needs an explicit construction to resolve the controversy between the parties. EX2201 ¶¶6-8.

IV. PETITIONER’S ARGUMENTS FAIL TO PROVE THE UNPATENTABILITY OF THE CHALLENGED CLAIMS

Petitioner has the burden of proving unpatentability by preponderance of the evidence. 35 U.S.C. §316(e). The burden does not shift to the patentee. *Google LLC v. IPA Technologies Inc.*, 34 F.4th 1081 (Fed. Cir. 2022). For at least the reasons set forth below, Petitioner has not met its burden.

A. Ground 1: Becerra Does Not Render Obvious Claims 1-2, 4-5, 7-9

The '892 Patent provides for the generation and sharing of a self-contained and independent electronic document that contains data from a data module and a chart template from a chart template module. EX1001 9:30-55. The chart data is stored within a flash file. *Id.* 9:54-55. The flash file contains code that (1) renders the chart, (2) obtains input from a user as per his desired action on the chart, and (3) rerenders the chart using the input as parameters. *Id.* 9:50-54. The user can publish or embed the interactive chart as a self-contained and independent electronic document. *Id.* 9:34-38.

Becerra, on the other hand, teaches away from the '892 Patent by disclosing a simulation of a control panel that is based on a mathematical model derived from spreadsheet cells. EX1005 [0026]-[0028]; *see* Declaration of Jeffrey Miller (consisting of ¶¶1-248 and referred to as “EX2001”), ¶¶115-116. By manipulating or adjusting input components of Becerra, such as sliders and

rotating knobs, output components dynamically change in accordance with the mathematical model. EX1005 [0052]:8-12. Although Becerra discloses saving a control panel as a separate file (*Id.* [0052]:14-18), Becerra does not disclose publishing or embedding an interactive chart. EX2001 ¶115.

1. Becerra Does Not Render Obvious Claim 1

a) Becerra does not disclose a “data module configured to store data”

The data module of the '892 Patent is part of an interactive chart online portal. EX1001 9:13-16. The data module stores data. *Id.* 9:13-16. Users upload or enter data at website 224 through interface 212, which stores data in data store 216. *Id.* 9:28-30.

Becerra does not disclose, teach, or suggest a data module. EX2001 ¶¶117-124. First, Petitioner relies on the Excel spreadsheet that is apparently saved on a computer as satisfying this limitation. Petition p.17. FIG. 4 of Becerra shows the Excel spreadsheet. EX1005 FIG. 4. At most, Becerra discloses using a canvas layout tool to bind components to cells on an existing Excel spreadsheet via the component object model (COM) framework. EX1005 [0036], [0037]:1-15, [0038]:1-4. There is no disclosure that the Excel spreadsheet or the Excel spreadsheet's numeric values and formulas are stored in a data module, e.g., as shown in element 216. EX2001 ¶121.

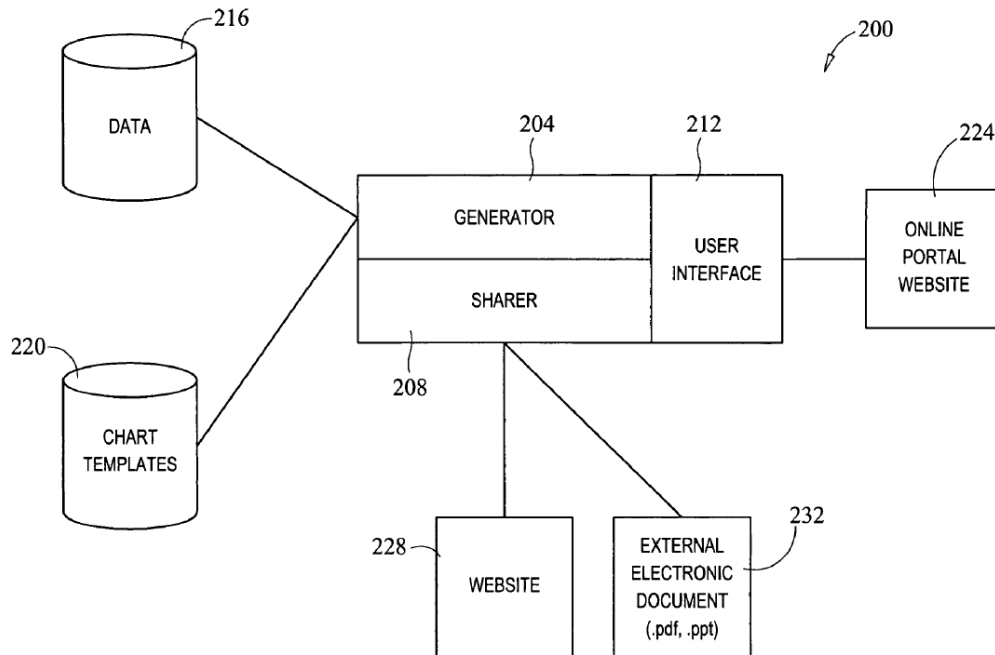


FIG. 2

EX1001, FIG. 2. FIGS. 11-14 of the '892 Patent and related descriptions illustrate this distinction. The “My Data Sheets” tab allows the user to create a new data sheet. EX1001 12:24-31, FIG. 11. Users can upload a data file from, e.g., an Excel spreadsheet using the upload data sheet region 1216 and the browse button 1216. *Id.* 12:38-40. The uploaded data is then shown in the information region 1220. *Id.* FIG. 13; 12:40-41. FIG. 14 description explains that the user can then access data sheets from the online portal. Thus the '892 Patent stores the data in a data module, which is separate from any Excel file from which the data was extracted. EX2001 ¶121.

Second, Petitioner relies on Becerra’s internal data structure that can be used

to re-create the minimal calculations necessary for selected cells within the spreadsheet (EX1005 [0044]:1-6). However, that internal data structure is not a module configured to store data. EX2001 ¶122. That internal data structure is generated by a Calculation Engine and consists of a set of expression trees which represent each of the formulas in the intermediate and output cells. EX1005 [0045]:3-6. The internal data structure is created during Becerra's process of generating a math model.

The data that is stored in the data module 216 can include, for example, dates, years, birthdays, letters, words, and categories in addition to numeric values. EX1001 FIGS. 3, 14, 23, 25, and 26.

In contrast, Becerra's control panel Excel spreadsheet contains only numeric values and formulas dependent on them. EX1005 [0020]:1-17. Thus, Becerra fails to disclose data module configured to store data used to create the claimed interactive charts. EX2001 ¶124.

b) Becerra does not disclose a “chart template module configured to store chart templates”

The '892 Patent's chart template module is part of an interactive online portal EX1001 9:13-16. The chart template module stores chart templates. *Id.* “Chart templates allow the users to create interactive charts in the future that have the same look and feel as the generated chart 1700.” *Id.* 13:59-61. Chart templates are preset

that a user can select. *Id.* 16:19-21. “The preset chart templates 4012 store formatting settings, such as colors, chart size, fonts, line thickness, etc., as a set.” *Id.* 16:27-29. “A preset can be created by saving any chart as a preset.” *Id.* 16:29-30. “If a user selects one of the preset chart templates 4012, the chart 4004 is automatically updated to have the look and feel as the selected preset template chart 4012, as shown in FIG. 40C.” *Id.* 16:24-27.

First, Becerra does not disclose, teach, or suggest “a chart template module.” Petitioner relies on Becerra’s disclosure of creating and/or selecting graphic components or objects and placing them on a graphics “canvas.” EX1005 [0010]:1-4. Becerra discloses that the components may be created using known graphic development software (e.g., Flash) or selected from preexisting files or libraries (e.g., Flash files). *Id.* [0010]:5-7. Becerra discloses that such components may include charts. *Id.* [0010]:7-10. Becerra, however, does not disclose, teach, or suggest that the preexisting files or libraries that include chart templates in a module for storing chart templates. EX2001 ¶¶125-128.

Furthermore, Becerra does not disclose, teach, or suggest that the “charts” are “chart templates.” *Id.* ¶128. The chart template of the ’892 Patent is a preset template of formatting settings, such as colors, chart size, fonts, line thickness, etc. EX1001 16:27-29. Once a template is once selected, e.g., the user can drag and drop data onto to create an interactive chart with that preset template’s look and feel.

EX1001 11:37-41. Becerra does not disclose or teach preset chart templates with formatting settings. EX2001 ¶128. Becerra's system formats the bar chart when it generates the control panel using a mathematical formula. EX1005 [0025]:1-5, [0042]:1-5. Although Becerra discloses bar chart component 204 (*Id.* [0032]:3-5), that bar chart component is not a template; it is part of a control panel. Becerra makes no mention of templates for charts. EX2001 ¶128.

c) Becerra does not disclose a “generation module configured to generate an interactive chart on a generation interface, 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”

Because Becerra does not disclose a data module, data stored in a data module, a chart template module, or chart templates, as discussed above, Becerra does not disclose a generation interface that is configured to enable a user to generate the interactive chart from data stored in a data module and a template from a chart template module. *See supra*, §IV.A.1.(a)-(b).

In further contrast to the '892 Patent, Becerra does not disclose generating an interactive chart. EX2001 ¶¶129-133. Instead, Becerra discloses generating an interactive graphics simulation of a control panel with a bar chart component. EX1005 [0011]:1-6, [0032].

In addition, even assuming Excel spreadsheets are data stored in a data module

and the components are chart templates, which they are not, Becerra does not disclose, teach, or suggest the claimed generation module that generates the interactive chart “from data stored in the data module and a template from the chart template module.” EX1001, cl.1; EX2001 ¶132. Instead of generation based on data and a chart template, Becerra relies on a math model to create Flash movie based on Actionscript code. EX2001 ¶132.

The process for creating the Becerra control panel is very different from the generation process of the '892 Patent. EX2001 ¶133. “The process of generating the control panel can be described in two pieces, the generation of visual components such as sliders and charts that correspond to the graphic components placed onto the canvas, as described above, and the generation of the code *that represents the mathematical simulation that the control panel represents.*” EX1005 [0049]. To create the visual components, Becerra discloses that the user places components on a canvas layout tool for creating the control panel. EX1005 [0022], [0032]:3-5. The user inputs a minimum and maximum range to specify minimum and maximum values for the component. *Id.* [0032]. The user then assigns a spreadsheet range to each of the components. *Id.* [0023]. The program then automatically extracts the formulas from the spreadsheet that are necessary to reproduce the mathematical model implicit in the selected cells. *Id.* [0024]. The next step is the generation of a functional control panel. *Id.* [0025]:1. Becerra discloses that the program generates

a Flash movie that contains the control panel, wherein values of the components assigned to output cells change in real time in response to user interaction with input cell components. *Id.* [0025]:1-5. The functional control panel of Becerra relies on Actionscript code and code that executes the Actionscript in response to user interaction with the control panel. *Id.* [0051]:1-8. That Actionscript code is based on expression trees generated by the math calculations. *Id.* [0051]:1-4. The resulting control panel, thus, is not generated from the “data” in the “data storage module.”

EX2001 ¶133.

d) Becerra does not disclose a “sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document”

As discussed above, Becerra does not disclose generating an interactive chart. *See supra*, §IV.A.1.(c). Instead, Becerra discloses generating an interactive graphics simulation of a control panel with a bar chart component that is not generated from data in a data module and a chart template from a chart template module. EX1005 [0011]:1-6, [0032]:3-5. Because Becerra does not disclose generating an interactive chart, it cannot disclose a sharing module configured to publish or embed the interactive chart. EX2001 ¶¶134-136; EX2201 ¶20.

Petitioner relies on Becerra’s disclosure of exporting the control panel or saving the control panel as a separate file (EX1005 [0052]:1-4, 14-18). Petitioner

does not address how Becerra discloses or teaches any module that enables publishing or embedding the control panel. EX2201 ¶21. A POSA would understand that exporting or saving a file is different from publishing or embedding a file. EX2001 ¶136. A POSA would understand that subsequently opening the file is not publishing the control panel. EX2001 ¶136; EX2201 ¶21. As an exemplary embodiment, the '892 Patent discloses that a user can share the chart by publishing the chart by selecting the publish button 1616. EX1001 14:41-43. The Board was not persuaded that Petitioner has explained how exporting the control panel to a separate file is sufficient to teach the publishing aspect of the invention. DI 35. A POSA would understand that embedding requires that the file already exists before you add the interactive chart into it. EX2001 ¶136; EX2201 ¶21. In contrast, Becerra only discloses saving a new file with only the control panel in it. EX1005 [0052]:14-18. Becerra nowhere discloses embedding. EX2001 ¶136. The Board correctly noted that Becerra does not appear to disclose aspects related to embedding that control panel anywhere. DI 35. Given that Becerra does not disclose publishing or embedding, Becerra does not disclose a sharing module. EX2201 ¶21.

e) Becerra does not disclose 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”

As set forth above, Becerra does not disclose an interactive chart, a self-contained and independent interactive chart, a generation interface, a chart template module, publishing an interactive chart, or embedding an interactive chart. *See supra*, §IV.A.1.(a)-(d).

Becerra discloses that a control panel may be saved as a separate file that is executable by a standalone program (e.g., a Flash Player) that is independent of the layout tool or spreadsheet used to create it. EX1005 [0052]:14-18. Nevertheless, Becerra does not disclose any ability of the user to render the control panel or re-render the control panel once the Becerra control panel is exported and no longer dependent upon the tool that created it. EX2001 ¶¶137-139. Instead, Becerra shows relational behavior on the control panel once the control panel is exported as a separate file. EX1005 [0052]:12-14. By manipulating or adjusting input components of Becerra (e.g., sliders and rotating knobs), output components of the control panel dynamically change in accordance with a mathematical model within the range of the component. *Id.* [0052]:8-12. In other words, the control panel is playing a different part of the movie based on the Actionscript code, not rerendering a chart.

EX2001 ¶139. Further, when the file is opened in a Flash Player the control panel is not published, as required by the claims. EX2001 ¶139.

2. Becerra Does Not Teach Claims 2, 4, 5, 8, 9

Because Petitioner has failed to show that Becerra renders claim 1 obvious, Petitioner necessarily fails to show that Becerra teaches claims 2, 4, 5, 8-9 given these claims depends on claim 1. *See supra*, §IV.A.1.(a)-(e); EX2001 ¶¶140-141.

3. Becerra Does Not Teach Claim 7

Because Petitioner has failed to show that Becerra renders claims 1 and 5 obvious, Petitioner necessarily fails to show that Becerra teaches claim 7 given that claim 7 depends on claim 5, which depends on claim 1. *See supra*, §IV.A.1.(a)-(e); EX2001 ¶¶140-141.

In addition, in relation to claim 7, Becerra does not disclose interactive features selected from the group consisting of a zoom feature, a data mouse-over pop-up window, a data hide/share feature, an audio and/or video feature, an animation feature, a drill-down feature, a data gliding feature and combinations thereof. Nor does Petitioner argue these features would have been obvious to a POSA. Petitioner argues that Becerra discloses one of these features—animation. But the claim language requires at least two interactive features (“combinations thereof”). “If a patentee desires mixtures or combinations of the members of the Markush group, the patentee would need to add qualifying language while drafting

the claim.” *Abbott Lab ’ys v. Baxter Pharm. Prods., Inc.*, 334 F.3d 1274, 1281 (Fed. Cir. 2003) (“and mixtures thereof” example of qualifying language). One feature from the list is not a “combination.” Accordingly, Petitioner has not met its burden..

B. Ground 2 – Becerra In View of Couckuyt Does Not Render Obvious Claims 3, 10-11, and 13-16

1. A POSA Would Not Have Been Motivated to Combine Becerra with Couckuyt

The Couckuyt patent discloses a drag and drop interface (DDUI) that can generate multiple charts in an integrated chart report and that supports the drag and drop method of adding *fields* to the integrated chart report—not dragging and dropping data into a data pane. EX1006 3:16-21. The published continuation of Couckuyt (namely, US Patent Publication No. 2005/0232055) was cited by the Examiner during the prosecution history of the ’392 patent. EX1001.

Petitioner has not shown that a POSA would have been motivated to combine Becerra with Couckuyt. EX2001 ¶¶142-149. Petitioner claims that Couckuyt’s dragging and dropping user interface would have enabled the user to quickly assign data to different aspects of a chart. Not so. Couckuyt focuses on selecting a data icon that corresponds to dragging and dropping data *fields*, not dragging and dropping data. EX1004 7:48-52; EX2001 ¶146. Further, Becerra teaches that selecting various data ranges from the spreadsheet is desirable; thus, a POSA would not have been motivated to merely select data *fields* that does not limit the selected data in any way.

EX2001 ¶146.

Moreover, Becerra and Couckuyt teach away from a combination. The Becerra method of binding components to a spreadsheet range and extracting formulas from a spreadsheet teaches away from the multiple chart generation scheme of Couckuyt that uses drag and dropping of data fields.

Further, Couckuyt is directed to the need in the art for a charting drag-and-drop user interface (DDUI) that can generate multiple charts at the same time and support the drag-and-drop method of adding data fields. EX1004 1:66-67, 2:5-8. Becerra, on the other hand, discloses creating a control panel that is an interactive graphics simulation. EX1005 [0011]:1-6. Thus, Couckuyt's ability to quickly change data fields to make display comparisons does not supply a motivation to combine Couckuyt with Becerra. EX2001 ¶148.

Additionally, Petitioner argues that dragging and dropping is a “mere design choice,” but being a “design choice” does not satisfy the motivation to combine analysis; a reason for combining must exist. *Virtek Vision Int'l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 887 (Fed. Cir. 2024) (mere fact that possible arrangements existed in the prior art does not provide a POSA would have substituted one for the other).

2. Becerra In View of Couckuyt Does Not Teach Claim 3

Admitting that Becerra does not disclose additional claim limitations of claim

3, Petitioner relies on Couckuyt. Petition p.34; EX1001, cl. 3. Because Couckuyt does not make up for the deficiencies of Becerra with respect to claim 1, Petitioner necessarily fails to show that a combination Becerra and Couckuyt teaches claim 3 given that claim 3 depends on claim 1. EX2001 ¶¶150-151.

a) Becerra in view of Couckuyt does not teach providing a generation interface having a data pane and chart pane

The canvas layout tool of Becerra does not have a data pane or a chart pane. EX2001 ¶¶152-155. Petitioner relies on Becerra FIG. 2, which illustrates an exemplary computer screen display of the canvas layout tool, to satisfy the chart pane element. EX1005 [0032]:1-3. the layout tool has a combo box window 206 and a list box window 208 for displaying different component categories (e.g., maps) and components belonging a selected category, respectively (*Id.* [0032]:1-5). There is no disclosure of a chart pane. EX2001 ¶152. Becerra FIG. 2 shows “maps” in combo box window 206 and the states Florida, Texas, California, Massachusetts, and Washington in list box 208.

Petitioner relies on the Excel spreadsheet as the data pane, but this is not a pane for data. EX2001 ¶152. As explained above, any ‘data’ is in an Excel spreadsheet, not a data pane. EX1005 [0038]:11-15.

Moreover, Becerra’s canvas layout tool is not a generation interface. EX2001 ¶153. Becerra’s canvas layout tool is for layout of components, which is just a first

step of a process. Instead of generation based on data and a chart template, Becerra relies on components, a range assigned to each component, formulas, a math model, and a Flash movie based on Actionscript code. EX1005 [0022]-[0025], [0051]:1-15.

Petitioner additionally relies on FIG. 4 Couckuyt for the generation interface with a chart pane and data pane, but what is shown is a place to drag and drop data fields and list of fields, not data. EX1006 FIG. 4.

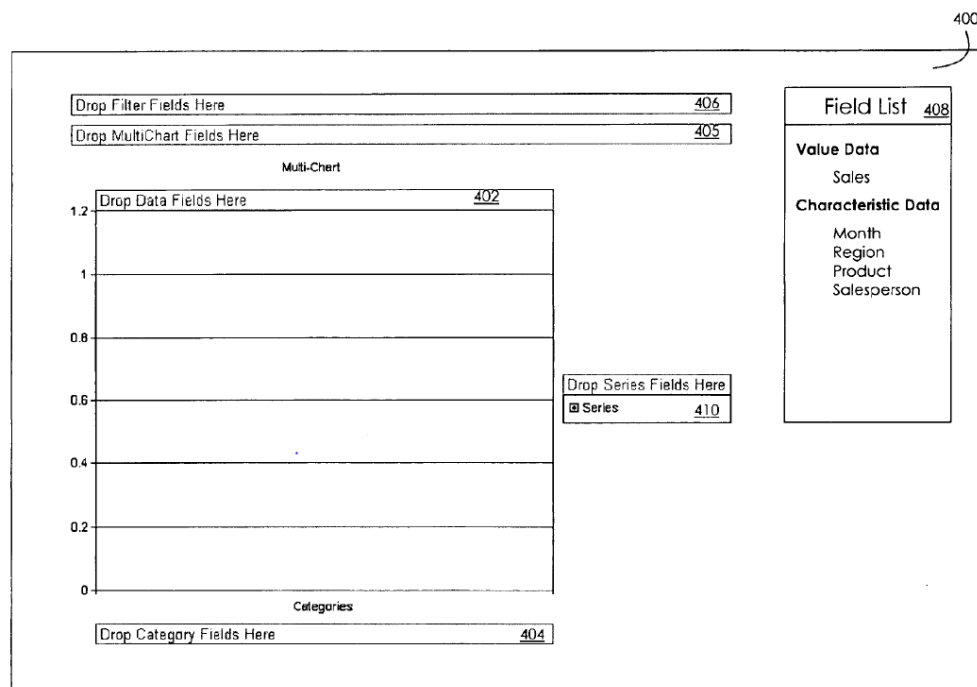


Fig. 4

EX1006 FIG. 4. Becerra and Couckuyt does not satisfy this claim limitation.

EX2001 ¶155.

b) Becerra in view of Couckuyt does not teach “the generation interface ... 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”

As noted above, Becerra does not disclose a data or chart pane. *See supra*, §IV.B.2.(a). It is undisputed that Becerra does not disclose drag and drop.

Couckuyt focuses on selecting a data icon that corresponds to dragging and dropping data fields. “The DDUI 400 permits the value data fields and the characteristic data fields (collectively, data fields) to be dragged and dropped into drop zones.” EX1006 7:24-26. The user is not selecting data from the data pane or dragging and dropping the data into a chart pane. EX2001 ¶¶156-157.

c) Becerra in view of Couckuyt does not teach “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”

As noted above, Becerra does not disclose an interactive chart, a chart pane, a chart template module, or drag and drop. *See supra*, §§IV.A.(1)(b)-(c), IV.B.2.(a)-(b). In addition, Becerra does not disclose, teach, or suggest automatically generating an interactive chart. *Supra*, §§IV.A.(1)(c). Instead, Becerra relies on components, a range assigned to each component, formulas, a math model, and a Flash movie based on Actionscript code to create a control panel with a bar chart component. EX1005 [0022]-[0025], [0051]:1-8; EX2001 ¶¶158-159.

Further, Couckuyt does not automatically generate 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*. Petitioner relies on Couckuyt's dragging and dropping *data fields*, not data from a data pane. Instead “[t]he DDUI **400** can be associated with a data source, such as the two-dimensional data source **300** of FIG. 3a.” EX1006 7:12-13. “Once associated with a data source, the DDUI can automatically generate a field list **408**...” *Id.* 7:15-15. The DDUI **400** permits the value data fields and the characteristic data fields (collectively, data fields) to be dragged and dropped into drop zones.” *Id.* 7:24-26. Thus, neither reference in combination satisfies this limitation. EX2001 ¶159.

3. Becerra In View of Couckuyt Does Not Render Independent Claim 10 Obvious

a) Becerra in view of Couckuyt does not teach “providing a generation interface ...”

As discussed above, Becerra and Couckuyt do not disclose or teach this limitation for the reasons discussed for claim 3. *See supra*, §§IV.B.2(a); EX2001 ¶160.

b) Becerra in view of Couckuyt does not teach receiving a user selection of data in the data pane

As discussed above, Becerra and Couckuyt do not disclose or teach this limitation for the reasons discussed for claim 3. *See supra*, §§IV.B.2(b); EX2001 ¶161.

c) Becerra in view of Couckuyt does not teach “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”

As noted above, Becerra does not disclose a chart pane and Becerra does not disclose a chart template module. *See supra*, §§IV.B.(2)(a), IV.A.1.(b). Thus, Becerra does not disclose “receiving a user selection of a chart template in a chart pane.” Neither Becerra nor Couckuyt discloses that a chart template is stored in a chart template module on a remote server. EX2001 ¶162. Becerra and Couckuyt do not provide a basis for modifying the Becerra canvas layout tool with Couckuyt’s drag and drop interface. *Id.* ¶162. Such a modification would involve impermissible hindsight based on the disclosure of the ’892 Patent. *Supra*, §IV.B.2(a)-(c).

d) Becerra in view of Couckuyt does not teach” allowing the user to drag and drop ...”

It is undisputed that Becerra does not disclose drag and drop. Becerra and Couckuyt do not teach this limitation for the reasons discussed for claim 3. *Supra*, §IV.B.2(b); EX2001 ¶163.

e) Becerra in view of Couckuyt does not teach “automatically generating an interactive chart using data dropped into the chart pane and the chart template from the chart template module selected by the user (claim 10)...”

As noted above, Becerra does not disclose or teach generating an interactive chart, interactive chart, a chart pane, a chart template module, or drag and drop. *See*

supra, §§IV.A.(1)(b), (c), IV.B.2.(a)-(b). Instead, Becerra relies on components, a range assigned to each component, formulas, a math model, and a Flash movie based on Actionscript code to create a control panel with a bar chart component. EX1005 [0022]-[0025], [0051]:1-8. Further, Couckuyt does not disclose “using data dropped into the chart pane” because data fields are dropped into a drop zone. *See supra*, §IV.B.2.(b). Thus, Becerra and Couckuyt do not teach or disclose this limitation. EX2001 ¶164.

f) Becerra in view of Couckuyt does not teach “publishing or embedding the interactive chart ...”

Becerra does not teach this limitation for the reasons discussed above *Supra* §§IV.A.(1)(d); EX2001 ¶165. Petitioner does not rely on Couckuyt for this limitation.

g) Becerra in view of Couckuyt does not teach that “a self-contained and independent interactive chart, ...”

Becerra teaches this limitation for the reasons discussed above. *Supra* §§IV.A.(1)(e); EX2001 ¶166. Petitioner does not rely on Couckuyt for this limitation.

4. Becerra in View of Couckuyt Does Not Teach Claim 11, 13, 14, 15

Because Petitioner has failed to show that Becerra in view of Couckuyt renders claim 10 of the '892 Patent obvious, Petitioner necessarily fails to show that

Becerra and Couckuyt teaches claim 11, 13, 14, and 15 given that these claims depend on claim 10. *Supra* §IV.B.3(a)-(e); EX2001 ¶167.

C. Ground 3: Becerra in View of Coukuyt and Keys Does Not Render Obvious Claim 10-11 and 13-16

Keys does not disclose, teach, or suggest claim 10's "chart template module located on a remote server."

Keys discloses a method and system of creating a high-quality presentation using the Internet. EX1034 [0011]:1-3. Keys discloses the generation and storage of many different blank presentations – i.e., templates that the user may choose from for creating their own presentations. *Id.* [0011]:7-11. A database 114 located on a remote computer 104 comprises both template files 116 and user entered information 118, i.e., information that has been entered by users and that may be combined with template information to create a final presentation. *Id.* [0025]:1-12. Operations 532, 534, and 536 are the steps of Keys where the actual template record is populated using user-entered information. *Id.* [0068]:1-3. As the user enters information, the Active Servers Page (ASP) gets the information and sends it to the database. *Id.* [0028]:1-5, [0070]:1-2. Keys discloses that storing information to a database using ASP is a known process. *Id.* [0071]:14-15. Keys discloses that "the data is stored in such a way that it can be reconstructed to place the text, graphs, etc. in the proper portions of the presentation." *Id.* [0071]:16-18.

Keys does not disclose a chart template module. EX2001 ¶¶168-173. Although Keys refers to “graphs,” as noted immediately above, nowhere in Keys does Keys refer to chart(s), chart templates, or a chart template module. *Id.* ¶173.

Therefore, Keys fails to cure Becerra and Couckuyt’s deficiencies with respect to claims 10-11 and 13-16. Therefore, Petitioner has failed to show that Becerra, Couckuyt, and Keys render claims 10-11 and 13-16 Patent obvious.

D. Ground 4: Becerra In View of Moyer Does Not Render Obvious Claim 6

As explained in Ground 1, Becerra fails to disclose every element in claims 1 and 5. *Supra* §IV.A.1.(a)-(e). Petitioner admits that Becerra does not expressly disclose a “*copy-to-my-account feature*,” as recited in claim 6. Pet. p.52. Petitioner relies on Moyer for this teaching.

Moyer does not disclose, teach, or suggest an interactive chart with interactive features, including interactive features that comprise a copy-to-my-account feature. EX2001 ¶¶174-183. Moyer discloses systems and methods for presenting video content within a web page. EX1010 [0004]:1-2. Moyer discloses that once a video presentation is communicated to a destination web page, the method 400 optionally enables display of the presentation on the destination web page at 410. *Id.* [0035]:1-4. A button 510 may be selected when a user desires to populate their blog site with a presentation associated with the video presented in the video presentation area 504.

Id. [0037]:2-5. The '892 Patent explains that the “‘Copy-to-my-account’ feature allows a user to copy the chart to an account at an interactive chart, generation and sharing web portal anywhere the user sees the chart online.” EX1001 10:43-47. “The interactive chart also includes a ‘Copy-To-My-Account’ function that is enabled by the owner of the chart.” EX1001 16:12-13. If a visitor uses this function, a copy of the chart is created in the user's account. EX1001 16:13-15. The user can then edit and republish the chart (using, for example, different formats and colors). EX1001 16:15-16. When the user clicks the “Copy-to-my-account” button, the user is taken to the web portal. EX1001 10:47-48. The user can then access his account (or create an account) to receive a copy of the chart. EX1001 10:49-50; EX2001 ¶181. Thus, the “account” is associated with a generation and sharing web portal.

A POSA would not have been motivated to combine Becerra with Moyer. EX2001 ¶182. Moyer is directed to the need to present information about a video in a blog. EX1010 [0003]:1-14. Becerra, on the other hand, discloses creating a control panel that is an interactive graphics simulation. EX1005 [0011]:1-6. There would be no reason to add a “Copy-To-My-Account” feature as Becerra because Becerra discloses creation of a Flash file that is already capable of being saved. EX2001 ¶182.

Moyer discloses a “Blog to My MSN Space” button that is presented on a web page that already has video presented in a video presentation area. EX1010 [0037]:1-

9. In contrast, Becerra displays an interactive control panel that is a Flash File.
EX1005 [0011]:1-6.

**E. Ground 5: Becerra In View of Jou Does Not Render Obvious Claim
7**

As discussed in relation to Ground 1, Becerra does not render obvious claim 7. *Supra* §§IV.A.1.(a)-(e), VI.A.3. Petitioner relies on Jou to teach “*interactive features*” for charts including “*a zoom feature*,” “*a data hide/share feature*,” and “*a drill-down feature*.” Jou discloses an interactive system for visualizing business data organized according to a dimensional model, which allows data to be combined from more than one data source and be presented in the form of a graphical multi-metric data visualization. EX1007 Abstract:1-4. Jou discloses that data to be included in a visualization may be filtered, i.e., limited to the subset of data available from a given source. *Id.* [0038]:1-3. Jou discloses that the visualization method and system that allows drilling on the dimension axis of the charts by moving either up or down the hierarchy of categories of a dimension (drilling up or drilling down) to obtain a more or less detailed view of the data. *Id.* [0044]:1-6. A user can obtain a closer area view of a map or layer (zooming in) or obtain a wider area view of a map or layer (zooming out). *Id.* [0049]:2-5.

Becerra and Jou do not provide a basis for modifying the Becerra control panel that is an interactive graphics simulation with the filtering, drilling, and zooming

features of Jou. EX2001 ¶¶184-189. Such a modification would involve impermissible hindsight based on the disclosure of the '892 Patent. *Id.* ¶188.

In addition, Becerra and Jou teach away from a combination. *Id.* ¶188. Jou is directed to visualization of business data organized according to a dimensional model, meaning business data organized according to major aspects and measures of the business, such as products, markets, profits, or time periods. EX1007 [0002]:1-4, [0006]:1-9. A dimension of Jou may include several hierarchical levels of categories. *Id.* [0006]:9-13. Becerra, in contrast, discloses a control panel that is an interactive graphics simulation. EX1005 [0011]:1-6.

F. Ground 6: Becerra In View of Couckuyt, Keys, and Jou Does Not Render Obvious Claim 12

Jou does not cure the deficiencies of Becerra, Couckuyt, and Keys discussed above in connection with claim 11. *Supra* §§IV.B.3(a)-(e); IV.B.(4). Jou discloses an interactive system for visualizing business data organized according to a dimensional model, which allows data to be combined from more than one data source and be presented in the form of a graphical multi-metric data visualization. EX1007 Abstract:1-4.

Moreover, Becerra and Jou do not provide a basis for modifying the Becerra control panel that is an interactive graphics simulation with the filtering, drilling, and zooming features of Jou. EX2001 ¶¶190-191. Such a modification would

involve impermissible hindsight based on the disclosure of the '892 Patent. *Id.* ¶191.

In addition, Becerra and Jou teach away from a combination. *Id.* ¶191. Jou is directed to visualization of business data organized according to a dimensional model, meaning business data organized according to major aspects and measures of the business, such as products, markets, profits, or time periods. EX1007 [0002]:1-4, [0006]:1-9. A dimension of Jou may include several hierarchical levels of categories. *Id.* [0006]:9-13. Becerra, in contrast, discloses a control panel that is an interactive graphics simulation. EX1005 [0011]:1-6.

Petitioner is asserting that these four references – Becerra, Couckuyt, Keys, and Jou --in combination render claim 12 obvious. However, claim 12 cannot be used “as a frame, and individual, marked parts of separate prior art references ... employed as a mosaic to recreate a facsimile of the claimed invention.” *Interconnect Planning v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985). Petitioner cannot use hindsight reconstruction to pick and choose among isolated disclosures. *In re Fritch*, 972 F.2d 1260, 1268 (Fed. Cir. 1992).

G. Ground 7 - QlikView Manuals (EX1008, EX1009)

1. QlikView Manuals Are Not Prior Art

Because QlikView Manuals are not prior art, Ground 7 must be denied. Each of the Challenged Claims have a priority date of no later than July 2, 2008 (based on the provisional) or June 4, 2008 (based on documentary evidence showing

conception and reduction to practice).¹ Petitioner contends that QlikView Manuals were published July 8, 2008.² Petition p. 7. Because either priority date of the Challenged Claims predates the earliest priority date Petitioner has asserted for QlikView Manuals, as explained in more detail below, QlikView Manuals are not prior art. EX2201 ¶¶22-27.

a) Constructive Reduction to Practice by Provisional Filing Date of July 2, 2008

Petitioner contends that the Provisional Application does not provide adequate “§112 support” for certain claim elements, and therefore the ’892 Patent is not entitled to a priority date of July 2, 2008.

¹ Because Petitioner has argued that the ’892 Provisional Application does not provide sufficient 112 support for all claim limitations of the Challenged Claims, Patent Owner alternatively shows conception followed by reasonable diligence through the filing of the ’892 Patent’s utility application.

² Patent Owner intends to move to exclude evidence Petitioner relies on to establish the publication date for QlikView Manuals. If Patent Owner is successful, then Petitioner will not have met its initial burden in establishing QlikView Manuals as prior art, which is an alternative basis for which Patent Owner contends that QlikView Manuals are not prior art.

Specifically, Petitioner argues that the '892 Patent's priority date should not be based on the filing date of the provisional application because there is no "§112 support" for: (i) publishing or embedding feature (claims 1, 10); (ii) "module" element (claim 1); (iii) "data pane" (claims 3, 10); (iv) "computer system" (claim 1) or "computer-implemented method" (claim 10); (v) video, animation, drill-down, and data gliding features (claims 7, 12).

This argument fails. *See* EX2201 ¶¶28-36.

A provisional application satisfies the written description requirement when "the description clearly allows persons of ordinary skill in the art to recognize that the inventor invented what is claimed." *See Bd. of Trs. of Leland Stanford Junior Univ. v. Chinese Univ. of Hong Kong*, 860 F.3d 1367, 1375 (Fed. Cir. 2017) (cleaned up) (noting it is a fact intensive inquiry). Possession of the invention is conveyed "by such descriptive means as words, structures, figures, diagrams, formulas, etc., that fully set forth the claimed invention[,] [a]lthough the exact terms need not be used in haec verba." *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997). To establish non-enablement, a challenger must show that a skilled artisan would be unable to practice the claimed invention without "undue experimentation." *Alcon Rsch. Ltd. v. Barr Labs., Inc.*, 745 F.3d 1180, 1188 (Fed. Cir. 2014).

All of challenged claim limitations have §112 support:

Claim limitation	§112 Support
<u>(i) publishing or embedding features</u> <u>(claims 1, 10)</u>	EX1013 pp.0045, 0059, 0060, 0064; EX2201 ¶¶30, 35.
<u>(ii) “module” element (claim 1)</u>	EX1013 pp.0045, 0059, 0060, 0061, 0062, 0064 ; EX2201 ¶¶31, 35.
<u>(iii) “data pane” (claims 3, 10)</u>	EX1013 pp.0045, 0059, 0062; EX2201 ¶¶32, 35.
<u>(iv) “computer system” (claim 1) or</u> <u>“computer-implemented method”</u> <u>(claim 10)</u>	EX1013 p.0045; EX2201 ¶¶33, 35.
(v) video, animation, drill-down, and data gliding features (claims 7, 12)	EX1013 pp.0045, 0054, 0057; EX2201 ¶¶34, 35.

Petitioner does not contend any other limitations of the Challenged Claims are missing from the provisional, effectively conceding they are present. In fact, all limitations are supported by the provisional.

Claim	Support in Provisional Patent Application
[1P]/[1A]/[1B]	EX1013 p.0045
[1C]/[1D]	EX1013 pp.0062, 0045
[1E]/[1F]	EX1013 pp.0045, 0059, 0060, 0064
2	EX1013 p.0045
3	EX1013 pp.0045, 0059, 0062
4	EX1013 p.0045
5	EX1013 p.0045

6	EX1013 p.0059
7	EX1013 pp.0045, 0054, 0057
8	EX1013 pp.0045, 0059, 0060, 0063
9	EX1013 p.0060
10P	EX1013 p.0045
[10A]/[10B]	EX1013 pp.0045, 0059, 0062
[10C]	EX1013 p.0045
[10D]	EX1013 p.0045
[10E]	EX1013 pp.0045, 0059)
[10F]/[10G]	EX1013 pp.0045, 0059, 0060, 0064
11	EX1013 p.0045

12	EX1013 pp.0045, 0054, 0057
13	EX1013 p.0045
14	EX1013 p.0045
15	EX1013 p.0060
16	EX1013 p.0045

EX2201 ¶35. Thus, the Challenged Claims are entitled to a priority date of no later than July 2, 2008, prior to the alleged publication date of QlikView Manuals.

EX2201 ¶36.

**b) Conception and Diligent Reduction to Practice –
Priority Date as Early as June 4, 2008**

Alternatively, Patent Owner conceived of and acted with reasonable diligence to constructively reduce to practice each of the Challenged Claims. *See, generally*, EX2200 ¶¶5-33; EX2201 ¶¶37-39. To establish an earlier priority date than Qlikview Manuals, Patent Owner is only required to show conception prior to the alleged publication date of QlikView Manuals followed by diligence throughout the entire critical period, here, from July 8, 2008 (QlikView Manuals’ alleged Publication Date), to September 5, 2008 (’892 Patent’s utility application filing). *Mahurkar v. C.R. Bard, Inc.*, 79 F.3d 1572, 1578 (Fed. Cir. 1996).

(1) Conception

As charted below, the evidence establishes a conception date as early as June 4, 2008, as that is the date of the most recent document relied upon below for evidence of conception. Even though the inventors conceived of the invention earlier than June 4, 2008—approximately around March 2007 (EX2200 ¶¶5-10; EX2005, EX2173-179)—Patent Owner relies on documentary evidence and not solely on inventor testimony. *Mahurkar*, 79 F.3d at 1577-78.

As detailed in Mr. Ducker’s declaration, he first conceived of the concept of sharing charts over the internet in December 2006 while jogging along the beach. EX2200 ¶¶5-6. Mr. Ducker enlisted Tyron Montgomery, a Flash expert, to fully materialize the invention that is embodied in the ’892 Patent. *Id.*

After the concept was crystalized, Montgomery and Dunker hired an India-based group named Compassites to write the source code for the iCharts program that embodied the invention of the ’892 Patent, and exchanged hundreds of emails during the development process. *Id.* ¶¶11-13, 38; EX2180-2196. The inventors’ extensive interaction with each other and directions to Compassites, as summarized below and detailed in Mr. Dunker’s declaration, is evidence that the inventors conceived of the invention by June 4, 2008. EX2200 ¶¶14-15; EX2002-2030.

Independent Claim 1 (EX2200§II.A)

[1P]

- It is a **Web 2.0 Service** that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

(EX2002, dated January 10, 2007);

share etc.). In addition quality of graph is not web-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a web-based setting. The service should provide a way to easily generate high-quality, professional looking **web-based charts** that can easily be updated.

(EX2002; *see* EX2200 §II.A.1)

[1A]



- Receive and extract Excel data (via eMail or upload)
- Link to Google Spreadsheet data
- Preprocess data
 - Check data quality
 - Automatically categorize data
 - Highlight exceptions

iData: The intelligent engine room that does the „dusty“ job for you...

(EX2004; *see* EX2200 §II.A.2)

[1B]

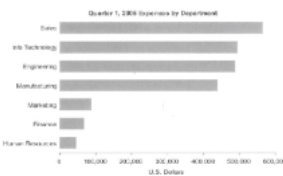
Introducing... **iChart**: Works for different chart types (I)

Metric	Actual	Variance
Revenue	\$913,394	+\$136,806
Profit	\$193,865	-\$73,055
Avg Order Size	\$5,766	-\$297
On Time Delivery	104%	+4%
New Customers	247	-62
Cust Satisfaction	4.73 / 5	+0.23

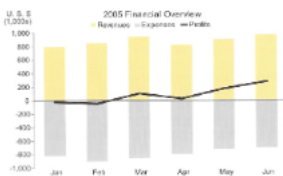
- **Simple table with signal buttons**
 - 2nd level: Sparklines
 - Swap dimensions Year, Variance, Target



- **Sparklines graph** (Trend information)
 - Mouse over: Detail data point
 - Scale data resolution



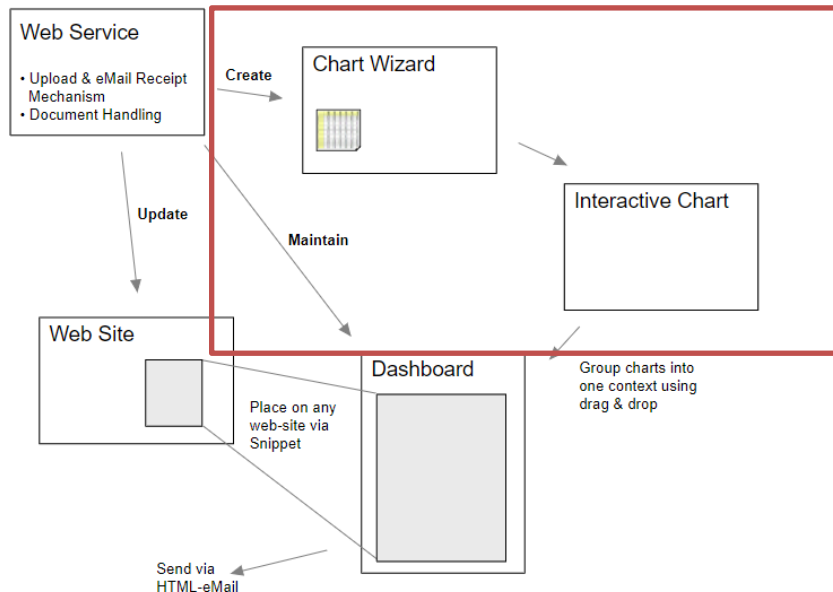
- **Bar chart**
 - Mouse over: Percentage data, additional information
 - Include, exclude additional categories
 - 2-level drill

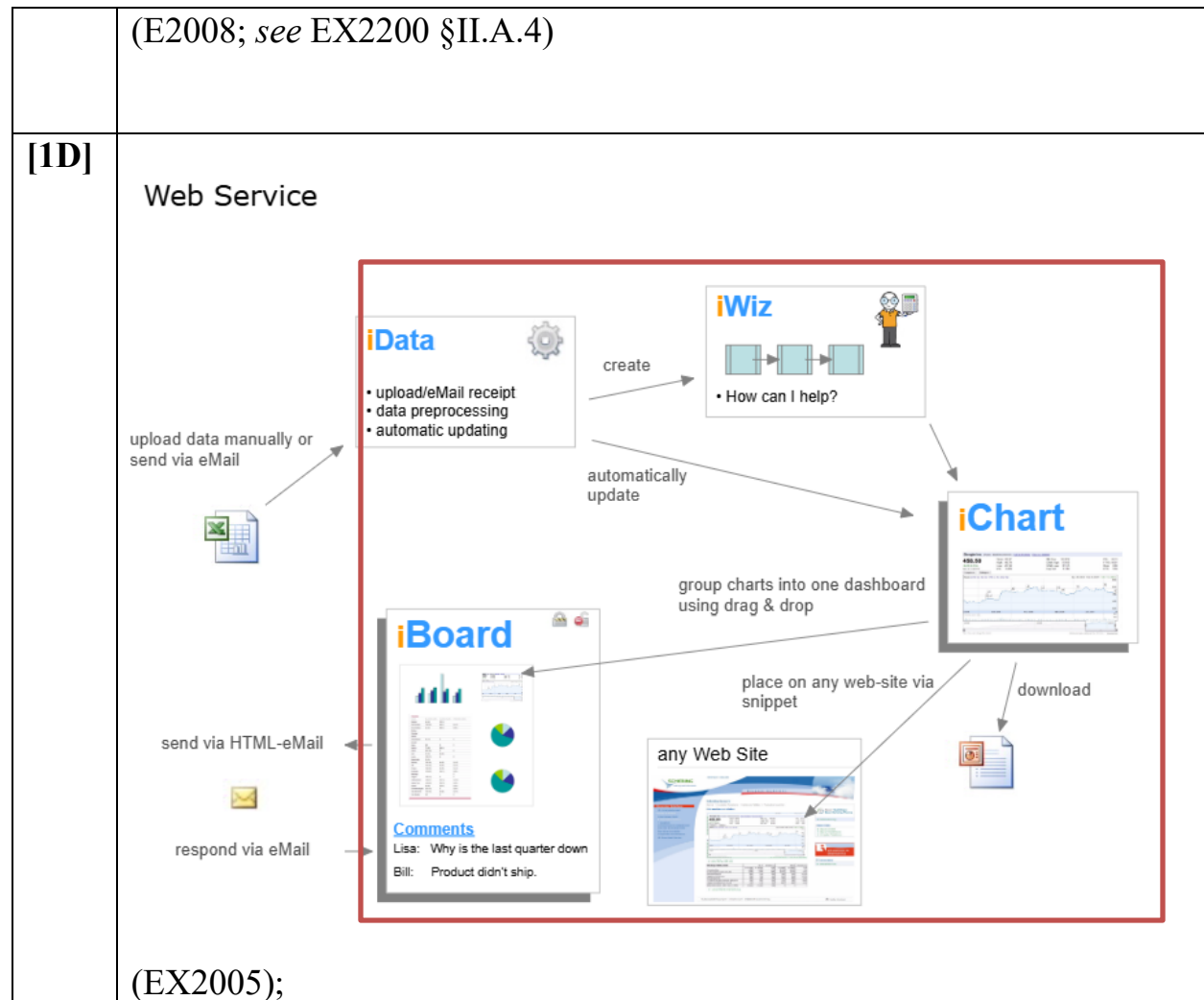


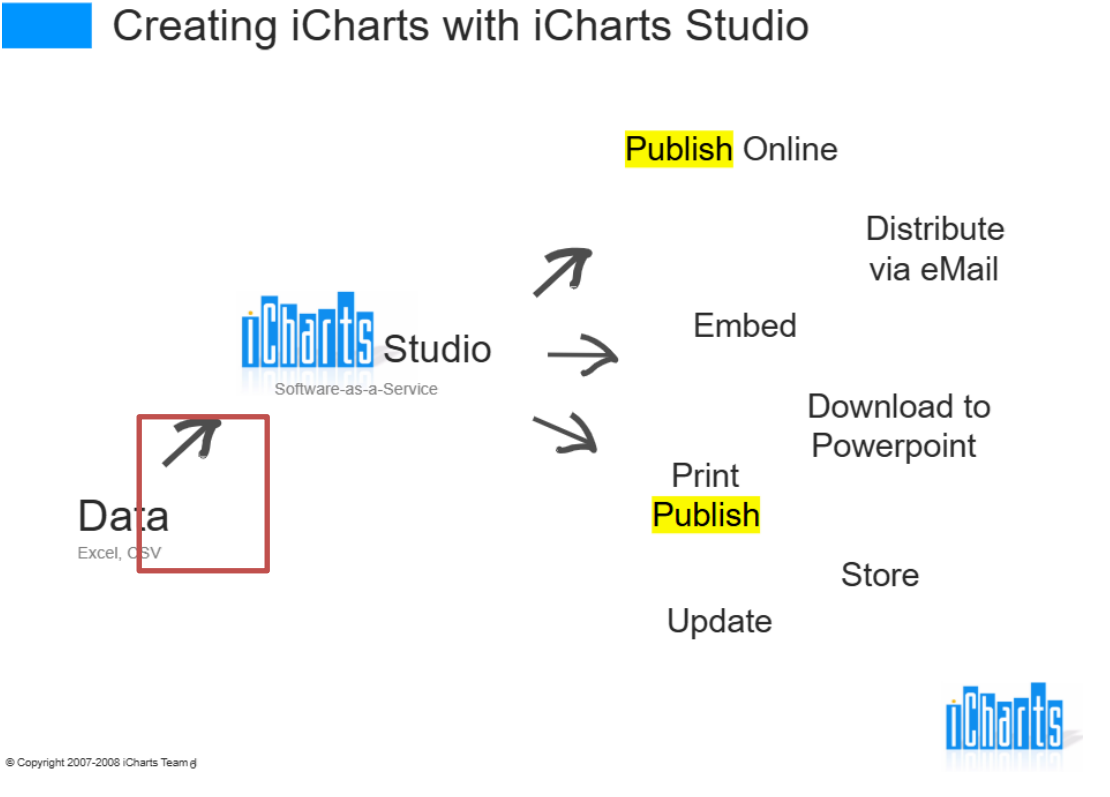
- **Combination chart**
 - Mouse over line: Detail data point
 - Mouse over bar: Percentage data, additional info
 - 2-level drill

(EX2007; see EX2200 §II.A.3)

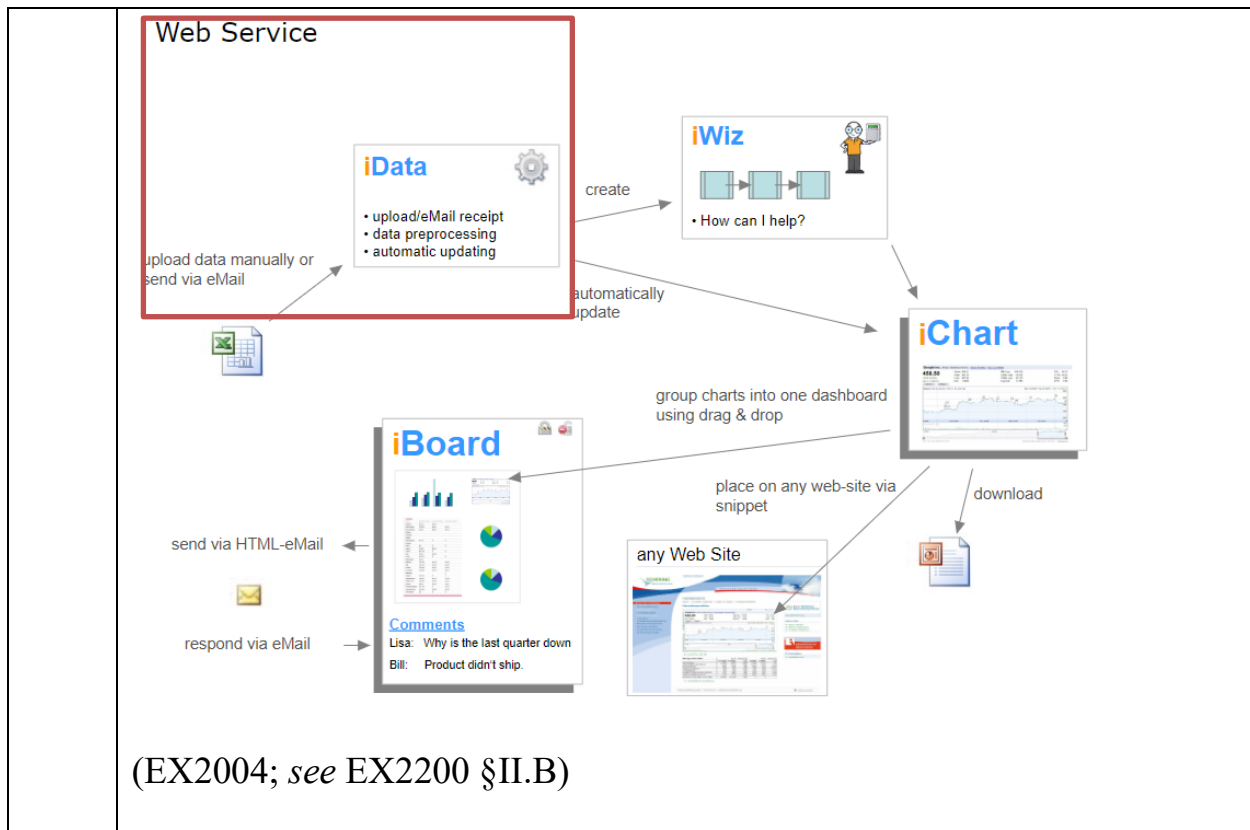
[1C]





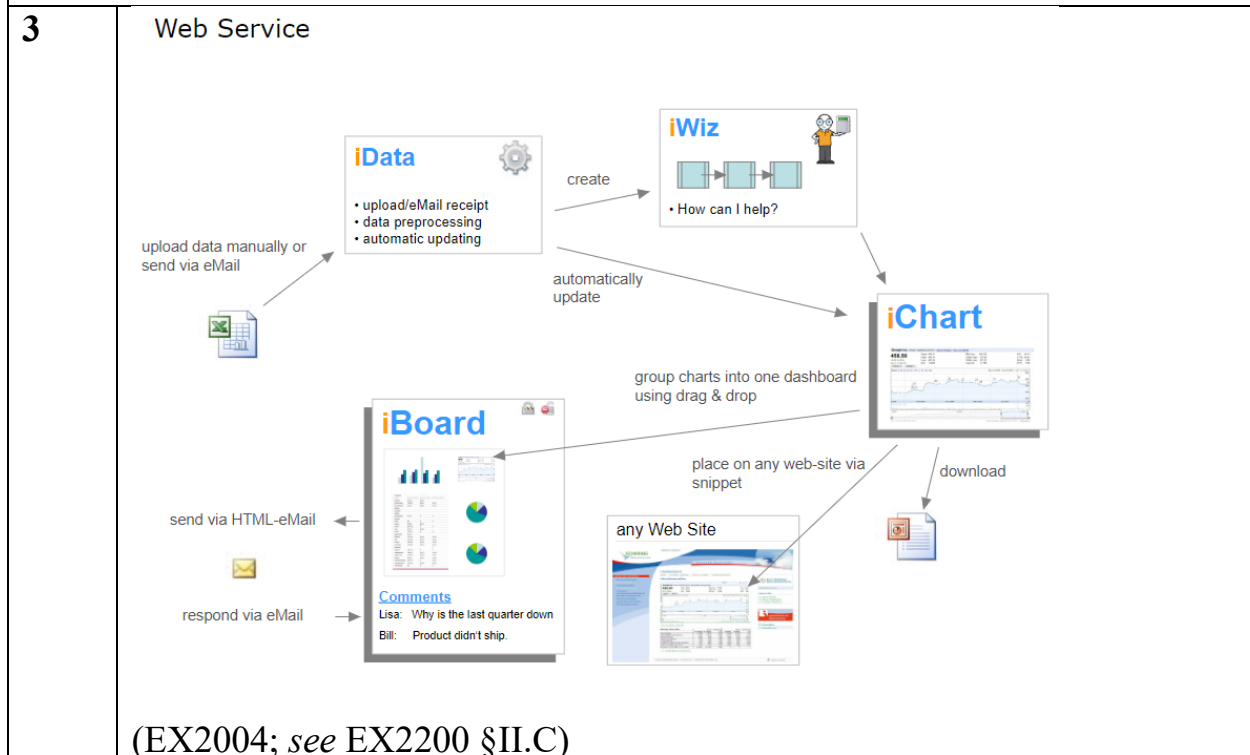
	▪ The user should be able to choose the type of chart from a chart gallery. More sophisticated charts might be drillable versions. ▪ The user should be able to group multiple charts into one context, aka "Dashboard" ▪ The self-service based offering would be divided into two types: 1. Standard Service: Push-type updating of charts – Users need to update their charts manually by uploading current data 2. Business Service: Pull-type updating of charts – A link to a local database is built from where data is pulled to automatically update the charts (EX2002; <i>see</i> EX2200 §II.A.4)
[1E]	 The diagram illustrates the workflow of iCharts Studio, a Software-as-a-Service platform. It begins with a box labeled "Data" (Excel, CSV) which is highlighted with a red border and an arrow pointing to the "iCharts Studio" logo. From the studio, three arrows point to different actions: "Publish Online" (highlighted in yellow), "Embed", and "Print Publish" (highlighted in yellow). These actions lead to further options: "Distribute via eMail", "Download to Powerpoint", "Store", and "Update". The iCharts logo is also present in the bottom right corner. © Copyright 2007-2008 iCharts Team

	(EX2009; <i>see</i> EX2200 §II.A.5)
[1F]	Embedding interactive Charts online and offline is easy The diagram illustrates the workflow for embedding interactive charts. It begins with the 'iCharts Studio Multi-Publishing Options' interface, which shows a line chart. From this interface, two paths are available: one to generate 'HTML Embed code (like YouTube video)' and another to create a 'Self-contained flash object (runs on any modern)'. The HTML code is shown as a snippet with an 'object ID' highlighted in orange. This code is then embedded into various online platforms like 'Portals, Homepages, Blogs, Online Articles'. The flash object, which is a 'Shockwave Flash Object' of 299 KB, is embedded into 'PDF Powerpoint' documents. The iCharts logo is also present in the bottom right corner of the diagram. (EX2015, “object ID” (highlighted) in embed link, generated by the iCharts studio; <i>see</i> EX2200 §II.A.5)
<u>Dependent Claim 2 (EX2200 §II.B)</u>	
2	



(EX2004; *see* EX2200 §II.B)

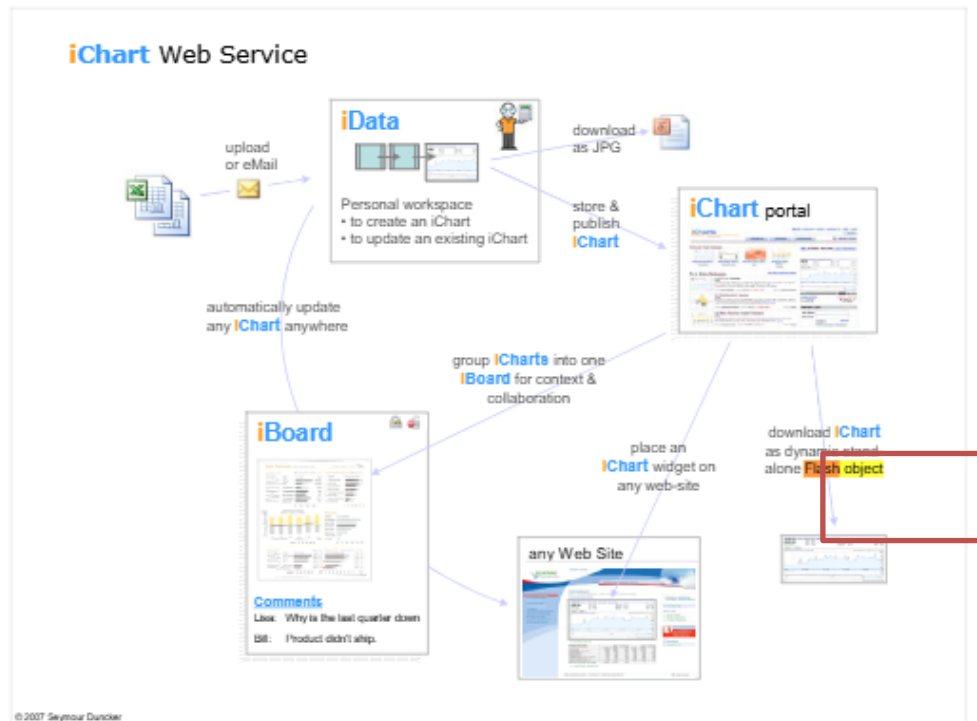
Dependent Claim 3 (EX2200 §II.C)



(EX2004; *see* EX2200 §II.C)

Dependent Claim 4 (EX2200 §II.D)

4



The iCharts service will provide additional value adding features:

- iCharts will be of superior visual quality, feature-rich and interactive (possible features include zoom in/out, mouse-over with additional info, voice-based explanation of the chart, overlay comparisons, download underlying data with charts as PDF, Excel etc.)
- The user can download the chart/table as JPG for use in e.g. Powerpoint
- The user can download the chart/table as a dynamic object for further use, e.g. place as a stand-alone object onto a web-site or a dynamic object that is used offline
- The user can publish his charts and tables in the iCharts portal, a central location for people to access all kinds of statistics
- The user can set up an iBoard collaboration room to collaborate and interact with peers around newly released facts & figures
- An API will be available to utilize the iCharts service to e.g. serve as the analytics module of other on-demand services
- A rich gallery of presets that includes new types of charts (not offered out of the box by MS Excel) and – more importantly – offers predefined structural content (i.e. x and y-Axis already defined) to which the user can match his data

	(EX2018; <i>see</i> EX2200 §II.D)						
<u>Dependent Claim 5 (EX2200 §II.E)</u>							
5	It is believed that the key criteria for making the service appealing and therefore successful are: • a highly interactive and dynamic format for charts giving the user a hitherto unreached level of experience • an easy and fast way to <u>update</u> charts anywhere in the web by simply uploading or sending an email with new data to the service • a simple, fast, easy-to-use, intuitive and fun <u>user-interface</u> leaving out the "whistles and bells" (EX2013; <i>see</i> EX2200 §II.E)						
<u>Dependent Claim 6 (EX2200 §II.F)</u>							
6	Req.9.0 Upload and contribute Any user should be enabled to apply for in contributing to the charts collection. <table><tr><th>Req. No.</th><th>Requirements</th></tr><tr><td>Req.9.1</td><td>Users should be able to upload data and charts after creating them in the studio. Once they are accepted they can then start uploading charts, and earn royalties when their charts are downloaded.</td></tr><tr><td>Req.9.2</td><td>User should be able to copy chart into personal account, make changes to the chart and publish as a different version to the portal while maintaining link to the original version of the chart.</td></tr></table> (EX2020; <i>see</i> EX2200 §II.F)	Req. No.	Requirements	Req.9.1	Users should be able to upload data and charts after creating them in the studio. Once they are accepted they can then start uploading charts, and earn royalties when their charts are downloaded.	Req.9.2	User should be able to copy chart into personal account , make changes to the chart and publish as a different version to the portal while maintaining link to the original version of the chart.
Req. No.	Requirements						
Req.9.1	Users should be able to upload data and charts after creating them in the studio. Once they are accepted they can then start uploading charts, and earn royalties when their charts are downloaded.						
Req.9.2	User should be able to copy chart into personal account , make changes to the chart and publish as a different version to the portal while maintaining link to the original version of the chart.						
<u>Dependent Claim 7 (EX2200 §II.G)</u>							

7

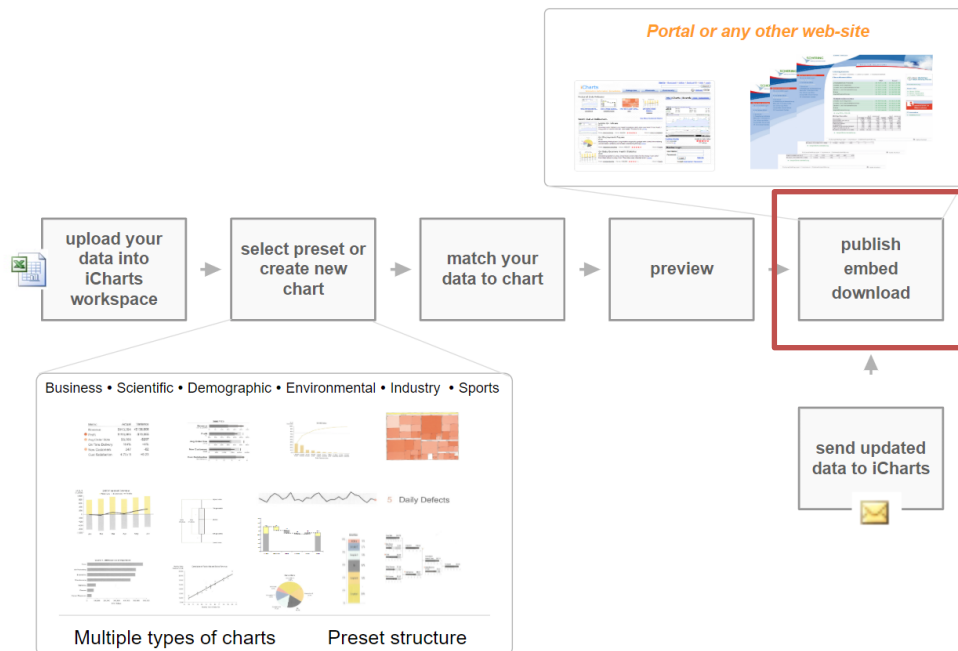


(EX2023; see EX2200 §II.G)

Dependent Claim 8 (EX2200 §II.H)

8

iCharts: easy to create, easy to embed, easy to update

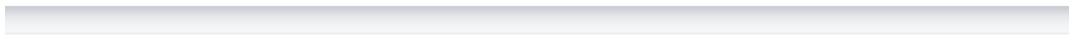


(EX2023; see EX2200 §II.H)

Dependent Claim 9 (EX2200 §II.I)**9**

Chart Creation Capabilities

- Chart Preconfigurations/Presets would show best practices charts for the type of data provided
- A question-based wizard helps you select the right chart based on what's important for you to communicate (No AI, just a couple of important questions)
- Excel-Pivot type functionality for creating a chart via drag & drop from underlying data fields (for cases where presets and wizard don't work + for power users)



- Colour Scheme Presets (customizable) to select one uniform look & feel for all charts

Chart Interactivity Options

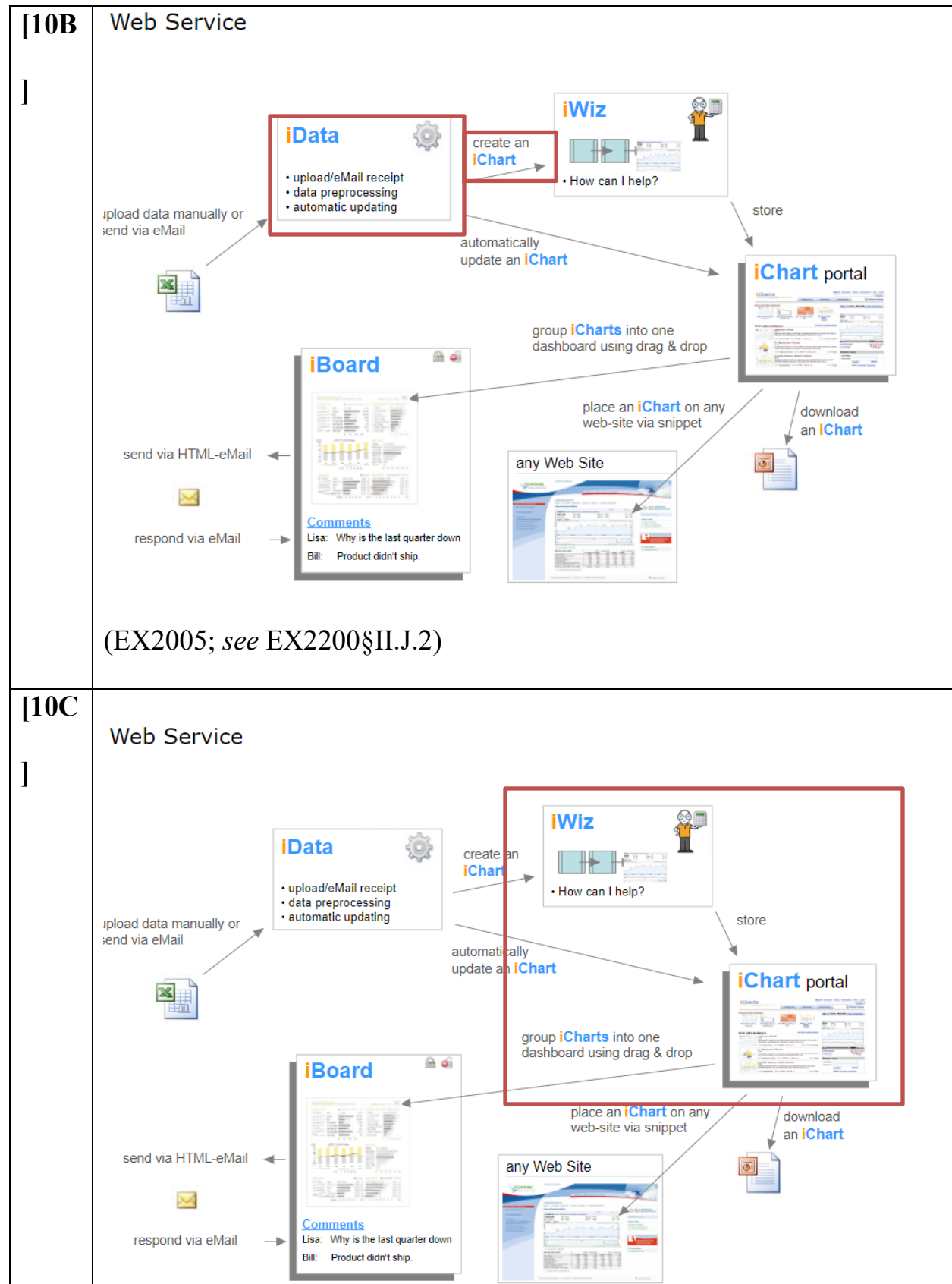
- Detail data point or even nested chart that appears with mouseover
- In a 2-dimensional chart with 3 variables, the 3rd variable becomes like a filter that can be dynamically set
- Dynamically scaling data resolution
- For power-users, Pivot-like functionality where additional fields can be included and dimensions can be swapped (?)

(EX2026; *see* EX2200 §II.I)**Independent Claim 10 (EX2200 §II.J)****[10P****]**

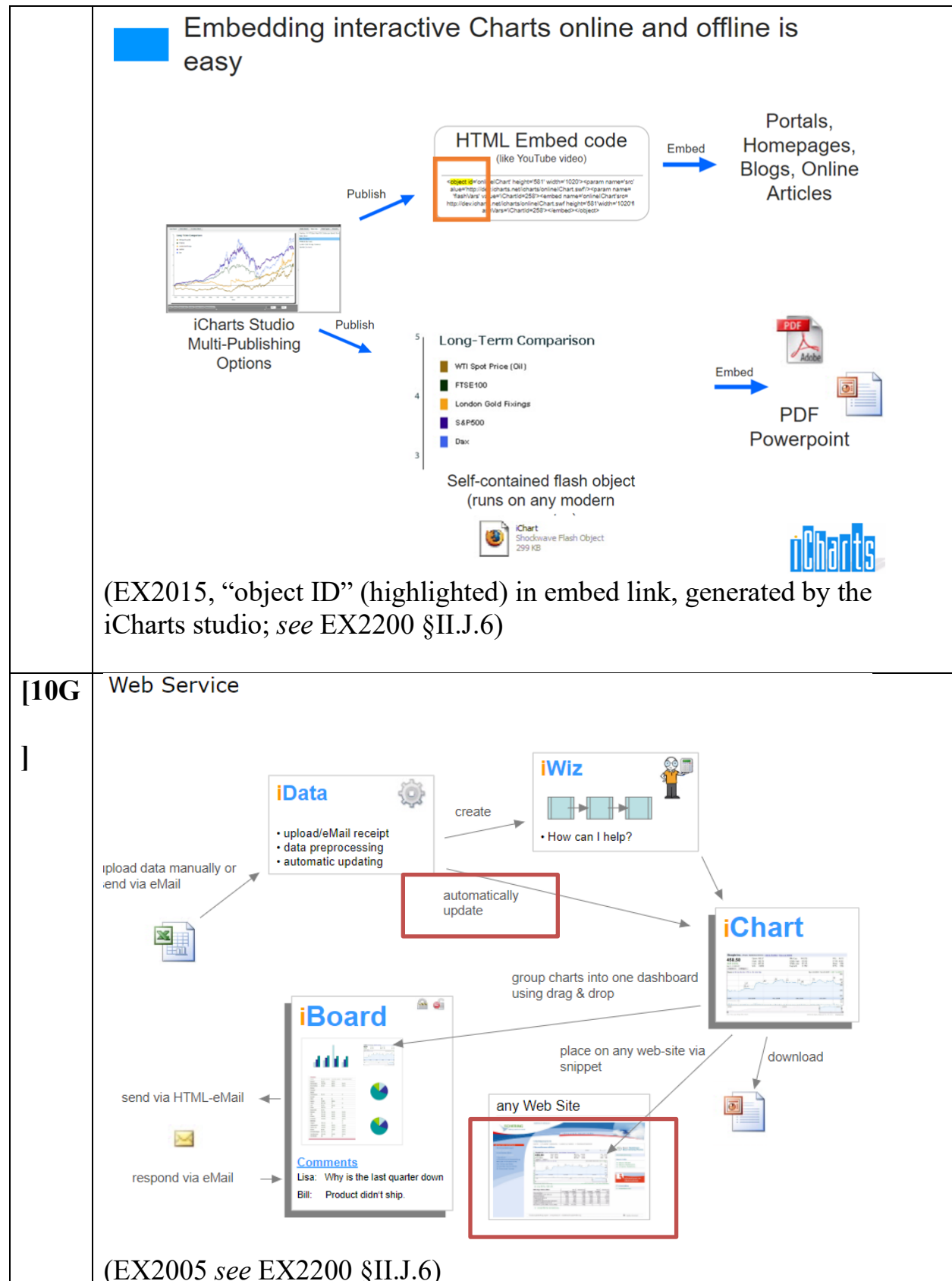
▪ It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

(EX2002, dated January 10, 2007);

	share etc.). In addition quality of graph is not web-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a web-based setting. The service should provide a way to easily generate high-quality, professional looking web-based charts that can easily be updated. (EX2002, dated January 10, 2007); <i>see</i> EX2200 §II.J.1
[10A] I	Web Service (EX2005; <i>see</i> EX2200 §II.J.2)

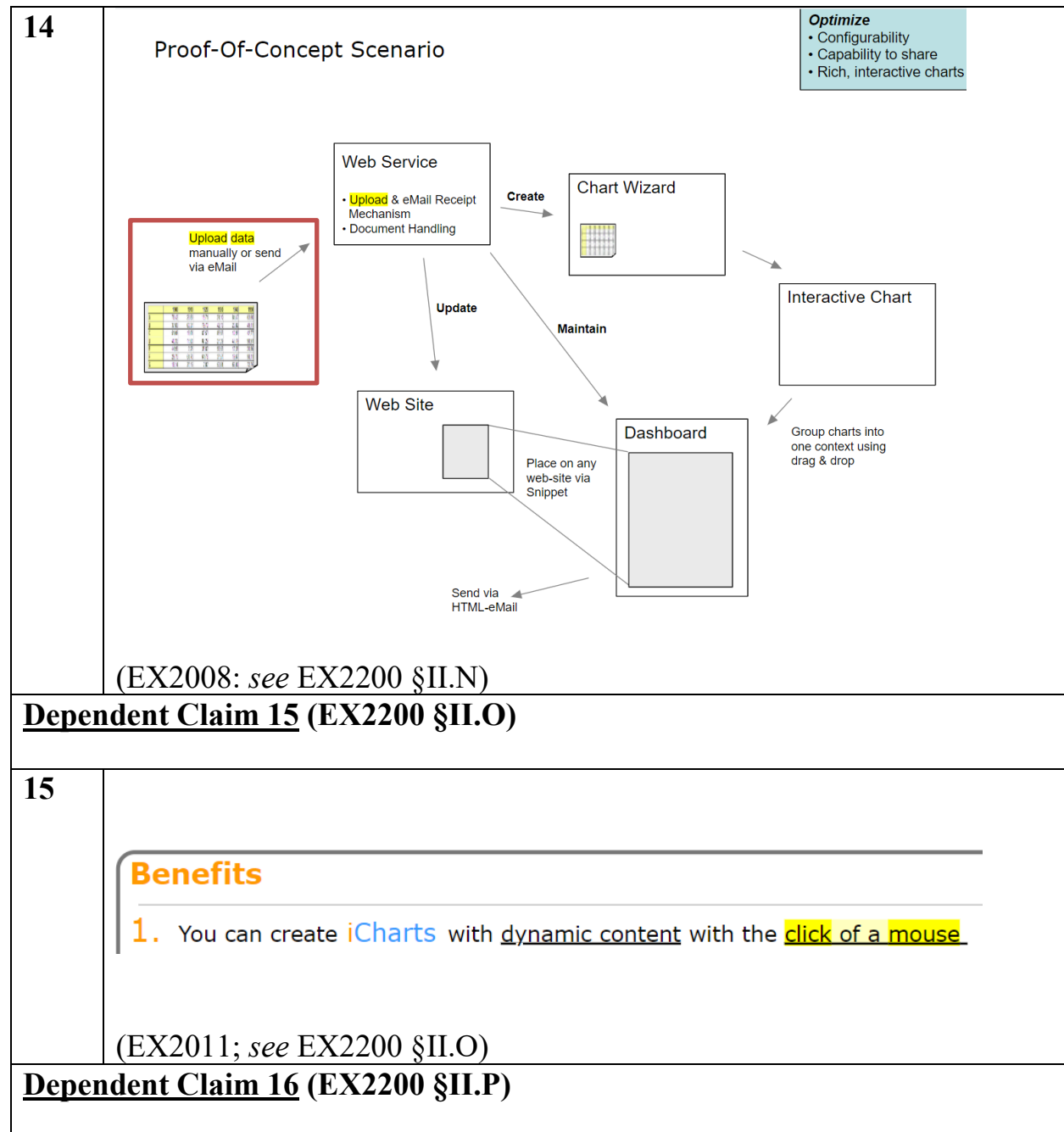


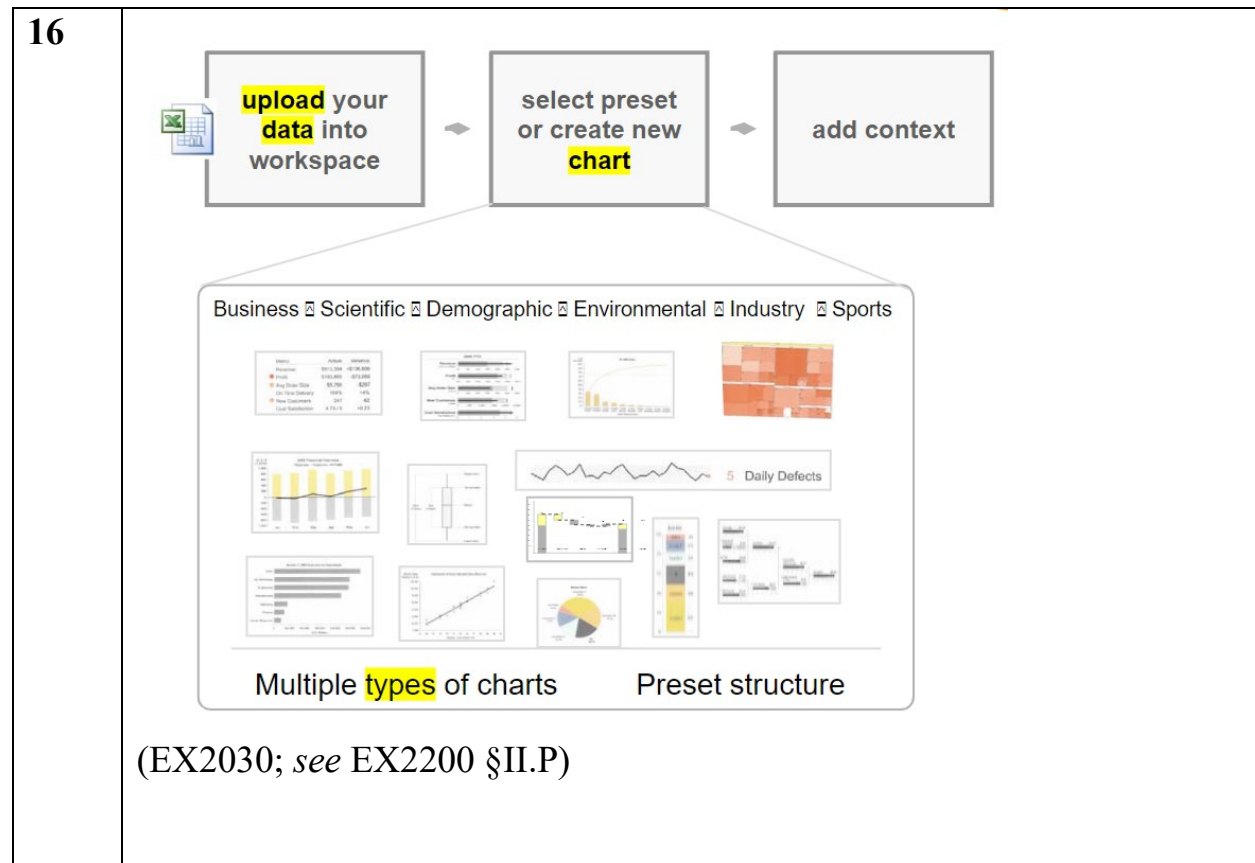
	(EX20505; <i>see</i> EX2200 §II.J.2)
[10D] 1	Excel-Pivot type functionality for creating a chart via drag & drop from underlying data (for cases where presets and wizard don't work + for power users) (EX2026, metadated March 15, 2007); <i>see</i> EX2200 §II.J.4)
[10E] 1	Web Service (EX2005; <i>see</i> EX2200 §II.J.5)
[10F] 1	It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet. (EX2002);



	<u>Dependent Claim 11 (EX2200 §II.K)</u>
11	Chart Creation Capabilities • Chart Preconfigurations/Presets would show best practices charts for the type of data provided • A question-based wizard helps you select the right chart based on what's important for you to communicate (No AI, just a couple of important questions) • Excel-Pivot type functionality for creating a chart via drag & drop from underlying data fields (for cases where presets and wizard don't work + for power users) • Colour Scheme Presets (customizable) to select one uniform look & feel for all charts Chart Interactivity Options • Detail data point or even nested chart that appears with mouseover • In a 2-dimensional chart with 3 variables, the 3rd variable becomes like a filter that can be dynamically set • Dynamically scaling data resolution • For power-users, Pivot-like functionality where additional fields can be included and dimensions can be swapped (?) (EX2026; see EX2200 §II.K)
	<u>Dependent Claim 12 (EX2200 §II.L)</u>
12	 Interactivity level I Pop-up or audio recording with 2nd level info Interactivity level II Zooming Comparisons Interactivity level III Download chart with underlying data (EX2023; see EX2200 §II.L)

<u>Dependent Claim 13 (EX2200 §II.M)</u>	
13	[thedunckers.jot.com] Ticket 60: Requirements: Springer (29012008) Sent: Sun 2/17/2008 8:42:57 AM (UTC-08:00) From: Bug Reporter To: seymour.duncker@icharts.net ID# 60: Requirements: Springer (29012008) Priority: asap Reporter: Seymour Severity: feature_request Assigned To: Tyron Product: iCharts Studio Status: assigned Resolution: open Description: These requirements originate from discussions with Springer Autohaus meeting on Jan 29, 2008 1. Manual Entry of Data (Springer) Often charts are made of very few data points only. Having to set up separate Excel sheets is a step too much, if one wants to be able to set up a chart very fast. Hence a direct, simple data entry capability should exist for manually entering data into an online table should be possible. (EX2028; <i>see</i> EX2200 §II.M)
<u>Dependent Claim 14 (EX2200 §II.N)</u>	





(2) Reasonable Diligence for Reduction to Practice

In establishing reasonable diligence, “[a] patent owner need not prove the inventor continuously exercised reasonable diligence throughout the critical period; it must show there was reasonably continuous diligence. Under this standard, an inventor is not required to work on reducing his invention to practice every day during the critical period. And periods of inactivity within the critical period do not automatically vanquish a patent owner’s claim of reasonable diligence.” *Perfect Surgical Techniques, Inc. v. Olympus Am., Inc.*, 841 F.3d 1004, 1009, 1010 (Fed. Cir. 2016) (cleaned up).

The evidence here supports the inventors' diligence.

From June 4, 2008, through September 5, 2008, the inventors continued to working with Compassites to reduce the invention to practice through the development of a prototype. The evidence is summarized below and further detailed in Inventor Seymour's declaration. EX2200 ¶¶16-37; EX2031-2172.

Dates	Evidence
June 5-11	Creation of user interface. EX2031-2037; EX2200 ¶17
June 6-25	Creation of private and public Beta versions of iCharts. EX2038-2054; EX2200 ¶18
June 27-30	Implementation of iCharts prototype EX2055-2056; EX2200 ¶19
July 1-13	Implementation of specific features, e.g., data glide and zoom features, interactivity menus. EX2057-2067; EX2200 ¶20

	Testing a “Private – Beta” prototype EX2068; EX2200 ¶21
July 2	Provisional Application filed EX1013 pp.0045-0073; EX2200 ¶20
July 14-16	Consolidation of bug collection/feedback for continued implementation EX2069-2072; EX2200 ¶22
July 22-25	Tackling tasks from consolidated ticketing system EX2073-2083; EX2200 ¶23
July 25-29	Continued improvement of prototype EX2084-2088; EX2200 ¶24

August 1-5	Continued development for TechCrunch deadline EX2089-2106; EX2200 ¶25
August 6	Communications with attorney to draft patent application and share demo beta portal EX2109; EX2200 ¶26
August 14	Continued development of code in preparation for launch EX2110; EX2200 ¶27
August 16-31	Continue to improve private beta version of the application EX2113-2138; EX2200 ¶29
September 1-8	Last minute bugs and optimization of user experience

	EX2140-2167; EX2200 ¶¶30-32
September 2-4	Correspondence with attorney regarding utility application EX2169-2171; EX2200 ¶33
September 5	Filed utility application; EX1002 pp.0001-0093

In sum, this evidence establishes conception followed by diligent reduction to practice for the entire relevant period.

Because Patent Owner has shown conception followed by diligent reduction to practice, to the Challenged Claims have a priority date of June 4, 2008.

2. The Disclosure of QlikView Manuals Does Not Render Obvious Claim 1

The QlikView Manuals teach away from the invention of the '892 Patent. EX2201 ¶40. QlikView Manuals do not disclose (1) a sharing module, (2) a self-contained and independent electronic document, or (3) a self-contained and independent interactive chart. EX2201 ¶41. For the '892 patent, the claimed “sharing module” is configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document. EX2201 ¶42.

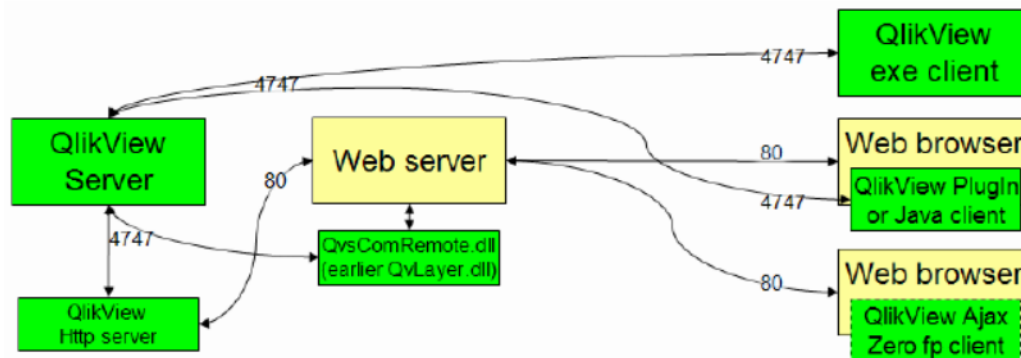
QlikView Manuals disclose a server-client system for data analysis with the QlikView Server as the centerpiece of this technology. EX1009 p.0009. The QlikView Server provides a centrally managed QlikView document community that connects multiple users, client types, documents, and objects within a secure and safe environment. *Id.* p.0009; EX2201 ¶43.

A QlikView document is designated as a .qvw file. EX1009 p.0123. A QlikView client is required for the display and usage for a QlikView document, which is a .qvw file. *Id.* The QlikView server is responsible for opening, hosting, and calculating the documents. *Id.* A client is required for user interaction and presenting the document and its objects. *Id.*; EX2201 ¶44.

A user of the QlikView Developer client can create charts and tables on the QlikView Server. EX1008 pp.0016, 0073, 0880; EX2201 ¶¶ 45-46.

The QlikView Analyzer client is the low-end client that can be used to access QlikView documents on the QlikView Server. EX1008 p.0016. The user may navigate the layout, make selections, and view results. *Id.* No modification of the layout is possible, however. *Id.* The QlikView Analyzer comes in the following versions: (1) an installed Windows client, (2) a plug-in to Internet Explorer, (3) a Java applet client, or (4) an AJAX Zero Footprint Client (ZFC). *Id.* The QlikView Object clients are the Java Objects client, the QlikX client, and the AJAX client. EX1009 p.0009; EX2201 ¶47.

The figure reproduced below from the QlikView Server Manual shows how the QlikView clients communicate with the QlikView server.



EX1009 p.0098; EX2201 ¶48.

The 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. EX1008 p.0808. This setting is necessary for the Java Objects and QlikX pages to work properly. *Id.* This specification of a QlikView target document URL on the QlikView Server provides evidence that the QlikView clients establish a connection to the QlikView server to interact with the QlikView documents. EX2201 ¶49.

The QlikView Manuals disclose in a “Performance Considerations” section that each open chart and table will require extra memory for each user connected. EX1009 at 0168. Significantly, QlikView Manuals disclose that **each open chart/table must be recalculated on the server after each change in the logical state.** EX1009 p.0168; EX2201 ¶50. A POSITA would have understood

that any change in the logical state by the user, including a change in data used to generate the chart or table, would require a corresponding recalculation on the server for each open chart or table.

Each QlikView document is not self-contained and independent given that each open chart/table in a QlikView document must be recalculated on the server after each change in the logical state. EX2201 ¶50. Thus, there is no sharing module in the QlikView system for enabling a user to publish or embed an interactive chart as a self-contained and independent electronic document because a QlikView .qvw file is not self-contained and independent. EX2201 ¶50. The QlikView electronic documents are rendered on the QlikView server, are stored on the QlikView server, can be interacted with via QlikView clients connected to the QlikView server, but those QlikView documents are never shared as self-contained and independent documents given that recalculation is done on the QlikView server after each change in the logical state. EX2201 ¶50. The QlikView server never relinquishes control of an electronic document, so no electronic document is self-contained and independent. EX2201 ¶50. Without a self-contained and independent electronic document, there can be no sharing module for sharing an independent and self-contained electronic document. EX2201 ¶50. The QlikView server is responsible for opening, hosting, and calculating the documents. EX1009 p.0123

The QlikView server-controlled system is instead analogous to the Google

online service described in the background of the '892 Patent. EX1001 1:28-44. EX2201 ¶51.

Petitioner has not met its burden of proof of showing that the “self-contained and independent” limitation is disclosed by QlikView Manuals. EX2201 ¶52. With respect to the QlikView Java Objects client, Petitioner points to QlikView VinGuiden example at EX1009 p.0133 (Pet. 69), but that example shows a table, not a chart. EX2201 ¶51.

Petitioner points to a discussion of “Java basics” at EX1009 p.0199 as showing that Java programs are self-contained applications and that the Java Runtime Environment (JRE) is a plug-in to an internet browser which creates a sandbox for running applets written in Java inside the browser. Pet. pp.67-68. But QlikView Manuals do not disclose sufficient details of how the QlikView Analyzer Java Client or the QlikView Analyzer Java Objects Client operate for Petitioner to meet its burden of proof. EX2201 ¶52. Petitioner is merely impermissibly speculating that the use of Java results in a chart that is self-contained and independent. EX2201 ¶. *See In Re Magnum Oil Tools International, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016) (“To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness”).

Given that a QlikView document must be recalculated on the server after each change in the logical state of operation—which a POSITA would have understood to include a change of data used to generate the document—the most likely scenario would have been the following, which is the opposite of what Petitioner argues. EX2201 ¶52. A Java applet (i.e., embedded container) was able to only show a table, not a chart. *Id.* The data for the table resided in a document stored on the QlikView server. *Id.* A user clicking on a filter box on the front end sent a signal to the backend to recalculate the tabular data and update the document on the QlikView server. *Id.* The front-end window would have to be refreshed to pull that fresh document. *Id.* That Java applet would have been embedded on a webpage and that webpage would have been hosted on the QlikView server. *Id.* The user would access that webpage from a browser that pulled the applet into the local browser. *Id.*

The fact that QlikView Manuals disclose “the possibility to change certain field values without running the script” (EX1008 p.0023) does not disclose the “self-contained and independent” limitation. EX2201 ¶53. It is telling that Petitioner has not articulated specific reasoning regarding this statement. *Id.* The ability to change field values only applies to input fields, and only list boxes and table columns which contain input fields are editable. EX1008 p.0225; EX2201 ¶53. Thus, QlikView Manuals do not disclose this ability with respect to charts. *Id.* In addition, the entire QlikView document will automatically recalculate whenever new values are entered.

EX1008 p.0025; EX2201 ¶53 .As noted above, QlikView Manuals disclose that each open chart/table must be recalculated on the server after each change in the logical state. EX1009 p.0168. EX2201 ¶53. Thus, the reference to changing field values does not show that QlikView documents are shared as self-contained and independent documents. EX2201 ¶53.

Petitioner has also not met its burden of proof of showing that the “self-contained and independent” limitation with respect to the QlikView Analyzer AJAX Zero Footprint Client (ZFC). EX2201 ¶54. Petitioner cites the Financial Status screenshot at EX1009 p.0155 as an AJAX client with the toolbar option. Pet. 66. But QlikView Manuals do not disclose that a toolbar option makes that screenshot an interactive chart, nor does Petitioner provide an explanation. EX2201 ¶54.

QlikView Manuals disclose that the AJAX ZFC client has an inherent asynchronous update capability that provides quick, incremental updates to the user interface, without requiring a browser page refresh. EX1009 pp.0155-0156. The QlikView Server Reference Manual states that the “QlikView AJAX ZFC provides the environment for the QlikView Server to produce and send Dynamic HTML (DHTML) pages and XML data to the browser running on the client computer **and also receive feedback from the user clicking in those pages.**” EX1009 p.0156. (emphasis added). Thus, the user on the client computer is providing feedback to the server and not interacting with a self-contained and independent document. EX2201

¶55. This is consistent with the fact that QlikView Manuals disclose that a QlikView document must be recalculated on the server after each change in the logical state of operation. *Id.* p.0168.

Thus, QlikView Manuals disclose details counter to Petitioner's position regarding the QlikView AJAX client and provide no support for Petitioner to meet its burden of proof. EX2201 ¶56. Petitioner is merely impermissibly speculating that the use of the QlikView AJAX client results in a chart that is self-contained and independent. *Id.*

Petitioner's and the Board's reliance on the Web Selector Tool (EX1003 ¶¶355-359; EX1024-1027) for support is misguided. EX2201 ¶57. The Petitioner alleges that QlikView Manuals were available to the public by at least July 8, 2008. Pet. p.7. QlikView Server Reference Manual is for Version 8.5 of QlikView for Microsoft Windows. EX1009 p.0001. The Web Selector Tool evidence is, however, dated January 7-8, 2007, (EX1003 ¶8; EX1024-1027), and neither Petitioner nor the Board has provided evidence of any connection between the Web Selector Tool and the disclosure of the Version 8.5 of the later-dated QlikView Manuals. EX2201 ¶57. Thus, the Web Selector Tool is not entitled to any weight. Moreover, Patent Owner has filed evidentiary objections to exhibits EX1024-1027 (Paper No. 10 filed May 29, 2025) and intends to move to exclude them.

In any event, the Web Selector Tool is comprised of pull-down menus and is

not a chart. See EX1024-1027. EX2201 ¶58. In addition, the fact that an end user could interact with the Web Selector Tool does not prove the existence of a self-contained and independent chart. EX2201 ¶58. The screen shots numbered as Exhibits 1025 and 1026 each say “Powered by QlikView.” *Id.* It is likely that the updates provided by the user by clicking menus on the front end send a signal to the backend to recalculate the data and update the document on the QlikView server, and Petitioner has provided no evidence to the contrary. *Id.* Thus, the Web Selector Tool provides no proof for Petitioner regarding the “self-contained and independent” limitation regarding an interactive chart. *Id.*

Petitioner is wrong in pointing to an export to Excel as satisfying the limitation of an interactive chart. EX2001 ¶217. QlikView Manuals only disclose exporting data and tables—not interactive charts—to Excel. *Id.* Each of the bar, line, combo, grid, pie, funnel, block, and gauge charts has an Object Menu when the chart is active that allows the user to send values to a Microsoft Excel program. EX1008 pp.0890, 0892, 0948, 0950, 0960, 0961, 1002, 1003, 1014, 1015, 1024, 1025, 1034, 1035, 1046, 1047. What the user can export to Excel is the underlying data, which is a straight table equivalent to the chart. *Id.* pp.0892, 0950, 0961, 1003, 1015, 1025, 1035, 1047. Excel is automatically launched if it is not already running. *Id.* pp.0892, 0950, 0961, 1003, 1015, 1025, 1035, and 1047. The table of data will appear in a new Excel worksheet. *Id.* pp.0892, 0950, 0961, 1003, 1015, 1025, 1035, 1047. The

respective Object Menu for each of the radar and scatter charts does not have an export-of-data-to-Excel feature. *Id.* pp.0972-0974 and pp.0984-0986; EX2201 ¶59.

The pivot table and straight table each has an Object Menu when the respective table is active that allows the user to export the table to a Microsoft Excel program. EX1008 pp.1062, 1065, 1083, 1085. Excel is automatically launched if it is not already running. *Id.* pp.1065, 1085. The table will appear in a new Excel worksheet. *Id.*; EX2201 ¶60.

Thus, what QlikView Manuals disclose as being exported to Excel comprise data and tables. EX2001 ¶219. The data and tables are not charts, so this feature does not satisfy the claim limitation of an interactive chart. EX2201 ¶61.

3. QlikView Manuals Do Not Teach Claim 2, 4, 5, 7, 8, 9

Because Petitioner has failed to show that QlikView Manuals render claim 1 obvious, Petitioner necessarily fails to show that QlikView Manuals teach claim 2, 4, 5, 7, 8, 9 given that these claims depend on claim 1. *Supra*, §IV.G.1(a); EX2001 ¶220.

H. Ground 8: QlikView Manuals In View of Couckuyt Do Not Render Obvious Claims 3 and 10-16

1. A POSA Would Not Have Been Motivated to Combine QlikView Manuals with Couckuyt

Petitioner claims QlikView Manuals with Couckuyt are combinable because the “QlikView interface is not as intuitive as other design options” causing a POSA

to look for other options as is Couckuyt. Couckuyt is directed to the need in the art for a charting drag-and-drop user interface (DDUI) that can generate multiple charts at the same time and support the drag-and-drop method of adding fields. EX1006 1:66-67, 2:5-8. However, QlikView Manuals describe a straightforward way to use the Chart Wizard to add data fields to the Chart. EX1008, p.0894. In describing the Quick Chart Wizard, QlikView Manuals state that that the Quick Chart feature has been 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. EX1008 0216. Thus, a POSA would not have been motivated to redesign QlikView's Chart Wizard to accomplish something it already does in a quick and easy way. EX2001 ¶¶221-225. *See Virtek Vision*, 97 F.4th at 88.

2. QlikView Manuals in View of Couckuyt Do Not Teach Claim 3

Petitioner admits QlikView Manuals do not expressly disclose the additional claim limitation of dragging and dropping of claim 3, and instead relies on Couckuyt. Petition pp.80-81; EX1001, cl. 3. Because Petitioner has failed to show that QlikView Manuals renders claim 1 obvious, as set forth above, and Couckuyt does not make up for the deficiencies of QlikView Manuals with respect to claim 1, Petitioner necessarily fails to show that a combination of QlikView Manuals and

Couckuyt teaches claim 3 given that claim 3 depends on claim 1. EX2001 ¶¶226-228.

3. QlikView Manuals In View of Couckuyt Do Not Render Independent Claim 10 Obvious

As stated above, a POSA would not have been motivated to combine QlikView Manuals with Couckuyt. *Supra*, §IV.H.1.

Even if QlikView Manuals were combined with Couckuyt, the combination would lack the following limitations of claim 10: “publishing or embedding the interactive chart as a self-contained and independent electronic document, 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 interactive features when published or embedded.” EX2001 ¶¶229-233; EX2201 ¶62.

For the reasons discussed above in connection with claim 1, each QlikView document is not self-contained and independent given that each open chart/table in a QlikView document must be recalculated on the server after each change in the logical state. Thus, there is no sharing module in the QlikView system for enabling a user to publish or embed an interactive chart as a self-contained and independent electronic document because a QlikView .qvw file is not self-contained and

independent. The QlikView documents are rendered on the QlikView server, are stored on the QlikView server, can be interacted with via QlikView clients connected to the QlikView server, but those QlikView documents are never shared as self-contained and independent documents given that recalculation is done on the QlikView server after each change in the logical state. EX2201 ¶63.

Petitioner is wrong in pointing to an export to Excel as satisfying this element. QlikView Manuals only disclose exporting data and tables—not interactive charts—to Excel. EX2001 ¶217; EX2201 ¶64.

4. QlikView Manuals in view of Couckuyt Do Not Teach Claim 11, 12, 13, 14, 15, 16

Because Petitioner has failed to show that QlikView Manuals in view of Couckuyt render claim 10 obvious, Petitioner necessarily fails to show that QlikView Manuals and Couckuyt teach claims 11, 12, 13, 14, 15, 16 given that claim 11 depends on claim 10. EX2001 ¶234.

I. Ground 9: QlikView Manuals In View of Couckuyt and Keys Do Not Render Obvious Claims 10-16

Keys does not disclose, teach, or suggest the limitation of claim 10, a “chart template module located on a remote server.” EX2001 ¶¶235-241.

Keys discloses a method and system of creating a high-quality presentation using the Internet. EX1034 [0011]:1-3. Keys discloses the generation and storage of many different blank presentations –i.e., templates that the user may choose from

for creating their own presentations. *Id.* [0011]:7-11. A database 114 located on a remote computer 104 comprises both template files 116 and user entered information 118, i.e., information that has been entered by users and that may be combined with template information to create a final presentation. *Id.* [0025]:1-12. Operations 532, 534, and 536 are the steps of Keys where the actual template record is populated using user-entered information. *Id.* [0068]:1-3. As the user enters information, the Active Servers Page (ASP) gets the information and sends it to the database. *Id.* [0028]:1-5, [0070]:1-2. Keys discloses that storing information to a database using ASP is a known process. *Id.* [0071]:14-15. Keys discloses that “the data is stored in such a way that it can be reconstructed to place the text, graphs, etc. in the proper portions of the presentation.” *Id.* [0071]:16-18.

Keys does not disclose a chart template module. EX2001 ¶241. Although Keys refers to “graphs,” as noted immediately above, nowhere in Keys does Keys refer to chart(s), chart templates, or a chart template module. *Id.* ¶241.

Therefore, Keys fails to cure the deficiencies of QlikView Manuals and Couckuyt with respect to claims 10-16. Therefore, Petitioner has failed to show that QlikView Manuals, Couckuyt, and Keys render claims 10-16 obvious.

J. Ground 10: QlikView Manuals In View of Moyer Do Not Render Obvious Claim 6

Moyer discloses systems and methods for presenting video content within a

web page. EX1010 [0004]:1-2. Moyer discloses that once a video presentation is communicated to a destination web page, the method 400 optionally enables display of the presentation on the destination web page at 410. *Id.* [0035]:1-4. A button 510 may be selected when a user desires to populate their blog site with a presentation associated with the video presented in the video presentation area 504. *Id.* [0037]:2-5.

Moyer does not disclose, teach, or suggest an interactive chart with interactive features. EX2001 ¶¶241-248. Nor does Moyer disclose, teach, or suggest interactive features that comprise a copy-to-my-account feature. *Id.* ¶246. Moreover, Moyer does not cure the deficiencies of QlikView Manuals. *Id.* ¶246.

A POSA would not have been motivated to combine QlikView Manuals with Moyer because those references are not directed to the same technical problem. *Id.* ¶247. Moyer is directed to the need to present information about a video in a blog. EX1010 [0003]:1-14. QlikView Manuals, however, disclose a server-client system for data analysis, with the QlikView server responsible for opening, hosting, and calculating the documents. EX1009 pp.0009, 0123.

In addition, QlikView Manuals and Moyer teach away from a combination. *Id.* ¶247. Moyer discloses a “Blog to My MSN Space” button that is presented on a web page that already has video presented in a video presentation area. EX1010 [0037]:1-9. In contrast, QlikView Manuals disclose a server-client system for data analysis.

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EX1009 p.0009.

V. CONCLUSION

For the foregoing reasons, the Patent Owner respectfully requests that the Board find each of the claims of the '892 patent not invalid under the alleged grounds.

Dated: August 6, 2025

Respectfully submitted,

/Lester J. Vincent/

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Lead Counsel for Patent Owner

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U.S. Patent No. 8,271,892

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this Preliminary Response complies with the type-volume limitation of 37 C.F.R. § 42.24(b). The word count application of the word processing program used to prepare this Preliminary Response indicates that the Preliminary Response contains 13,868 words.

Dated: August 6, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 6, 2025, a true and correct copy of the foregoing was served on Counsel for Petitioner via filing through the P-TACTS System, as well as by delivering a copy via electronic mail to the following:

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