

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TABLEAU SOFTWARE, LLC
Petitioner

v.

iCHARTS LLC
Patent Owner

Case IPR2024-01387
U.S. Patent No. 8,271,892

**DECLARATION OF CHRISTOPHER SCHMANDT IN SUPPORT OF
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Tableau EX1072
IPR2024-01387
U.S. Patent No. 8,271,892

TABLE OF CONTENTS

I.	Introduction.....	2
II.	Grounds 1-6 based on Becerra.....	4
A.	Becerra teaches the “publish[ing] or embed[ding]” limitations of independent claims 1 and 10.	4
B.	Becerra teaches the “render[ing]” limitations of independent claims 1 and 10.....	14
III.	Grounds 7-10 based on The QlikView Manuals	16
A.	iCharts’ conception evidence does not show the complete and operative invention.	16
B.	At the time of the ’892 patent, tables were considered a type of chart.	27
C.	QlikView files are “self-contained and independent.”.....	30
IV.	Conclusion	35

I. INTRODUCTION

I, Christopher Schmandt, declare as follows:

1. I have been retained on behalf of Salesforce, Inc. for the above-captioned *inter partes* review proceeding (IPR). I understand that this proceeding involves U.S. Patent No. 8,271,892 (EX1001, “the ’892 patent”), which is titled “Creation, Sharing and Embedding of Interactive Charts.” I am being compensated for my time in connection with this IPR at a rate of \$550 per hour. My compensation is not contingent on either my expert opinion or the outcome of this litigation. I have no other interest in this proceeding.

2. I previously submitted a Declaration (EX1003) in support of the Petition in this proceeding. My qualifications are provided in paragraphs 9-18 of my prior declaration, and my CV has been submitted as Exhibit 1004 in this proceeding. My understanding of relevant legal principles is set forth in paragraphs 19-33 of my prior Declaration.

3. Since my prior Declaration, I have reviewed and considered the following additional materials:

Paper	Description
7	Decision Granting Institution (“DI”)
12	Patent Owner’s Response (“POR”)

Exhibit	Description
1069	Definition of Chart, Merriam-Webster Dictionary
1070	Transcript of Dr. Jeffery Miller's Deposition (Oct. 9)
1071	Transcript of Mr. Seymour Duncker's Deposition (Oct. 10)
1074	Said Elfarssi, "Inserting a Flash movie into a PowerPoint presentation," the American Association of Orthodontists (2006)
1075	Microsoft Computer Dictionary, Fifth Edition, Microsoft Press (2002) (Excerpts)
2001	Declaration of Dr. Jeffrey Miller in Support of Patent Owner's Preliminary Response
2002	Email from Seymour Duncker
2007	iCharts PowerPoint
2014	Email from Seymour Duncker
2015	iCharts PowerPoint
2200	Declaration of Seymour Duncker in Support of Patent Owner's Response
2201	Declaration of Dr. Jeffrey Miller in Support of Patent Owner's Response

4. I have also considered all other materials cited herein. Exhibits 1069, 1074, and 1075 are true and accurate copies of what they purport to be, to the best of my knowledge, and an expert in the field would reasonably rely on them to formulate opinions such as those set forth in this Declaration.

5. I understand that Patent Owner iCharts LLC ("iCharts" or "Patent Owner") submitted Declarations from Dr. Jeffrey Miller and one of the inventors,

Mr. Seymour Duncker, to support the arguments in its Patent Owner Response. For purposes of this Declaration, I have been asked to address certain arguments made by iCharts in its Patent Owner Response, as well as related testimony from Dr. Miller and Mr. Duncker.

II. GROUNDS 1-6 BASED ON BECERRA

6. I understand that iCharts and Dr. Miller dispute that Becerra renders obvious certain elements of the '892 patent claims. I address certain allegations in the following sections.

A. Becerra teaches the “publish[ing] or embed[ding]” limitations of independent claims 1 and 10.

1. “[P]ublish[ing] ... the interactive chart as a self-contained and independent electronic document” includes exporting the interactive chart as a file for download.

7. I understand that iCharts and Dr. Miller argue that “exporting or saving a file is different from publishing or embedding a file.” POR, 33; EX2201, ¶21. I disagree that this operation is excluded from the claims.

8. Claims 1 and 10 each recite “***publish[ing] or embed[ding] the interactive chart as a self-contained and independent electronic document.***” EX1001, 18:43-45, 19:25-26 (emphasis added). I understand that Dr. Miller explained that the “*self-contained and independent electronic document*” “could be, for example, a Flash file.” EX1070, 27:1-28:8. I agree. This understanding is consistent with the ordinary meaning of “*electronic document.*” See, e.g., EX1075

(Microsoft Computer Dictionary), 171 (“[D]ocument” generally refers to “[a]ny self-contained piece of work created with an application program and, if saved on disk, given a unique filename by which it can be retrieved.”). The claims further support this understanding with the next limitation, which refers back to the “*self-contained and independent electronic document*” as “*the self-contained and independent interactive chart*,” which, in the ’892 patent, can be a “flash object.” EX1001, 2:64, 18:43-47, 19:25-20:2.

9. Importantly, claim 1 does not recite creating the “*self-contained and independent electronic document*” and subsequently publishing it—it more broadly recites “*publish[ing] ... as a self-contained and independent electronic document.*” EX1001, 18:43-45, 19:25-26 (emphasis added). Therefore, a POSA would have understood the claim’s plain language to include exporting the “*interactive chart as a self-contained and independent electronic document*,” e.g., a Flash file, for download.

10. The ’892 patent specification aligns with this understanding. The ’892 patent discloses that a “user can also share the chart 1700 by **publishing the chart**, as shown in FIG. 30, **by selecting the publish button 1616.**” EX1001, 14:41-43 (emphasis added). When the user selects the publish button, the “popup window 3000” of Figure 30 is displayed, as shown below. EX1001, 14:43-50.

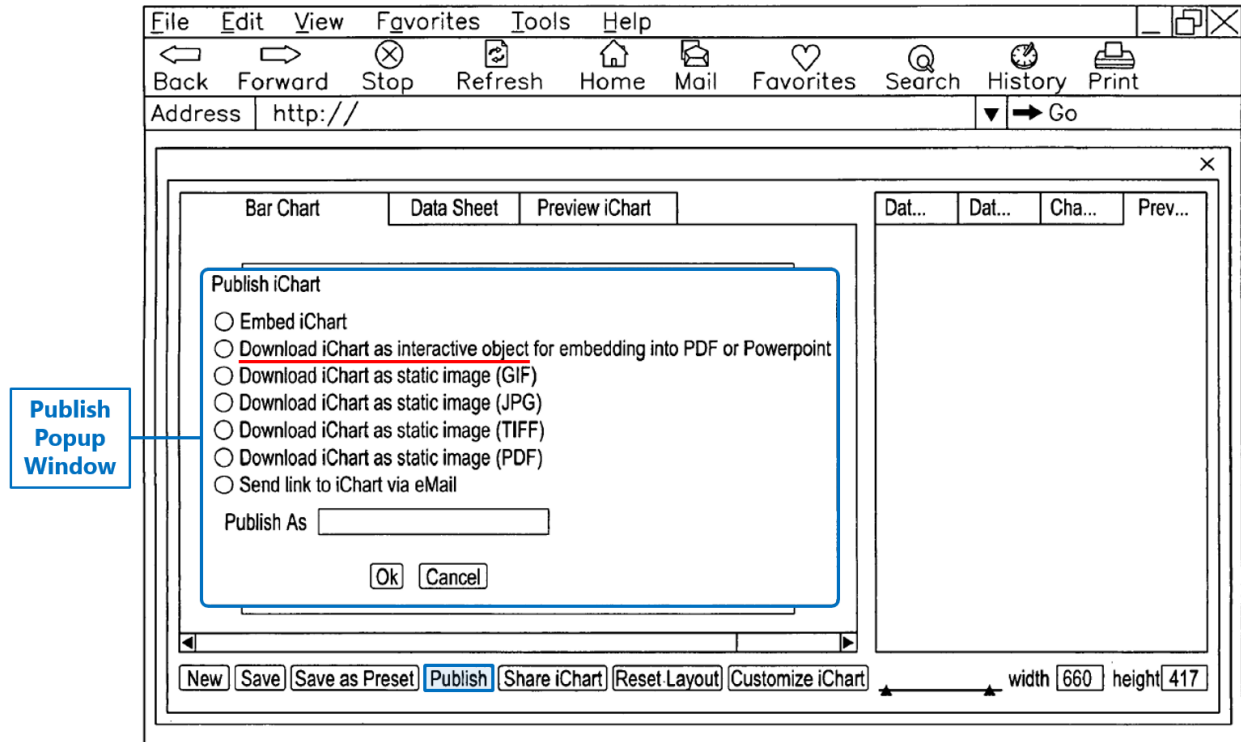


FIG. 30

EX1001, FIG. 30 (annotated).

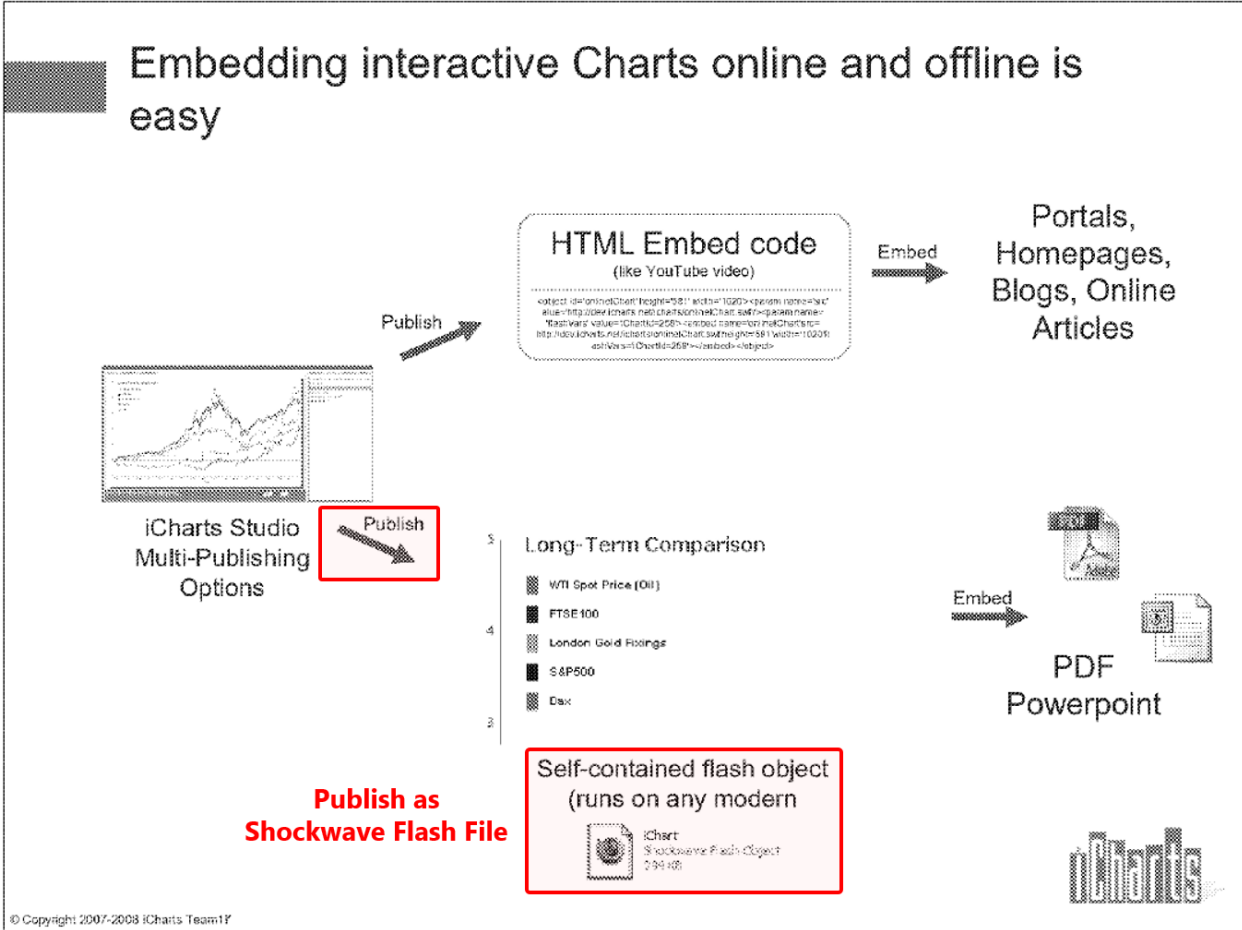
11. As illustrated in Figure 30 above, which I have annotated for clarity, the '892 patent's "Publish" options include "**Download iChart as interactive object**"—downloading a Flash object, for example—as well as other download options. EX1001, FIG. 30. As the patent explains:

The popup window 3000 includes the following options: embed ichart, **download ichart as interactive object** for embedding into pdf or PowerPoint, download ichart as static image (GIF), download ichart as static image (JPG), download ichart as static image (TIFF), download ichart as static image (PDF), send link to ichart via email.

EX1001, 14:45-50. A POSA would have, therefore, understood that one publishing option in the context of the '892 patent was to create a file for download, which could then be embedded "into pdf or PowerPoint," for example. EX1001, 14:45-50.

12. I also understand that the applicant argued during prosecution of the '892 patent that creating a file for download was an example of publishing within the scope of the claims. In particular, following an amendment to include the "*publish[ing]*" limitation, the applicant explained that "the specification provides that the interactive chart can be embedded or **published as 'an electronic document' (page 19, line 4) which can be downloaded as a 'self-contained' file.**" EX1002, 0355 (emphasis added).

13. I also understand that Mr. Duncker submitted exhibits that he alleges show conception of the invention claimed in the '892 patent. One of those exhibits illustrates creation of a Flash file as a form of publishing, reproduced below with my annotations for clarity.



EX2015, 17 (annotated).

14. According to the diagram above, one path to “Publish” a chart from “iCharts Studio” is to create a “[s]elf-contained flash object.” EX2015, 17. That Flash object could then be embedded into, for example, a “PDF” or “Powerpoint.” EX2015, 17. A POSA, therefore, would have interpreted this diagram as illustrating that creation of a “flash object” is one way to publish a chart.

15. Based on these documents—the ’892 patent claims, specification, prosecution history, and inventor-provided documents—it is my opinion that a POSA would have understood “*publish[ing] ... the interactive chart as a self-*

contained and independent electronic document,” as recited in claims 1 and 10, to include exporting the interactive chart as a file for download.

2. Becerra teaches the “publish[ing] or embed[ding]” limitations of claims 1 and 10.

16. Claim 1 recites “*a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document.*” EX1001, 18:43-45. Claim 10 similarly recites “[a] computer-implemented method comprising: ... *publishing or embedding the interactive chart as a self-contained and independent electronic document.*” EX1001, 19:13-26.

17. As I note in the previous section, “*publish[ing] ... the interactive chart as a self-contained and independent electronic document,*” as recited in claims 1 and 10, includes exporting the interactive chart as a file for download. Becerra does this by “**export[ing]**” the control panel, which Becerra explains “**may be saved as a separate file that is executable by a standalone program (e.g., Flash Player™).**” EX1005, ¶¶50, 52 (emphasis added); EX1003, ¶¶194-195. And the exported Flash file is “*self-contained and independent*” because it is “**exported such that it is no longer dependent in any way on either the tool that created it or the spreadsheet that was used in creating it.**” EX1003, ¶191 (emphasis added) (citing EX1005, ¶52). Therefore, it is my opinion that Becerra’s disclosed operation meets the “publish[ing] or embed[ding]” limitations of claims 1 and 10.

18. Nevertheless, even if exporting a file for download did not satisfy the claim language, it is my opinion that Becerra still renders obvious these limitations. In particular, claim 1 requires “*a sharing module **configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document.***” EX1001, 18:43-45 (emphasis added). That is, a POSA would have understood that the recited “*sharing module*” is not required to perform “*publish[ing] or embed[ding]*.” Rather, the *sharing module*” only needs to be “*configured to **enable a user to***” to perform one of those functions. EX1001, 18:43-45, (emphasis added). Claim 10 similarly requires a “*computer*” to perform the recited “*publishing or embedding,*” which could be initiated by a user. EX1001, 19:13-26.

19. I understand that Dr. Miller testified at deposition that, when discussing the '892 patent, “[i]f the user selected that second option of downloading iChart as interactive object for embedding into PDF or PowerPoint, that would enable them to embed that, that iChart as an interactive object into a PDF or a PowerPoint.” EX1070, 33:11-20, 35:6-10; *see also* EX1070, 34:9-17 (“I believe that a Flash object was able to be embedded into a PDF or a PowerPoint at the time of the patent.”). I agree. At the time of the '892 patent, programs like Microsoft PowerPoint already included functionality that enabled a user to embed a Flash file. As Elfarssi, which was written in 2006 (prior to the '892 patent),

explains, “Flash allows you to mix sound, animation, and graphics **into a single file that can be added to a PowerPoint presentation** for dynamic effect.”

EX1074, 285. Elfarssi, in fact, provides a detailed guide showing users how to embed Flash files into PowerPoint presentations with example screenshots, as shown below. EX1074, 286.

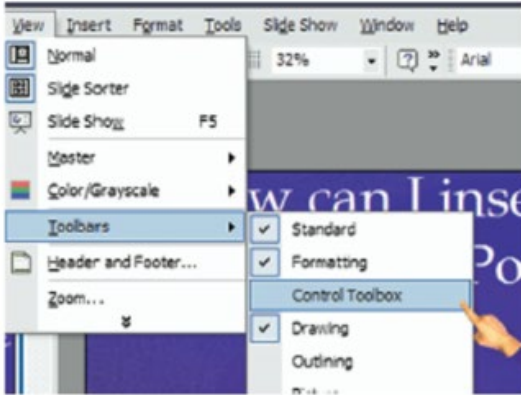


Fig 1. Screenshot showing first step.

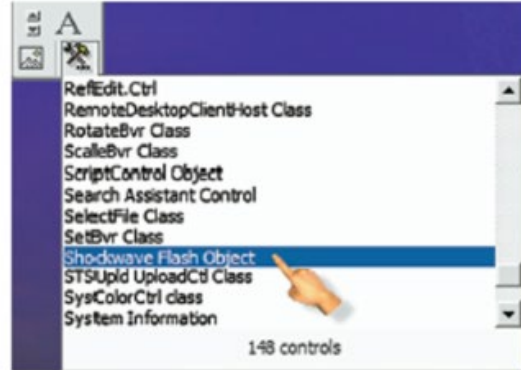


Fig 3. From drop-down menu, choose *Shockwave Flash Object*.

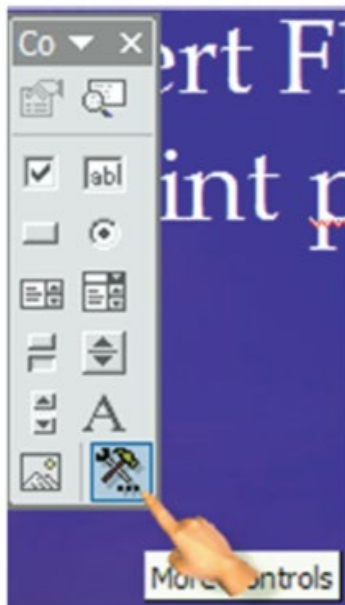


Fig 2. More controls represented by "hammer."



Fig 4. Draw rectangle on screen; do not worry about dimensions; you can enlarge movie as you like.

EX1074, 286 (FIGs. 1-4).



Fig 5. "... cell allows you to customize your Flash movie's insertion.

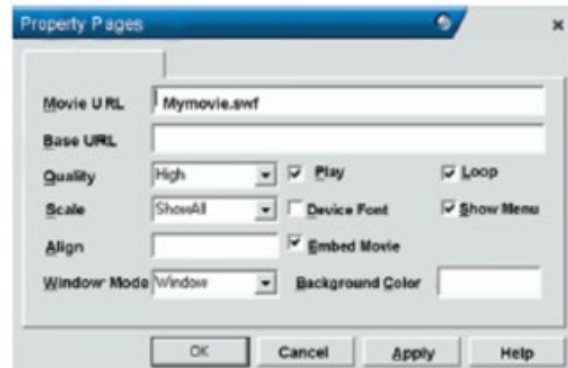


Fig 6. Property pages dialog box; try to check options as on snapshot for optimal embedding.

EX1074, 287 (FIGs. 5-6).

20. Therefore, exporting Becerra's control panel to a Flash file for download would "*enable a user to publish or embed the interactive chart as a self-contained and independent electronic document,*" as required by the claims.

21. Additionally, a POSA would have recognized the benefits of embedding Flash files into documents such as PowerPoint presentations after downloading them. As I noted above, Elfarssi explains that Flash allows users "to create dynamic presentations for the World Wide Web" and "can be added to a PowerPoint presentation for dynamic effect." EX1074, 285. As I explained in my original Declaration, Flash was a widely known technology in the timeframe of the '892 patent. EX1003, ¶¶95-99. A POSA would have been motivated to embed Flash files in a PowerPoint document to provide a more impactful presentation, allowing for more customized animation and interactive features. EX1074, 1.

22. For these reasons, it is my opinion that Becerra would have rendered obvious the “*publish[ing] or embed[d]ing*” limitations of claims 1 and 10, even under iCharts’ and Dr. Miller’s interpretation of those limitations.

B. Becerra teaches the “rerender[ing]” limitations of independent claims 1 and 10.

23. Claims 1 and 10 each recite “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.” EX1001, 18:46-52, 20:1-8.

24. I understand that iCharts and Dr. Miller argue that Becerra does not “re-render the control panel” in response to input because “the control panel is playing a different part of the movie based on the Actionscript code, not rerendering a chart.” POR, 34; EX2001, ¶139. While I don’t completely understand this argument, I disagree that Becerra does not perform the “rerender[ing]” recited in claims 1 and 10.

25. As I explained in my first declaration, Becerra discloses an example published control panel in Figure 5 where “various graphic input and output components are provided by the control panel.” EX1005, ¶52; EX1003, ¶201. As Becerra explains, “**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,” and “[i]n this way, a user is provided with a dynamic, creative and visually stimulating representation of input and output data and their relational behavior.” EX1005, ¶52 (emphasis added); *see also* EX1005, ¶42 (“[T]he resulting control panel prototype will allow the user to visually observe how altering the values of input cells A1 and B1 (by manipulating the sliders) will affect the values in cells A2, B2, A3 and B3, as dynamically illustrated by the bar chart component 204.”). Therefore, Becerra discloses that “output components,” such as the charts illustrated in Becerra’s Figure 5, will “dynamically change” in response to user input. EX1005, ¶¶42, 52.

26. By changing the chart graphic in response to user input, Becerra teaches “*rerender[ing] the chart*” on screen. This understanding is consistent with the ordinary meaning of “render,” which means “[t]o produce a graphic image from a data file on an output device such as a video display or printer.” EX1075 (Microsoft Computer Dictionary), 449. In other words, “*rerender[ing]*” is accomplished by displaying a different graphic on screen. When Becerra’s “output components” (e.g., charts illustrated in Figure 5) change, the chart is re-rendered in line with the language of claims 1 and 10.

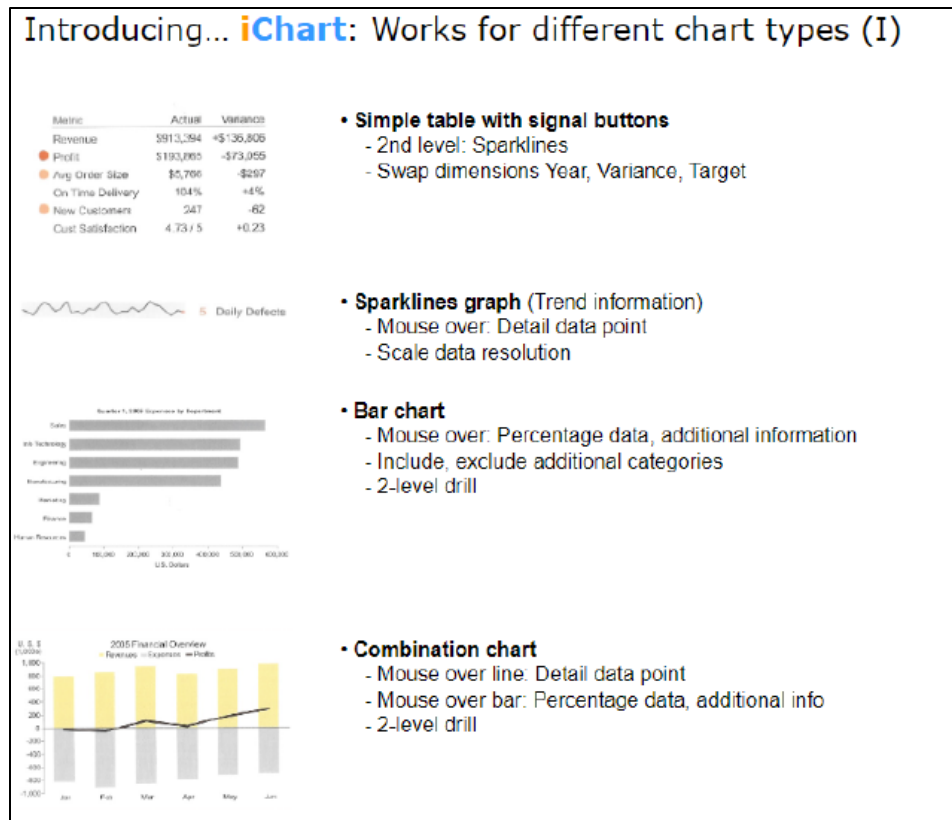
III. GROUNDS 7-10 BASED ON THE QLIKVIEW MANUALS

A. iCharts' conception evidence does not show the complete and operative invention.

27. I understand that to prove an earlier date of invention, it is iCharts' burden to show evidence that the inventors had a permanent idea of the complete and operative invention. According to iCharts, "the evidence establishes a conception date as early as June 4, 2008." POR, 56. I have reviewed the evidence iCharts and Mr. Duncker cite for conception. POR, 56-74; EX2200, ¶¶14-15. I disagree that the evidence shows that the inventors had a permanent idea of the complete and operative invention claimed in the '892 patent.

1. [1B]: "a chart template module configured to store chart templates"

28. As one example, element [1B] recites "*a chart template module configured to store chart templates.*" For this element, iCharts cites one excerpt, shown below.



POR, 58 (citing EX2007, 6).

29. This excerpt states “iChart: Works for different chart types.” EX2007, 6. I disagree that working for different chart types shows possession of “*a chart template module configured to store chart templates.*” As the following excerpts from the ’892 patent show, the concept of a chart type alone is different than a chart template.

Although the interactive chart 300 shown in FIGS. 3-7 is a line graph, it will be appreciated that the interactive chart 300 may be other chart types. Exemplary chart types include column, bar, combination, bubble, stacked, line, area, pie, doughnut, scatter, candlestick,

waterfall, logarithmic, spline, radar, kagi, spark, gantt, funnel, pyramid, gauge, and the like.

EX1001, 10:17-22.

When a user clicks on the charting pane 1400, several chart types 1500 are displayed in the chart type tab 1424 of the data pane 1404, as shown in FIG. 15. Exemplary chart types 1500 include column charts, bar charts, line graphs and pie charts, as shown in FIG. 15. Other exemplary chart types 1500 not shown in FIG. 15 include, for example, combination, bubble, stacked, area, doughnut, scatter, candlestick, waterfall, logarithmic, spline, radar, kagi, spark, gantt, funnel, pyramid, gauge, and the like.

EX1001, 12:57-65.

In one embodiment, users can store the chart 1700 as a chart template by selecting the save as preset button 1612. Chart templates allow the users to create interactive charts in the future that have the same look and feel as the generated chart 1700.

EX1001, 13:57-61.

FIGS. 40A-C illustrate a chart template feature 4000 for automatically modifying a chart by selecting a preset chart template. For example, FIG. 40A illustrates a chart 4004 that has a first look and feel. As shown in FIG. 40B, a user can select the preset tab 4008 which includes several selectable preset chart templates 4012. 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. The preset chart templates 4012 store formatting settings, such as colors, chart size, fonts, line thickness, etc., as a set. A preset can be created by saving any chart as a preset.

EX1001, 16:20-31.

30. The figures in the '892 patent also differentiate between a “preset chart template” in the presets tab, EX1001, 16:20-25, and a chart type in the chart type tab.

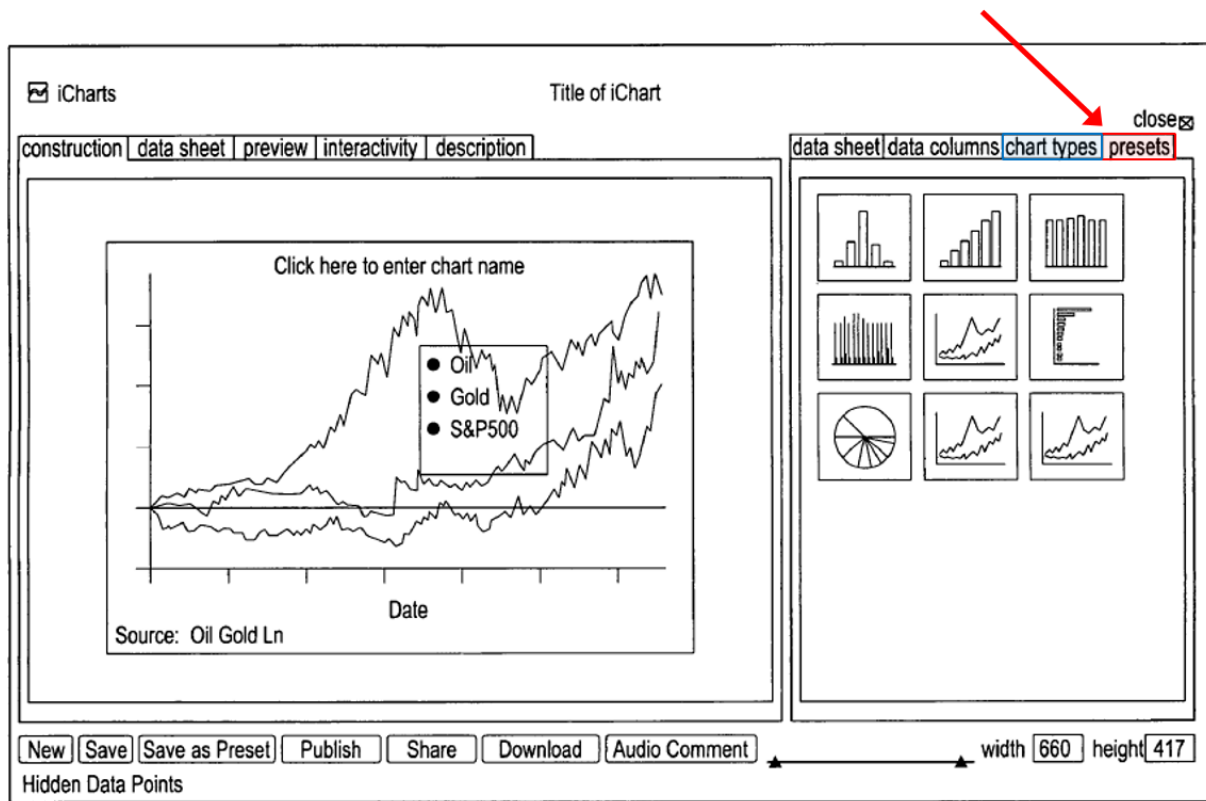


FIG. 40B

EX1001, FIG. 40B (annotated); *see also* EX1001, FIG. 15 (showing chart types).

31. Although I agree with Dr. Miller and Mr. Duncker that chart type can be included in a chart template, EX1070, 23:22-24:20; EX1071, 18:5-7, 24:24-

25:2, I disagree that a chart type is itself a chart template. As Mr. Duncker explained as to his understanding today, a chart template is more than the concept of a chart type alone.

Q According to your current understanding of the chart template, is a chart type alone a chart template?

A I think it requires presets as well. The ability to, otherwise it's chart types, I select the chart type -- I select the chart type... and if I'm able to customize those chart types, then for the -- then I can store this as a template that I would consider today as a template.

Q Okay. So according to your understanding, a -- to be a chart template, a chart type would have to also include presets?

A That's my evolved perspective today.

EX1071, 25:11-21.

32. From my review of how the '892 patent describes chart types and chart templates differently, and includes them in different tabs of the user interface, it is my opinion that chart types and chart templates were also understood to be different concepts at the time of the '892 patent, even though a chart type can be part of a chart template.

33. The other excerpts Mr. Duncker cites for element [1B] also do not show "*a chart template module configured to store chart templates.*" These excerpts also refer to only chart types. Selecting finished charts, as shown in the

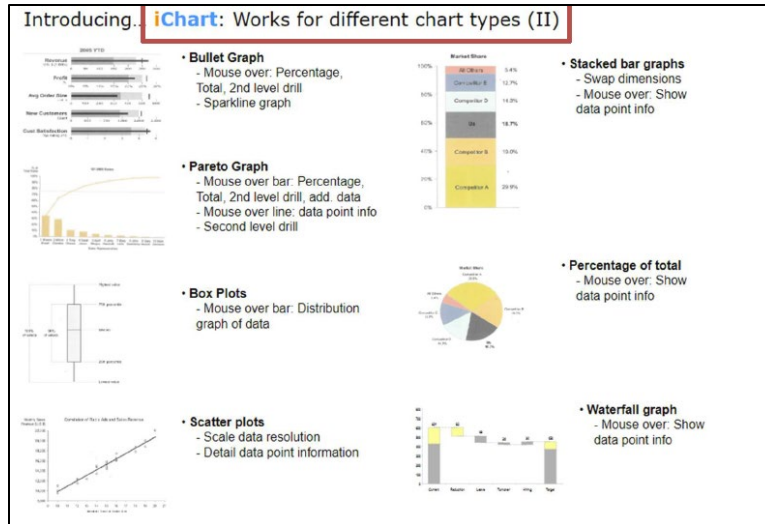
second excerpt, also does not show chart templates as recited in claim 1 because, as claim 1 recites, chart templates are used to create charts. *See Claim 1 (“the generation interface is configured to enable a user to generate the interactive chart from ... a template from the chart template module.”).*

- 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”

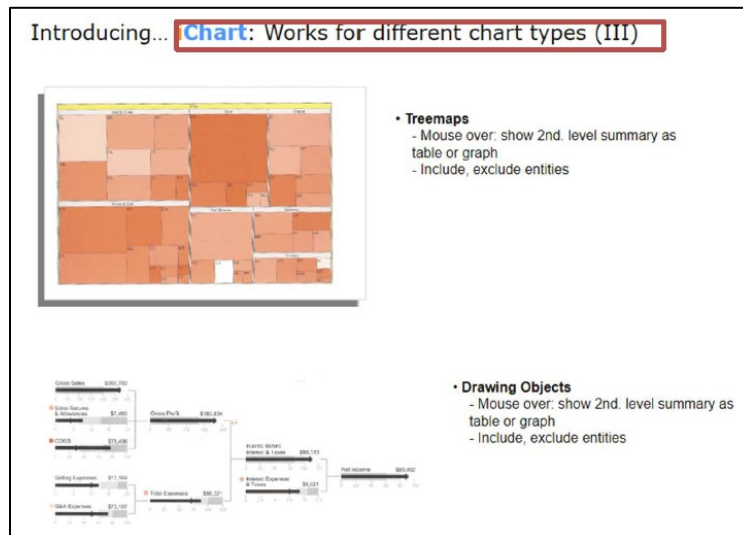
EX2200, p. 11 (citing EX2002).

- From a gallery, users can select finished charts with predefined content from marquee professional data service providers (Bloomberg, etc.)

EX2200, p. 12 (citing EX2002).



EX2200, p. 13 (citing EX2007).

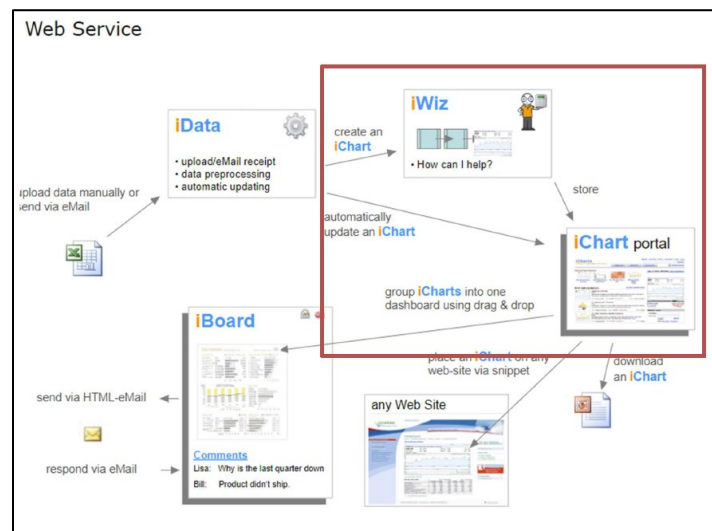


EX2200, p. 13 (citing EX2007).

34. It is therefore my opinion that neither iCharts nor Mr. Duncker have shown that the inventors had possession of “a chart template module configured to store chart templates,” as recited in claim 1.

2. [10C]: “receiving a user selection of a chart template in the chart pane, wherein the chart template is stored in a chart template module located on a remote server”

35. Element [10C] recites “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.” EX1001, 19:17-19. For this element, iCharts and Mr. Duncker both cite one excerpt, shown below.



POR, 68; EX2200, p. 43 (citing EX2005).

36. From this excerpt, I cannot discern anything about chart templates or chart template modules. Nor do I see a chart template module located on a remote server. In fact, the excerpt does not show chart templates or a server at all.

37. I also disagree with Mr. Duncker that the blue squares within iWiz show a chart template module. See EX1071, 39:14-40:22 (“Q So you're interpreting one of those blue squares as the chart template module? A Yes.”). This is merely a blue box used to illustrate some unspecified processing that occurs

when creating charts. Regardless, even if one of the blue squares within iWiz were a chart template module, this would not show that the inventors were in possession of a chart template module “*located on a remote server*,” as recited in claim 10.

3. Computer System Architecture (Claims 1 and 10)

38. It is also my opinion that the cited evidence for conception does not show the computer system architecture recited in claims 1 and 10. Claim 1 recites “[a] computer system comprising: a data module ... a chart template module ... a generation module ... [and] a sharing module.” EX1001, 18:33-45. Claim 10 recites “[a] computer-implemented method” that involves “a chart template module” and “a server.” EX1001, 19:13-19.

39. As I explained in the previous section, neither iCharts nor Mr. Duncker show possession of “a chart template module” located on a “remote server.” They also do not show the computer system architecture recited in claim 1.

40. Based on iCharts’ and Dr. Miller’s arguments, showing code or hardware is a prerequisite to support possession of a “module,” as recited in claim 1. Dr. Miller defines module as:

“[M]odule” element (claim 1) – A POSITA would have understood that a module is a self-contained unit of code or hardware that performs a specific function that can be combined with other modules to create a

larger system. The '892 patent discloses several modules as shown in the chart below, including a data module, chart template module, and generation module.

EX2201, ¶31.

41. Neither iCharts nor Mr. Duncker have shown that the inventors had possession of the modules recited in the claims. Indeed, I agree with Mr. Duncker that the evidence he cites for the various modules does not show code and/or hardware.

Q And none of these excerpts you cite for Element 1A show source code for data module, right?

A That is correct.

Q And none of these excerpts in Element 1A show the hardware for data module, right?

A Sure.

Q. Is that right?

A. Yes.

EX1071, 29:16-23.

Q Okay. If we can go to page 11. Which includes the section for Element 1B. Which is quote, [a] chart template model configured to store chart templates. Do you see that?

A Yes.

...

Q None of these excerpts show source code for the chart template module, right?

A. Sure. Yes, I mean, we're still in January 10, 2007. So that was a couple of weeks after we came up with the idea.

...

Q And what you cite for Element 1B, which is the chart template module element, you don't cite any -- anything that shows the hardware for the chart template module, right?

A Not in those five excerpts, yeah.

EX1071, 33:25-35:5.

Q And do any of the excerpts you cite for Element 1E and 1F show the hardware for the sharing module?

A I don't believe so.

EX1071, 46:20-23.

42. Therefore, it is my opinion that neither iCharts nor Mr. Duncker has shown that, for each “*module*” recited in claim 1, the inventors had possession of “a self-contained unit of code or hardware that performs” the specific functions of the module. EX2201, ¶31.

B. At the time of the '892 patent, tables were considered a type of chart.

43. iCharts and Dr. Miller allege that a table is not a chart. POR, 82 (“Petitioner points to QlikView VinGuiden example at EX1009 p.0133 (Pet. 69), but that example shows a table, not a chart.”), 86 (“QlikView Manuals only disclose exporting data and tables—not interactive charts—to Excel.”); EX2201, ¶52. I disagree with this interpretation, and the evidence in the record does not support it.

44. I agree with meaning of “chart” set forth in the QlikView Manuals, which includes pivot tables and straight tables:

Chart A common name for bar charts, pie charts, funnel charts, line charts, grid charts, scatter plots, **pivot tables** and **straight tables**. Charts show aggregated values of the data, i.e. one item in a chart (**a cell in a pivot table**, a bar in a bar chart, etc.) corresponds to several records in the logical tables.

EX1008, 1313 (emphasis added). This description is consistent with the plain and ordinary meaning of the term “chart.” *See, e.g.*, EX1069, 1 (“Chart” includes “a sheet giving information in tabular form,” e.g., a table.).

45. As I explained in my first declaration in this case, QlikView shows pivot tables and straight tables as a “chart type.” Shown below, the user can use the Chart Wizard to select a chart type, which includes a pivot table or a straight table.

EX1003, ¶¶135 (citing EX1008, 0882-86), 318 (citing EX1008, 0665, 0882-85, 0887-89).

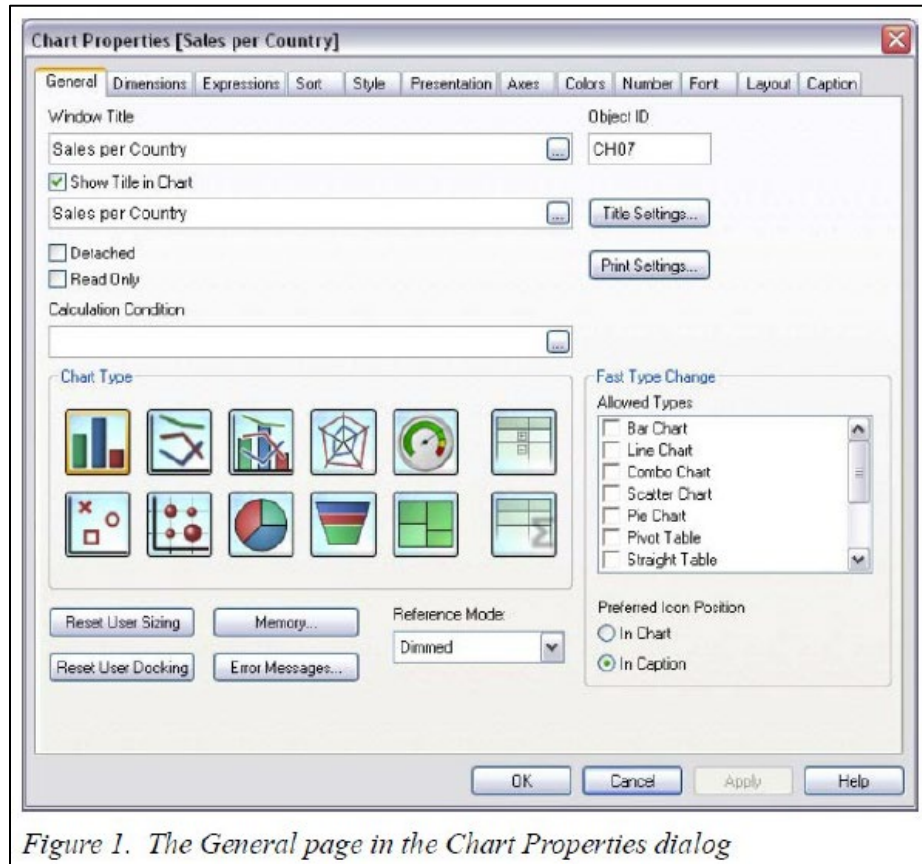


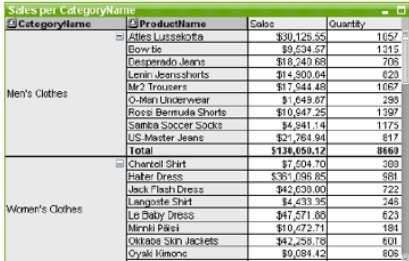
Figure 1. The General page in the Chart Properties dialog

EX1008, 0882; EX1003, ¶317.

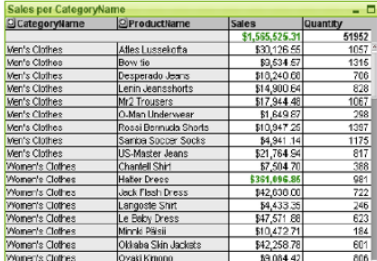
46. The QlikView Manuals also identify pivot tables and straight tables as charts.

The different chart types available:

...



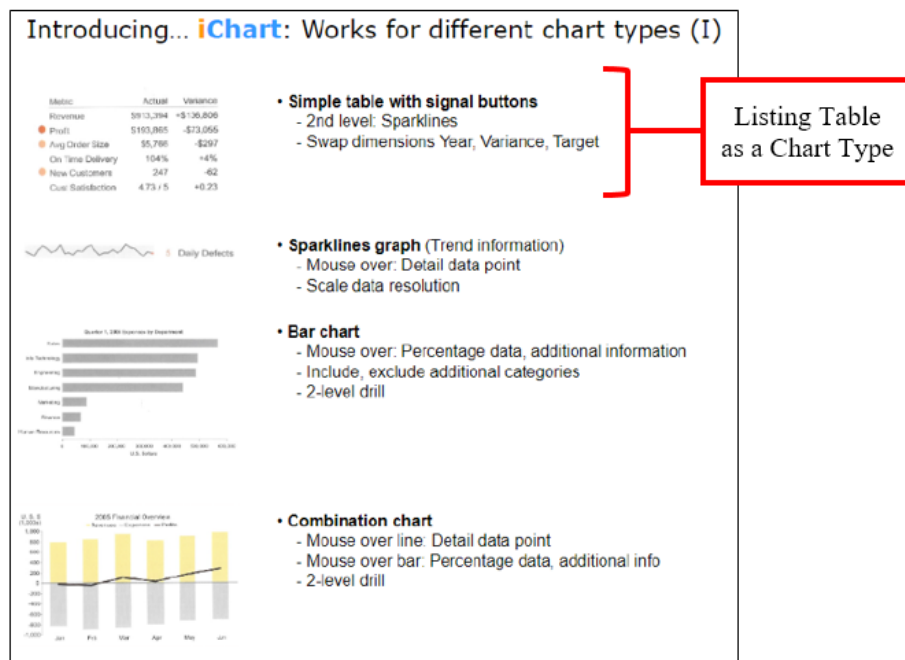
Pivot table



Straight table

EX1008, 0889; EX1003, ¶318.

47. Even iCharts appears to have understood that a simple table is a chart, as shown in the exhibit below.



EX2200, p. 12 (citing EX2007).

48. For these reasons, I disagree with iCharts and Dr. Miller that tables were not considered charts at the time of the '892 patent.

C. QlikView files are “self-contained and independent.”

49. iCharts and Dr. Miller allege that the QlikView Manuals do not disclose a “self contained and independent electronic document” or a “self-contained and independent interactive chart.” POR, 78; EX2201, ¶41. I disagree for the reasons stated in my first declaration. EX1003, ¶¶337-362.

50. iCharts argues that the QlikView charts are not independent because “each open chart/table must be recalculated on the server after each change in the logical state.” POR, 80. To the extent iCharts is alleging that the interactive chart / electronic document cannot receive updates from a server to be “independent” and/or “self-contained,” I disagree.

51. The '892 patent makes clear that updates to the logical state of the interactive charts are stored on a server and then received when a browser is refreshed.

When the data for the interactive chart is updated in the online portal, the chart on the web page is automatically updated. For example, the data on the webpage can be updated using a new flash file. If embed code has been implemented in a web page, **the web page fetches the new flash file from the server and displays it.** When the user refreshes the web page, the new flash chart is displayed.

EX1001, 16:57-63 (emphasis added).

Modifying the data associated with the interactive chart may include generating a second flash object and wherein automatically updating

the published interactive chart on the web page comprises accessing the second flash object.

EX1001, 2:45-48.

If a chart is updated with new data, the flash file gets recreated and stored. The next time the web page where an interactive charts has been embedded (that is where the embed code that fetches the chart has been implemented) is refreshed, the updated chart is displayed. In one embodiment, the page may be refreshed automatically for a semi-live stream of data or the data may stored separate from the flash file, the separate data file fetched dynamically for real time feeds.

EX1001, 9:65-10:6.

If the user selects the option to republish the chart 3608, the user can select to list the chart in the online portal and/or automatically republish the chart if changes are made. The republish option 3608 therefore allows users to update the interactive charts that are embedded online.

EX1001, 15:40-44.

52. The evidence iCharts cites for conception likewise shows that Flash files for the interactive charts are stored on iCharts' server. *See* EX2200, 20. When a user updates a chart that has been embedded using HTML embed code (shown below), the user would replace the Flash file located at the file path (shown below as src). EX2014, 1. The update would then need to be retrieved from the iCharts server (e.g., from "http://pilot.icharts.net/icharts/onlineIChart.swf") when the

browser is refreshed, which would then be displayed on the website where the chart is embedded. EX2014, 1.

```
<object id='onlineIChart' height='593' width='895'>  
<param name='src' value='http://pilot.icharts.net/icharts/onlineIChart.swf'>  
<param name='flashVars' value='iChartId=148'>  
<embed name='onlineIChart'  
src='http://pilot.icharts.net/icharts/onlineIChart.swf'  
height='593'  
width='895'  
flashVars='iChartId=148'>  
</embed>  
</object>
```

EX2014, 1.

53. Updating a chart with a browser refresh, as described and shown above, is similar to updating the logical state of a QlikView chart published and embedded on a webpage, where a Java client, for example, would retrieve the QlikView file from a server, display it in a browser, and then enable a user to interact with it.

54. Regardless, requiring the embedded or published interactive chart to be completely independent from a server is recited nowhere in the claims. Rather, as recited in the claims, “*independent*” refers to independence from “*the generation interface and the chart template module.*” EX1001, 18:46-52, 20:1-8.

55. That understanding is also consistent with the '892 patent and its prosecution history. Specifically, when amending the claims to recite “self-contained and independent,” the applicant argued that the independence is relative

to the generation interface and the template module, as shown in the excerpts below. EX1002, 0352, 0355-0356. Nowhere did the applicant argue that the independence was relative to a server used to host the chart files. For example, in the excerpt below, the applicant argued that the “electronic document” is “independent of” the “generation interface:

Claim 25 is amended with adequate support from the originally filed application. First, the phrase “user interface” is replaced with “generation interface” to improve clarity. Further, the specification provides that the interactive chart can be embedded or published as “an electronic document” (page 19, line 4) which can be downloaded as a “self-contained” file “**independent of the web portal**” (**generation interface**) (page 21, last two lines).

EX1002, 0355 (emphasis added). The applicant further confirmed that understanding on the next page, arguing that the claim requires independence from “the generation interface and the template module”:

Therefore, claim 25 prescribes two levels of interactivity for the chart, (1) one that requires the presence of the generation interface and can take advantage of the template module and (2) the other that is **independent of the generation interface and the template module**. In contrast, Tolle only discloses a chart that can be modified in the presence of the graphical user interface.

EX1002, 0356 (emphasis added).

56. As I explained in my first declaration, QlikView files are “self-contained and independent electronic document[s]” and “self-contained and independent interactive chart[s]” under the plain and ordinary meaning of those terms as viewed in light of the ’892 patent’s specification and prosecution history. EX1003, ¶¶337-362. As I explained, QlikView enables a user to embed or publish an interactive as a “self-contained” qvw file or Excel file. The qvw file and Excel file can then be opened in a client (e.g., a Java client or Microsoft Excel) independent of QlikView Publisher. This satisfies the applicant’s characterization of the interactive chart / electronic document as being “independent of the generation interface and the template module.” *See* EX1002, 0356.

IV. CONCLUSION

In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the allotted time.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed this 27th day of October, 2026, in Winchester, MA.

Respectfully submitted,



Christopher Schmandt