

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

CYANDIA, INC.,

Plaintiff,

v.

SAP AMERICA, INC. and SAP SE,

Defendants.

Case No.: 2:24-cv-0096-JRG

DEMAND FOR JURY TRIAL

OPENING EXPERT REPORT OF PAUL C. CLARK, DSc.

264. To the extent the Cyandia contends that SAP EP 6.0 or IBM WebSphere Portal lacked any of the claimed features related to identifying, storing, and/or utilizing information about the user and the user's device(s) in a user profile, it remains the case that skilled artisans would have been motivated, with a reasonable expectation of success, to allow a non-privileged user (not just an administrator) to customize their alerts, at least as of 2005, as taught by IBM WebSphere (*e.g.*, IBM WEA Vol. I, 9–11; IBM WEA Vol. IV, 40–50) and to implement a notification method for an alert based on session data in light of WebSphere's teachings to ensure the user promptly receives the notification (by ensuring that delivery is successful) as simply as having the user acknowledge the alert (*e.g.*, IBM WEA Vol. I, 9–11; IBM WEA Vol. IV, 1–10, 19–25, 29–33, 40–50, 80–82) given that both SAP EP 6.0 and WebSphere teach tracking a user's sessions and event logging (*see, e.g.*, Exhibit D-1, element [1.6]).

265. Specifically, IBM WebSphere discloses that the user can customize their alerts by specifying when they want to be notified, such as when a stock shifts by more than five points or reaches a certain price. *See, e.g.*, IBM WEA Vol. I, 9–11; IBM WEA Vol. IV, 40–50. A skilled artisan would have been motivated with a reasonable expectation of success to incorporate these teachings from WebSphere in SAP EP 6.0 to give a non-administrator more control over when and how they are alerted. This allows the user to receive targeted alerts for events they care about.

266. To the extent the Cyandia contends that SAP EP 6.0 or IBM WebSphere Portal lacked any of the claimed features related to identifying, storing, and/or utilizing information about the user and the user's device(s) in a user profile, it remains the case that skilled artisans would have been motivated, with a reasonable expectation of success, to leverage SAP EP 6.0 and WebSphere's existing session-tracking functionality at least as of 2005 to send the alert to the specific device associated with the user on which the user has an active session to ensure the user

receives the alert promptly, to improve the usability and security of the system. Especially since this kind of dynamic alerting, and its benefits, were known many years before the '948 patent's alleged May 2008 priority date. *See, e.g.*, Austin-Lane, [0006]–[0009], [0019], [0021], [0023], [0024], [0027], [0029], [0035], [0039], [0046], [0055].

267. I have reviewed SAP's Invalidity Contentions and its accompanying charts, and I agree that the cited SAP and IBM references disclose or render obvious each element of the Asserted Claims of the '250, '285, '641, and '948 patents. I have adapted SAP Invalidity Contentions as applied to the Asserted Claims of the '250, '285, '641, and '948 patents, as shown in Exhibits A-1, B-1, C-1, and D-1, respectively, which I incorporate into this report.

a) The '250 Patent

268. The capabilities of SAP EP 6.0 collectively practice, disclose, or render obvious every element of the asserted portion of claims 1, 9, 13, and 25 of the '250 patent, alone or in view of IBM WebSphere, as detailed below.

(i) Claim 1

- 1. [1.1]: A non-transitory computer-readable storage media for interacting with multiple information forms across computing devices, the computer- readable storage media including computer-readable instructions configured to cause one or more computer processors to execute the operations comprising:**

269. To the extent the preamble is determined to be limiting, SAP EP 6.0 includes a non-transitory computer-readable storage media for interacting with information through iViews that was shipped to customers in the U.S. on physical installation media (CD-ROM/DVD). *See, e.g.*, SAP_CYAN_00000005–00000246; SAP_CYAN_194786–194811. Administrators installed the software image onto persistent magnetic or Solid-State Drive (SSD) storage in on-premises servers

6. **[1.6]: D) receiving session data indicating a current state of at least one external device of the user;**

531. Element 1.6 is rendered obvious in view of the application server of SAP EP 6.0 at runtime alone, or in view of IBM WebSphere Portal, for the same reasons discussed above.

7. **[1.7]: E) monitoring at least the first channel information so as to determine one or more events, conditions, logical workflows, discrete information values or signal data, based on at least one threshold condition or parameter relating to the first channel information and determined based on the user preferences indicated by the configuration data; and**

532. Element 1.7 is rendered obvious in view of the application server of SAP EP 6.0 at runtime alone, or in view of IBM WebSphere Portal, for the same reasons discussed above.

8. **[1.8] if the one or more events, conditions, logical workflows, discrete information values or signal data is/are determined in E):

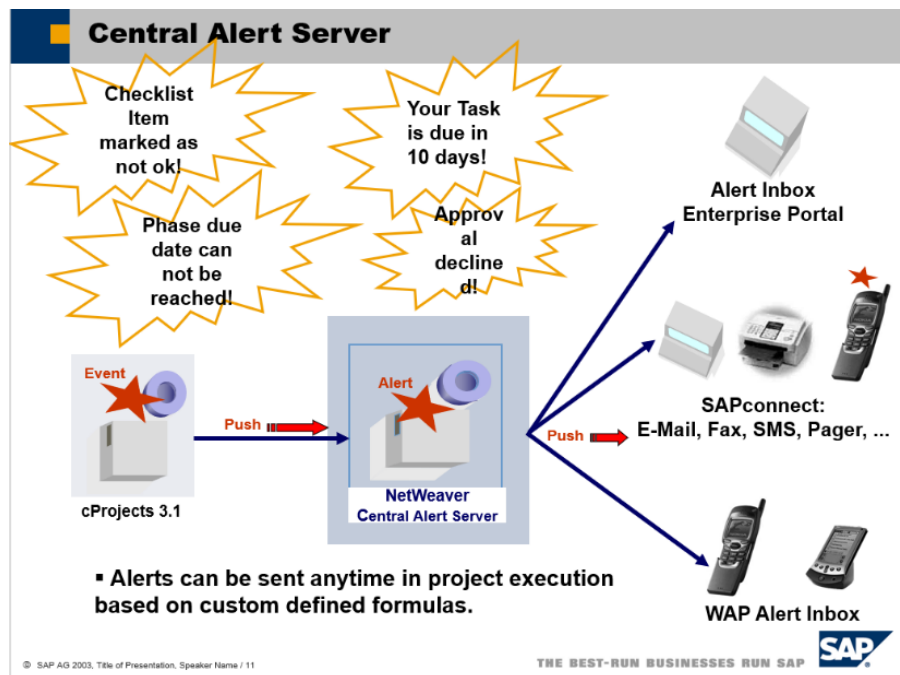
F) determining a notification method by which to provide at least one alert on the at least one external device based on the current state of the at least one external device indicated by the session data;**

533. Element 1.8 is rendered obvious in view of the application server of SAP EP 6.0 at runtime alone, or in view of IBM WebSphere Portal, for the same reasons discussed above.

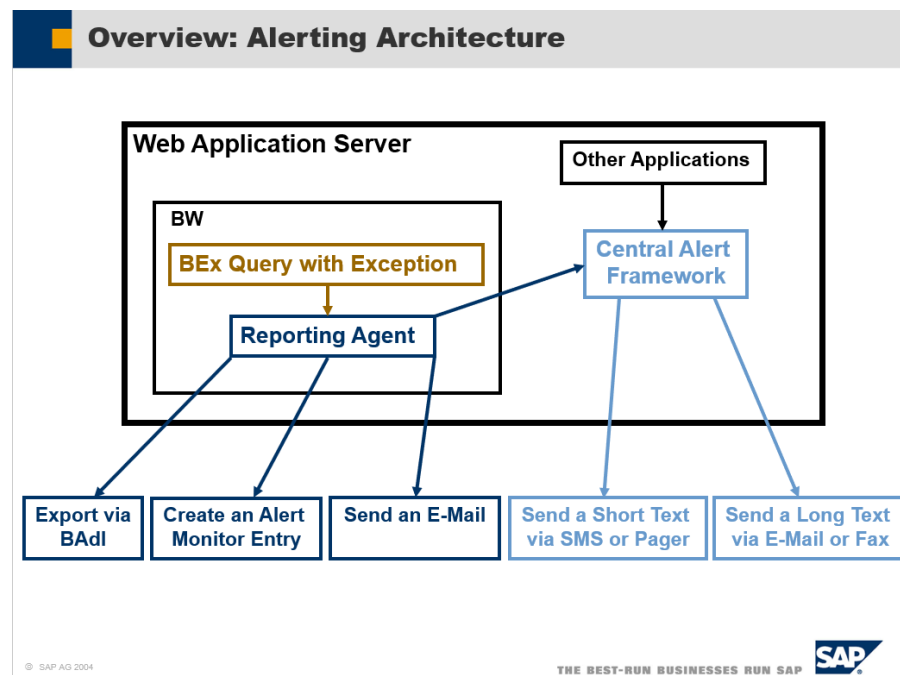
534. For example, the application server of SAP EP 6.0 at runtime is configured to determine the notification method based on the preferences set by the SAP EP 6.0 user to generate an alert, *e.g.*, via push notification, through different channels, *e.g.*, emails, SMS, printer, pager, mobile phone, and fax.

535. Once the user is logged in to SAP EP 6.0, the application sever determines that a session has been established and that the user is online. When and if an event or condition is

triggered and the application server captures the status of the user as online, then the application server pushes a notification to the user's device where the session is active.



Andreas Frank, SAP presentation titled “mySAP PLM Collaboration Projects NetWeaver Training” (2003).



Id.

Benefits

The distribution of BW alerts via the central alert framework leverages functions of two SAP NetWeaver components: SAP BW and SAP WebAS. The central alert framework provided by the WebAS can serve as the central hub distributing alerts from all installed applications.

If you use the central alert framework of the SAP WebAS, you have the following additional functions:

- You can send a short text message via SMS or via a Pager.
- You can send a long text message via e-mail as well as via Fax.
- The recipients have the option to subscribe/unsubscribe for the alert.

Existing alerting scenarios (using the Reporting Agent alerting options) can be adapted easily for alerting scenarios using the central alert framework of the WebAS. Both scenarios may be run in parallel.

© SAP AG 2004

THE BEST-RUN BUSINESSES RUN SAP 

SAP presentation about Alerting with SAP BW (2004).

536. For these reasons and others discussed in the discussion about the '250, '285, '641 patents above, the application server of SAP EP 6.0 at runtime, alone or in view of IBM WebSphere Portal, renders obvious the features determined to be limiting of element 1.8.

9. [1.9] G) generating notification data according to the determined notification method, wherein the notification data is configured to cause the at least one external device to provide the at least one alert on the at least one external device; and
- H) controlling the at least one communication interface to transmit the notification data to the at least one external device via the first channel without being requested by the user, wherein the transmission of the notification data to the at least one external device is based at least in part on information access rights and/or security protocols respectively associated with the corresponding plurality of authorized channels, the user, and the at least one user platform.

537. Element 1.9 is practiced by the application server of SAP EP 6.0 at runtime for the same reasons discussed above.

(ii) **Claim 13: The apparatus of claim 1, wherein the at least one processor performs H), and wherein:**

H) comprises transmitting the notification data so as to generate the at least one alert on at least one external device;

the at least one processor further provides the at least some of the secure user-centric information by:

I) controlling the at least one communication interface so as to transmit to the at least one external device channel information relating to at least one authorized channel of the plurality of authorized channels implemented in A); and

the notification data transmitted in H) causes an appearance of the at least one authorized channel, as represented on the at least one external device, to change so as to generate the at least one alert on the at least one external device.

538. I understand the claim 13 depends on claim 1, includes all the limitations of claim 1, and further limits its scope.

539. As such, claim 13 is rendered obvious in view of the application server of SAP EP 6.0 at runtime alone, or in view of IBM WebSphere Portal, for the same reasons discussed above.

(iii) **Claim 36**

540. Claim 36 is rendered obvious in view of the method implements by SAP EP 6.0 at runtime, alone or in view of IBM WebSphere Portal, for the same reasons discussed above.

2. **SAP EP 6.0 in Combination with
WebSphere and Austin-Lane ('948
Patent Only)**

541. As explained above in Section VII.B.2, the asserted claims of the '948 Patent are obvious over SAP EP 6.0 and IBM WebSphere at least because a skilled artisan would have been motivated with a reasonable expectation of success to combine SAP EP 6.0 with teachings from WebSphere on tracking device identities, tracking session data, and ensuring a user receives an alert promptly. That said, the claims are further obvious in view of Austin-Lane and its teachings to determine a notification method (e.g., “instant message to a notebook computer”) based on session data (“presence information”). Austin-Lane, [0046].

542. Specifically, Austin-Lane describes determining how to notify the user based at least in part on the user’s presence information (e.g., whether and on which device(s) the user is online) to ensure the user receives the alert “without significant delay” (e.g., Austin-Lane, [0019], [0023]). *See also, id.*, [0006–0009], [0019], [0021], [0023–24], [0027], [0029], [0035], [0039], [0046], [0055]. For example, if “the presence information [] indicate[s] that the user 305 presently is online using notebook computer 310*d* ... and that the user 305 has an active IM connection ... the notification delivery service 352 may provide the notification to the user 305 using an instant message to the notebook computer 310*d*.” *Id.*, [0046].

543. A skilled artisan would have been motivated to modify the SAP EP+IBM WebSphere combination that were already collecting and logging session events to select the notification method based on session data and severity (e.g., the user’s online generated events), as taught by Austin-Lane, to ensure the user receives the alert promptly. Austin-Lane explains that doing so—e.g., selecting a notification method based on the user’s online presence so that the alert is to a device (e.g., notebook computer) and, optionally, an application (e.g., instant messaging) on that device that the user is currently using—ensures the user receives the alert “without

significant delay.” Austin-Lane, [0046]; *see also id.*, [0006–0009], [0019], [0021], [0023–24], [0027], [0029], [0035], [0039], [0055].

544. A skilled artisan would have reasonably expected to succeed in incorporating Austin-Lane’s teachings in the SAP EP+IBM WebSphere combination at least because it requires only minor software changes that were well within the skill of a skilled artisan. The SAP EP+IBM WebSphere combination already includes a notification service that allows a user to set up custom alerts for specific events (e.g., when a stock price crosses a user-set threshold), and incorporation of Austin-Lane’s teachings would have required simple adaptation of these existing notifications such that they were based on the session information taught by both WebSphere and Austin-Lane. IBM WEA Vol. IV, 1–10, 19–25, 29–33, 40–50, 80. The SAP EP+IBM WebSphere system already tracks the user’s active sessions, such as their online status on an instant messaging service. *See, e.g.*, IBM Rational Developer, 124–125, 134–140, 156–157, 278, 285, 468, 630, 638–640, 643, 665, 726, 899–900; Mastering IBM WebSphere, 18–19, 164, 228, 233–234, 249–250, 253–254, 263–264, 270, 365–401, 480–482; IBM WEA Vol. I, 381, 384. And WebSphere and Austin-Lane disclose setting the same type of alerts (stock alerts) and disclose providing the alert in the same way (visually). IBM WEA Vol. IV, 40–50, 80; Austin-Lane, [0036–0040], [0057–0058]. Thus, given how much IBM WebSphere already disclose about its alerts (and how similar and complementary their teachings are to Austin-Lane’s) improving the WebSphere system’s alerts to be determined based on session data would have required only minor software changes, thus confirming the reasonable expectation of success.

545. I have reviewed SAP’s Invalidity Contentions and its accompanying charts, and I agree that the cited SAP and IBM references alone or in combination with Austin-Lane disclose or render obvious each element of the Asserted Claims of the ’948 Patent. I have adapted SAP

the Asserted Claims of the '250, '285, '641, and '948 Patents, as shown in Exhibits A-2, B-2, C-2, and D-2, respectively, which I incorporate into this report.

4. IBM WebSphere and WebSphere Everyplace Access in Combination with Austin-Lane Renders the Asserted Claims of the '948 Patent Obvious

577. I understand that WebSphere Everyplace Access (WEA) is a package offered with IBM WebSphere that extends WebSphere and its underlying portal functionality to mobile devices, allowing user to access this portal functionality from virtually anywhere. Mastering IBM WebSphere, 473–476, 479 (WebSphere Everyplace Access “extend[s] [P]ortal functionality to mobile devices”), 480; IBM WEA Vol. I, 1–7, 20, 25, 27 (“Everyplace Access extends the functionality of the Portal offering by providing specialized portlets for mobile devices.”), 28–29. Thus, a skilled artisan would have found it obvious to combine WEA with WebSphere since it is a part of WebSphere.

578. A skilled artisan would have been motivated with a reasonable expectation of success to combine IBM WebSphere teachings on the IBM WebSphere system, including Portal and Everyplace Access, with Austin-Lane’s teachings to determine a notification method for alerts based on the user’s presence information and configuration information.

579. Specifically, a skilled artisan would have been motivated to modify the WebSphere system to select the notification method based on session data (e.g., the user’s online presence), as taught by Austin-Lane, to ensure the user receives the alert promptly. Austin-Lane explains that doing so (e.g., selecting a notification method based on the user’s online presence so that the alert is to a device (e.g., notebook computer) and, optionally, an application (e.g., instant messaging) on that device that the user is currently using) ensures the user receives the alert “without

significant delay.” Austin-Lane, [0046]; *see also id.*, [0006–0009], [0019], [0021], [0023–0024], [0027], [0029], [0035], [0039], [0055].

580. A skilled artisan would have reasonably expected to succeed in incorporating Austin-Lane’s teachings in the WebSphere system at least because it requires only minor software changes that were well within the skill of a skilled artisan. The WebSphere system already includes a notification service that allows the user to set up custom alerts for specific events (e.g., when a stock price crosses a user-set threshold), and incorporation of Austin-Lane’s teachings would have required simple adaptation of these existing notifications such that they were based on the session information taught by both WebSphere and Austin-Lane. IBM WEA Vol. IV, 1–10, 19–25, 29–33, 40–50, 80. The WebSphere system already tracks the user’s active sessions, such as their online status on an instant messaging service. *See, e.g.*, IBM Rational Developer, 124–125, 134–140, 156–157, 278, 285, 468, 630, 638–640, 643, 665, 726, 899–900; Mastering IBM WebSphere, 18–19, 164, 228, 233–234, 249–250, 253–254, 263–264, 270, 365–401, 480–482; IBM WEA Vol. I, 381, 384. And the WebSphere references and Austin-Lane disclose setting the same type of alerts (stock alerts) and disclose providing the alert in the same way (visually). IBM WEA Vol. IV, 40–50, 80; Austin-Lane, [0036–0040], [0057–0058]. Thus, given how much the WebSphere references already disclose about its alerts (and how similar and complementary their teachings are to Austin-Lane’s) improving the WebSphere system’s alerts to be determined based on session data would have required only minor software changes, thus confirming the reasonable expectation of success.

581. When incorporating Austin-Lane’s teachings to determine a notification method based on session data, a skilled artisan would have implemented the WebSphere system such that the determination was made using the types of session data taught by the WebSphere references

and Austin-Lane. Indeed, session-based notification determination requires receiving and evaluating the session event data against the user's configuration data.

582. Under this obvious implementation, the notification data is generated according to the notification method at least because the WebSphere references and Austin-Lane teach this (e.g., IBM WEA Vol. I, 10; IBM WEA Vol. IV, 2–3, 7–14, 20–25, 32, 40–50, 58, 60, 80–82, 147; Austin-Lane, [0031], [0039], [0041], [0045–0046], [0079]), and because a skilled artisan would have understood that the notification data would need to be generated according to the determined notification method to ensure the notification is successfully delivered and displayed. For example, a skilled artisan would have understood or at least found it obvious that notification data would depend on the type of alert and the communication protocol used to send the alert (e.g., the content and/or format of the notification data for a visual alert is different than for an audible alert, and that even for visual alerts, the notification data is different for text (e.g., instant message) than for graphics (e.g., flashing icon)). Further, a skilled artisan would have understood that the content and/or format of the notification data would depend on the communication protocol being used (e.g., HTTP vs. SMS vs. SMTP) and/or the markup language being used (e.g., HTML vs. XML vs. RFC822 email headers) and how to ensure the alert is received by the user e.g. requiring acknowledgement.

583. I have reviewed SAP's Invalidity Contentions and its accompanying charts, and I agree that the cited IBM references alone or in combination with Austin-Lane disclose or render obvious each element of the Asserted Claims of the '948 Patent. I have adapted SAP's Invalidity Contentions as applied to the Asserted Claims of the '948 Patent, as shown in Exhibit D-2, which I incorporate into this report.

C. **There Are No Indicia Of Secondary Considerations Of Non-Obviousness**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Date: May 16, 2025



Paul C. Clark, DSc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 16, 2025, a true and correct copy of the above and foregoing document has been served by electronic mail to the following counsel of record:

Paul Andre, Esq.
pandre@kramerlevin.com
Lisa Kobialka, Esq.
lkobialka@kramerlevin.com
James Hannah, Esq.
jhannah@kramerlevin.com
Kristopher Kastens, Esq.
kkastens@kramerlevin.com
Charles Keller, Esq.
ckeller@kramerlevin.com
Christina Finn, Esq.
CFinn@kramerlevin.com

KRAMER LEVIN NAFTALIS & FRANKEL LLP

333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Telephone: (650) 752-1710
Facsimile: (650) 752-1800

Elizabeth L DeRieux
ederieux@capshawlaw.com
S. Calvin Capshaw, III
ccapshaw@capshawlaw.com
CAPSHAW DERIEUX LLP
114 E Commerce Avenue
Gladewater, TX 75647
Telephone: (903) 845-5770

*Attorneys for Plaintiff
Cyandia, Inc.*

/s/ Joseph M. Beauchamp

Joseph M. Beauchamp

JONES DAY

717 Texas, Suite 3300
Houston, TX 77002
Telephone: (832) 239-3939
Facsimile: (832) 239-3600