

SAP America, Inc.

v.

Cyandia, Inc.

IPR2024-01433 | U.S. Patent No. 8,751,948

Demonstratives of Petitioner SAP America, Inc.

January 15, 2026

Klarquist

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Primary Issues

Whether the 2009 application shows possession of the claimed:

1. “determining a notification method ... based on the current state of the at least one external device” and “generating notification data according to the determined notification method”; and
2. “provid[ing] at least one alert”

E.g., Reply (Paper 25), 1, 2, 18.

Determining A Notification Method

Claim Language At Issue

- 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;
- 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.

'948 Patent (EX1101), 31:64-32:15 (claim 1) (orange highlighting added).

2011 CIP Application Discloses Multiple Notification Methods And How To Determine Which One To Use

[00130] At step 768, referring again to Figure 6, the notification manager of the eventing and alerting subsystem 452 queries the configuration server 454 for the user's notification preferences and correlates these notification preferences with session manager 456 to determine the best notification method. That is, the notification manager queries the configuration server 454 and determines, for example, that the user has certain online notification preferences and certain offline notification preferences. If online, notify by, for example, the user's active session. If offline, notify by, for example, a txt message, call the user's landline, call a friend of the user, and the like. Additionally, notifications may be based on user identity, user role, user location, time, date, and the like.

2011 CIP Application (EX1110), [00130] (orange highlighting added) (quoted by Petition (Paper 1), 11; Reply (Paper 25), 4);
see also '948 Patent (EX1101), 20:60-21:5 (cited by Reply (Paper 25), 14-15, 17-18).

Undisputed

1. 2011 CIP application used a new set of figures and over 100 paragraphs of text not found in the 2009 application.

Petition (**Paper 1**), 9; Reply (**Paper 25**), 3.

2. In amending the claims to recite “determining a notification method,” Applicant cited to only this new matter as alleged support. Petition (**Paper 1**), 28; Reply (**Paper 25**), 3-4).

December 2013 Claim Amendments and Remarks

if the one or more events, conditions, logical workflows, discrete information values or signal data is/are determined in D) [[B)]]:

E) 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;

F) 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

EX1102, 305 (yellow highlighting added).

foregoing amendments and in view of the reasons that follow. Claims 1-4, 7, 9-13, 16-21, 23-27, 29, 31, 35, and 36 are currently being amended. No new matter is added. Support for the amendments can be found throughout the specification as originally filed, such as in paragraphs 41, 62, 92, 95, 96, 112, 113, 130, 145, 155, and 160, as well as various other passages. After

EX1102, 316.

none of the cited support can be found in the 2009 Application

See Petition (Paper 1), 14, 28;
Reply (Paper 25), 4, 5).

Determining Requires An Actual Determination

“A process consists of a series of acts or steps. It consists of doing something [It] cannot be interpreted as doing nothing”

Kaneka Corp. v. Xiamen Kingdomway Grp. Co., 790 F.3d 1298, 1305 (Fed. Cir. 2015)
(citation modified) (quoted by Reply (Paper 25), 6-7).

An Alert

Claim Language At Issue

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;

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

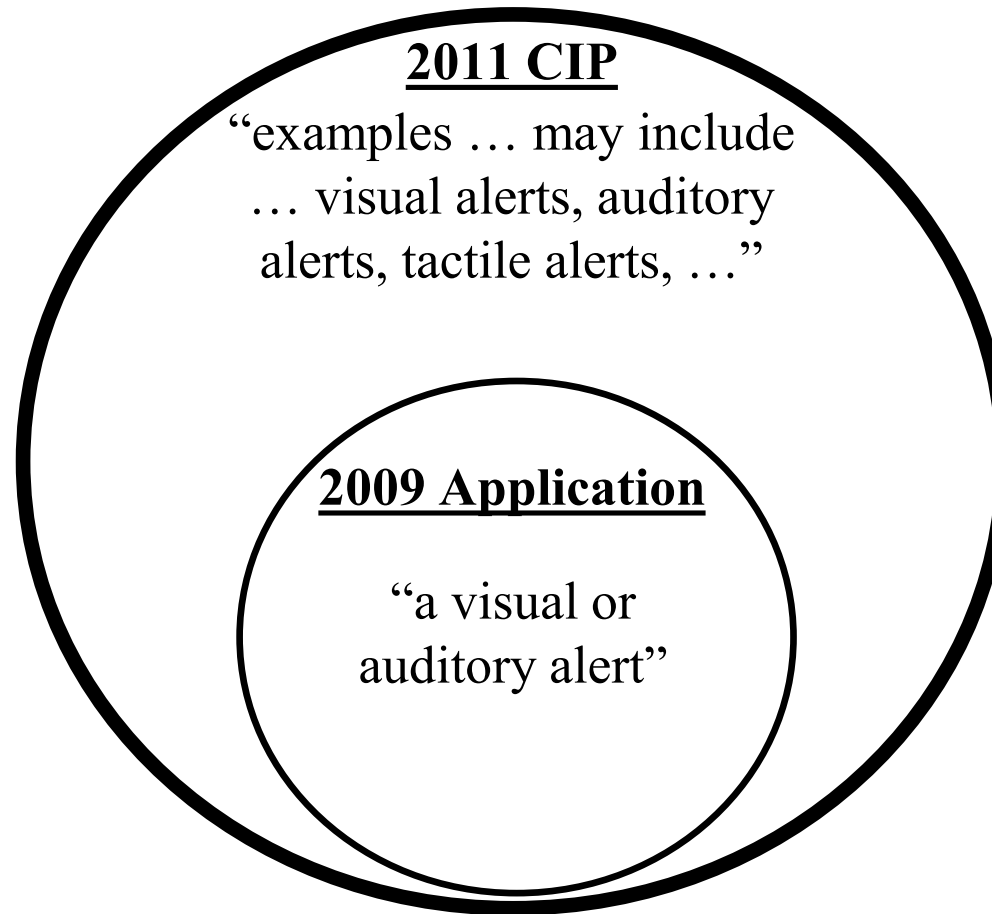
'948 Patent (EX1101), 31:64-32:5 (claim 1) (orange highlighting added).

Undisputed

1. Claims encompass tactile alerts.

Petition (**Paper 1**), 25-27; Reply (**Paper 25**), 19-24.

The 2011 CIP Application Broadened The Disclosure



2011 CIP Application (**EX1110**), [0093];
2009 Application (**EX1106**), [0039].

The 2011 CIP Application

The invention is **not limited to** presenting information to users 116 in a visual fashion only. Other ways (not shown) of conveying information to users 116 may be, for example, audible indicators (i.e., sound) and/or **tactile indicators (e.g., vibration)**.

2011 CIP Application (**EX1110**), [0057] (excerpted) (orange highlighting added) (quoted by Reply (Paper 25), 24; cited by Petition (Paper 1), 25); *see also* EX1101, 9:39-43 (quoted by Petition (Paper 1), 17; Reply (Paper 25), 24).

[0093] **Example** of types of alerts that may be generated by eventing and alerting subsystem 452 **may include, but are not limited to,** visual alerts, auditory alerts, **tactile alerts**, email messages, SMS text messages, activation of at least one channel of a plurality of channels, and notifications to a law enforcement agency.

2011 CIP Application (**EX1110**), [0093] (orange highlighting added) (quoted by Petition (Paper 1), 25; cited by Reply (Paper 25), 5); *see also* EX1101, 15:14-19 (quoted by Petition (Paper 1), 17-18; Reply (Paper 25), 19).

The 2009 Application Does Not Contemplate Tactile Alerts

data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may

2009 Application (EX1106), [0039] (excerpted) (orange highlighting added) (cited by POR (Paper 21), 5-6, 24-25).

Limited Disclosure Is Insufficient To Support A Broader Category

“It is not sufficient for purposes of the written description requirement of § 112 that the disclosure, when combined with the knowledge in the art, would lead one to speculate as to the modifications that the inventor might have envisioned, but failed to disclose.”

Lockwood v. Am. Airlines, Inc., 107 F.3d 1565, 1572 (Fed. Cir. 1997); (cited by Petition (Paper 1), 22; Reply (Paper 25), 19, 22).

“[C]laims may be no broader than the supporting disclosure”

Gentry Gallery, Inc. v. Berkline Corp., 134 F.3d 1473, 1480 (Fed. Cir. 1998) (cited by Petition (Paper 1), 20; Reply (Paper 25), 21, 22).

“claims 1–8, 11, and 16–18 ... are directed to sectional sofas in which the location of the recliner controls is not limited to the console” *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473, 1478 (Fed. Cir. 1998).

“In this case, the original disclosure clearly identifies the console as the only possible location for the controls. ... Accordingly, when viewed in its entirety, the disclosure is limited to sofas in which the recliner control is located on the console.” *Id.*, 1479.

See Petition (Paper 1), 20; Reply (Paper 25), 21-22;

D Three

Washerless claim reciting “an attachment bracket”

U.S. Patent No. 9,068,339, 10:64 (claim 1) (cited by *D Three Enters., LLC v. SunModo Corp.*, 890 F.3d 1042, 1047-1048 (Fed. Cir. 2018)).

“We agree with the District Court that washerless assemblies using attachments other than attachment bracket 1700, which has W-shaped prongs, are not adequately disclosed, because the 2009 Application in no way contemplates the use of other types of attachment brackets in a washerless assembly.” *D Three*, 890 F.3d at 1050 (quotation modified).

D Three

“Claim 4 recites ... a washer disposed around [an] aperture”

“[T]he 2009 Application discloses a washer only above the flashing. ... The lack of any disclosure of an assembly with a washer below the flashing, or statement on the flexibility of the position of the washer, is fatal to D Three’s argument. Therefore, we conclude that ... claim 4 of the ’339 patent lack[s] sufficient written description in the 2009 Application.”

D Three Enters., LLC v. SunModo Corp., 890 F.3d 1042, 1052 (Fed. Cir. 2018) (quotation modified).

Falkner Is Inapposite

“[T]he specification states that ‘[t]ypically members of the pox virus family, e.g. vaccinia virus, are used as vaccine vectors.’”

Falkner v. Inglis, 448 F.3d 1357, 1364 (Fed. Cir. 2006) (quoted by Reply (Paper 25), 20).

Server-Driven Tactile Alerts Were Not Well Known In 2009

Reply Declaration of Christopher Schmandt (EX1133), ¶24 (orange highlighting added) (cited by Reply (Paper 25), 24).

24. In sum, server-driven tactile alerts were not common prior to May 2009. I am not aware of any such systems prior to May 2009 and none of Dr. Goodrich's pre-May 2009 cited exhibits describe such a system. Only one of Dr. Goodrich's cited exhibits (EX2020) suggests such a system, but its earliest alleged publication post-dates the May 2009 filing date of the parent application. In my opinion, this one belated publication is hardly sufficient to establish that such server-driven alerts were common prior to May 2009. Thus, based on my knowledge of systems in May 2009 and Dr. Goodrich's lack of evidence to the contrary, it is my opinion that server-driven tactile alerts were not common in May 2009.

Appendix

2009 Application, [0039]

data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may

2009 Application (EX1106), [0039] (excerpted) (cited by POR (Paper 21), 5-6, 24-25).

Server-Driven Alerts Determined By A Notification Manager

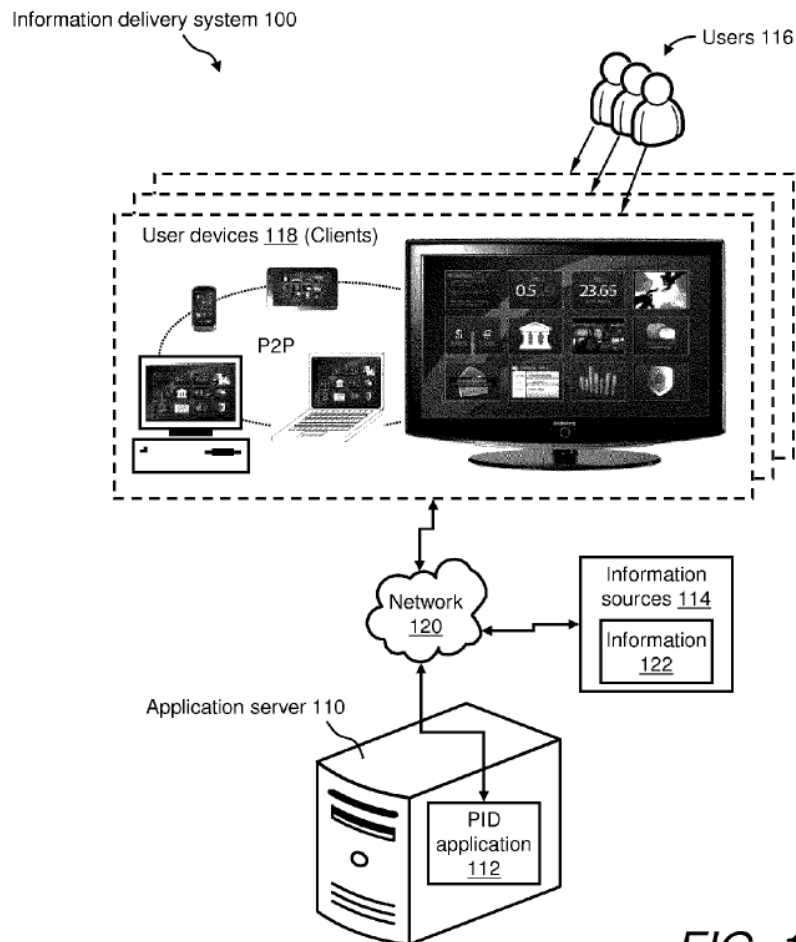


FIG. 1

'948 Patent (EX1101), FIG. 1.

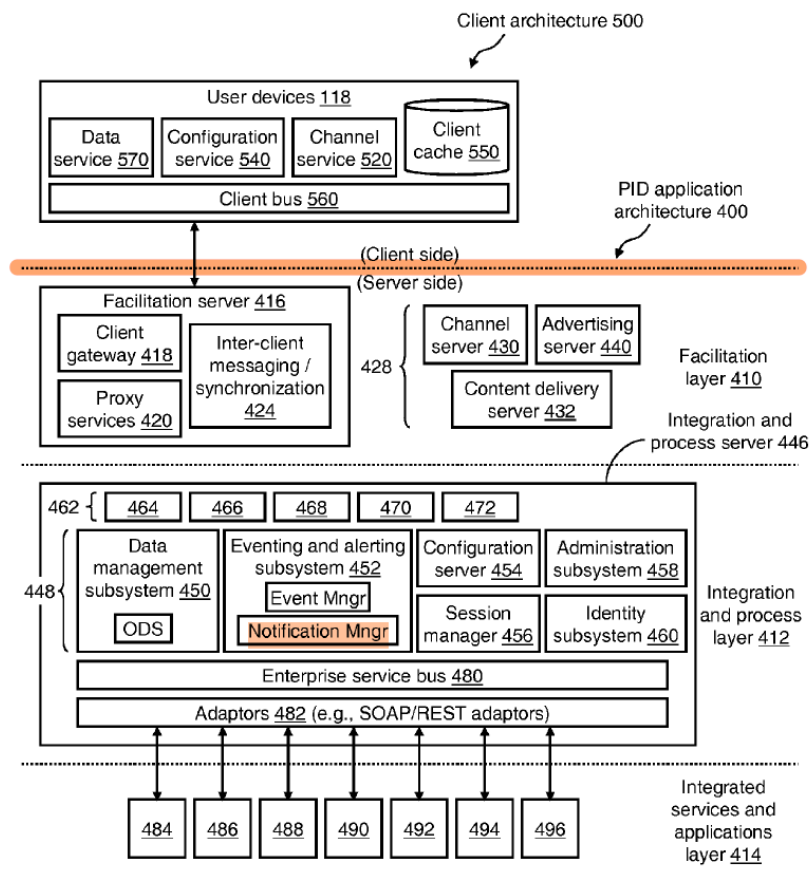


FIG. 6

'948 patent (EX1101), FIG. 6 (orange highlighting added).

See Petition (Paper 1), 9-11, 27; Reply (Paper 25), 4, 11, 23).

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Channel Grid

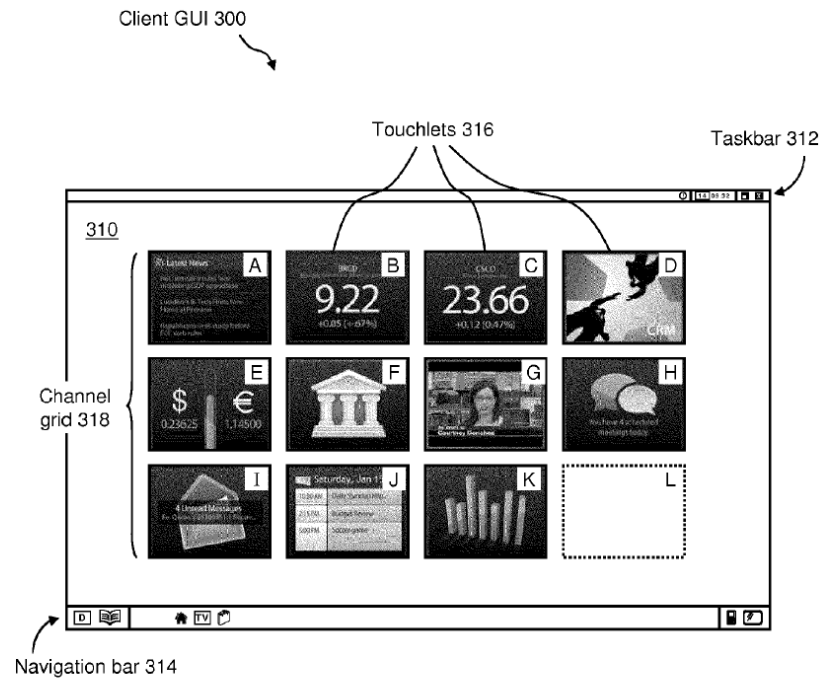


FIG. 17

‘948 Patent (EX1101), FIG. 17.

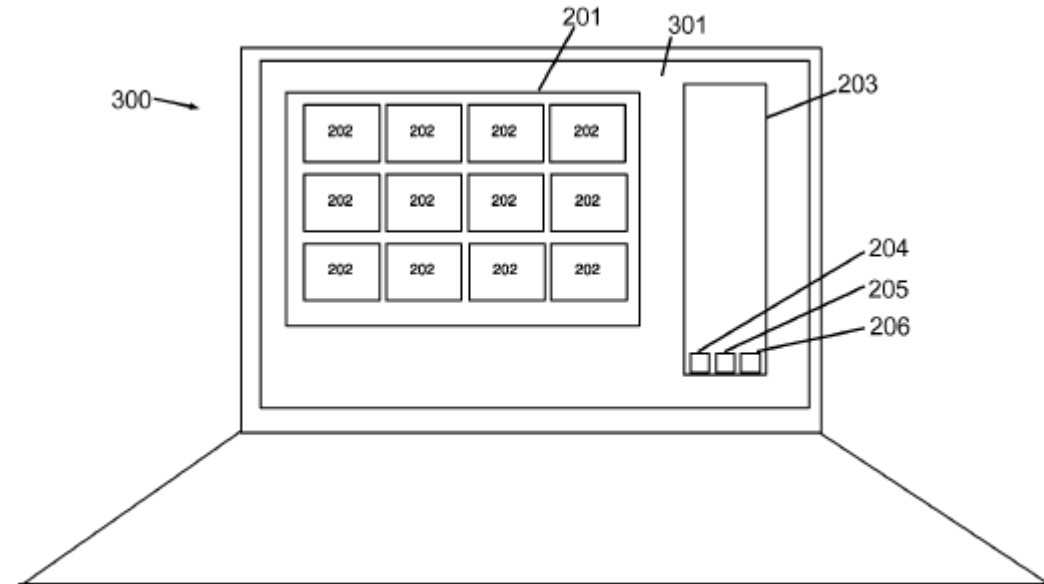


FIG. 3

2009 application (EX1106), FIG. 3.

See Petition (Paper 1), 6, 10.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Determining Is An Action

Cross-Examination Testimony of Petitioner's Expert, Chris Schmandt

understand delivering alerts. And the POSITA would understand that you don't just say arbitrarily, whenever I have an alert from you I'm going to make your phone go ding-a-ling-a-ling.

...

system. We would expect the system to have a way of respecting user preferences as discussed in this paragraph, regardless of whether that was the best way or not to do it.

EX2022, 50:11-25 (cited by Reply (Paper 25), 15); *see generally* EX2022, 39:24-52:6 (questioning about what “determining a notification method” requires) (cited by Reply (Paper 25), 15).

2011 CIP Application

[0092] Once the event manager recognizes that a certain event condition is present, the notification manager checks the user's configuration, which is at configuration server 454, as well as the user's session information at session manager 456 in order to determine how best to notify the end-user. Then, the alert notification is pushed through the client gateway 418 of the facilitation server 416 (e.g., via AMF) and to one or user devices 118 (client devices). As a result, the one or user devices 118 receive the alert notification and the alert presented to the user 116 via one or user devices 118.

2011 CIP Application (**EX1110**), [0092] (cited by Petition (Paper 1), 10, 28; Reply (Paper 25), 4).

**CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(e)(4)**

The undersigned certifies that on January 8, 2026, Petitioner emailed a copy of **DEMONSTRATIVES OF PETITIONER SAP AMERICA, INC.** to the following email addresses, which Patent Owner has agreed constitutes service. *See* Paper 20 (Patent Owner's Updated Mandatory Notices Under 37 C.F.R. § 42.8(a)(3)).

James.Hannah@hsfkramer.com

Jeffrey.Price@hsfkramer.com

Kris.Kastens@hsfkramer.com

Jenna.Fuller@hsfkramer.com

Charles.Keller@hsfkramer.com

svdocketingus@hsfkramer.com

By: /Andrew M. Mason/

Andrew M. Mason (Reg. No. 64,034)

andrew.mason@klarquist.com

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600

121 S.W. Salmon Street

Portland, Oregon 97204

Tel: 503-595-5300

Fax: 503-595-5301

Counsel for Petitioner