

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.

SAP EXHIBIT 1134
SAP America, Inc. v. Cyandia, Inc.
IPR2024-01433

be deployed to any number of computing and display devices.”), 21 (The “[u]ser can choose to ‘take their channel with them’ no matter where they go, no matter device they use.”). This, however, is different than the claims’ synchronization of “functions and features of one or more of the plurality of channels across [a plurality of / two or more of the plurality] of user platforms.” ’285 Patent, claims 1, 42; ’641 Patent, claims 1, 31 32. Just because the channels themselves can be presented on more than one of the user’s devices does not necessarily or unambiguously disclose to a skilled artisan that the specific functions and features of a channel on one device are synchronized with those of another device according to user preferences.

168. Thus, the 2008 provisional application does not convey to a skilled artisan that, in 2008, the patent applicants had possession of the ’641 and ’285 Patents’ claimed synchronization of the functions and features of at least one channel across different user devices.

V. CLAIM CONSTRUCTION

169. I understand that for terms that have not been construed by the Court, I should apply the plain and ordinary meaning of those terms, as those terms would be understood by a skilled artisan at the time of the alleged invention in light of the claims, specification, and file history.

170. I understand that the parties have disputed the meaning of certain terms in the asserted patents and further that they have disputed whether certain claims are invalid as indefinite. I further understand that the Court has provided preliminary guidance on the meaning of certain terms and the issue of indefiniteness, which guidance I apply in this report. I may supplement or amend this report as necessary in view of the Court’s eventual written ruling on these issues. A summary of this Court’s Preliminary Claim Construction is provided below:

Term	Claim Element	Preliminary Construction
“secure user-centric”	’250 Patent, claims 1, 25; ’285 Patent, claims 1, 42; ’641 Patent,	“secure” means “requiring authorization for access”

	claims 1, 2, 31, 32; '948 Patent, claims 13, 36	"user-centric" means "based on the identity of, and relevant to, a user"
"channel"	'250 Patent, claims 1, 25; '285 Patent, claims 1, 9, 18, 36, 42; '641 Patent, claims 1, 2, 16, 31, 32; '948 Patent, claims 13, 36	"a conduit for accessing and interacting with information, comprising a visual component to be presented on the at least one user [platform/device] and an information delivery component on an application server"
"a user profile identifying ... platform identities" "a user profile to identify ... platform identities"	'250 Patent, claims 1, 25; '285 Patent, claims 1, 42; '641 Patent, claims 1, 31, 32; '948 Patent, claims 36	"a user profile [identifying / to identify] ... specific devices"
"authenticating a user and a first [computing device] platform associated with the user" "authenticating the user and the at least one user platform"	'250 Patent, claims 1, 13 '285 Patent, claims 1, 42	"verifying the user's identity and the identity of the platform"
"bi-directional interrogation"	'285 Patent, claims 1, 42; '641 Patent, claims 1, 31, 32	"querying of content in two directions"
"intelligent alert object"	'250 Patent, claim 9	"intelligent alert" means "alert with a threshold condition controlled by computer instructions"

VI. THE ASSERTED CLAIMS ARE ROOTED IN ABSTRACT IDEAS AND LACK TECHNOLOGICAL INNOVATION

A. Legal Understandings

171. I understand that the party challenging the patent's validity must present clear and convincing evidence that the patent claims are invalid. I understand that each claim of a patent must be considered separately in an invalidity analysis. I understand that a "preponderance of the

224. I understand that in considering obviousness, it is important not to determine obviousness using the benefit of hindsight derived from the patent being considered.

B. Prior Art Renders All Asserted Claims Obvious

225. My opinions regarding obviousness are set forth in the body of this report and in summary exhibits attached to this report. Specifically attached are the following claim charts showing where each element of each Asserted Claim is shown to be taught by the prior art (note that each claim element has been annotated in the format of [claim #.claim element] for ease of reference) (attached as Exhibits A-1, A-2, B-1, B-2, C-1, C-2, D-1, D-2).

226. Set forth below are the specific combinations which render obvious the Asserted Claims, in conjunction with the above motivations to combine the references and expectations of success for those combinations. In support of my opinions, and in addition to my discussions of the prior art above in Section II, I also use the claim charts referenced in the table below, and attached as Exhibits A-1, A-2, B-1, B-2, C-1, C-2, D-1, D-2, to show where each element of each asserted claim is shown to be taught by the prior art.

	Asserted Claims	Prior Art
1	'250 Patent claims 1, 9, 13, 25	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver. <i>See Exhibit A-1.</i>
2	'250 Patent claims 1, 9, 13, 25	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver, in combination with IBM WebSphere Portal and WebSphere Everyplace Access. <i>See Exhibit A-1.</i>
3	'250 Patent claims 1, 9, 13, 25	IBM WebSphere Portal and WebSphere Everyplace Access. <i>See Exhibit A-2.</i>
4	'285 Patent claims 1, 9, 18, 36, 42	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver. <i>See Exhibit B-1.</i>

5	'285 Patent claims 1, 9, 18, 36, 42	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver, in combination with IBM WebSphere Portal and WebSphere Everyplace Access. <i>See</i> Exhibit B-1.
6	'285 Patent claims 1, 9, 18, 36, 42	IBM WebSphere Portal and WebSphere Everyplace Access. <i>See</i> Exhibit B-2.
7	'641 Patent claims 1, 2, 16, 31, 32	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver. <i>See</i> Exhibit C-1.
8	'641 Patent claims 1, 2, 16, 31, 32	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver. <i>See</i> Exhibit C-1.
9	'641 Patent claims 1, 2, 16, 31, 32	IBM WebSphere Portal and WebSphere Everyplace Access. <i>See</i> Exhibit C-2
10	'948 Patent claims 13 and 36	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver. <i>See</i> Exhibit D-1.
11	'948 Patent claims 13 and 36	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver alone or in combination with IBM WebSphere Portal and WebSphere Everyplace Access. <i>See</i> Exhibit D-1.
12	'948 Patent claims 13 and 36	SAP Enterprise Portal 6.0, including the architectural and technical infrastructure and supporting components, including SAP NetWeaver alone or in combination with IBM WebSphere Portal and WebSphere Everyplace Access, and in further combination with Austin-Lane. <i>See</i> Exhibit D-1.
13	'948 Patent claims 13 and 36 ²	IBM WebSphere Portal and WebSphere Everyplace Access alone or in combination with Austin-Lane. <i>See</i> Exhibit D-2.

227. I have reviewed the prosecution histories of the Asserted Patents. The prior art I rely upon for obviousness analysis is not cumulative of the prior art relied upon by the examiner

² If IPR2024-01433 is de-instituted, I reserve the right to explain how Claims 13 and 36 are obvious over the PCT Publication WO 2009/140386 (SAP_CYAN_00007748–SAP_CYAN_00007796) in combination with Austin-Lane.

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):

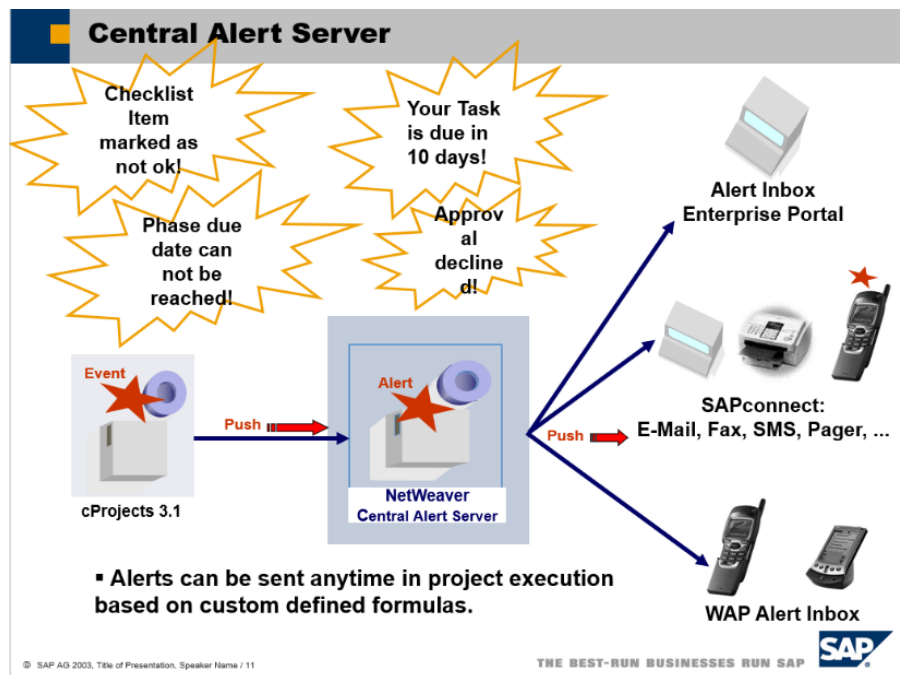
F) determining a notification method by which to provide at least one alert on the at least one external device based on the current state of the at least one external device indicated by the session data;**

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.

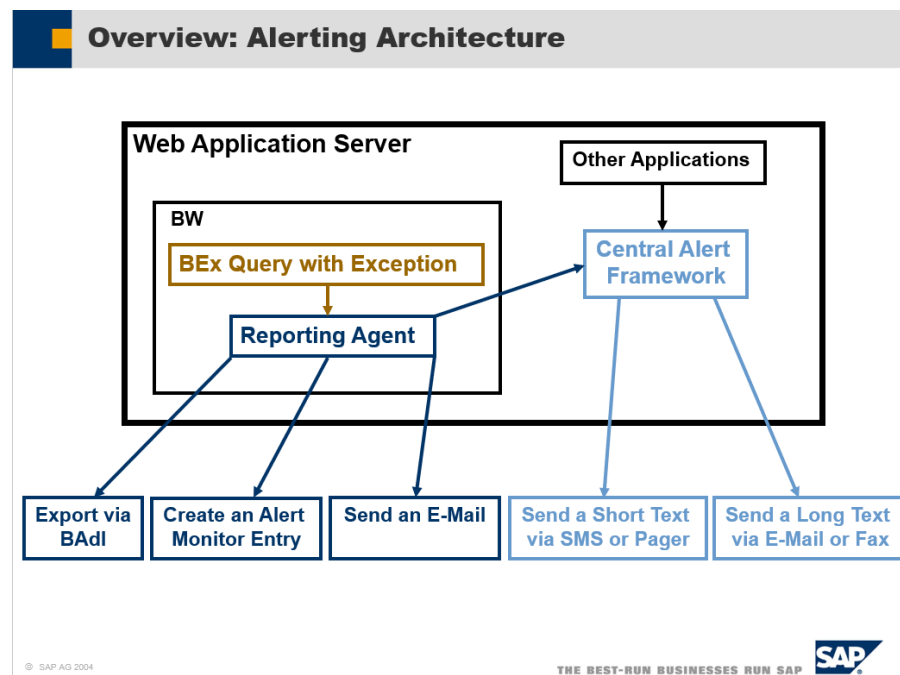
534. For example, the application server of SAP EP 6.0 at runtime is configured to determine the notification method based on the preferences set by the SAP EP 6.0 user to generate an alert, *e.g.*, via push notification, through different channels, *e.g.*, emails, SMS, printer, pager, mobile phone,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

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

Invalidity Contentions as applied to the Asserted Claims of the '948 Patent, as shown in Exhibit D-1, which I incorporate into this report.

**3. IBM WebSphere and WebSphere
Everyplace Access Renders the Asserted
Claims Obvious**

546. IBM WebSphere Portal (which includes WebSphere Everyplace Access) teaches or suggests each claim limitation in the Asserted Claims.

547. IBM WebSphere Portal is an enterprise portal solution that provides a customizable interface for users to access and interact with various types of information, integrating multiple applications, content, and services, across devices such as desktops and mobile devices.

548. Key features of WebSphere Portal include:

- a. Secure user-centric information
- b. Channels
- c. Customizable portal page with a grid of portlets
- d. User profiles
- e. Authentication of users and devices
- f. Authorization by role
- g. Bi-directional interrogation
- h. Accessibility across devices
- i. Intelligent alerts

549. I understand IBM WebSphere Portal, including WebSphere Everyplace Access was a product sold by IBM by at least as early as 2004. I am aware of individuals and companies that used IBM WebSphere Portal and WebSphere Everyplace Access.

550. The following references describe IBM WebSphere Portal (including WebSphere Everyplace Access) and are evidence of how IBM WebSphere Portal works:

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:

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EXHIBIT D-1

**May 16, 2025 Opening Report
of Paul C. Clark, DSc.**

Clark Report Exhibit D-1

Invalidity Chart for U.S. Patent No. 8,751,948 B2 to SAP EP

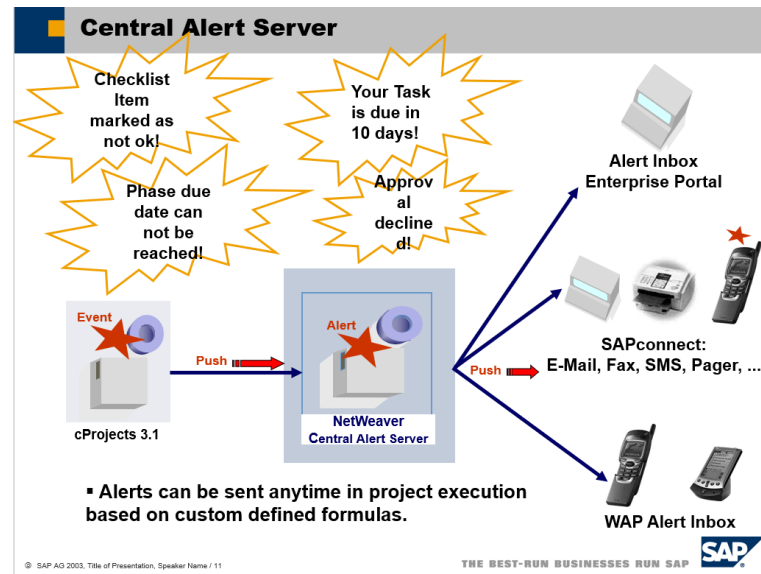
The Asserted Claims (13 and 36) of U.S. Patent No. 8,751,948 (the “’948 Patent”) are rendered obvious by the SAP Enterprise Portal 6.0 system (“SAP EP”), including the architectural and technical infrastructure and supporting components described herein, including SAP NetWeaver, alone or in combination with IBM WebSphere and/or the knowledge of a skilled artisan, including as applied by Cyandia in its Infringement Contentions and/or under my understanding of the proper construction of the claims and/or the Court’s preliminary claim constructions. Alternatively, the Asserted Claims are obvious over SAP EP and IBM WebSphere in combination with Austin-Lane.

At least as of 2006, SAP EP served as a central component of SAP’s highly integrable and customizable ecosystem of software products. SAP EP enables the display and smooth integration of applications and information from varied sources and cross-application integration, to foster collaboration among separated divisions of one or more companies and to provide a unified interface to its users to access secure and role-based applications and information from anywhere and at any time using multiple devices. A skilled artisan would have found it obvious to combine disclosures by SAP and the community of SAP users and consultants to properly implement SAP EP and to take advantage of the functions and features it offers while installing, configuring, using, and/or customizing SAP EP.

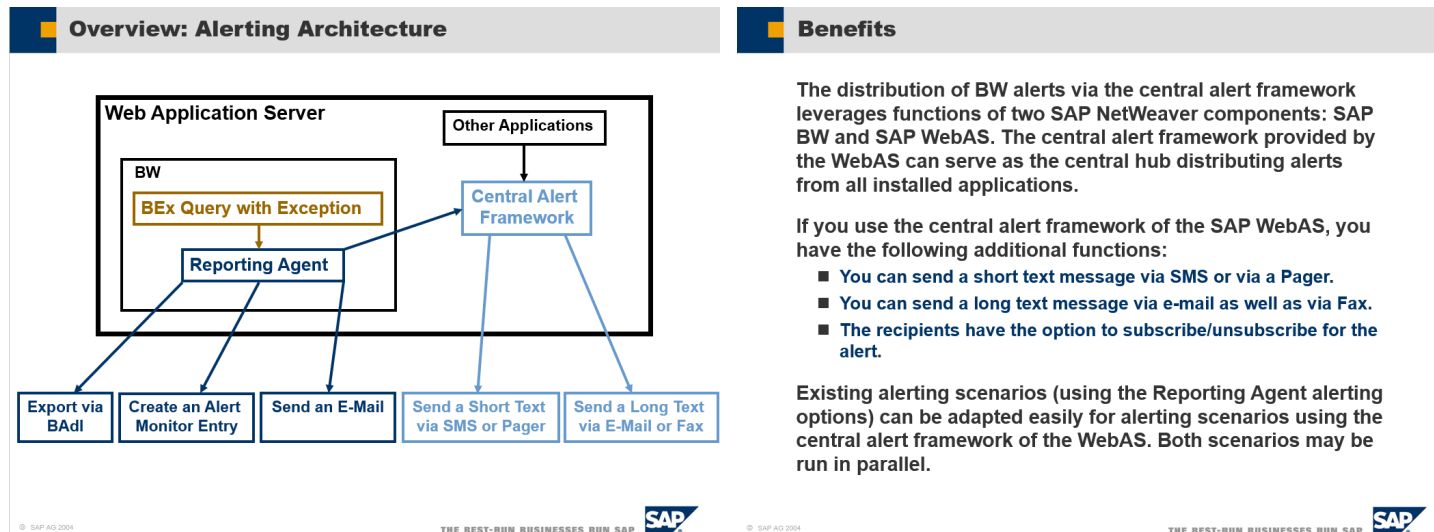
A skilled artisan also would have found it obvious to combine teachings from IBM WebSphere on supporting mobile devices, tracking device identity, tracking a user’s active sessions, and delivering intelligent alerts with SAP EP at least because SAP EP and IBM WebSphere were intended to be interoperable. Specifically, SAP EP and IBM WebSphere were Java-based systems that could be integrated with one another to, for example, leverage their different strengths. NetWeaver Training EP 6.0 at 18; Schwartz Tr. at 29:16-32:12 (“... [customers] required that [SAP] would provide an integration between NetWeaver and WebSphere. ... [T]hey would not go into a network installation at all unless ... we really deliver[ed] this integration.”); SAP_CYAN_00000005 – SAP_CYAN_00000246 (installation discs for SAP software showing that SAP EP was capable of connecting to and interacting with products of other companies, such as Oracle and IBM, in a variety of ways and did so for years before the critical dates of the Asserted Patents). A skilled artisan would have been motivated with a reasonable expectation of success to extend SAP EP to mobile devices, as taught by IBM WebSphere, to securely enable users greater access to SAP EP (e.g., access from any identified device associated with the user and/or location). *See, e.g.*, Mastering IBM WebSphere, 473-480; IBM WEA Vol. I, 1-7, 20, 25, 27; IBM WEA Vol. IV, 3; *see also* Linkies et al., “SAP® Security and Authorizations,” SAP Press America, 1st ed., May 15, 2006, Ch. 19, at 330-334. When extending SAP EP to mobile devices, a skilled artisan would have been motivated with a reasonable expectation of success to incorporate WebSphere’s additional teachings to identify platform identities, track a user’s active sessions, and ensure the user promptly receives alerts. A skilled artisan would have been motivated with a reasonable expectation of success to incorporate WebSphere’s teachings to identify platform identities to: (1) ensure content is properly adapted for and rendered on each device, as taught by the IBM WebSphere references (*see, e.g.*, IBM Rational Developer, 16, 37, 56, 125; Mastering IBM WebSphere, 475-491; IBM WEA Vol. I, 5, 13-14, 91-94; IBM WEA Vol. II, 243-244), (2) enhance security, as taught by the IBM WebSphere references (*see, e.g.*, Mastering IBM WebSphere, 27, 899-900) and Linkies et al. (*see, e.g.*, Chapters 19, 22), (3) synchronize content, functions, features, etc. across devices, as taught by the IBM WebSphere references (*see, e.g.*, IBM WEA Vol. III, ix, 2, 28, 29, 133; Mastering IBM WebSphere, 4, 7, 479-480), and (4) provide smart/dynamic alerts to the device on which the user is currently active (*see, 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). A skilled

	Vol. IV, Page 82: The components of this scenario are: ▶ A content adapter The content adapter periodically receives a string that contains the status of a determined group of servers. There is a content source program which monitors the HTTP service status of the servers every five minutes and sends this information to the content adapter. The content adapter transforms the server status string into an appropriately formatted XML document and publishes it to the Subscription Manager. The content adapter runs periodically waiting for data from the content source program and is deployed as a WebSphere Application Server J2EE client application. The URL addresses of the servers to be monitored are specified in a properties file which is read by the content source program. ▶ A subscription portlet The subscription portlet allows users to create Monitoring Server subscriptions, which defines the status of which they want to be notified and the delivery options. Also, users can edit or delete existing server status subscriptions using this portlet. ▶ A trigger handler The trigger handler builds a notification message when the Subscription Manager component detects a match between the server status that is published by the content adapter and the server status subscription that is created by the users. The notification message is a string that contains the server status and is passed to the Notification Manager component.
[1.8] F) determining a notification method by which to provide at least one alert on the at least one external device	At least under the assumed construction of Cyandia's Infringement Contentions, which I do not adopt, SAP EP teaches this claim element at least because SAP EP includes software stored on a memory that is configured to cause at least one processor to determine the notification method based on the preferences set by the SAP EP user to generate an alert, e.g., via push notification, through different channels, e.g., emails, SMS, printer, pager, mobile phone, and fax. As indicated above, in the positive security model, the application-level gateways, which are part of the technical infrastructure of SAP EP, analyze the information transmitted to the user during a session so as to determine the URLs from the analyzed information to add to the whitelist, such that only subsequent accesses to URLs on the whitelist are allowed during the course of the user's session.

based on the current state of the at least one external device indicated by the session data;



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



SAP presentation about Alerting with SAP BW (2004).

See also SAP EP Installation Discs.