

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

VALTRUS INNOVATIONS LTD. and
KEY PATENT INNOVATIONS LTD.,

Plaintiffs,

v.

SAP AMERICA, INC. and SAP SE,

Defendants.

Civil Action No. 2:24-cv-21

JURY TRIAL DEMANDED

**APPENDIX 1 TO EXPERT REPORT OF NICK FEAMSTER, PH.D.:
DETAILED ANALYSIS OF THE INVALIDITY OF THE '182 PATENT**

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I. INVALIDATING PRIOR ART FOR THE '182 PATENT¹

1. In addition to the opinions stated in my Expert Report regarding invalidity of certain claims, which I incorporate herein by reference, this Appendix includes additional detailed opinions regarding the '182 Patent.

2. Some of the terms used in the claims may have specific meanings and be understood to mean something different in the context of a database or database management system. But to the extent that certain functionality is accused of infringement based on the use of the same or similar word that is used in a claim term, that functionality existed well before the applicant filed the application for the alleged invention in the '182 Patent.

3. I understand that SAP served invalidity contentions in this case on May 20, 2024 (the "Invalidity Contentions"). While SAP's Invalidity Contentions refer to many items of prior art, this report addresses a subset of the prior art, namely:

- U.S. Patent App. Pub. No. 2003/0225760, SAP VAL_0355224-0355243, ("*Ruuth*"), published Dec. 4, 2003, under pre-America Invents Act (AIA) 35 U.S.C. § 102(e);
- U.S. Patent App. Pub. No. 2003/0093638, SAP VAL_0355142-0355159, ("*Margerie*"), published May 15, 2003, under pre-AIA 35 U.S.C. § 102(a), (e);
- U.S. Patent No. 5,889,935, SAP VAL_0355970-0356028, ("*Ofek*"), issued Mar. 30, 1999, under pre-AIA 35 U.S.C. § 102(a), (b);
- U.S. Patent No. 5,239,640, SAP VAL_0355657-0355668, ("*Froemke*"), issued Aug. 24, 1993, under pre-AIA 35 U.S.C. § 102(a), (b);
- The Adaptive Server Enterprise 12.5 system offered by Sybase, Inc., and publicly disclosed at least as early as 2001, under pre-AIA 35 U.S.C. § 102(a), (b), (g)(2), features of which are described in the following references:

¹ Pinpoint citations to page numbers in this Appendix typically refer to the PDF page number (which does not necessarily match the document page number).

- Sybase, Inc., “What’s New in Sybase Adaptive Server Enterprise?,” Adaptive Server Enterprise 12.5 (June 2001), SAP_VAL_0351032-0351197 (“*Sybase Source 1*”)
- S. Raghuram et al., “Taming the Downtime: High Availability in Sybase ASE 12”, *Proceedings of 16th International Conference on Data Engineering (Cat. No.00CB37073)*, San Diego, CA, USA, 2000, pp. 111-120, SAP VAL_0354365-0354374 (“*Sybase Source 2*”)
- J. Garbus, G. Tyrrell, “The Official Guide Sybase ASE 12.5 High Availability” (2002), SAP VAL_0354375-0354705 (“*Sybase Source 3*”)
- The HP MC/ServiceGuard system offered by Hewlett Packard Company, and publicly disclosed at least as early as 2002, under pre-AIA 35 U.S.C. § 102(a), (b), (g)(2), features of which are described in at least the following references:
 - Hewlett Packard Company, “Managing MC/ServiceGuard,” (March 2002), SAP VAL_0353147-0353536 (“*HP Source 1*”)
 - Hewlett Packard Company, “Designing Disaster Tolerant High Availability Clusters,” (June 2002), SAP_VAL_0842310-0842697 (“*HP Source 2*”)

A. State of the Art

4. This Section summarizes some basic facts about each prior art reference included in my analysis below. This summary is not exhaustive and additional pertinent details about each reference are discussed in greater detail in later sections.

1. According to the '182 Patent and Related Applications Incorporated by Reference

5. At the time when the application that issued as the '182 Patent was filed, key concepts underpinning the Patent’s purported invention were well developed in the art and generally known to a POSITA. These concepts include data redundancy and fault-tolerance, such as in the context of data storage, as well as different techniques and components for data storage.

6. For example, in the Background section of the '182 Patent, the applicant admitted multiple aspects of the purported invention of the '182 Patent were known in the art. These are described in the invalidity contentions cover pleading, which I have reproduced below. SAP