

HIGHLY CONFIDENTIAL – SOURCE CODE

**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 4 TO EXPERT REPORT OF NICK FEAMSTER, PH.D.:
DETAILED ANALYSIS OF THE INVALIDITY OF THE '575 PATENT**

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II. INVALIDATING PRIOR ART FOR THE '575 PATENT

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 '575 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 data services 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 '575 Patent.

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

- W. Chen, et al., "DB2 UDB Evaluation Guide for Linux and Windows," IBM Redbooks, April 2003. Available: <https://www.redbooks.ibm.com/>
- The ActaWorks system offered by Acta Technology, Inc., and publicly disclosed at least as early as August 2002, under pre-AIA 35 U.S.C. § 102(a), (b), (g)(2), features of which are described in the following references:
 - CBR Staff Writer, "Acta Offers to Warehouse SAP Data," Tech Monitor, March 9, 1998. Available: https://www.techmonitor.ai/technology/acta_offers_to_warehouse_sap_data ("Source 1")
 - FHC for Global Technology, "Acta First to Integrate Web Services and ETL," ITWeb, August 28, 2002. Available: <https://www.itweb.co.za/article/acta-first-to-integrate-web-services-and-etl/WnXP74D5kG7V8XL> ("Source 2")
 - "Acta Leads ETL Industry in Performance on Benchmark Tests," HPC Wire, December 14, 2001. Available: <https://www.hpcwire.com/2001/12/14/acta-leads-etl-industry-in-performance-on-benchmark-tests/> ("Source 3")
 - J. Lamont, "Data Warehousing from End to End," KM World, May 1, 1999. Available: <https://www.kmworld.com/Articles/Editorial/Features/Data-warehousing-from-end-to-end-9101.aspx>. ("Source 4")

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- U.S. Patent App. Pub. No. 2001/0047372 (“Source 5”), published November 29, 2001, under pre-AIA 35 U.S.C. § 102(e)
- U.S. Patent App. Pub. No. 2002/0004799 (“Source 6”), published January 10, 2002, under pre-AIA 35 U.S.C. § 102(e)

B. State of the Art

4. At the time when the application that issued as the ’575 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 extraction, transformation, and loading data from an object source to a target source; real-time data transfer; polymorphism; and metadata.

5. For example, in the Background section of the ’575 Patent, the applicant admitted multiple aspects of the purported invention of the ’575 Patent were known in the art. These are described in the invalidity contentions cover pleading, which I have reproduced below. SAP Invalidity Contentions (May 20, 2024) Cover Pleading at 38-42.

6. The ’575 Patent admits in its Background section that data services handler was known in that “[o]ne aspect of real-time enterprises is a capability to materialize data from disjointed databases into an integrated data model,” and “[m]any problems, such as synchronization of master data, cannot be solved effectively by a federated database approach alone.” In addition, it was known that “[d]ata elements are deduplicated and merged into a common data model to create a semantic bridge between systems,” and “[e]xisting tools and methods operate in batch mode to support business intelligence applications,” and additional tools were “available to support real-time information integration.” ’575 Patent at 1:5-18.

7. The ’575 Patent further admits in its Background section that computing systems were known. ’575 Patent at 1:5-17 (“Enterprises today are driven to improve responsiveness to customers and events, an objective commonly sought through usage of a computing infrastructure that attains access to integrated, real-time information. One aspect of real-time enterprises is a