

**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 2 TO EXPERT REPORT OF NICK FEAMSTER, PH.D.:
DETAILED ANALYSIS OF THE INVALIDITY OF THE '244 PATENT**

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I. INVALIDATING PRIOR ART FOR THE '244 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 '244 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 fault tolerant storage systems. 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 '244 Patent.

3. I understand that SAP served invalidity contentions in this case on May 20, 2024 (the "Invalidity Contentions") and later moved for leave to amend its 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 No. 6,615,253 – Efficient Server Side Data Retrieval for Execution of Client Side Applications ("Bowman")
- 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:
 - Sybase, Inc., "What's New in Sybase Adaptive Server Enterprise?," Adaptive Server Enterprise 12.5 (June 2001), SAP_VAL_0351032-0351197
 - 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, SAP_VAL_0432055-0432064.
 - J. Garbus, G. Tyrrell, "The Official Guide Sybase ASE 12.5 High Availability" (2002), SAP VAL_0354375-0354705
 - Sybase, "Adaptive Server Enterprise 12.5 Configuration Guide," SAP_VAL_0421607-0421814.

- Kotta et al., “Understanding Sybase SQL Server 11: A Hands-on Approach,” (1997), SAP_VAL_0421358-0421376, SAP_VAL_0421390-0421407.
- Daniel Worden, “Sybase Developer’s Guide” (1994), SAP_VAL_0421377-0421389.
- “Sybase Adaptive Server Enterprise 12 System Administration Guide” (1999), SAP_VAL_0429025-0429978.
- “Sybase’s Adaptive Component Architecture,” SAP_VAL_0429018-0429024.
- Karen Paulsell, Sybase SQL Server: Performance and Tuning Guide (1996), SAP_VAL_0428400-0429017.
- Olson et al., The Sybase Architecture for Extensible Data Management (1998), SAP_VAL_0432065-0432078.
- Alex Berson & George Anderson, Sybase and Client/Server Computing (2nd ed. 1997), available at <https://archive.org/details/sybaseclientserv0002bers>.

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 '244 Patent

5. At the time of the filing of the '244 Patent, key concepts underpinning the Patent’s purported invention were well developed in the art and generally known to a POSITA. These concepts include fault-tolerance and different methods of communications between clients and servers (what the '244 Patent calls “messaging paradigms”).

6. The '244 Patent admits in its Related Art section that in the known art of computing “a distributed application is an application that is separated into two or more parts, such as a client application on a first computer system and a server application on a second computer system, with the two computers coupled together via a network,” that the known term “client” refers to an

subscribed to receive the event represented by the post message,” “unsubscribed messages,” “to record [unsubscribe messages] so that the second node would no longer receive post messages,” and “broadcast messages” were known in the art. 113:20-118:16.

36. He also clarified that it was known “to have communication agents that run on separate servers. *Id.* at 153:10-18.

2. Scope and Content U.S. Patent No. 6,615,253 to Bowman-Amuah (“Bowman”)

37. U.S. Patent No. 6,615,253 to Bowman-Amuah (“Bowman”) titled “Efficient Server Side Data Retrieval for Execution of Client Side Applications” was filed on August 31, 1999, and issued on September 2, 2003. Bowman at Cover. Based on my understanding, Bowman qualifies as prior art at least under pre-America Invents Act (AIA) 35 U.S.C. § 102(e) because the ’244 Patent was filed on October 31, 2000.

38. The inventor of the Bowman reference, Michel K. Bowman-Amuah, is a named inventor on roughly 50 patents and/or applications since 1998, respectively. *See* <https://patents.google.com/?inventor=Michel+K.+Bowman-Amuah> (accessed 5/12/2025). Bowman was originally assigned to Andersen Consulting LLP, which was subsequently assigned to “Accenture LLP” by change of name. *See* Patent Assignment, Reel/frame, 011592/0510, <https://assignment.uspto.gov/patent/index.html#/patent/search/resultAbstract?id=6615253&type=patNum> (accessed 5/12/2025). The majority of the patents, on which Michel K. Bowman-Amuah is a listed inventor, are assigned to an Accenture organization. *See* <https://patents.google.com/?inventor=Michel+K.+Bowman-Amuah> (accessed 5/12/2025).

39. Bowman states that it is directed to “updating a server while minimizing network traffic and maintaining an acceptable level of system performance.” Bowman at 1:20-24.