EXHIBIT G

B. Obviousness Under 35 U.S.C. § 103

In addition to the ~~anticipatory~~ references described in these ~~Preliminary~~Final Invalidity Contentions, the Asserted Claims of the Asserted Patents are invalid based on obviousness. In general, a claimed invention is unpatentable if the differences between it and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35

U.S.C. § 103(a); *Graham v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).

~~Each~~Pursuant to Defendants' Final Election of Asserted Prior Art, each prior art reference identified above and described in the charts attached as the Exhibits A-01-H~~-31~~- 31, either alone or in combination with other prior art (identified in the Exhibits A-01- H-31 and Appendix A, also renders the Asserted Claims of the Asserted Patents invalid as obvious. Various combinations of the references would have naturally been considered as part of the exercise of ordinary skill by one skilled in the art. In particular, each prior art reference may be combined with (1) information known to persons skilled in the art at the time of the alleged invention, (2) information regarding the state of the art at the time of the alleged inventions (3) any of the other anticipatory prior art references, and/or (3) any of the additional prior art identified above and in the charts attached hereto. Specific combinations of prior art, by way of example, are provided below. In addition, Bank of America incorporates by reference each and every prior art reference of record in the prosecution of the Asserted Patents and related applications,

including the statements made therein by the applicant, as well as the prior art discussed in the specification.

In view of the Supreme Court's *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 127 S. Ct. 1727, 1739 (2007) ("*KSR*") decision, the PTO issued a set of Examination Guidelines. *See* Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57, 526 (Oct. 10, 2007). Those Guidelines summarized the KSR decision, and identified various rationales for finding a claim obvious, including those based on other precedents. Those rationales include:

A.   Combining prior art elements according to known methods to yield predictable results;

B.   Simple substitution of one known element for another to obtain predictable results;

C.   Use of known technique to improve similar devices (methods, or products) in the same way;

D.   Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

E.   "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

F.   Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

G.   Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Id. at 529.

Bank of America contends that one or more of these *KSR* rationales applies in considering the obviousness of the Asserted Claims in the ~~Patents-in-Suit~~Asserted Patents in accordance with S.P.R. 2.5.

1. Background and State of the Art

Consistent with ~~Plaintiff's~~Plaintiffs' admissions noted in Section III.D., machine vision done by way of image processing for symbol identification and object recognition was well-known before the alleged November 6, 2000 priority date of the Asserted Patents. Research on a machine's ability to understand text began in the late 1980's, and "commercial systems [were] built to read text on a page, to find fields on a form, and to locate lines and symbols on a diagram." O'Gorman, *Document Image Analysis* at iii. By the late 90's, "the results of research work in document processing and optical character recognition (OCR) can be seen and felt every day." *Id*. As shown below, known document processing techniques by 1997 include at least textual and graphical processing. *Id*. at 2.
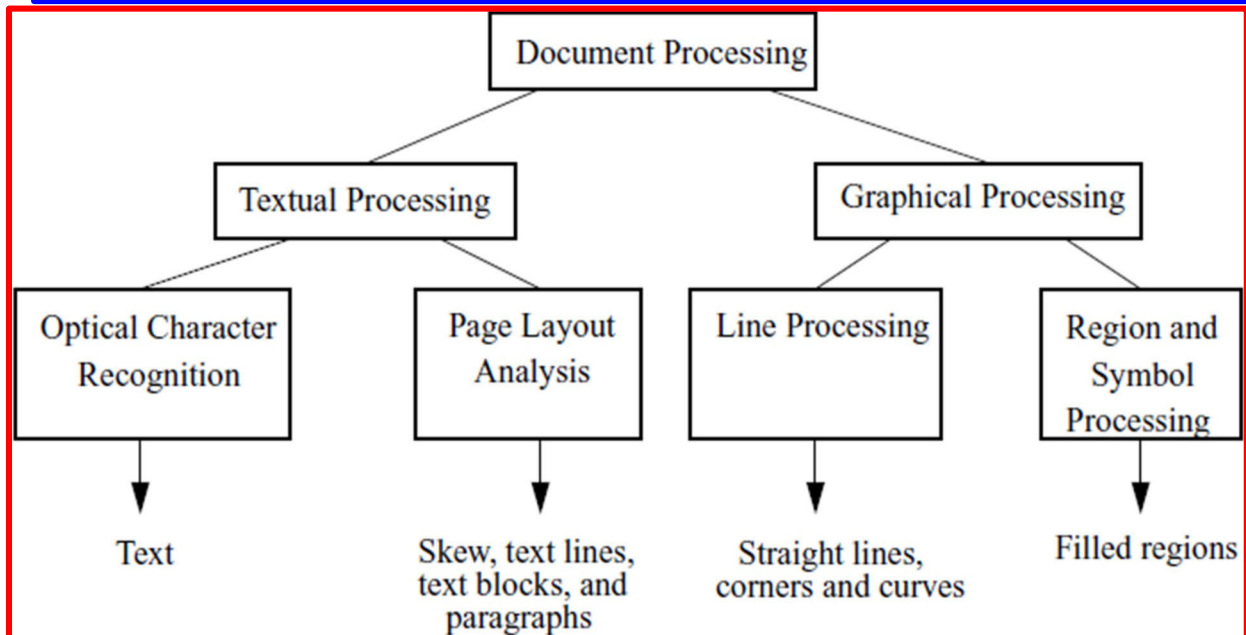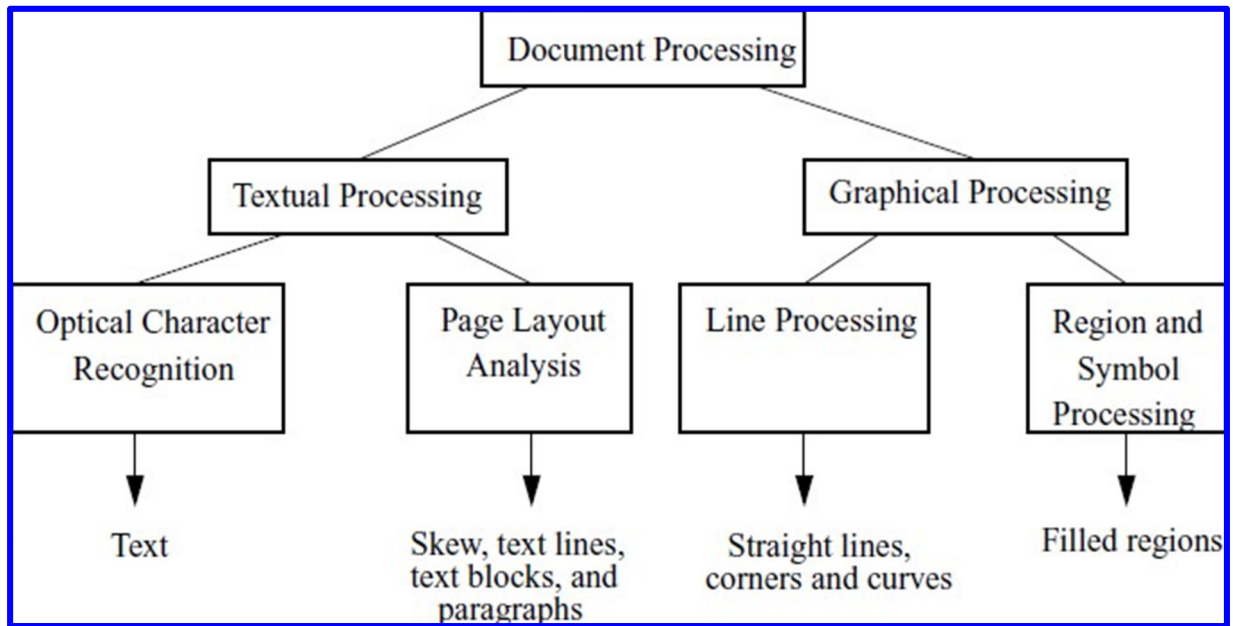
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