IN THE UNITED STATES COURT OF FEDERAL CLAIMS

E-NUMERATE SOLUTIONS, INC. and E-NUMERATE, LLC,	
Plaintiffs,	No. 19-859 C
v.	Judge Ryan T. Holte
THE UNITED STATES,	
Defendant.	

DEFENDANT'S SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF

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Pursuant to the Court's Order (ECF 104), Defendant, the United States, respectfully submits this Supplemental Claim Construction Brief.

I.   Term 2: "Report"[1]

In response to the Court's preliminary construction, Defendant proposes that this term be construed as "a specially formatted output of information generated by applying one or more style documents to one or more data documents." This revised construction is consistent with the disclosures and claims of both the '355 and '842 Patents.

The '355 Patent's disclosure supports the use of "one or more" and "applying" in the revised construction. *See* '355 Patent at 9:46-48 ("single RDML data document [] may contain a set of financial statements, but several different style sheets could be applied"); 16:32-34 ("RDML data object … can be placed into a report using one or more different style sheets"); 16:36-38 ("a style sheet written for one RDML document [] can be used for another"); 16:45-46 ("use the resulting stylesheet to create a report from any qualifying RDML data document").

The '842 Patent also suggests that a default stylesheet is used to provide some minimal amount of formatting for a report when a user does not specify use of a particular stylesheet. '842 Patent at 20:30-34 and Figure 14 (report generated "without much [*i.e.*, some] formatting" when a user does not specify a stylesheet filename, *e.g.*, elements on new lines with appropriate indentation) and 20:35-38 (user specifies stylesheet filename using report generation dialog to generate "highly formatted user friendly report" of Figure 15);; *compare* Figure 14 (default stylesheet "10E-BalSheet.xsl" listed on second line) *with* Figure 15 (user-specified stylesheet). Therefore, the revised construction of "report," is consistent with the '842 Patent.

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[1] The headings use the numbering provided by the Court for purposes of the *Markman* hearing. This term was also listed as '355 Patent, Term 7 within the Joint Claim Construction Statement ("JCCS"). ECF 103-1 at 6-8.

Plaintiffs' claim differentiation argument does not compel a different construction as it incorrectly assumes that that a "stylesheet" is coextensive with a "template." While the '355 Patent states that "style sheets [] act as templates for output reports," it also discusses using templates in other contexts unrelated to stylesheets, *e.g.*, for formatting chart values. '355 Patent at 24:36-37 ("string providing a template for the default representation of the x-axis values"), 40:18-20 ("formatting templates are regular expression strings"). Furthermore, the use of "templates" in dependent claims 32 and 33 of the '842 Patent refers to "document templates" in the '842 Patent, not stylesheets. *Compare* '842 Patent at 9:28-45 and 15:1-4 (discussing "document templates") *with* 15:4–33 (separately discussing stylesheets). Therefore, any claim differentiation in the '842 Patent arising from dependent claims 32 and 33 impacts whether its independent claim 29 uses a "document template," not whether it uses a stylesheet or other style document. Plaintiffs' claim differentiation argument, therefore, should not impact the construction of "report" and certainly not with respect to the '355 Patent family.

II.   Terms 4A-4B: "Rule [for validation]" [2, 3]

This Court should construe the "rule [for validation]" limitation differently in the '355 Patent family and the '842 Patent. "Claims must be read in view of the specification, of which they are a part [and] the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (internal citation omitted). Inherent within such guidance is the principle that a variation in specification may result in a modification to a

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[2] These terms were listed under '383 Patent, Term 8. ECF 103-1 at 29-30.

[3] Defendant referred to the singular form of this term "rule" as opposed to "rules" as that is how it appears within the relevant limitation of the asserted claims, *i.e.*, "rule for validation." Defendant does not seek a construction for "rules" within "rules for processing."

claim construction. The varying disclosures between the '355 and '842 Patents provide a stark

example of where additional disclosure mandates a different construction.

In the '355 Patent family the *only* validation disclosed is based on rules within a DTD:

"To be a valid RDML document 102, the file conforms to the RDML Document Type Definition

('DTD') which is described in detail below." '355 Patent at 15:41-43. Additionally, while the

patents state that in one implementation the document conforms with the rules provided by the

DTD, *id*. at 50:37-39, the patentee indicated that the other scenarios are related to cases where

validation (with the DTD) failed and error handling is invoked: "The error checking functions of

the processor 708 simply compare the output of the parser 706 against the text expected as

defined by the DTD 702. If the incoming document does not conform . . . an error message is

sent . . ." *Id*. at 30:25-32. Hence, the "rule [for validation]" within the '355 Patent must be a

constraint listed in a DTD.

The '842 Patent explains that its (alleged) invention *supplements* the invention of the

'355 Patent family: "the present invention, a system, referred to as an 'RDX system', is a *'bolt-*

on' or *expansion* to the system and methods for implementing RDL." '842 Patent at 8:43-45

(emphasis added). Notably, RDL[4] is the Reusable Data Markup Language introduced and

referred to within the '355 Patent family. *See, e.g.*, '355 Patent at 3:51-57.

It is the RDX system — and *only* the RDX system — that performs validation based on

rules outside of the DTD. As the '842 Patent explains: "RDX system 100 *supplements* the DTD

validation with optional semantic validation based on user-defined rules," *id*. at 13:63-65

(emphasis added), and "[i]f the XBRL DTD rules are satisfied and there are no user-defined

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[4] The '842 Patent refers to RDML as RDL. '842 Patent at 7:23-24.

rules. . . If, however, the XBRL rules are satisfied and there are user-defined rules, RDX parser 204 interprets the XBRL document, by applying the user-defined rules," *id*. at 14:3-8.

Moreover, the disclosure of the '842 Patent represents the patentee's admission that the Court may utilize in construing the scope of the corresponding "rule" term in the '355 Patent family. *Gillette Co. v. Energizer Holdings, Inc.*, 405 F.3d 1367, 1374 (Fed. Cir. 2005) (relying on party statements made by defendant in front of a foreign tribunal regarding corresponding claims in construing claim term). Here, the '842 Patent incorporates by reference the disclosure of the '355 Patent family and explicitly supplements it, making its statements as to the limitations of the '355 Patent family both meaningful and consequential. As both the RDX system and validation of rules outside of the DTD are only disclosed within the '842 Patent, the Court should limit "rule [for validation]" in the '383 and '748 Patents to be a "constraint listed within a DTD" and have a plain and ordinary construction in the context of the '842 Patent.

III.   Terms 15A-15C: "Multiple hierarchical relationships between two line items. . ." [5]

As explained at the hearing, Defendant proposed the following variation of the Court's preliminary construction for terms 15A-15C: "a line item with more than one type of hierarchical relationship with another line item wherein both hierarchical relationships are explicitly specified, the hierarchical relationship conveying information such as dependency on the other line item. Examples of relationships between two line items include parent-child, sibling-sibling, grandparent-grandchild, and member-collection."

While Plaintiffs seek to rewrite their claims, Defendant's proposed construction tracks the claim language and the relevant disclosure. The asserted patents explain that through the use

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[5] These terms were listed as '383 Patent, Term 7, '748 Patent, Term 5, and '842 Patent Term 5. ECF 103-1 at 32-34; 51-53; 68-70.

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