

EXHIBIT A

2017 WL 4872706

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Only the Westlaw citation is currently available.

United States Court of Appeals,
Federal Circuit.

MASTERMINE SOFTWARE,
INC., Plaintiff-Appellant

v.

MICROSOFT CORPORATION, Defendant-Appellee

2016-2465

Decided: October 30, 2017

Synopsis

Background: Owner of patents disclosing methods and systems that allowed a user to easily mine and report data maintained by a customer relationship management (CRM) application brought infringement action. The United States District Court for the District of Minnesota, No. 0:13-cv-00971-PJS-TNL, [Patrick J. Schiltz, J.](#), [2016 WL 8292205](#), entered claim construction order, and parties stipulated to final judgments of noninfringement and invalidity for indefiniteness. Patent owner appealed.

Holdings: The Court of Appeals, [Stoll](#), Circuit Judge, held that:

[1] term “pivot table” meant an interactive set of data displayed in rows and columns that can be rotated and filtered to summarize or view the data in different ways, and

[2] claims were not invalid as indefinite.

Affirmed in part, reversed in part, and remanded.

West Headnotes (12)

[1] **Patents**

🔑 [Construction and Operation of Patents](#)

The ultimate construction of the claim is a legal question and, therefore, is reviewed de novo.

[Cases that cite this headnote](#)

[2] **Patents**

🔑 [Construction and Operation of Patents](#)

The Court of Appeals reviews a district court's claim construction based solely on intrinsic evidence de novo, while it reviews subsidiary factual findings regarding extrinsic evidence for clear error.

[Cases that cite this headnote](#)

[3] **Patents**

🔑 [Plain, ordinary, or customary meaning in general](#)

Patents

🔑 [State of the art](#)

Claim construction seeks to ascribe the ordinary and customary meaning to claim terms as a person of ordinary skill in the art would have understood them at the time of invention.

[Cases that cite this headnote](#)

[4] **Patents**

🔑 [Language of claims in general](#)

For claim construction purposes, the claims themselves provide substantial guidance as to the meaning of particular claim terms.

[Cases that cite this headnote](#)

[5] **Patents**

🔑 [Specifications and Drawings; Written Description](#)

Patents

🔑 [State of the art](#)

For claim construction purposes, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification.

[Cases that cite this headnote](#)

2017 WL 4872706

[6] **Patents**
🔑 Specifications and Drawings; Written Description

Patents

🔑 Preferred embodiment

For claim construction purposes, while the Court of Appeals reads claims in view of the specification, of which they are a part, it does not read limitations from the embodiments in the specification into the claims.

[Cases that cite this headnote](#)

[7] **Patents**
🔑 Data processing

Term “pivot table” in patents disclosing methods and systems that allowed a user to easily mine and report data maintained by a customer relationship management (CRM) application, meant an interactive set of data displayed in rows and columns that can be rotated and filtered to summarize or view the data in different ways.

[Cases that cite this headnote](#)

[8] **Patents**
🔑 Patentability and Validity

Indefiniteness is a question of law that the Court of Appeals reviews de novo, subject to a determination of underlying facts.

[Cases that cite this headnote](#)

[9] **Patents**
🔑 Ambiguity, Uncertainty, or Indefiniteness

While a claim directed to both a method and an apparatus may be indefinite, apparatus claims are not necessarily indefinite for using functional language.

[Cases that cite this headnote](#)

[10] **Patents**

🔑 Functions, means, and results of invention

Functional language in a means-plus-function format is explicitly authorized by statute, and functional language may also be employed to limit the claims without using the means-plus-function format. [35 U.S.C.A. § 112](#).

[Cases that cite this headnote](#)

[11] **Patents**
🔑 Particular products or processes

Claims disclosing a system comprising a reporting module installed within the customer relationship management (CRM) software application, in patents disclosing methods and systems that allowed a user to easily mine and report data maintained by a CRM application, were not invalid as indefinite; claims used permissible functional language to describe capabilities of the claimed system, and claims informed those skilled in the art about the scope of the invention with reasonable certainty. [35 U.S.C.A. § 112](#).

[Cases that cite this headnote](#)

[12] **Patents**
🔑 In general; utility

US Patent [7,945,850](#), US Patent [8,429,518](#). Construed.

[Cases that cite this headnote](#)

Appeal from the United States District Court for the District of Minnesota in No. 0:13-cv-00971-PJS-TNL, Judge Patrick J. Schiltz.

Attorneys and Law Firms

[ADAM ROGER STEINERT](#), Fredrikson & Byron, PA, Minneapolis, MN, argued for plaintiff-appellant. Also represented by [KURT JOHN NIEDERLUECKE](#), [NIKOLA DATZOV](#), [GRANT DAVID FAIRBAIRN](#), [LORA MITCHELL FRIEDEMANN](#).

2017 WL 4872706

ERICA D. WILSON, Walters Wilson LLP, Redwood City, CA, argued for defendant-appellee. Also represented by ERIC STEPHEN WALTERS.

Before Newman, O'Malley, and Stoll, Circuit Judges.

Opinion

Stoll, Circuit Judge.

*1 MasterMine Software, Inc. appeals from a stipulated judgment of noninfringement and invalidity following adverse claim construction and indefiniteness rulings from the United States District Court for the District of Minnesota. Because the district court's construction is supported by the intrinsic evidence, and the claims do not improperly claim both an apparatus and a method of using the apparatus, we affirm the court's claim construction, reverse the court's indefiniteness determination, and remand for proceedings consistent with this opinion.

BACKGROUND

MasterMine sued Microsoft Corporation for infringement of its two related patents, U.S. Patent Nos. 7,945,850 and 8,429,518. MasterMine asserted claims 1, 8, 10, and 12 of the '850 patent and claims 1, 2, and 3 of the '518 patent.

Both patents disclose methods and systems “that allow[] a user to easily mine and report data maintained by a customer relationship management (CRM) application.” '850 patent, Abstract.¹ CRM applications “are used to manage all aspects of customer relations by integrating a company's sales force, processes, sales channels and customers into one environment.” *Id.* at col. 1 ll. 11–14.

The patents describe a process by which an electronic worksheet is automatically created. Within this electronic worksheet, a multi-dimensional analysis table, known as a pivot table, “allows the user to quickly and easily summarize[] or view large amounts of CRM data.” *Id.* at col. 2 ll. 22–24. “For example, the user can rotate the rows and columns of [a pivot table] to see different summaries of the CRM data, filter the data by displaying different pages, or display the details for [an] area of interest.” *Id.* at col. 2 ll. 24–27. The patents further describe that a user

is able to “analyze the captured CRM data and ‘mine’ the data for important insights” upon generation of the pivot table. *Id.* at col. 3 ll. 5–6.

Following briefing and argument, the district court entered a claim construction order, construing, *inter alia*, the term “pivot table.” *MasterMine Software, Inc. v. Microsoft Corp.*, No. 13-CV-0971, 2016 WL 8292205, at *2 (D. Minn. May 6, 2016) (“*Claim Construction Order*”). The district court construed “pivot table,” the term MasterMine now contests on appeal, to mean “an interactive set of data displayed in rows and columns that can be rotated and filtered to summarize or view the data in different ways.” *Id.*

Claim 1 of the '850 patent is illustrative and reproduced below in pertinent part:

1. A method comprising:

executing a customer relationship management (CRM) software application on a computer, wherein the CRM software application includes customized settings and local field names, and further wherein the CRM software application includes a CRM database that stores CRM data;

*2

invoking a spreadsheet application from the reporting module installed within the CRM software application using an application programming interface (API) of the spreadsheet application to automatically generate an electronic worksheet viewable by the spreadsheet software application, wherein the automatically generating the electronic worksheet comprises directing the spreadsheet application with the reporting module installed within the CRM software application to create a new workbook having the electronic worksheet;

further invoking the spreadsheet application from the reporting module installed within the CRM software application using the API to automatically generate a pivot table within the electronic worksheet according to the database query, wherein the pivot table contains the CRM data from the CRM database, and wherein invoking the spreadsheet application includes communicating report parameters from the reporting module installed within the CRM software application to the spreadsheet software application based on the schema and data structures of the CRM database and

2017 WL 4872706

the customized settings including the local field names within the CRM software application;

presenting the pivot table to a user with the spreadsheet application in accordance with the report parameters received from the reporting module installed within the CRM software application;

....

Id. at col. 7 l. 65 – col. 8 l. 67 (emphasis added).

Microsoft additionally sought a declaration that claims 8 and 10 of the '850 patent and claims 1, 2, and 3 of the '518 patent are invalid for indefiniteness, which the district court addressed in its claim construction order. *Claim Construction Order*, 2016 WL 8292205, at *6–9. The district court agreed with Microsoft, holding the claims indefinite for improperly claiming two different subject-matter classes. *Id.* at *9. Following the district court's construction of “pivot table,” the parties stipulated to final judgments of noninfringement and invalidity for indefiniteness, with MasterMine reserving the right to appeal the district court's claim construction order. Pursuant to the stipulation, the district court entered final judgment, and MasterMine now appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

DISCUSSION

MasterMine challenges both the district court's claim construction and its indefiniteness determination. We address these issues in turn.

I.

[1] [2] “The ultimate construction of the claim is a legal question and, therefore, is reviewed de novo.” *Info-Hold, Inc. v. Applied Media Techs. Corp.*, 783 F.3d 1262, 1265 (Fed. Cir. 2015). We review a district court's claim construction based solely on intrinsic evidence de novo, while we review subsidiary factual findings regarding extrinsic evidence for clear error. *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, — U.S. —, 135 S.Ct. 831, 841, — L.Ed.2d — (2015).

[3] [4] [5] [6] Claim construction seeks to ascribe the “ordinary and customary meaning” to claim terms

as a person of ordinary skill in the art would have understood them at the time of invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc) (citing *Vitronics Corp. v. Conceptor, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). “[T]he claims themselves provide substantial guidance as to the meaning of particular claim terms.” *Id.* at 1314. In addition, “the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification.” *Id.* at 1313. But “[w]hile we read claims in view of the specification, of which they are a part, we do not read limitations from the embodiments in the specification into the claims.” *Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1371 (Fed. Cir. 2014).

*3 [7] MasterMine argues that the district court improperly construed the term “pivot table,” which it proposes should be construed as a “computer software object [or structure] defining an interactive table that can show the same data from a list or a database in more than one arrangement.” Appellant Br. 19 (alteration in original) (quoting J.A. 1338). In other words, MasterMine contends that the district court's construction is incorrect because it excludes tables that do not display data. According to MasterMine, its proposed construction is consistent with the patents' specification and “fits easily when read into the claims.” *Id.* We disagree.

First, the claim language supports the district court's construction. Each time the claims recite the generation of a pivot table, they further recite within the same limitation that the generated pivot table contains data or presents data. For example, claim 1 of the '850 patent recites “automatically generat[ing] a pivot table within the electronic worksheet according to the database query, wherein the pivot table contains the CRM data from the CRM database.” '850 patent col. 8 ll. 44–47; *see also id.* at col. 12 ll. 5–7 (“[W]herein the pivot table contains CRM data from the CRM database and presents the CRM data in accordance with the report parameters.”) (claim 12). Additionally, claim 8 of the '850 patent requires “the spreadsheet software application generat[ing] the pivot table within the electronic worksheet to present the CRM data in accordance with the report parameters.” *Id.* at col. 10 ll. 22–25; *see also* '518 patent col. 8 ll. 51–52 (claim 1).

The patents' identical specification further supports the district court's construction. For example, the abstract

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