

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Salesforce.com, Inc.,
Petitioner

v.

Applications In Internet Time LLC,
Patent Owner

US Patent No. 7,356,482
Issue Date: April 8, 2008
Title: Integrated Change Management Unit

Covered Business Method Patent Review No. 2014-00168

PATENT OWNER'S PRELIMINARY RESPONSE TO THE PETITION

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Exhibit List

Exhibit 2001	Microsoft Developer Network, Deployment Patterns (available at http://msdn.microsoft.com/en-us/library/ff646997.aspx)
Exhibit 2002	Techopedia definition of a “Program Layer” (available at http://www.techopedia.com/definition/24812/program-layer)
Exhibit 2003	Techopedia definition of a “Layer” (available at http://www.techopedia.com/definition/2016/layer-object-oriented-design)

I. Introduction

Patent owner respectfully requests that the Board deny the petition for lack of standing, and, in the alternative for failure to show that any claim is likely invalid.

The petition for covered business method review of U.S. Patent No. 7,356,482 (“the ‘482 patent”) fails because the ‘482 patent is not directed to a financial product or service, and the claims are directed to a technical invention. Because on either basis the ‘482 patent is not a covered business method patent, there is no standing.

Regardless of standing, the petition fails to meet procedural requirements and fails to show that any of the claims is likely unpatentable. The petitioner challenges all of the claims for indefiniteness, anticipation and obviousness. Regarding indefiniteness, the petition alleges that the meaning of “layer” does not make sense in the claims. Yet petitioner relies upon an inapt definition. Using a sensible definition, the claims are definite. Regarding the petition’s numerous prior art challenges, two of petitioner’s references are not citable because they are prior art, at best, under pre-AIA § 102(e). The petition admits that the other references, alone and in combination, fail to disclose all limitations of the claims. As such, the petition must be denied for failure to show that at least one claim is likely invalid.

II. The petition should be denied because the ‘482 patent is not a covered business method patent.

A. The ‘482 patent is not directed to a “financial product or service.”

The ‘482 patent has over 18,000 words. Two of those 18,000+ words are “financial” and one is “finance.” Petitioner premises standing on those three words. Those three words, though, when viewed in context are not even about financial products or services, and they do not demonstrate that the subject matter of the ‘482 patent is a financial product or service.

The ‘482 patent is directed to a software tool for creating application software. The application software being created is business software, and the inventive software tool is itself business software. The ‘482 patent explains that the inventive software tool is especially useful for businesses that are regulated, because changes in regulations impact how their applications software must operate. While some of these regulated businesses might be in finance industries, the inventive software tools is not a financial product or service, even though it might be useful for a finance business in creating finance-related application software. Nothing in the petition contradicts this.

Review of the three uses of the word “financial/finance” in context demonstrates that the ‘482 patent is directed to business software. As Senator Leahy explained, even “business software” does not fall within the coverage of the

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