

Trials@uspto.gov
571-272-7822

Paper No. 47
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SALESFORCE.COM, INC.,
Petitioner,

v.

VIRTUALAGILITY, INC.,
Patent Owner

Case CBM2013-00024
Patent 8,095,413 B1

Before JAMESON LEE, GEORGIANNA W. BRADEN, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. *Background*

Salesforce.com, Inc. (“Petitioner”) filed a Petition (Paper 4, “Pet.”) requesting covered business method patent review of claims 1–21 of U.S. Patent No. 8,095,413 B1 (Ex. 1001, “the ’413 patent”) pursuant to § 18(a) of the Leahy-Smith America Invents Act (“AIA”).¹ VirtualAgility, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 13, “Prelim. Resp.”). Pursuant to 35 U.S.C. § 324, we instituted this proceeding as to claims 1–21 on fewer than all of the grounds of unpatentability alleged in the Petition. (Paper 16, “Dec. to Inst.”).

After institution of this proceeding, Patent Owner filed a Response (Paper 25, “Resp.”) to the Petition and a contingent motion to amend the claims (Paper 26, “Mot. to Amend”). Petitioner filed a Reply (Paper 29) to Patent Owner’s Response and an opposition to the contingent motion to amend the claims (Paper 30, “Opp.”). Patent Owner filed a Reply in support of its motion to amend the claims. Paper 32 (“PO Reply”).

Counsel for both Petitioner and Patent Owner were present and presented argument at an oral hearing held on July 14, 2014.²

The Board has jurisdiction under 35 U.S.C. § 6(c). In this final written decision, issued pursuant to 35 U.S.C. § 328(a) and 37 C.F.R. § 42.73, we hold that challenged claims 1–21 of the ’413 patent are unpatentable under 35 U.S.C §§ 101 and 102. We also deny Patent Owner’s contingent motion to amend the claims.

¹ Pub. L. No. 112–29, 125 Stat. 284, 329 (2011).

² A transcript (“Tr.”) of the oral hearing is included in the record. Paper 46.

B. The '413 Patent

The '413 patent is directed generally to a method and apparatus for managing collaborative activity (e.g., strategic planning and project management). Ex. 1001, col. 1, ll. 32–33, col. 5, ll. 25–31. As clarified in the prosecution history, the '413 patent aids in the management of collaborative activity by using a computer database created with data, where the data represents models of the collaborative activity. Ex. 1004, 116. The models, which include model entities, are then arranged into hierarchies, and the data regarding collaborative activity can be shared between different people. Ex. 1001, col. 1, ll. 27–31; col. 5, ll. 25–33.

For one embodiment, the specification describes a method of acquiring a first set of data that can represent a first model entity. Ex. 1001, col. 2, ll. 50–54. The first model entity can represent an organization of people (*id.* at col. 2, ll. 39–40), customer relationships (*id.* at col. 2, ll. 51–52), a program management office (*id.* at col. 3, ll. 38–39), or a scalable process (*id.* at col. 4, ll. 29–30). The first set of data can include data related to customer information (*id.* at col. 2, ll. 62–67), company capability information (*id.* at col. 3, ll. 16–26), or economic information (*id.* at col. 3, ll. 25–34; col. 3, l. 65–col. 4, l. 4; col. 4, ll. 15–20). The data can also be a list of goals for an organization or for a project. *Id.* at col. 5, ll. 42–44.

The claimed method associates the first set of data (i.e., first model entity) with a second set of data, so that the two model entities are considered related. Ex. 1001, col. 2, ll. 43–44. The second set of data represents a second model entity. *Id.* The second model entity can represent a portfolio of management concepts. *Id.*

The model entities are organized into a plurality of hierarchies, and a model can belong to more than one hierarchy. Ex. 1001, col. 9, ll. 33-37; col. 11, ll. 12-14; claims 1, 8. For example, once data regarding project goals or cost have been loaded into a model entity, the information can be presented as a goal and/or cost hierarchy. According to the '413 patent, the plurality of hierarchies can be managed by a manager hierarchy (i.e., a manager module). *Id.* at col. 5, l. 44-col. 6, l. 58. The manager hierarchy can be used to oversee a project, organize project goals, and allocate resources for a project. *Id.* at col. 5, l. 49-col. 6, l. 32. The manager hierarchy presents a constant view of a hierarchy of goals and contributing goals, and updates the goals based on changing circumstances. Figure 3 of the '413 patent is reproduced below:

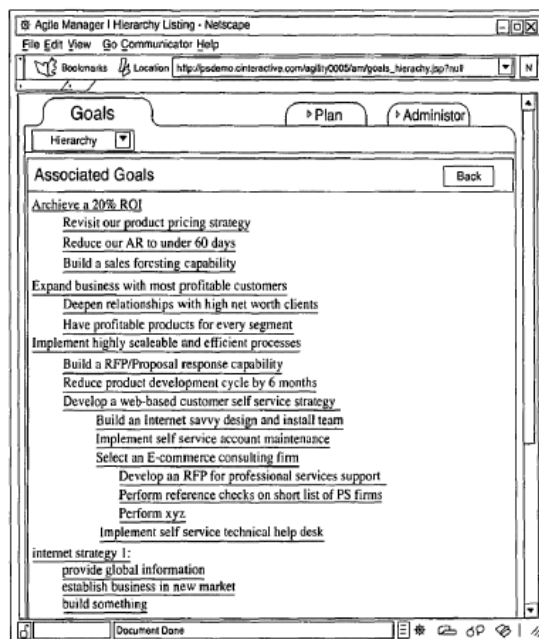


Fig. 3

As shown in Figure 3, the goal hierarchy can list (i) an organization's total goals and any contributing goals affecting the enterprise, or (ii) an organization's priorities, such as top goals (*see* Fig. 14) or a specific goal

(*see* Fig. 15). Ex. 1001, col. 11, ll. 12–18. According to the ’413 patent, if an organization is addressing budget issues, then a user can use the claimed method to sort by goal or project cost (*see* Fig. 19), or by priority or return on investment (“payback”) (*see* Fig. 20). *Id.* at col. 11, ll. 27–31. The sorted information can be provided to help the user decide where to commit resources based on factors such as benefit and risk. *Id.*

The ’413 patent also discloses facilitating strategic planning by using a company comparison module and a baseline module that facilitates users setting new goals, displaying already existing goals, and/or identifying and developing potential new goals. *Id.* at col. 10, ll. 11–44.

C. Illustrative Claims

Claims 1, 7, 8, and 20 are independent claims. Claims 1 and 8, reproduced below, are illustrative of the challenged claims:

1. A system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology, the system being implemented using a processor and a storage device accessible to the processor, and the system comprising:
a representation of a model of the collaborative activity in the storage device, the model of the collaborative activity including model entities, the model entities providing access to information concerning the collaborative activity, being organized into a plurality of hierarchies having a plurality of types, and a given model entity being capable of simultaneously belonging to a hierarchy having one of the types and a hierarchy having another of the types; and
said processor being configured to provide a graphical user interface to a person of the persons for providing outputs to the person and responding to inputs from the person by performing operations on a model entity as limited by a type of access which the person has to the model entity, the operations including controlling access to the model entity,

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