UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Ford Motor Company,	**Case No. 15-10628-MFL-EAS**
Plaintiff/	*(consolidated with Case No. 15-cv-11624)*
Counter-Defendant,	
v.	**Hon. Matthew F. Leitman**
Versata Software, Inc., et al.,	**JURY TRIAL DEMANDED**
Defendants/	
Counter-Plaintiffs**.**	

FORD MOTOR COMPANY'S MOTION TO ADOPT IN PART THE REPORT AND RECOMMENDATION OF THE SPECIAL MASTER REGARDING CLAIM CONSTRUCTION (Dkt. #181)

Ford moves to adopt Sections 1-14 of the Special Master's Report and Recommendation of the Special Master Regarding Claim Construction (Dkt. #181). Versata does not oppose the motion to adopt.

Ford objects to Section 15 of the Report and Recommendation because the Special Master's recommendation that claims 2, 10, and 16 of U.S Patent No. 7,739,080 are not indefinite was incorrect, as explained in the Brief below. Versata opposes this objection.

BRIEF IN SUPPORT OF FORD'S OBJECTION

CONCISE STATEMENT OF ISSUE PRESENTED

Where the scope of dependent claims 2, 10, and 16 of U.S. Patent No. 7,739,080 is not reasonably certain to a person of ordinary skill in the art because, as the Special Master found, those claims are inconsistent with the patent's written description, was the Special Master's wrong to recommend that those claims are not indefinite?

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I.   INTRODUCTION

Ford objects to Section 15, "Detecting any inconsistencies," of the Special Master's Report and Recommendation regarding Claim Construction (Dkt. #181, "R&R").   In that Section, the Special Master addressed Ford's argument that dependent claims 2, 10, and 16 of U.S. Patent No. 7,739,080 ("the '080 patent") are indefinite. (R&R, pp. 62-69.) Like all the Versata patents in this lawsuit, the '080 patent relates to computer software for defining product configuration "models" used to build products, such as automobiles. Because configuration models can be complex, large models are sometimes broken into smaller models, which are later combined before the model is used to answer "configuration questions" concerning whether a particular product configuration is actually buildable.

The '080 patent explains that "conventional" methods of combining models could result in conflicting rules, with the result that the consolidated model would be unusable to answer configuration questions. The patented method solves that problem by automating the process of identifying rule conflicts and attempting to resolve them. If all conflicts can be resolved, the process produces a consolidated model that can be used to answer configuration questions. On the other hand, if the conflicts cannot be automatically resolved, no consolidated model is created.

The independent claims of the '080 patent describe the automated process of identify and resolving rule conflicts that can result when combining multiple

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