

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**KARYA PROPERTY MANAGEMENT,
LLC,**

Plaintiff,

v.

RESMAN, LLC,

Defendant.

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No. 2:20-cv-00134-JRG

JURY TRIAL DEMANDED

**DEFENDANT RESMAN, LLC’S P.R. 3-3 AND 3-4
PRELIMINARY INVALIDITY CONTENTIONS**

Pursuant to P.R. 3-3 and the Scheduling Order, Defendant ResMan, LLC (“Defendant” or “ResMan”) provides the following Preliminary Invalidity Contentions in conjunction with the P.R. 3-4 Production Accompanying Preliminary Invalidity Contentions. This disclosure is based on the asserted claims identified in Plaintiff’s P.R. 3-1 Disclosures for U.S. Patent No. 7,636,687. Defendant’s application of the prior art in these Preliminary Invalidity Contentions does not represent Defendant’s agreement as to the meaning, definiteness, written description support for, entitlement to priority date for, or enablement of any claim contained therein. There has been no claim construction yet in this case. Defendant reserves the right to amend and supplement these Preliminary Invalidity Contentions in accordance with the Court’s orders, the local Patent Rules, and the Federal Rules of Civil Procedure, and as discovery continues in this matter.

I. P.R. 3-3. PRELIMINARY INVALIDITY CONTENTIONS

A. Asserted Patent and Claims

These Preliminary Invalidity Contentions set forth Defendant’s contentions regarding invalidity of the Asserted Claims, which are as follows:

Asserted Patent	Asserted Claims	Priority Date
U.S. Patent No. 7,636,687	1, 5, 6, 10-13, 17, 18	November 20, 2000

B. P.R. 3-3(a): The Identity of Each Item of Prior Art That Allegedly Anticipates Each Asserted Claim or Renders It Obvious

Defendant identifies below the prior art references that anticipate and/or render obvious the Asserted Claims of the Asserted Patent under 35 U.S.C. §§ 102 and 103. Exhibits 1 through 14 identify prior art that anticipates and/or renders obvious each Asserted Claim, may disclose the limitations of the Asserted Claims of the Asserted Patent expressly and/or inherently, and may be relied upon to demonstrate the state of the art in the relevant timeframe. The charts attached may be combined to render the Asserted Claims obvious. Furthermore, the motivations and rationales are intended as exemplary motivations and rationales, but not intended to represent the only motivations or rationales that one of ordinary skill in the art would have had for combining and/or modifying the prior art. Defendant reserves the right to use the identified references in any combination.

Defendant has endeavored to identify the relevant portions of the charted references. The references may contain additional support, however, for a particular claim element. It should be recognized that persons of ordinary skill in the art generally read a prior art reference as a whole and in the context of other publications and literature. Defendant may therefore rely on uncited portions of the prior art references and/or other publications and expert testimony to provide context to the portions that are cited and to establish that a person of ordinary skill in the art would have been motivated to modify or combine certain of the cited references so as to render the claims obvious.

Defendant reserves the right to rely on the public use, offer for sale, or sale of the devices described in these prior art patents and prior art publications once Defendant has had an opportunity to take discovery of these subjects.

i. Anticipation of the '687 Patent

In Table 1 (below), Defendant provides a list of prior art references, each one of which anticipates and thus invalidates various Asserted Claims of the '687 Patent. The corresponding claim charts included in Exhibits 2, 4, 6, 10, 11, 13, and 14 to these Preliminary Invalidity Contentions outline specific examples of where each limitation of the Asserted Claims of the '687 Patent is found in that reference. To the extent Plaintiff contends a particular reference does not include any limitation, ResMan reserves the right to rely on any other identified reference to teach that limitation. ResMan also reserves the right to rely on any of the identified references in an obviousness combination.

Table 1 – Anticipation

Ex.	Prior Art (Country of Origin)	Issue or Publication Date	Patentee/Author
2	JPH07271854 (Japan) ¹	Oct. 20, 1995	Koyama Yasuyuki
4	KR10-0367299 (Korea) ²	Jul. 05, 2000	Jin Soo Ko
6	U.S. Provisional Patent Application No. 60/188,099 (providing priority for U.S. Pat. Pub. No. 2001/0037280) (USA)	Nov. 01, 2001 (Filed Mar. 9, 2000)	Scott S. Ingraham Allan O. Hunter
10	U.S. Patent No. 6,594,633 (USA)	Jul. 15, 2003 (Filed Jul. 7, 1999)	Vincent S. Broerman

¹ Translation produced as [RESMAN001064-RESMAN001079].

² Translation produced as [RESMAN001080-RESMAN001089].

Ex.	Prior Art (Country of Origin)	Issue or Publication Date	Patentee/Author
11	U.S. Patent No. 6,684,196 (USA), which incorporates by reference U.S. Provisional Patent Application No. 60/142,862.	Jan. 27, 2004 (Filed Aug. 30, 1999) (Filing date of the provisional: Jul. 7, 1999)	Juan F. Mini Nathaniel A. Brooks
13	U.S. Patent No. 7,024,397 (USA)	Apr. 04, 2006 (Filed Jul. 5, 2000)	John J. Donahue
14	Homebid.com, Inc. System ³ (as described in the references in the Table 4 below titled "References Describing the Homebid.com System")	Prior to Nov. 20, 2000	Homebid.com, Inc.

ii. Obviousness of the '687 Patent

In Table 2 (below), Defendant provides a list of prior art references, each one of which alone or in combination renders obvious various Asserted Claims of the '687 Patent. Table 2 also identifies corresponding claim charts included as Exhibits 1 through 14 of these Preliminary Invalidity Contentions that outline specific examples of where each limitation of the Asserted Claims of the '687 Patent is found in that reference. The combination of references listed in Table 2 and the knowledge of one of ordinary skill in the art renders all of the asserted claims of the '687 Patent obvious. For example, the motivation to modify any of the references listed in Table 2 comes from the references themselves, the prior art, and the background of a person of skill in the art. One of ordinary skill in the art would have a reasonable expectation of success and would be motivated to combine the teachings of the prior art with predictable results as explained in further detail below and the accompanying Exhibits. To the extent ResMan identifies any particular reference as teaching a particular feature, ResMan reserves the right to rely on any other identified reference to teach that feature.

³ Table 3 below provides evidence of public usage or sales of the Homebid.com System.

Table 2 – Obviousness

Ex.	Prior Art (Country of Origin)	Issue or Publication Date	Patentee/Author
1	U.S. Patent No. 5,032,989 (USA)	Jul. 16, 1991	Mark A. Tornetta
2	JPH07271854 (Japan) ⁴	Oct. 20, 1995	Koyama Yasuyuki
3	U.S. Patent No. 5,584,025 (USA)	Dec. 10, 1996	Ronald D. Keithley Kevin L. Keithley
4	KR10-0367299 (Korea) ⁵	Jul. 05, 2000	Jin Soo Ko
5	KR20000049894 (Korea) ⁶	Aug. 05, 2000	Hwa Bong Lee
6	U.S. Provisional Patent Application No. 60/188,099 (providing priority for U.S. Pat. Pub. No. 2001/0037280) (USA)	Nov. 01, 2001 (Filed Mar. 9, 2000)	Scott S. Ingraham Allan O. Hunter
7	U.S. Patent No. 6,314,404 (USA)	Nov. 6, 2001 (Filed Feb. 18, 1999)	Robert O. Good Nathan C. Skinner Daniel Greenwood
8	U.S. Patent No. 6,321,202 (USA)	Nov. 20, 2001 (Filed Dec. 10, 1999)	William M. Raveis, Jr.
9	U.S. Patent No. 6,334,107 (USA)	Dec. 25, 2001 (Filed Feb. 4, 1999)	Donald Gale Michael Delfonso
10	U.S. Patent No. 6,594,633 (USA)	Jul. 15, 2003 (Filed Jul. 7, 1999)	Vincent S. Broerman
11	U.S. Patent No. 6,684,196 (USA), which incorporates by reference U.S. Provisional Patent Application No. 60/142,862.	Jan. 27, 2004 (Filed Aug. 30, 1999) (Filing date of the provisional: Jul. 7, 1999)	Juan F. Mini Nathaniel A. Brooks
12	U.S. Patent No. 6,826,552 (USA)	Nov. 30, 2004 (Filed Feb. 4, 2000)	John T. Grosser Ali Ghaed
13	U.S. Patent No. 7,024,397 (USA)	Apr. 04, 2006 (Filed Jul. 5, 2000)	John J. Donahue
14	Homebid.com System (as described in the references in Table 4 below titled “References Describing the Homebid.com System”)	Prior to Nov. 20, 2000	Homebid.com, Inc.

⁴ Translation produced as [RESMAN001064-RESMAN001079].

⁵ Translation produced as [RESMAN001080-RESMAN001089].

⁶ Translation produced as [RESMAN001090-RESMAN001105].

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