

Petitioner's Reply in Support of Petition  
IPR2015-00523

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SERVICENOW, INC.  
Petitioner

v.

HEWLETT-PACKARD COMPANY  
Patent Owner

Case IPR2015-00523  
Patent 6,321,229

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**PETITIONER'S REPLY**

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## **I. Introduction**

The Federal Circuit has “repeatedly cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification.” *Imaginal Systematic, LLC v. Leggett & Platt, Inc.*, 805 F.3d 1102, 1109-10 (Fed. Cir. 2015) (quotations omitted; citing cases). In fact, the Federal Circuit has expressly rejected the contention that even if a patent “describes *only a single embodiment*, the claims of the patent must be construed as being limited to that embodiment.” *Hill-Rom Services, Inc. v. Stryker Corp.*, 755 F. 3d 1367, 1371-72 (Fed. Cir. 2014) (quoting *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F. 3d 898, 906 (Fed. Cir. 2004)) (emphasis added).

Yet despite this longstanding rule of claim interpretation, nearly the entirety of the patent owner's response consists of repeated attempts to import unwarranted limitations from the specification into the claims. The patent owner's arguments should be rejected. Because the cited prior art discloses or suggests each limitation of claims 8-10, 13, 15, 17 and 18-20, and renders the challenged claims obvious, the Board should find those claims unpatentable based on the instituted ground.

## **II. Jones and Fox Disclose A “Derived Container” That Corresponds To A “Category of Information Stored in Said Information Repository”**

Independent claims 8, 17 and 18 each recite an “information repository” and a computer or computer code for “creating a hierarchy of derived containers, wherein a given derived container corresponds to . . . a category of information”

stored in said information repository.” The patent owner asserts that the prior art does not disclose this limitation, but its arguments rely on a narrow and unsupported construction of this phrase and a misreading of the prior art.

As explained in the Petition, Jones discloses an information repository such as an on-line Customer Support Library. (Petition at 22-23.) The “hierarchy of derived containers” in Jones takes the form of hyperlinked TOC entries on an HTML (web) page, which correspond to HTML pages stored in the information repository. (Petition at 28-29.) A hyperlinked TOC entry corresponds to a “category of information stored in said information repository” because the URL for the TOC entry includes a NAME attribute from an HTML file stored in the information repository. (Petition at 30-33.) For example, Jones discloses the URL “/Technology/whitepapers.html#VRML,” with the text “VRML” being a NAME attribute that categorizes the contents of a section of the “whitepapers.html” file. (*Id.*) Both the NAME attribute, and the underlying information it categorizes, are stored in the HTML file. (*Id.*)

The patent owner argues that the cited prior art fails to disclose “a category of information stored in said information repository” because, according to the patent owner: (1) the “category of information” itself must be stored in the information repository; (2) no part of the URLs in the TOC entries in Jones and Fox corresponds to a category of information; and (3) the NAME attribute of a

URL in Jones and Fox does not come from the information repository itself. (Resp. at 22-23.) Each of these arguments is addressed in turn below. As explained below, each of these arguments is not only premised on an erroneous view of the claim language, but irrelevant because the prior art discloses the limitation even under the patent owner's erroneous reading.

**A. The Claims Do Not Require a “Category” Itself Be Stored**

The patent owner contends that the “claim language is clear on its face” that the *category itself* must be stored in the information repository. (Resp. at 22.) But the claim language does not impose such a requirement. The claims require that “a given derived container corresponds to . . . a category of information stored in said information repository.” (’229, Ex. 1001, claim 8, 17, 18.) The correct broadest reasonable interpretation of this phrase is that “stored” modifies the “information in said information repository,” not “category.” (Petition at 31.) Accordingly, the information that is the subject to the category must be stored in the information repository, not some separate and unclaimed category field. (*Id.*)

The patent owner's argument relies on improperly importing an embodiment in which the category corresponds to a field stored in a database. (Resp. at 22-23.) But the claims do not recite a database, let alone fields in a database. The ’229 patent is clear that an information repository need not be a database. (*E.g.*, ’229, 1:32-35.) In fact, the patent owner's own expert agreed at his deposition that the

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