

Case No. IPR2015-00523
U.S. Patent No. 6,321,229

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.,

Petitioner,

v.

HEWLETT-PACKARD COMPANY,

Patent Owner.

Case No. IPR2015-00523

U.S. Patent No. 6,321,229

**PATENT OWNER'S RESPONSE
UNDER 37 C.F.R. § 42.120**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. THE INVENTION OF THE '229 PATENT	3
III. OVERVIEW OF THE CITED PRIOR ART REFERENCES	11
A. Jones	11
B. Fox.....	14
C. Forta.....	16
D. Williams	16
IV. UNDER THE BOARD'S CLAIM CONSTRUCTIONS, ALL THE CHALLENGED '229 PATENT CLAIMS ARE NON-OBVIOUS BECAUSE CLAIM LIMITATIONS ARE NOT TAUGHT BY THE PRIOR ART.....	17
A. The cited prior art does not disclose the “category of information stored in said information repository” limitation required by each challenged claim.....	18
1. All challenged claims require that a given derived container corresponds with “a category of information stored in said information repository.”	18
2. Jones and Fox do not disclose a derived container that corresponds with “a given category of information stored in said information repository.”	21
B. Jones and Fox do not disclose that “contents” of “derived containers” be “information extracted from said information repository” as required by claims 9-10 and 19-20.	25
1. Claims 9-10 and 19-20 require that “contents” of “derived containers” be “information extracted from said information repository.”.....	26
2. Jones and Fox do not disclose “contents” of “derived containers” to be “information extracted from said information repository.”.....	28

V.	CHALLENGED CLAIMS 15 AND 17 ARE NON-OBVIOUS BECAUSE A PERSON OF ORDINARY SKILL IN THE ART WOULD NOT COMBINE JONES WITH FORTA	38
VI.	UNDER THE PROPER CLAIM CONSTRUCTIONS, ALL THE CHALLENGED '229 PATENT CLAIMS ARE NON-OBVIOUS	44
A.	The claim term “derived container” should be construed as “a data structure capable of executing a query based on an attribute from one or more corresponding container definition nodes” (all challenged claims).....	44
B.	None of the cited references alone or in combination discloses or suggests a “derived container” (all claims).....	53
VII.	CONCLUSION.....	55

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>CFMT, Inc. v. Yieldup Int'l Corp.</i> , 349 F.3d 1333 (Fed. Cir. 2003)	17
<i>Global Tel*Link Corp. v. Securus Techs., Inc.</i> , IPR2014-00785, Paper 41 (P.T.A.B. October 7, 2015).....	42
<i>Honeywell Intern. Inc. v. Universal Avionics Systems Corp.</i> , 488 F.3d 982 (Fed. Cir. 2007)	45
<i>Institut Pasteur & Universite Pierre Et Marie Curie v. Focarino</i> , 738 F.3d 1337 (Fed. Cir. 2013)	42
<i>Microsoft Corp. v. Proxyconn, Inc.</i> , Case No. IPR2012-00026, 2012 WL 10703131 (P.T.A.B. Dec. 21, 2012)	17
<i>MobileMedia Ideas LLC v. Apple Inc.</i> , 780 F.3d 1159 (Fed. Cir. 2015)	41
<i>St. Jude Med., Inc. v. Access Closure, Inc.</i> , 729 F.3d 1369 (Fed. Cir. 2013)	17
Statutes	
35 U.S.C. § 103(a)	1
35 U.S.C. § 316(e)	1, 17
Other Authorities	
37 C.F.R. § 42.100(b)	44

I. INTRODUCTION

U.S. Patent No. 6,321,229 (the “’229 patent”) is directed to a novel system that uses specialized data structures to afford users flexibility in accessing information repositories such as databases. Patent Owner Hewlett-Packard Company (“HP”) respectfully submits that the challenged claims of the ’229 patent are patentable over the cited prior art.

The Board instituted review on the three grounds in the Petition: (1) that independent claims 8-10 and 13 are obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,199,098 to Jones (“Jones”) (Ex. 1003) in view of David Fox et al., *Web Publisher’s Construction Kit with HTML 3.2* (1996) (“Fox”) (Ex. 1004); (2) that claims 18–20 are obvious over Jones in view of Fox and U.S. Patent No. 6,151,630 to Williams (“Williams”) (Ex. 1006); and (3) that claims 15 and 17 are obvious over Jones in view of Fox and Forta, *The Cold Fusion Web Database Construction Kit* (1997) (“Forta”) (Ex. 1005). The Petitioner has not met its burden of establishing unpatentability of the challenged claims by a preponderance of the evidence (*see* 35 U.S.C. § 316(e)) for at least three reasons.

First, under the Board’s preliminary claim constructions, the Petitioner has not shown that the cited prior art meets at least two claim limitations. First, the Jones and Fox references do not disclose the “category of information” limitation of independent claims 8, 17, and 18. Instead of disclosing a “category of

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