

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

P&RO SOLUTIONS GROUP, INC.

PLAINTIFF

VS.

CiM MAINTENANCE, INC.

DEFENDANT

CASE NO. 6:16-CV-00095-RWS

FEBRUARY 14, 2017

9:11 A.M.

MARKMAN HEARING
BEFORE THE HONORABLE ROBERT T. SCHROEDER, III
DISTRICT COURT JUDGE
TEXARKANA, TEXAS

APPEARANCES

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1 PROCEEDINGS HELD FEBRUARY 14, 2017

2
3 THE COURT: Mrs. Schroeder, if you would, call the
4 case for us.

5 MS. SCHROEDER: Docket number 6:16-CV-95, P&RO
6 Solutions Group, Inc. versus CiM Maintenance, Inc.

7 THE COURT: Announcements for the record?

8 MR. GREENBAUM: Your Honor, Michael Greenbaum and
9 Ameya Paradkar appearing for the plaintiff P&RO Solutions Group,
10 Inc.

11 THE COURT: Good morning. Welcome.

12 MR. LAMB: Good morning, Your Honor. Bobby Lamb and
13 Abe Kean for defendant, and we're ready to proceed.

14 THE COURT: Good morning. Welcome. Appreciate
15 everyone being here today. I don't know if the parties have
16 discussed a time allotment for this morning's Markman hearing.
17 I don't know if you think it's necessary. I know we only have
18 four terms, so the parties -- have you discussed that?

19 MR. GREENBAUM: No, we have not, Your Honor.

20 THE COURT: All right. Well, let's just proceed and
21 see how long it -- you've got me at least until noon. How about
22 that? Is that fair enough?

23 MR. GREENBAUM: Fair enough, Your Honor.

24 THE COURT: All right. And let me also just state for
25 the record that earlier this morning the court delivered to

1 counsel a set of preliminary constructions on the disputed
2 terms, and obviously my purpose in giving that out in advance of
3 the hearing is not to dissuade either side from making any
4 arguments they want to make, but rather to allow you to, you
5 know, focus your time and energy on where you think the court
6 has gone most astray.

7 I, obviously, do reserve the right to, and do, change
8 constructions based on arguments that are received at the
9 hearing, so I hope you'll take those proposed constructions in
10 that -- in that spirit. So who would like to go first on the
11 first term?

12 MR. KEAN: Your Honor, we agree with the preliminary
13 construction on that one, so it might make the most sense for
14 Mr. Greenbaum to go first.

15 THE COURT: That'll be fine. Mr. Greenbaum?

16 MR. GREENBAUM: I'll be happy to go first, Your Honor.

17 Good morning, Your Honor. I'm a little troubled by
18 the -- sorry, the mic is really loud. I'm really troubled by
19 your preliminary construction on "plain and ordinary meaning" on
20 a couple of grounds, I think primarily because the defendant
21 hasn't set forth any plain and ordinary meaning while asserting
22 that that's the plain and ordinary meaning.

23 And also because I'm not sure that it adequately
24 distinguishes between the phrase "dragging and dropping" and
25 "dragging and dropping the work orders". So I'd like to provide

1 a little tutorial about why plaintiff's construction, as set
2 out, supported by our expert Declaration, should be a little
3 more than really plain and ordinary meaning of moving a
4 graphical representation of work orders resulting in a
5 recalculation of relational linked data, which I think is a
6 recognition of how the system actually works and what's
7 happening in order to make the software actually manage work
8 orders, which is the whole point of it.

9 So as Your Honor is aware, the '205 patent is the
10 patent at issue here. It was filed in 2004 and is directed to
11 planning and scheduling tool assistant software.

12 The whole point of the software is so that schedulers
13 and planners and maintenance supervisors can extremely quickly
14 move work orders, schedules, plan status of work to be
15 performed, and manage resources. And these are resources at
16 large industrial sites where there's frequently a lot of
17 maintenance, both routine and emergency, that needs to occur by
18 a lot of different personnel and it's difficult to schedule it
19 all very efficiently.

20 The system of the patent is directed to work with a
21 computerized maintenance management system, which I'm going to
22 hereafter call CMMS, a database which contains a plurality of
23 work orders, hundreds or thousands, that are put into that
24 database by maintenance people who are going to schedule work
25 that needs to be done in the plant or plants that the CMMS

1 database is set up to take care of.

2 The CMMS database is the main repository for all of
3 the planning and scheduling data, and particularly the work
4 orders, which kind of brings me to where I'd like to go with
5 this.

6 So each work order is not just a graphic on the screen
7 as you would see in Windows, for example, but is actually a --
8 represents multiple relationally associated data elements, and
9 I think that's the important distinction here.

10 How the software of the patent does its manipulation
11 is by uniquely interfacing with the CMMS database. Essentially,
12 it creates a parallel database at each workstation and allows
13 the workers to manipulate the work orders at their own
14 workstation while maintaining communication with the CMMS
15 database so that the CMMS database is always up to date. And
16 I'm going to give you an illustration of that now.

17 So in the center of the screen is the CMMS server.
18 It's essentially the master database of work orders. Once the
19 PaSTA software of the patent is booted up on each workstation,
20 a parallel database is downloaded into each workstation. As
21 each user makes changes, those changes are uploaded to the CMMS
22 server, and then the CMMS server updates its database and then
23 communicates with each of the other users to update their
24 parallel database. In that way, as each user is making changes,
25 it's making changes to the central database, and as the patent

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