

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIM MAINTENANCE INC.
Petitioner

v.

P&RO SOLUTIONS GROUP, INC.
Patent Owner

Case No. IPR2017-00516
Patent 8,209,205

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,209,205**

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I. INTRODUCTION

The claims of U.S. Patent No. 8,209,205 (“**205 Patent**”) are directed to a planning and scheduling system that includes a user interface, various sections, and drag-and-drop functionality. **Ex. 1001**, *‘205 Patent*. At bottom, the claims recite a customized user interface for a scheduling database application. None of this was new as of the earliest possible priority date for the ‘205 Patent, which is May 22, 2003. In fact, in the related district court litigation, Patent Owner’s (“**PO**”) own expert conceded that a person having ordinary skill in the art (“**PHOSITA**”) at that time would have known of relational databases, spreadsheet applications, user interfaces for databases, and drag and drop functionality, among other things. **Ex. 1002**, *Sherman Tr.* at 46:1-24 (drag and drop was a commonly known computer term and functionality in 2003); *see also id.* at 22:9-25:12, 27:11-29:18. According to PO’s expert, a PHOSITA at the time of the ‘205 Patent would have known to customize a user interface for a particular application, and would have been motivated to do so for any number of reasons, including special need or personal preference. **Ex. 1002**, *Sherman Tr.* at 32:10-33:16; *see also id.* at 26:16-27:9, 30:2-31:15, 35:4-36:15. Another reason a PHOSITA would be motivated to customize a user interface would be due to a particular context, and the demands of customers in that context. **Ex. 1002**, *Sherman Tr.* at 32:25-33:16.

The evidence presented in this Petition shows that none of the claims are patentable. User interfaces for database applications were well-known at the time and described in patents and printed publications. The prior art also includes publications that show the state of the art for planning and scheduling in the context of maintenance. One of those is a “Best Practice Guideline” published by Electric Power Research Institute, Inc. (“EPRI”). **Ex. 1003**, *Best Practice Guideline*. The Best Practice Guideline “describe[s] the best planning and scheduling practices in the industry,” specifically in the context of power plants. *Id.* at p. 7. It describes such concepts as weekly planning and tracking performance metrics, as well as several other concepts claimed in the ‘205 Patent. The Best Practice Guideline was known to the inventors of the ‘205 Patent. Indeed, the priority documents in the file history of the ‘205 Patent are printed materials from EPRI Solutions, which was a subsidiary of EPRI. One of the named inventors, Kirk Samsel, presented the concepts described in the Best Practice Guideline to a maintenance conference in 2001—two years before the earliest priority date for the ‘205 Patent. **Ex. 1004**, *EPRI International Maintenance Conference Proceedings* at pp. 389-398. And yet this information was never submitted to the Office, so the examiner did not have the opportunity to consider whether the claims in the ‘205 Patent would have been patentable in light of the Best Practice Guideline.

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