Paper No. __

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

UNIFIED PATENTS INC.,
Petitioner

v.

VILOX TECHNOLOGIES, LLC.
Patent Owner

_____

Case IPR2018-00044
Patent 7,302,423

_____

# PETITIONER'S REPLY

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

## TABLE OF CONTENTS

I. Introduction ..... 5

II. Vilox's Proposed Constructions Do Not Affect the Present Grounds of Unpatentability and Should not be Adopted ..... 5

A. Claim 1 "determining a database schema for a database" ..... 5

B. Other Terms from Claim 1, 3, and 6 ..... 7

III. Vilox Did Not Meet Its Burden to Swear Behind *Excel* ..... 8

A. Vilox Fails to Prove Conception ..... 8

1. Vilox does not allege conception of the claimed subject matter ..... 9

2. Vilox does not provide sufficient evidence of conception ..... 9

B. Vilox Fails to Prove Reduction to Practice ..... 10

1. No reduction to practice of "if the number of characters included in each entry exceeds a specified amount of characters, displaying a portion of each entry in the selected database field" Claim 1 ..... 11

2. No reduction to practice of "if the first quantity [indicative of a number of characters in each entry of the selected data field] exceeds a specified limit, reducing a number of characters to be displayed for each entry from the selected data field" Claim 3 ..... 14

C. Vilox Fails to Show Diligence ..... 14

IV. *Bertram* Is Properly Combined with *Maloney* and *Excel* ..... 16

A. *Bertram* does not teach altering data ..... 16

B. *Bertram* does not render *Maloney* inoperable ..... 18

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

C. *Bertram* does not render *Excel* inoperable .....19

D. *Bertram* provides features different from those of *Excel* and with additional advantages .....21

V. *Maloney* and *Bertram* Teach All Features of the Claims .....22

A. *Maloney* teaches "determining a database schema for a database" .....22

B. *Bertram* teaches "determining a number of characters" .....24

C. *Bertram* teaches "if the number of characters included in each entry exceeds a specified amount of characters…" .....25

VI. *Excel* and *Bertram* Teach All Features of the Claims .....25

VII. Dependent Claim 2 .....26

VIII. Independent Claim 3 .....26

IX. Grounds Including *Kanevsky* .....26

A. *Kanevsky* is properly combined with *Maloney* and *Bertram* .....26

B. *Kanevsky* is properly combined with *Excel* and *Bertram* .....28

X. The Board Correctly Applied *Schulhauser* to Claims 1 and 3 .....28

A. Claim 1 .....29

B. Claim 3 .....30

XI. Conclusion .....30

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

## PETITIONER'S UPDATED EXHIBIT LIST

| | |
|---|---|
| EX1001 | U.S. Patent 7,302,423 to DeBellis ("'423 Patent") |
| EX1002 | Prosecution File History of U.S. Patent 7,302,423 ("'423 PH") |
| EX1003 | Excerpts from Prosecution File History of U.S. Patent 6,760,720 ("'720 PH") |
| EX1004 | Prosecution File History of U.S. Provisional Appl. 60/227,305 |
| EX1005 | Declaration of Dr. Philip Greenspun Under 37 C.F.R. § 1.68 ("*Greenspun*") |
| EX1006 | US Patent 5,701,453 to Maloney et al. ("*Maloney*") |
| EX1007 | US Patent 7,168,039 to Bertram ("*Bertram*") |
| EX1008 | US Patent 6,300,947 to Kanevsky ("*Kanevsky*") |
| EX1009 | John Walkenbach, Microsoft Excel 2000 Bible (IDG Books Worldwide, Inc. 1999). ("*Excel*") |
| EX1010 | IBM Dictionary of Computing, Tenth Edition (1993) ("*IBM*") |
| EX1011 | Declaration of Ingrid Hsieh-Yee |
| EX1012 | Curriculum Vitae of Dr. Philip Greenspun |
| EX1013 | Declaration of Dr. Philip Greenspun Under 37 C.F.R. § 1.68 in Support of Petitioner's Opposition to Patent Owner's Motion to Amend ("*Greenspun-MtA*") |
| EX1014 | US Patent 6,452,597 to Goldberg et al. ("*Goldberg*") |
| EX1015 | Deposition Transcript of Dr. Wesley Chu ("*Chu Deposition*") |

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

## I. Introduction

The Response fails in almost every instance to address the specific combinations of art articulated in the Petition, instead addressing passages that do not pertain to the grounds of unpatentability. Furthermore, Vilox does not:

a) contest that the combination of *Excel* and *Bertram* fails to teach limitations of claims 1–3, or

b) contest that any limitations of claim 3 are missing from either of the grounds.

For the reasons discussed in the Petition and elaborated below, the challenged claims (1–9 and 13) are unpatentable.

## II. Vilox's Proposed Constructions Do Not Affect the Present Grounds of Unpatentability and Should not be Adopted

### A. Claim 1 "determining a database schema for a database"

Vilox construes this claim term as, "ascertaining or identifying the logical structure of data stored in computerized files." *Resp*., 27. This proposed construction should be rejected, at least in part.

**First**, Vilox construes "determining" to mean, "ascertaining or identifying." Unified does not oppose this construction. However, Vilox is incorrect to use this construction to attempt to preclude any knowledge by a "human person, or any inanimate object," of a database schema. *See*, *e.g*., *Resp*., 52. Vilox appears to be advancing a construction that is similar to "deducing" or "discovering" rather than

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

**LAW FIRMS**
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

**FINANCIAL INSTITUTIONS**
Litigation and bankruptcy checks for companies and debtors.

**E-DISCOVERY AND LEGAL VENDORS**
Sync your system to PACER to automate legal marketing.