

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**World Programming Limited**  
Petitioner

v.

**SAS Institute Inc.**  
Patent Owner

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Case IPR2019-01457  
Patent 7,170,519

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**PATENT OWNER PRELIMINARY RESPONSE TO PETITION FOR  
*INTER PARTES* REVIEW PURSUANT TO 37 C.F.R. § 42.107**

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION</b> .....	2
<b>II.</b>	<b>THE '519 PATENT AND ITS PROSECUTION HISTORY</b> .....	3
	A. Overview of the '519 Patent.....	3
	B. Prosecution History of the '519 Patent .....	9
<b>III.</b>	<b>THE PETITION SHOULD BE DENIED UNDER 35 U.S.C. §§ 312(a)(2) &amp; 315(b) BECAUSE WPL INTENTIONALLY OMITTED “DECEMBER 2015 SOFTWARE LIMITED” AS A REAL PARTY-IN-INTEREST</b> .....	19
	A. The Real Party-In-Interest Inquiry .....	21
	B. The 2018+ E.D. Texas Litigation – The Predicate Lawsuit For This IPR 22	
	C. The 2010+ E.D. North Carolina Litigation – The Earlier Case Between The Parties Resulting In A \$79 Million Judgment Against WPL..	23
	<b>1. The Directors/Owners Of WPL And D2SL Largely Overlap</b>	24
	<b>2. D2SL Controls And Funds This IPR</b> .....	26
	<b>3. WPL’s Conduct Demonstrates Gamesmanship And Bad Faith</b>	29
	D. D2SL Is An RPI, And WPL’s Glaring Omission Was Intentional.....	34
	E. Any Amended Petition Should Receive A New Filing Date .....	36
	F. A New Filing Date Would Time Bar the Petition.....	37
<b>IV.</b>	<b>THE PETITION SHOULD BE DENIED BECAUSE IT FAILS TO MAP THE CHALLENGED CLAIMS, AS WPL CONSIDERS THEM PROPERLY CONSTRUED, TO THE ASSERTED PRIOR ART</b> .....	38
	A. WPL does not offer constructions for many terms in dispute .....	38
	B. Petition has not identified a corresponding structure in its definition of “graph generator module” .....	42
<b>V.</b>	<b>CONCLUSION</b> .....	44

## I. INTRODUCTION

World Programming Limited (“WPL”) seeks review of claims 1-4, 14-18, 21, 27, 29-30, 39, 42-46, 47, 49, 51-53, and 56 of U.S. Patent No. 7,170,519 (“the ’519 Patent”) based on obviousness grounds.<sup>1</sup> WPL’s petition is deficient and should not be instituted for a number of reasons, both procedural and substantive. For example, WPL intentionally omitted a real party-in-interest from its petition. Because WPL’s omission is an attempt to game the system and was made in bad faith, the Board should decline to exercise its discretion in this case to give WPL a free pass to correct its petition without concomitantly receiving a new filing date. WPL also has failed to properly map the claims—as construed by WPL—to the alleged prior art. WPL failed to propose constructions for a number of claim terms at in dispute, failed to alert to the Board to a number of conflicts between its proposed claim constructions and its positions in district court, and failed to abide by the requirements to properly construe means-plus-function terms. For these reasons, as explained herein, SAS Institute (“SAS”) respectfully requests that the Board deny institution of this IPR.<sup>2</sup>

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<sup>1</sup> WPL seeks review of claims 5-11, 22-26, and 37-38 of the ’519 Patent in IPR2019-01458.

<sup>2</sup> To the extent the United States Court of Appeals for the Federal Circuit and/or the United States Supreme Court find the remedy in *Arthrex, Inc. v. Smith &*

## II. THE '519 PATENT AND ITS PROSECUTION HISTORY

### A. Overview of the '519 Patent

The '519 Patent, titled “Computer-Implemented System and Method for Generating Data Graphical Displays,” generally relates to the generation of data graphical displays using graph style data items that contain display characteristics for displaying the data in a non-textual format. The '519 Patent issued on January 30, 2007, from an application filed on April 15, 2002, and claims priority to Provisional Patent Application No. 60/368,898, filed on March 29, 2002.

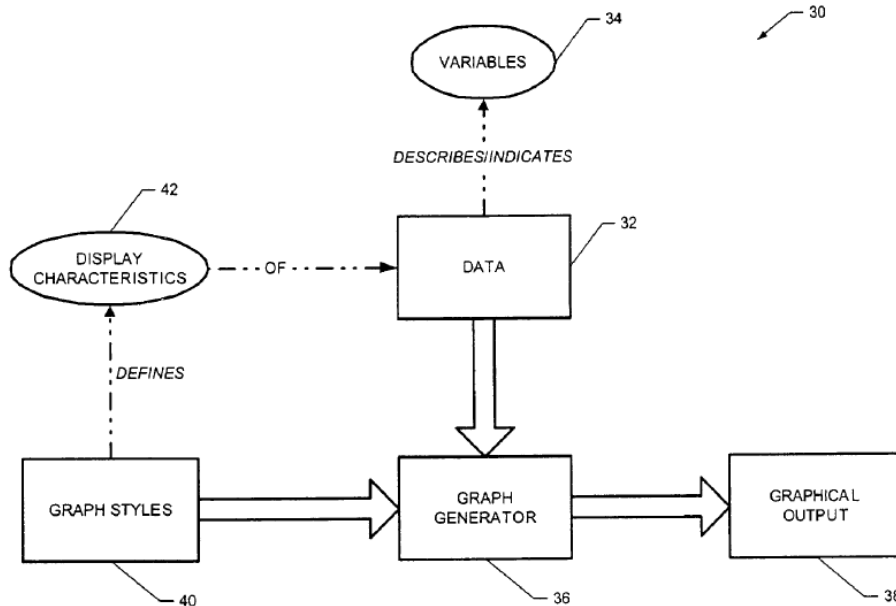
The Background section of the '519 Patent recognizes that many types of software applications can display graphical data, such as data graphs, but the styles that define the appearance of the graphical displays were traditionally tightly coupled with the software application generating the graphical display. Ex. 1001 (the '519 Patent) at 1:27-31. For this reason, difficulties often arose during attempts to use graphical styles defined in one software application in a different software application. *Id.* at 1:31-33. The '519 Patent addresses this problem by providing a

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*Nephew, Inc.*, No. 2018-2140 (Fed. Cir. Oct. 31, 2019) to be insufficient to cure the Constitutional Appointments Clause defect the Federal Circuit identified in that case, and to the extent making a record of the issue in this preliminary response is required to preserve that argument, then SAS reserves the right to raise such a challenge.

system and method for generating data graphical displays using graph styles data that is substantially independent of the application generating the data or the application generating the graphical output. *See id.* at 2:38-40.

Fig. 1 of the '519 Patent (reproduced below) shows an example of a computer-implemented system 30 that generates graphical output 38 based on input data 32. *Id.* at 2:12-13. The system includes a graph generator software module 36 that processes the input data 32 to generate graphical output 38, such as pie charts, bar charts, maps, scatter plot, etc. *Id.* at 2:16-19. In order to determine how the graphical output 38 should appear, the graph generator 36 accesses graph styles data 40 that defines the display characteristics 42 of the input data 32. *Id.* at 2:20-23.



**FIG. 1**

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