UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONFIGIT A/S, Petitioner

v.

VERSATA DEVELOPMENT GROUP, INC. Patent Owner

> Case IPR2021-01055 Patent No. 6,836,766 B1

## **PETITIONER'S REPLY**

**DOCKET A L A R M** Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

#### **TABLE OF CONTENTS**

I.	CLAIMS 1-5 & 9-19 ARE UNPATENTABLE1
	A. All Challenged Claims are Obvious Under the Board's Original Construction on Institution
	B. Versata's Limiting Construction For "Configuration Error in the Product Configuration" Remains Incorrect
	1. The '766 Patent Does Not Limit "Configuration Error" to "Internal Errors"
	2. The '766 Specification Shows Errors That Are Not "Internal" to the Configurator
	3. A POSITA Would Have Known That Configuration Errors Are Not Limited to "Internal" Errors
	4. Versata's Distinction of "Internal Errors" vs. "User Errors" Is Not Reflected in the Claim Language
	C. All Challenged Claims are Also Obvious Under Versata's Limiting Construction
II.	MUCH OF VERSATA'S POR REPEATS ITS POPR AND IS LARGELY UNSUPPORTED ATTORNEY ARGUMENT
III.	VERSATA MISCHARACTERIZES DR. WOOD'S TESTIMONY16
IV.	ORACLE1 AND ORACLE2 ARE PRIOR ART
V.	CONCLUSION

#### EXHIBITS

- 1001 U.S. Patent No. 6,836,766 to Gilpin ("the '766 patent")
- 1002 Declaration of Dr. Kristin L. Wood, Ph.D. (with Curriculum Vitae)
- 1003 Oracle Configurator Developer 11i User's Guide, Release 11i for Windows 95/98 and Windows NT 4.0, April 2000, Part No. A73280-05 ("Oracle1")
- 1004 Oracle Configurator Configuration Interface Object (CIO) Developer's Guide, Release 11*i*, March 2000, Part No. A81001-03 ("Oracle2")
- 1005 Beologic A/S Reference Guide for the beologic salesPLUS Product Configurator, C language API, Version 2.0, 1995 ("SalesPlus")
- 1006 Bei Yu and H. J. Skovgaard, "A configuration tool to increase product competitiveness," in IEEE Intelligent Systems and their Applications, vol. 13, no. 4, pp. 34-41, July-Aug. 1998, doi: 10.1109/5254.708431; print ISSN: 1094-7167, electronic ISSN: 2374-9423 ("Yu")
- Atif M. Memon, Martha E. Pollack, Mary Lou Soffa, "Automated Test Oracles for GUIs", Proceedings of the Eighth International Symposium on the Foundation of Software Engineering (FSE-8), San Diego, CA, Nov. 6, 2000, https://dl.acm.org/doi/proceedings/10.1145/355045, ISBN: 978-1-58113-205-2 ("Memon")
- 1008 Declaration of Ms. Tina Brand
- 1009 Declaration of Mr. Andrew Wolfe
- 1010 Declaration of Mr. Jacob Munford
- 1011 File Wrapper of the '766 Patent
- 1012 U.S. Patent No. 5,825,651 to Gupta
- 1013 File Wrapper of U.S. Patent No. 5,825,651
- 1014 Docket in Versata Software Inc. et al., v. Configit A/S., No. 20-CV-9019 (C.D. Cal.)

- 1015 Docket in Versata Development Group, Inc. et al v. Ford Motor Co., No. 15-cv-00316 (E.D. Tex.).
- 1016 Oracle Applications Product Update Notes, Release 11i, May 2000, Part No. A85297-01
- 1017 https://web.archive.org/web/20001019084740/http://docs.oracle.com:80/ Web Site Capture
- 1018 https://web.archive.org/web/20001019040314fw\_/http://docs.oracle.com/ help\_media.html Web Site Capture
- 1019 https://web.archive.org/web/20001119103400/http://store.oracle.com/ cec/cstage?eccookie=&ecaction=ecpassthru&template=combined\_decsec tview\_doc.en.htm Web Site Capture
- 1020 Declaration of Marianne Tind
- 1021 Configit Formal Notice of Stipulation
- 1022 U.S. Patent No. 5,579,476 to Cheng
- 1023 Ram Chillarege, "Software Testing Best Practices," IBM Technical Report RC 21457, April 26, 1999
- 1024 Judith Bachant and John McDermott, "R1 Revisited," AI Magazine, 5 (3), 21–32, 1984.
- 1025 Erich Gamma, Richard Helm, Ralph Johnson, John Vlissides, "Design Patterns: Elements of Reusable Object-Oriented Software," Addison-Wesley, 1995.
- 1026 Arnold van de Brug, Judith Bachant, and John McDermott, "The taming of R1," IEEE Computer Architecture Letters 1.03 (1986): 33-39.
- 1027 Oracle SellingPoint CompanionBuilder Online Documentation (extracts)
- B. M. Kramer, "Knowledge-based configuration of computer systems using hierarchical partial choice," Proceedings of the Third International Conference on Tools for Artificial Intelligence TAI 91, 1991, pp. 368-375, doi: 10.1109/TAI.1991.167117.

- John McDermott, "R1: A Rule-based Configurator of Computer Systems," Carnegie-Mellon University Technical Report CMU-CS-80-119, April, 1980.
- William F. Wright, Rodney Smith, Ryan Jesser, Matt Stupeck, "Successful Implementation and Use of Enterprise Software: Compaq Computer Corporation," University of California at Irvine, Case Study, Sept. 17, 1998
- 1031 W. E. Howden, "Theoretical and Empirical Studies of Program Testing," in IEEE Transactions on Software Engineering, vol. SE-4, no. 4, pp. 293-298, July 1978, doi: 10.1109/TSE.1978.231514.
- 1032 S. Marcus, J. Stout, J., & J. McDermott. VT: An Expert Elevator Designer That Uses Knowledge-Based Backtracking. AI Magazine, 9(1), 95, (1988). https://doi.org/10.1609/aimag.v9i1.664
- 1033 E.H. Groundwater, L.A. Miller, and S.M. Mirsky, "Guidelines for the Verification and Validation of Expert System Software and Conventional Software," SAIC-95/1028, Vol. 3, 1995.
- 1034 Uma G. Gupta, "Automatic tools for testing expert systems," Commun. ACM 41, 5es (May 1998), 179–184. DOI: https://doi.org/10.1145/276404.276409
- 1035 Pei-Lei Tu, Jen-Yao Chung and C. N. Nikolaou, "An intelligent approach to verification and testing of the configurator," Proceedings of the Second Symposium on Assessment of Quality Software Development Tools, 1992, pp. 151-162, doi: 10.1109/AQSDT.1992.205849.
- 1036 S. M. Fohn, J. S. Liau, A. R. Greef, R. E. Young, P. J. O'Grady, "Configuring computer systems through constraint-based modeling and interactive constraint satisfaction," Computers in Industry, Volume 27, Issue 1, 1995, Pages 3-21, ISSN 0166-3615.
- 1037 Daniel Mailharro. 1998. "A classification and constraint-based framework for configuration." Artif. Intell. Eng. Des. Anal. Manuf. 12, 4 (September 1998), 383–397. DOI: https://doi.org/10.1017/S0890060498124101
- J. R. Wright, Weixelbaum, E. S., Vesonder, G. T., Brown, K. E., Palmer,S. R., Berman, J. I., & H. H. Moore, "A Knowledge-Based Configurator that Supports Sales, Engineering, and Manufacturing at AT&T Network

# DOCKET A L A R M



# 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.