EXHIBIT B

Attorney Docket No. 1630682-0011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,139,761	
Filed: December 10, 2003	Examiner: Not Yet Assigned
Issued: November 21, 2006	Art Unit: Not Yet Assigned
For: DYNAMIC ASSOCIATION OF ELECTRONICALLY STORED INFORMATION WITH ITERATIVE WORKFLOW CHANGES	Customer No.: 07470
Requester: Facebook, Inc.	

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR *EX PARTE* REEXAMINATION UNDER 35 U.S.C. §§ 302-307

Dear Sir or Madam:

Pursuant to 35 U.S.C. §§ 302-307 and 37 C.F.R. § 1.510, the undersigned, on behalf of Facebook, Inc., hereby requests an *ex parte* reexamination of claims 1-2, 4-16, 21-29, and 31-35 of U.S. Patent No. 7,139,761 (the "'761 patent") to Michael McKibben et al. A copy of the '761 patent is attached as **Exhibit A.** The '761 patent issued on November 21, 2006 from an application filed in the United States on December 10, 2003.

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I. REQUIREMENTS FOR EX PARTE REEXAMINATION UNDER 37 C.F.R. § 1.510

Pursuant to 37 C.F.R. § 1.510, each requirement for *Ex Parte* Reexamination of the '761 patent is satisfied.

A. Payment of Fees – 37 C.F.R. § 1.510(a)

The Requester authorizes the U.S. Patent and Trademark Office to charge Deposit Account No. 23-1703 for the fees set in 37 C.F.R. § 1.20(c)(1) for reexamination. The fee for reexamination is $2,520.00, and the fee for an Information Disclosure Statement is $180.00. 37 C.F.R. §§ 1.20(c)(1), 1.17(p).

B. Statement Pointing Out Each SNQ – 37 C.F.R. § 1.510(b)(1)

Statements pointing out each substantial new question of patentability for each prior art reference asserted in this Request for Reexamination may be found below under Section V, beginning on page 9.

C. Identification of Claims for Reexamination – 37 C.F.R. § 1.510(b)(2)

The Requester seeks reexamination of claims 1-2, 4-16, 21-29 and 31-35 of the '761 patent. Detailed explanations of the pertinency and manner of applying the prior art references to each claim for which reexamination is requested may be found below under Section VI, beginning on page 16.

D. Copy of Every Publication Relied Upon or Referred To – 37 C.F.R. § 1.510(b)(3)

Copies of every patent relied upon or referred to in this Request for Reexamination are contained in Exhibits B through H.

E. Copy of Patent for Which Reexamination Is Requested – 37 C.F.R. § 1.510(b)(4)

A copy of the '761 patent is attached to this Request for Reexamination as Exhibit A.

F. Certification of Service on the Patent Owner – 37 C.F.R. § 1.510(b)(5)

The undersigned certifies that a complete and entire copy of this Request for Reexamination and all supporting documents have been provided to the Patent Owner by serving the attorneys of record at the Patent Office for the '761 patent as set forth in 37 C.F.R. § 1.33(c):

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II. IDENTIFICATION AND STATUS OF PENDING LITIGATION INVOLVING THE '761 PATENT

The '761 patent is the subject of pending litigation; in particular:

- Leader Technologies, Inc. v. Facebook, Inc., No. 1:08-CV-00862 JJF, filed November 19, 2008 in the United States District Court for the District of Delaware. Facebook has denied that it infringes any claim of the '761 patent and contends that the patent is invalid and unenforceable.

Discovery is ongoing in this action and due to close on November 20, 2009. The Court overseeing the litigation has not construed any claims of the '761 patent. Trial has been preliminarily set to begin in late June 2010.

III. OVERVIEW OF THE '761 PATENT

A. Summary of the Disclosure and Claims of the '761 Patent

The '761 patent purports to disclose a computer-implemented data management system for organizing information. '761 patent, col. 3, ll. 17-19. The "Background of the Invention" asserts that prior art techniques for storing and organizing information failed to capture and store certain "context information" about documents created in data management systems:

> Prior art communications tools do not know the business and/or personal context(s) within which the files are created and used. For example, a

> person may create three files in a word processor, one relating to sales, the second relating to operations, and the third relating to a son's football team. However, the word processor itself has no way of knowing to automatically store those three files in at least three different places. . . .
>
> Known software applications create and store files outside of a contextual framework. For example, when a user creates a word processing file using a conventional word processor application, the user typically must select a single folder within which to store the file. The file may be stored in an existing folder or the user may create a new folder to receive the file. This file management method is known as Lightweight Directory Application Protocol (LDAP). LDAP borrowed the physical world paper file management scheme where a machine/application creates files, stores those files in individual folders, and stores those folders in cabinets. Under this scheme, context is completely independent of the application. File context is limited to the decision made by the user about the folder in which the file should be stored. The user decision does not adequately represent or reflect the true context of the file given that the file may contain information that could reasonabl[y] be stored in multiple folders.

'761 patent, col. 2, ll. 6-13, 17-34.

In an attempt to address these and other perceived deficiencies, claim 1 of the '761 patent purports to disclose a "context component" that captures "context information" and stores that information in "metadata." Claim 1 recites:

> 1. A computer-implemented network-based system that facilitates management of data, comprising:
>
> a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system, the context component dynamically storing the context information in metadata associated with user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and
>
> a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change, wherein the user accesses the data from the second context.

The other independent claims of the '761 patent for which reexamination is requested (claims 9, 21, 22, and 23) recite elements that are similar to claim 1, but use slightly different terminology.

Claim 9 uses "user environment" to refer to what claim 1 calls a "context," while claims 21, 22 and 23 use the term "user workspace." The other claims for which reexamination is requested (claims 2, 4-8, 10-16, 24-29 and 31-35) are dependent claims that derive directly or indirectly from independent claims 1, 9 or 23. They add nothing of patentable significance.

B. Original Prosecution History of the '761 Patent

On December 10, 2003, the applicants filed the application that resulted in the '761 patent, claiming priority to a U.S. Provisional Patent Application Serial No. 60/432,255 filed December 11, 2002. The application included 44 claims that bore little resemblance to the later-issued claims of the '761 patent. Claims 18 and 26, for example, which later issued as independent claims 1 and 9 after substantial amendments, read as follows:

> 18. A system that facilitates the management of data, comprising:
>
> a context component that captures context information associated with a user in a first context; and
>
> a tracking component that tracks a change of the user from the first context to a second context, and automatically associates at least a portion of the context information with the second context.
>
> 26. A method of facilitating data management, comprising:
>
> creating data within a user environment using an application; and automatically associating to a user of the user environment, information related to the data, the application and the user environment.

On June 3, 2005, the PTO issued its first Office action rejecting all claims. The Examiner found 33 of the pending claims to recite unpatentable subject matter under 35 U.S.C. § 101, and found all 44 claims anticipated by U.S. Patent Application No. 2003/0217096 filed by Samuel J. McKelvie, et al. under 35 U.S.C. § 102(e). The applicants filed their response on November 3, 2005 which, among other things, substantially amended the claims. Claim 26 was amended to require tracking user movement and to require "an association of data and application with the second user environment such that the user employs the at least one application and data from the second user environment." *Reply to Office Action (November 3,*

2005), at page 6. Claim 40 (which would later issue as claim 21) was amended to require "indexing data of the user workspace such that a plurality of different users can access the data from a plurality of different user workspaces," *id.* at page 9. The applicants also added "computer-implemented" to the independent claims in an attempt to overcome the § 101 rejections, and canceled three claims (11, 27, 30).

On January 5, 2006, the PTO issued a final Office action rejecting all 41 of the remaining claims. The Examiner found all claims were obvious in view of McKelvie and in further view of U.S. Patent No. 6,421,678 to Brian Smiga et al. under 35 U.S.C. § 103(a). On May 5, 2006, the applicants filed a response to the Office action cancelling 22 of the 41 claims, adding 15 new claims, and amending the remaining claims. *See Reply to Final Office Action* (May 5, 2005).

The prosecution record is unclear as to what occurred shortly after this point. It appears that the Examiner conducted multiple extensive interviews with the applicants between May and June 2006, but no record of the substance of any of these interviews appears in the file history. On June 21, 2006, the applicants filed a Request for Continued Examination (RCE) and a "Supplemental Reply" to the final Office action, in which the applicants thanked the Examiner "for courtesies extended during multiple interviews regarding prosecution of the subject application," *Supplemental Reply to Final Office Action (June 21, 2006)* at 10, but provided no summary of the substance of those interviews. The file history does not include any interview summary filed by either the Examiner or the applicants.[1]

On August 30, 2006, the PTO issued a Notice of Allowability as to all pending claims, subject to an Examiner's amendment that added several new limitations to the allowed claims. For example, claim 18 (issuing as claim 1) was amended to require that stored metadata be dynamically updated based on a change of the user from one context to another, and that the user "accesses the data from the second context." *Notice of Allowability and Examiner's Amendment (Aug. 30, 2006)*, at 3. A substantially similar amendment was added to claim 45 (issuing as claim 23). *Id.* at 11. Claim 26 (issuing as claim 9) was amended to require that the metadata be dynamically updated with an association of "the data, the application, and the second user environment." *Id.* at 5. As the file history included neither summaries of any May or June 2006

[1] The only interview summary in the prosecution record was filed on August 30, 2006 following an August 15 interview to discuss possible claim amendments through the Examiner's Amendment. That summary did not summarize the substance of the multiple interviews that apparently took place between May and June 2006.

interview, nor any statement of Reasons for Allowance, it is not clear why these amendments were significant or why they were deemed sufficient to overcome the prior art. The '761 patent issued with these revisions on November 21, 2006.

IV. PRIORITY DATE TO WHICH THE '761 PATENT IS ENTITLED

As noted above, the applicants filed their patent application on December 10, 2003, claiming priority to U.S. Provisional Patent Application Serial No. 60/432,255, filed December 11, 2002. As explained below, the issued claims of the '761 patent are entitled to a priority date of December 10, 2003 and are not entitled to the filing date of the earlier provisional application.

The provisional application contained no figures and included just over six double-spaced pages of text, and an attachment consisting of two more pages of text and nine pages of source code that was omitted from the later-filed patent application. The provisional application was extremely cursory when compared when the later-filed '761 patent application, which more than tripled the length of the textual disclosure with 31 pages and 21 figures.

The Federal Circuit has held that unless the Patent Office explicitly considered priority date issues during prosecution of the patent (which did not occur here), the patentee bears the burden of establishing entitlement to the priority date of an earlier-filed application. *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1303-07, 86 U.S.P.Q.2d 1385, 1388-89 (Fed. Cir. 2008). To establish entitlement to the priority date of the provisional application, it must be shown that the provisional application discloses the claimed invention "in the manner provided by the first paragraph of [35 U.S.C. § 112]." 35 U.S.C. § 119(e)(1).

No such showing can possibly be made here because several limitations of the issued claims of the '761 patent for which reexamination is requested were first disclosed in the later-filed application. For example, claims 1 and 23 of the '761 patent recite a "tracking component" for tracking movement of the user from one context or workspace to another. Claim 22 similarly requires a "means for tracking," and method claim 9 recites the step of "tracking movement of the user." However, the claimed "tracking component" and tracking of user movement was first disclosed in the December 11, 2003 patent application. *See* '761 patent, Col. 7, ll. 1-7; fig. 1 (tracking component 116). The words "track" or "tracking," in fact, do not appear anywhere in the provisional patent application. Nor does the provisional application provide any disclosure of the "workspaces" required by independent claims 22-23, or the "user environments" required

by independent claim 9. The priority date to which the '761 patent is entitled, therefore, is no earlier than December 10, 2003.

V. STATEMENT POINTING OUT EACH SUBSTANTIAL NEW QUESTION OF PATENTABILITY

This Request is based on the following newly cited prior art references:

1) U.S. Patent No. 6,236,994 to Robert M. Swartz et al. ("Swartz," attached as **Exhibit B**), which qualifies as prior art under 35 U.S.C. § 102(b);

2) U.S. Patent No. 6,941,313 to Robert Seliger et al. ("Seliger '313," attached as **Exhibit C**), which qualifies as prior art under 35 U.S.C. § 102(e);

3) U.S. Patent No. 6,370,538 to John O. Lamping et al. ("Lamping," attached as **Exhibit E**), which qualifies as prior art under 35 U.S.C. § 102(b).

4) U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. ("Ausems," attached as **Exhibit G**), which qualifies as prior art under 35 U.S.C. § 102(b).

The Requester is submitting PTO Form SB/008a identifying these references.

None of the prior art references cited in this Request was cited during the original prosecution of the '761 patent. As all of these references are non-cumulative "new art," they raise questions of patentability that are substantially different from those before the Examiner during the original prosecution of the '761 patent. Furthermore, the references disclose all limitations of the invention claimed in '761 patent in a manner not previously considered.

A. Summary Identification of Substantial New Questions

For ease of reference, the four substantial new questions raised by the new prior art are set forth in the chart below, in the form of proposed rejections.

No.	Substantial New Questions for the '761 Patent (as Proposed Rejections)
1	Claims 1-2, 4-15, 21-27, 29 and 31-34 are **anticipated** by U.S. Patent No. 6,236,994 B1 to Ronald M. Swartz et al. under 35 U.S.C. § 102(b).
2	Claims 1-2, 4-15, 21-27, 29 and 31-34 are **anticipated** by U.S. Patent No. 6,941,313 to Robert Seliger et al. under 35 U.S.C. § 102(e).
3	Claims 1-2, 4-15, 21-29 and 31-35 are **anticipated** by U.S. Patent No. 6,370,538 to

No.	Substantial New Questions for the '761 Patent (as Proposed Rejections)
	John O. Lamping et al. under 35 U.S.C. § 102(b).
4	Claim 16 is **obvious** over any one of Swartz, Seliger or Lamping in view of U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. under 35 U.S.C. § 103(a).

A detailed explanation of the substantial new questions (SNQs) raised by each newly-cited prior art reference, along with a brief summary for each reference, is provided below.

B. Substantial New Questions Raised by Swartz

U.S. Patent No. 6,236,994 B1 to Ronald M. Swartz et al., entitled "Method and Apparatus for the Integration of Information and Knowledge," issued in the United States on May 22, 2001 ("Swartz") **[Exhibit B]**. Swartz qualifies as prior art under 35 U.S.C. § 102(b).

Swartz discloses a system for managing information to facilitate easy access to and organization of that information. The system disclosed in Swartz integrates data from disparate document and data sources and makes it available to a plurality of users over a network. Col. 3, ln. 61-col. 4, ln. 12. In one embodiment, Swartz discloses a system known as "DataDocket," which is middleware that "manages the flow of information between two or more applications that comprise the information system of an enterprise." Col. 9, ll. 5-8. The management functions in Swartz rely on "context information" that is automatically collected from users and applications, which is stored in a "metadata catalog." Col. 4, ll. 19, 33-35; col. 6, ll. 22-26; col. 18, ll. 9-13. In particular, Swartz discloses a system that "captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60; *see also* col. 6, ll. 22-26 ("More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge."). This context information and metadata can be used to create a "knowledge path" that allows users to reflect back and track all interactions and transactions that took place with respect to the data. *See* Col. 19, ll. 15-35.

None of the prior art cited during the original prosecution of the '761 patent disclosed (a) capturing context information associated with user-defined data that is dynamically stored in metadata, and (b) tracking a change of the user from a first context to a second context and dynamically updating the stored metadata based on the change wherein the user access the data from the second context, as recited in claim 1. As explained in Part IV.B above, the Examiner apparently thought those features distinguished the '761 patent from the prior art. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006)*, at page 3. As explained in more detail in Part VI below starting at page 17, Swartz discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability.

Swartz was not cited or applied during prosecution, but as set forth below, it anticipates claims 1-2, 4-15, 21-27, 29 and 31-34 and renders claim 16 obvious. Accordingly, Swartz raises substantial new questions of patentability as to these claims. A detailed explanation of the pertinence and applicability of Swartz is contained in Part VI below, beginning at page 17.

C. Substantial New Questions Raised by Seliger

U.S. Patent No. 6,941,313 B2 to Robert Seliger et al., entitled "Context Management with Audit Capability," issued from an application filed in the United States on December 11, 2001 ("Seliger '313") [**Exhibit C**]. Seliger '313 qualifies as prior art to the '761 patent under 35 U.S.C. § 102(e). Seliger '313, in turn, incorporates by reference an earlier patent application by the same inventor and assigned to the same assignee, U.S. Patent Appl. Ser. No. 09/583,301, issuing as U.S. Patent No. 7,346,648 B1 ("Seliger '648") [**Exhibit D**]. *See* Seliger '313, col. 7, ll. 8-13 (incorporating by reference the application for Seliger '648).

Because Seliger '313 incorporates by reference the disclosures of the Seliger '648 patent, both may be treated and referred to collectively as a single reference ("Seliger") for purposes of anticipation under 35 U.S.C. § 102(e). Such treatment is expressly authorized by MPEP 2163.07(b), which reads:

> Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or

> part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.

(underlining added).

Seliger discloses a system for managing data and tracking its usage. In particular, Seliger discloses a system in which data, such as medical records and patient information, may be accessed or edited by a number of users in different locations employing disparate applications across a network. *See* Seliger '313, col. 1, ll. 12-17, col. 1, ll. 52-66. The system in Seliger relies on a "context manager" which "is used to pass context data between one application and another." Seliger '313, col. 2, ll. 8-9; *see also* Seliger '648 [Exhibit D], col. 4, ll. 43-47 ("In accordance with another aspect of the invention, as shown in FIG. **2**, the context manager **101** resides on the server appliance **201**, but tracks and maintains a user's context as established by the user upon a particular computer."). According to Seliger: "'Context data' is information indicative of a condition or identity associated with users, applications, stored records, or any other information that facilitates or enables performance of inter-application or inter-platform functionality in a context management environment." Seliger '313, col. 2, ll. 9-14. Seliger discloses that as users can move from one user environment to another, the context data will follow the user and be available to facilitate access to the data:

> By carrying out certain actions, referred to as "context gestures," a user using a context-management environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system. The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications "knows" what context the user is working in at the time the user shifts from using the first to using the second application.

Seliger '313, col. 2, ll. 17-29.

None of the prior art cited during the original prosecution of the '761 patent disclosed (a) capturing context information associated with user-defined data that is dynamically stored in metadata, and (b) tracking a change of the user from a first context to a second context and dynamically updating the stored metadata based on the change wherein the user access the data from the second context, as recited in claim 1. As explained in Part IV.B above, the Examiner apparently thought those features distinguished the '761 patent from the prior art. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006)*, at page 3. As explained in more detail in Part VI below starting at page 49, Seliger discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability.

Seliger was not cited or applied during prosecution, but as set forth below, it anticipates claims 1-2, 4-15, 21-27, 29 and 31-34 and renders claim 16 obvious. Accordingly, Seliger raises substantial new questions of patentability as to these claims. A detailed explanation of the pertinence and applicability of Seliger is contained in Part VI below beginning at page 49.

D. Substantial New Questions Raised by Lamping

U.S. Patent No. 6,370,538 B1 to John O. Lamping et al., entitled "Direct Manipulation Interface for Document Properties," issued on April 9, 2002 from an application filed in the United States on November 22, 1999 ("Lamping '538") **[Exhibit E]**. Lamping '538 qualifies as prior art to the '761 patent under 35 U.S.C. § 102(b) because it issued more than one year before the priority date to which the '761 patent is entitled (December 10, 2003).

Lamping '538 expressly incorporates by reference an earlier-filed patent application sharing common inventors and assigned to the same assignee, U.S. Patent Appl. Ser. No. 09/143,551, which issued as U.S. Patent No. 6,308,179 B1 to Karin Petersen et al. ("Petersen '179") **[Exhibit F]**. *See* Lamping '538, col. 1, ll. 44-50 (incorporating by reference the application for Petersen '179). Because Lamping '538 incorporates by reference the disclosures of Petersen '179, both may be treated and referred to collectively as a single reference

("Lamping") for purposes of anticipation. Such treatment is expressly authorized by MPEP 2163.07(b), which reads:

> Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.

(underlining added).

Lamping discloses a sophisticated document and information management system that allows users to organize and access information in a variety of ways. In particular, the disclosed system allows users to organize information through a rich set of "properties," which are metadata tags that can be attached to particular content or documents. *See* Petersen '179, col. 9, ll. 45-59; col. 10, ll. 14-17. As explained in the Background of Petersen '179:

> This mechanism can be implemented as properties attached to documents. These properties are user and document specific in the sense that they are associated with the user which attached the properties and are directed to control of specific documents. This structure allows for the separation of the location of the document content from the document's management, which is described by its properties. Implementation of the properties eliminates the need to adhere to traditional file system and folder hierarchies, where the storage and retrieval of documents are based on a storage location.

Petersen '179, col. 1, ll. 46-57.

Lamping '538 discloses that a user can use properties, for example, to define distinct contexts (such as "projects") in which particular data or documents are utilized. *See* Lamping '538, col. 2, ll. 19-25; Lamping '538, col. 6, ll. 61-65; Petersen '179, col. 3, ll. 2-6; Petersen '179, col. 26, ll. 4-7. These properties can be either assigned by the user, or dynamically created by the system in light of the user's context and/or the content of the user's data. *See* Petersen '179, col. 17, ll. 36-42; Petersen '179, col. 17, ll. 48-54; Petersen '179, col. 15, ll. 23-28.

Lamping further discloses a graphical user interface that allows a user to move from one context to another (e.g., by moving a cursor from one portion of the screen to another), causing the system to dynamically update the metadata (properties) based on the move. *See* Lamping '538, col. 2, ll. 23-36.

None of the prior art cited during the original prosecution of the '761 patent disclosed (a) capturing context information associated with user-defined data that is dynamically stored in metadata, and (b) tracking a change of the user from a first context to a second context and dynamically updating the stored metadata based on the change wherein the user access the data from the second context, as recited in claim 1. As explained in Part IV.B above, the Examiner apparently thought those features distinguished the '761 patent from the prior art. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006)*, at page 3. As explained in more detail in Part VI below starting at page 73, Lamping discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability.

Lamping was not cited or applied during prosecution, but as set forth below, it anticipates claims 1-2, 4-15, 21-29 and 31-35 and renders claim 16 obvious. Accordingly, Lamping raises substantial new questions of patentability as to these claims. A detailed explanation of the pertinence and applicability of Lamping is contained in Part VI below beginning at page 73.

E. Substantial New Questions Raised by Ausems

U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al., entitled "Personal Digital Assistant with Wireless Telephone," issued in the United States on August 13, 2002 from an application filed on February 19, 1999 ("Ausems") [**Exhibit G**]. Ausems qualifies as prior art to the '761 patent under 35 U.S.C. § 102(b) and § 102(e).

Ausems is cited in this Request solely in connection with dependent claim 16 of the '761 patent, which reads in its entirety: "The method of claim 9, further comprising accessing the user environment via a portable wireless device." Claim 16 depends from independent claim 9,

which is separately anticipated by each of Swartz, Seliger or Lamping for the reasons explained in Parts V.B-D, above and in more detail in Parts VI.A-C, below, respectively.

Ausems discloses a portable wireless device that combines a personal digital assistant (PDA) and wireless telephone into a single communications device. *See* Ausems, Col. 1, ll. 5-9, 54-58. The portable wireless device in Ausems includes a CPU, runs the Microsoft Windows CE operating system and includes a web browser in order to facilitate wireless Internet access. *See* Ausems, Col. 7, ln. 63-col. 8, ln. 4. Ausems further discloses that the device "may remotely communicate with a computer system." Ausems, Col. 9, ll. 17-18.

Ausems was not cited or applied during prosecution, but as set forth below, renders claim 16 obvious when combined with any one of the references that anticipates claim 9, *i.e.* Swartz, Seliger or Lamping. A detailed explanation of the pertinence and applicability of Ausems is contained in Part VI below beginning at page 109.

VI. DETAILED EXPLANATION OF THE PERTINENCY AND MANNER OF APPLYING THE PRIOR ART REFERENCES TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

As required under 37 C.F.R. § 1.510(b)(2), a detailed explanation of the pertinence and manner of applying the prior art references to all of the claims for which reexamination is requested is provided below. The sub-parts of the claims of the '761 patent have reference labels in brackets for the sake of easy reference.

Claims from the '761 patent will likely be construed during the course of the ongoing litigation between the patent owner and the Requester. The MPEP makes clear, however, that the "manner of claim interpretation that is used by courts in litigation is not the manner of claim interpretation that is applicable during prosecution of a pending application before the PTO." MPEP § 2286(II) (citing *In re Zletz*, 893 F.2d 319, 322, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989)). As the Federal Circuit recently reemphasized, claims in reexamination "must be given their broadest reasonable interpretation consistent with the specification":

> In PTO examinations and reexaminations, the standard of proof – a preponderance of evidence – is substantially lower than in a civil case; there is no presumption of validity; and the examiner is not

> attacking the validity of the patent but is conducting a subjective examination of the claims in light of prior art. And unlike in district courts, in reexamination proceeding claims are given 'their broadest reasonable interpretation, consistent with the specification . . . .' *In re Swanson*, 540 F.3d 1368, 1377-78, 88 U.S.P.Q.2d 1196, 1203 (Fed. Cir. 2008) (internal citations and quotation marks omitted).

Therefore, by applying the claim language of the '761 patent as set forth in the charts provided below, the Requester is not admitting and/or acquiescing to the correctness and/or reasonableness of any particular construction for the purposes of any litigation or for any other purpose. To the extent any interpretation can be discerned from the analysis provided in this Request, such interpretation does not necessarily reflect the construction that Requester believes should be given to the claims in litigation but is consistent with the manner in which the patent holder has attempted to apply them.

A. Anticipation by Swartz (SNQ No. 1)

A claim chart showing how Swartz anticipates claims 1-2, 4-15, 21-27, 29 and 31-34 is set forth below. Unless otherwise noted, underlining has been added by the Requester for clarity and emphasis.

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
Claim 1 of '761 Patent	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Swartz discloses a computer-implemented network-based system that facilitates management of data:* "This invention relates generally to an architecture for the integration of data, information and knowledge, and more particularly to a method and apparatus that manages and utilizes a knowledge repository for the purpose of enabling easy access, manipulation and visualization of synchronized data, information and knowledge contained in different types of software systems." Col. 1, ll. 10-16. "In accordance with the present invention, there is provided a knowledge integration system for providing application interoperability and synchronization between heterogeneous document and data sources, comprising . . . a document

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	source, including a document database memory, for . . . making the captured knowledge available across a network. . . ." Col. 3, ll. 61-64, col. 4, ll. 4-5.
[a1] a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system,	*Swartz discloses a computer-implemented context component (e.g., DataDocket middleware) for capturing context information associated with user-defined data (e.g., documents, images) created by a user interaction in a first context (e.g., an information management application), as explained in detail below.* *First, the DataDocket system supports the creation of user-defined data by user interaction in a first context (e.g., through one or more user environments/applications):* "Within information management level **300** [of Fig. 5] reside the plurality of independent information management applications controlled by the DataDocket system, for example, image data and associated image applications (reference numerals **310A, 310B**). . . ." Col. 17, ll. 49-53; *see also* Fig. 5 (showing Data Applications 314B, Document Applications 312B and Image Applications 310B). *The first context may comprise, for example, a first workspace or software environment (e.g., clinical data analysis system):* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used. As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 55-63. *The DataDocket system captures context information associated with the user-defined data:* "Aspects of the present invention include . . . use of a knowledge repository containing record of integration transactions, context information from users and applications . . . ." Col. 4, ll. 19, 33-35. "As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording,

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them, that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55.
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and	*Swartz discloses that the context component dynamically stores the context information in metadata associated with the user-defined data:* "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. *The user-defined data and metadata are stored on a storage component (e.g., repositories, databases):* "As inputs, the knowledge integration block supplies records of transactions, context information from users and applications, and information to populate an information metadata catalog in the knowledge repository **330**." Col. 18, ll. 9-12. "As illustrated in FIG. 3 data analysis and review block **90** includes a data review subcomponent having access to the analysis results & meta data stored in database **94**, and providing access to such information to the user **101**." Col. 10, ll. 22-25. "Similarly, the document management and review block **100** [of Fig. 3] preferably contains a document review subcomponent **102**, that enables a user **101** to review reference and assertion documents stored in the document

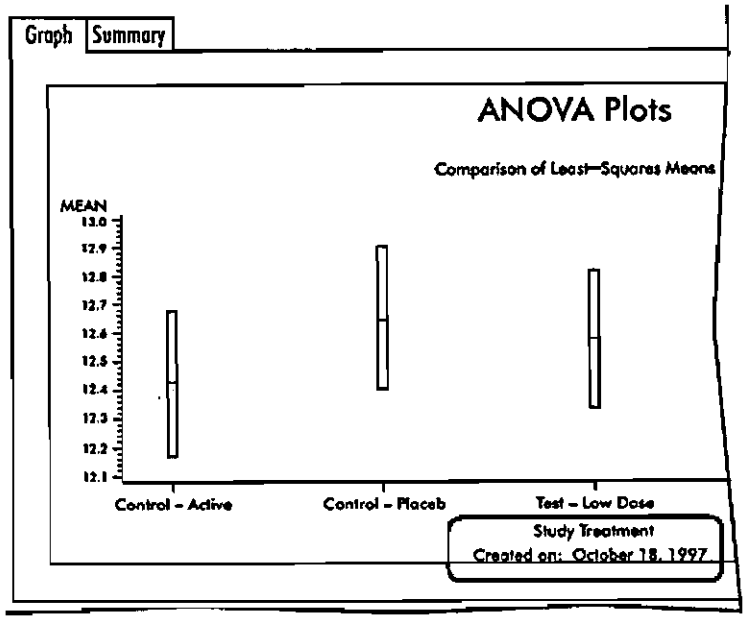
Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	database **104**." Col. 10, ll. 32-35.
[b] a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change, wherein the user accesses the data from the second context.	*Swartz discloses a computer-implemented tracking component of the network-based system (e.g., DataDocket middleware) for tracking a change of the user from a first context to a second context, and dynamically updating the stored metadata based on the change, as described below.* *For purposes of invalidity of this claim, the first context can comprise a first workspace or environment (e.g., a clinical data analysis system), and the second context can comprise a second workspace or environment (e.g., an enterprise document management system such as Documentum):* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used. As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 55-63. "The preferred DataDocket architecture, depicted in FIGS. 2A or 2B, is characterized by 'middleware' **60** that manages the flow of information between two or more applications that comprise the information system of an enterprise." Col. 9, ll. 5-8. *Swartz discloses tracking a change of the user from the first to the second context, and dynamically updating the stored metadata based on the change:* "More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them, that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55.

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	For example, Swartz discloses the ability to create an "audit trail" showing the flow of data and transactions between applications and contexts: "The functionality of the DataDocket phase includes: . . . (c) generation of an audit trail to represent the flow of data; . . . (f) updating a knowledge base which stores dynamic information about integration transactions; (h) using stored context information, provides access to historical information about how a report was created, who did the work, and when it was completed . . . ." Col. 9, ll. 14-33. *As a further example, the user's movement to another second context is tracked and the metadata is automatically updated, resulting in a "knowledge path" showing a record of the transactions performed by the user on the data:* "Vital to the design and implementation of the mechanisms specified in this architecture is the capturing of the 'knowledge path' of all the work required as part of building the proof for filing a regulatory application. Ultimately, anyone reviewing the proof should be able to retrace all steps taken from the finished application, back to the generation of the arguments and assertions made during analysis, and finally back to the original data. Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 15-30. *Swartz provides at least two further examples. First, a user can switch contexts from the SAS/PH-Clinical software environment to the enterprise document management system (Documentum), and then access the user-defined data from the document management system. See Col. 19, ll. 38-63. Second, a user can employ a dynamic link (described above) to switch contexts from Documentum back to the SAS/PH-Clinical software environment for viewing particular data. See Col. 20, ll. 14-28. In both cases,*

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	the user accesses the data from the second context.
Claim 2 of '761 Patent	
2. The system of claim **1**, the context component is associated with a workspace, which is a collection of data and application functionality related to the user-defined data.	*See claim 1, above.* *The context component (e.g., DataDocket middleware) is associated with a workspace, which is a collection of data and application functionality related to the user-defined data (e.g., document management system).* *The workspace can comprise, for example, the enterprise document management system (e.g., Documentum):* "Once completed, the information exported can be found in the Documentum™ workspace results illustrated in FIG. 8 (e.g., DocBase **810**); particularly the Virtual Document Manager folder, **820**." "Referring next to FIG. 11, displayed therein is a portion of the workspace document manager window **1110**, showing within it the document database window **1120**. As indicated by the highlighted text, a user may use the analysis output to build reports. For example, selecting the highlighted entry results in the display of the Virtual Document Manager window **1210** in FIG. 12."
Claim 4 of '761 Patent	
4. The system of claim **1**, the context information includes a relationship between the user and at least one of an application, application data, and user environment.	*See claim 1, above.* *The context information (e.g., through the metadata) includes a relationship between the user and at least one of an application, application data and user environment.* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. *The context information therefore includes a relationship between the user ("by whom a particular set of data was collected") and an application and/or application data ("how the data is formatted"). As noted above in connection with claim 2, the*

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	context information also includes a relationship between the user and a user environment.
Claim 5 of '761 Patent	
5. The system of claim **1**, the context component captures context information of the first context and context information related to at least one other context.	*See claim 1, above.* *The context component (e.g., DataDocket middleware) captures context information of the first context and at least one other context (e.g., workspace or environment). See, e.g., Claim 1, element [b], above, discussion of capturing context information from multiple contexts to create a "knowledge path" of all work done on the data. See Col. 19, ll. 15-30.* *Additionally, the context component of Swartz captures context information from a number of different contexts (e.g., through disparate applications and information sources):* "Aspects of the present invention include . . . use of a knowledge repository containing record of integration transactions, context information from users and applications . . . ." Col. 4, ll. 19, 33-35. "As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26.
Claim 6 of '761 Patent	
6. The system of claim **5**, the context information of the at least one other context is at least one of stipulated by the user and suggested automatically by the system based upon search and association criteria set by the user.	*See claim 5, above.* *Swartz discloses that the context information of the at least one other context can be stipulated (e.g., provided) by the user:* "As inputs, the knowledge integration block supplies records of transactions, context information from users and applications, and information to populate an information metadata catalog in the knowledge repository **330**." Col. 18, ll. 9-12.

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	"Aspects of the present invention include . . . use of a knowledge repository containing record of integration transactions, context information from users and applications . . . ." Col. 4, ll. 19, 33-35.
Claim 7 of '761 Patent	
7. The system of claim **1**, wherein data created in the first context is associated with data created in the second context.	*See claim 1, above.* *Swartz discloses that data created in the first context is associated with data created in the second context.* *For example, data created in the first context can be associated with data created in the second context through the "knowledge path" functionality as described in claim 1[b], above.* *As another example, Swartz discloses the creation of dynamic links between data and the application in which it was created, which can be accessed through another application (e.g., the document management system).* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 8 of '761 Patent	
8. The system of claim **1**, the context information is tagged to the user-defined data via the metadata when the user-defined data is created.	*See claim 1, above.* *Swartz discloses that the context information is tagged to the user-defined data via the metadata when the user-defined data is created:* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. "'Metadata' refers to data about data; as used herein,

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. *The metadata is therefore tagged to the user-defined data when the data is created (e.g., by recording when the data was created/collected).* *For example, the date of creation and title is tagged to the user-defined data when created, as shown in Figure 14:*  *Fig 14 (partial figure shown; square box added at bottom right for identification).*
Claim 9 of '761 Patent	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*Swartz discloses a computer-implemented method of managing data:* "This invention relates generally to an architecture for the integration of data, information and knowledge, and more particularly to a method and apparatus that manages and utilizes a knowledge repository for the purpose of enabling easy access, manipulation and visualization of synchronized data, information and knowledge contained in different types of software systems." Col. 1, ll. 10-16. "In accordance with the present invention, there is provided a

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	knowledge integration system for providing application interoperability and synchronization between heterogeneous document and data sources, comprising . . . a document source, including a document database memory, for . . . making the captured knowledge available across a network. . . ." Col. 3, ll. 61-64, col. 4, ll. 4-5.
[a] creating data within a user environment of a web-based computing platform via user interaction with the user environment by a user using an application, the data in the form of at least files and documents;	*Swartz discloses creating data within a user environment of a web-based computing platform (e.g., SAS/PH-Clinical environment) via user interaction with the user environment by a user running an application program, the data in the form of at least documents and files (e.g., documents within folders):* "FIG. 6 is a representation of the user interface for an exemplary system employing SAS/PH-Clinical™ software for managing clinical data. In particular, the figure shows the folder structure of data and reports managed for an imaginary drug 'Dockazol'. Along the left of the window are the various submission reports, and along the right column are the contents of a particular folder, all displayed in a MS-Windows® based environment as is proposed for the SAS/PH-Clinical software environment." Col. 19, ll. 43-51. *The computing platform may be web-based:* "The software will run on a client server system (e.g., Windows NT) as depicted in FIG. 3 to provide web-based operability and users will operate PC client systems having Windows NT/95 operating system software." Col. 9, ll. 11-15; *see* Fig. 3 (showing web-based DataDocket server).
[b1] dynamically associating metadata with the data, the data and metadata stored on a storage component of the web-based computing platform,	*Swartz discloses dynamically associating metadata (e.g., context information), the data and metadata stored on a storage component of the web-based computing platform:* "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. *The data and metadata are stored on a storage component (e.g., repositories, databases):* "As inputs, the knowledge integration block supplies records

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	of transactions, context information from users and applications, and information to populate an information metadata catalog in the knowledge repository **330**." Col. 18, ll. 9-12. "As illustrated in FIG. 3 data analysis and review block **90** includes a data review subcomponent having access to the analysis results & meta data stored in database **94**, and providing access to such information to the user **101**." Col. 10, ll. 22-25. "Similarly, the document management and review block **100** [of Fig. 3] preferably contains a document review subcomponent **102**, that enables a user **101** to review reference and assertion documents stored in the document database **104**." Col. 10, ll. 32-35.
[b2] the metadata includes information related to the user, the data, the application, and the user environment;	*Swartz discloses that the metadata includes information related to the user, the data, the application and the user environment (e.g., the current context):* "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. *The metadata therefore includes a relationship between the user ("by whom a particular set of data was collected") the data ("how, when . . . a particular set of data was collected") and an application ("how the data is formatted").* *The metadata also includes further information related to the application and the user environment (e.g., the context in which the information was employed):* "As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26.
[c] tracking movement of	*Swartz discloses tracking movement of the user from the user*

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
the user from the user environment of the web-based computing platform to a second user environment of the web-based computing platform; and	*environment of the web-based computing platform to a second user environment of the web-based computing platform, as described below.* *For purposes of invalidity of this claim, the first user environments may be synonymous with the first and second "contexts," as described in connection with claim 1 above. The first user environment may comprise the SAS/PH-Clinical analysis environment, and the second user environment may comprise an enterprise document management system such as Documentum:* "As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 59-63. *Swartz discloses tracking movement of the user from the first to the second user environments:* "The preferred DataDocket architecture, depicted in FIGS. 2A or 2B, is characterized by 'middleware' **60** that manages the flow of information between two or more applications that comprise the information system of an enterprise." Col. 9, ll. 5-8. "More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them, that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55. *For example, Swartz discloses the ability to create an "audit trail" showing the flow of data and transactions between applications and contexts:* "The functionality of the DataDocket phase includes: . . . (c) generation of an audit trail to represent the flow of data; . . . (f) updating a knowledge base which stores dynamic

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	information about integration transactions; (h) using stored context information, provides access to historical information about how a report was created, who did the work, and when it was completed . . ." Col. 9, ll. 14-33. *As a further example, the user's movement to another second environment is tracked, resulting in a "knowledge path" showing a record of the transactions performed by the user on the data:* "Vital to the design and implementation of the mechanisms specified in this architecture is the capturing of the 'knowledge path' of all the work required as part of building the proof for filing a regulatory application. Ultimately, anyone reviewing the proof should be able to retrace all steps taken from the finished application, back to the generation of the arguments and assertions made during analysis, and finally back to the original data. Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 15-30. *Swartz provides at least two further examples. First, a user can switch environments from the SAS/PH-Clinical software to the enterprise document management system (Documentum). See Col. 19, ll. 38-63. Second, a user can employ a dynamic link (described above) to switch contexts from Documentum back to the SAS/PH-Clinical software environment for viewing particular data. See Col. 20, ll. 14-28.*
[d] dynamically updating the stored metadata with an association of the data, the application, and the second user environment wherein the user employs at least one of the application and the data from the second environment.	*Swartz discloses dynamically updating the stored metadata with an association of the data, the application and the second user environment wherein the user employs at least one of the application and the data from the second environment, as explained below.* *Swartz discloses dynamically updating the stored metadata with an association of the data, the application and the second user environment:* "More specifically, knowledge integration middleware is preferably employed to identify (including tracking,

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 22-30. *Through these dynamic links, for example, the user can employ the application (SAS/PH-Clinical software) and then access the data from the second user environment (e.g., the document management system (Documentum)):* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 10 of the '761 Patent	
10. The method of claim 9, further comprising capturing context information of the user.	*Swartz discloses capturing context information of the user.* "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. "5. The knowledge integration system of claim 1, further comprising a knowledge base that dynamically stores information about integration transactions. 6. The knowledge integration system of claim 5, wherein the information about integration transaction includes historical

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	information characterizing the method of creation, the author and the completion date." Col. 21, ll. 27-33.
Claim 11 of '761 Patent	
11. The method of claim **9**, further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.	*See claim 9, above.* *Swartz discloses indexing content of the user environment (e.g., through the metadata and context information) such that a plurality of users can access the content from an associated plurality of user environments. For example, using the dynamic links feature, clinical data created in the SAS/PH Clinical user environment can be accessed from the document management environment:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 12 of '761 Patent	
12. The method of claim **9**, the least one of the data and the application is associated automatically with the second user environment.	*Swartz discloses that the data and the application are associated automatically with the second user environment. For example, using the dynamic links feature, the clinical data and the SAS/PH Clinical application is automatically associated with the document management environment (Documentum):* "Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 22-30. "Another aspect of the present invention is the establishment

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 13 of '761 Patent	
13. The method of claim **9**, further comprising accessing the user environment and the second user environment using a browser.	*Swartz discloses accessing the first and second user environments (SAS/PH-Clinical and document management environments) using a web browser:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14. Similar functionality can be enabled from a web-based environment through a browser window **1510** as illustrated in FIG. 15." Col. 20, ll. 14-24. *See also Figures 15, 16 and 17 (showing accessing of the user environments using a web browser).*
Claim 14 of '761 Patent	
14. The method of claim 9, further comprising communicating with the user environment using a TCP/IP communication protocol.	*Swartz discloses communicating with the user environment using a TCP/IP protocol, as explained below.* *Swartz discloses that the user can interact with the user environment using a web browser:* "The software will run on a client server system (e.g., Windows NT) as depicted in FIG. 3 to provide web-based operability and users will operate PC client systems having

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	Windows NT/95 operating system software." Col. 9, ll. 11-15; *see* Fig. 3 (showing web-based DataDocket server). *One of ordinary skill in the art would understand that the use of the web-based operability disclosed in Swartz inherently operates in accordance with a TCP/IP communication protocol.* *This is confirmed by John December et al., World Wide Web Unleashed 330 (2d ed. 1995) [Exhibit H]:* "The Internet uses a set of protocols called TCP/IP, or 'the Internet protocol suite,' to exchange information. These protocols serve as the standard rules for the applications that are commonly used on the Internet for communication and information. . . The Web utilizes these Internet protocols for communication." p. 330. *Reference to World Wide Web Unleashed to support an anticipatory rejection is authorized by MPEP 2131.01:* **2131.01 Multiple Reference 35 U.S.C. 102 Rejections** Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent. *MPEP 2131.01 (underlining added).* *World Wide Web Unleashed confirms that TCP/IP is inherent in use of web-based systems as disclosed in Swartz.*
Claim 15 of '761 Patent	
15. The method of claim **9**, further comprising locating the user environment from a remote location using a URL address.	*Swartz discloses locating the user environment from a remote location using a URL (Uniform Resource Locator) address.* *Figure 16 (below), for example, shows a web page for locating a user environment from a remote location, the browser pointed to a specific URL (e.g., http://38.162.74.24/ddscript/Params.idc?)*

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	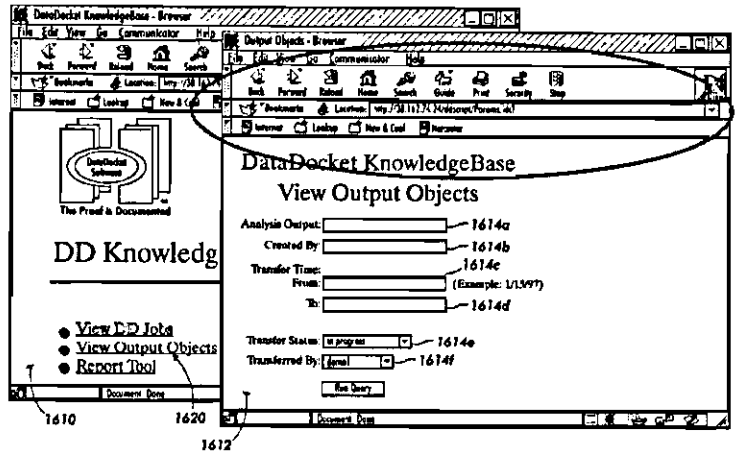 *FIG. 16* *Fig 16 (circle added around URL for clarity).*
Claim 21 of '761 Patent	
21. A computer-readable medium for storing computer-executable instructions for a method of managing data, the method comprising:	*For purposes of this Request, limitations [a] through [d] of claim 21 are substantially similar to claim 9, except that it was written as a computer-readable medium rather than a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Swartz discloses a method of managing data. See Col. 1, ll. 10-16; col. 3, ll. 61-64, col. 4, ll. 4-5. Swartz also discloses a computer-readable medium for storing computer-executable instructions to carry out the methods disclosed therein. See Fig. 3 (showing DataDocket Controller Server); Fig. 5 (showing storage devices).*
[a] creating data related to user interaction of a user within a user workspace of a web-based computing platform using an application;	*As explained in connection with limitation [a] of claim 9, Swartz discloses creating data related to user interaction of a user within a user workspace of a web-based computing platform using an application. See generally, Col. 19, ll. 43-51; col. 9, ll. 11-15 (web-based).*
[b] dynamically associating metadata with the data, the data and metadata stored on the web-based computing platform, the metadata	*As explained in connection with limitation [b] of claim 9, Swartz discloses dynamically associating metadata with the data, and storing it on the web-based computing platform, the metadata includes information related to the user of the user workspace, to the data, to the application and to the user workspace. See Col.*

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includes information related to the user of the user workspace, to the data, to the application and to the user workspace;	*6, ll. 64-67 (metadata); col. 8, ll. 56-60 (capture of metadata); col. 6, ll. 22-26 (context recording); col. 18, ll. 9-12 (storage of metadata); col. 10, ll. 22-25 (same); col. 10, ll. 32-35 (storage of data).*
[c] tracking movement of the user from the user workspace to a second user workspace of the web-based computing platform; [d] dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace; and	*As explained in connection with limitation [c] and [d] of claim 9, Swartz discloses tracking movement of the user from the first to the second workspace of the web-based computing platform (e.g., from the SAS/PH-Clinical environment to the document management environment), and dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace. See Col. 8, ll. 59-63 (identifying two user environments); col. 9, ll. 5-8 (tracking flow of information between applications); col. 6, ll. 22-26 (context tracking); col. 7, ll. 49-55 (saving context and recording interactions); col. 9, ll. 14-33 (creation of audit trail); col. 19, ll. 15-30 (creation of knowledge path and dynamic links); col. 19, ll. 38-63 (example movement from SAS/PH-Clinical to Documentum and access of data from Documentum); col. 20, ll. 14-28 (movement the other direction).*
[e] indexing the data created in the user workspace such that a plurality of different users can access the data via the metadata from a corresponding plurality of different user workspaces.	*For the purposes of this Request, this element is substantially similar to claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 need not be repeated here.* *Swartz discloses indexing content of the user workspace (e.g., through the metadata and context information) such that a plurality of users can access the content from an associated plurality of user environments. For example, using the dynamic links feature, clinical data created in the SAS/PH Clinical user environment can be accessed from the document management environment:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the

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	analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 22 of '761 Patent	
22. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, claim 22 is substantially similar to claim 9 except that it was written as computer-implemented means rather than as a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Swartz discloses a method of managing data. See Col. 1, ll. 10-16; col. 3, ll. 61-64, col. 4, ll. 4-5. Swartz also discloses a computer-readable medium for storing computer-executable instructions to carry out the methods disclosed therein. See Fig. 3 (showing DataDocket Controller Server); Fig. 5 (showing storage devices).*
[a] computer-implemented means for creating data by interaction of a user within a user workspace of a server using an application;	*As explained in connection with limitation [a] of claim 9, Swartz discloses computer-implemented means for creating data by interaction of a user within a user workspace of a server using an application. See generally, Col. 19, ll. 43-51.*
[b] computer-implemented means for associating metadata with the data, the metadata stored in association with the data on storage means of the server, the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace;	*As explained in connection with limitation [b] of claim 9, Swartz discloses computer-implemented means for associating metadata (context data) with the data, and storing it on storage means of the server (e.g., databases and repositories), the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace. See Col. 6, ll. 64-67 (metadata); col. 8, ll. 56-60 (capture of metadata); col. 6, ll. 22-26 (context recording); col. 18, ll. 9-12 (storage of metadata); col. 10, ll. 22-25 (same); col. 10, ll. 32-35 (storage of data).*
[c] computer-implemented means for tracking movement of the user from the user workspace to a second user workspace of the server; and [d] computer-implemented	*As explained in connection with limitation [c] and [d] of claim 9, Swartz discloses computer-implemented means (e.g., DataDocket middleware) for tracking movement of the user from the user workspace to a second user workspace of the server (e.g., e.g., from the SAS/PH-Clinical environment to the document management environment), and for dynamically associating the data and the application with the second user workspace in the metadata such that the user can employ the application and data*

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means for dynamically associating the data and the application with the second user workspace in the metadata such that the user can employ the application and data from the second user workspace.	*from the second user workspace. See Col. 8, ll. 59-63 (identifying two user environments); col. 9, ll. 5-8 (tracking flow of information between applications); col. 6, ll. 22-26 (context tracking); col. 7, ll. 49-55 (saving context and recording interactions); col. 9, ll. 14-33 (creation of audit trail); col. 19, ll. 15-30 (creation of knowledge path and dynamic links); col. 19, ll. 38-63 (example movement from SAS/PH-Clinical to Documentum and access of data from Documentum); col. 20, ll. 14-28 (movement the other direction).*
Claim 23 of '761 Patent	
23. A computer-implemented system that facilitates management of data, comprising:	*Swartz discloses a computer-implemented network-based system that facilitates management of data:* "This invention relates generally to an architecture for the integration of data, information and knowledge, and more particularly to a method and apparatus that manages and utilizes a knowledge repository for the purpose of enabling easy access, manipulation and visualization of synchronized data, information and knowledge contained in different types of software systems." Col. 1, ll. 10-16. "In accordance with the present invention, there is provided a knowledge integration system for providing application interoperability and synchronization between heterogeneous document and data sources, comprising . . . a document source, including a document database memory, for . . . making the captured knowledge available across a network. . . ." Col. 3, ll. 61-64, col. 4, ll. 4-5.
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Swartz discloses a computer-implemented context component (e.g., DataDocket middleware) for defining a first user workspace, as described below.* *The first user workspace can be, for example, a first "context" in which a user carries out a particular project using a software application:* "Within information management level **300** [of Fig. 5] reside the plurality of independent information management applications controlled by the DataDocket system, for example, image data and associated image applications (reference numerals **310A, 310B**). . . ." Col. 17, ll. 49-53; *see also* Fig. 5 (showing Data Applications 314B, Document Applications 312B and Image Applications 310B). *The first context may comprise, for example, a first workspace or*

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	software environment (e.g., clinical data analysis system): "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used. As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 55-63. *The system operates on a web-based server:* "The software will run on a client server system (e.g., Windows NT) as depicted in FIG. 3 to provide web-based operability and users will operate PC client systems having Windows NT/95 operating system software." Col. 9, ll. 11-15; *see* Fig. 3 (showing web-based DataDocket server).
[a2] assigning one or more applications to the first user workspace,	*Swartz discloses that the context component (e.g., DataDocket middleware) assigns an application (e.g., SAS/PH-Clinical software) to the first user workspace:* "Within information management level **300** [of Fig. 5] reside the plurality of independent information management applications controlled by the DataDocket system, for example, image data and associated image applications (reference numerals **310A, 310B**). . . . ." Col. 17, ll. 49-53; *see also* Fig. 5 (showing Data Applications 314B, Document Applications 312B and Image Applications 310B). "As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 60-63.
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for	*Swartz discloses for capturing context data associated with user interaction of a user while in the first user workspace:* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used. As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document

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	management system (e.g., Documentum or PC Docs) 55." Col. 8, ll. 55-63. *The DataDocket system captures context information associated with the user-defined data:* "Aspects of the present invention include . . . use of a knowledge repository containing record of integration transactions, context information from users and applications . . . ." Col. 4, ll. 19, 33-35. "As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26.
[a4] dynamically storing the context data as metadata on a storage component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and	*Swartz discloses dynamically storing the context data as metadata on a storage component of the web-based server, as explained below.* *Swartz discloses dynamically storing the context information as metadata on the web-based server:* "'Metadata' refers to data about data; as used herein, Metadata characterizes how, when and by whom a particular set of data was collected, and how the data is formatted." Col. 6, ll. 64-67. "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. *The metadata is dynamically associated with data created in the first user workspace (e.g., SAS/PH-Clinical workspace). For example, metadata in the form of "dynamic links" may be associated with data created in the clinical software:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the

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	supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24. *The metadata is stored on a storage component (e.g., knowledge repository or metadata database) of the web-based server:* "As inputs, the knowledge integration block supplies records of transactions, context information from users and applications, and information to populate an information metadata catalog in the knowledge repository **330**." Col. 18, ll. 9-12. "As illustrated in FIG. 3 data analysis and review block **90** includes a data review subcomponent having access to the analysis results & meta data stored in database **94**, and providing access to such information to the user **101**." Col. 10, ll. 22-25.
[b] a computer-implemented tracking component of the web-based server for tracking change information associated with a change in access of the user from the first user workspace to a second user workspace, and dynamically storing the change information on the storage component as part of the metadata, wherein the user accesses the data from the second user workspace.	*Swartz discloses a computer-implemented tracking component of the web-based server (e.g., DataDocket middleware) for tracking change information associated with a change in access of the user from the first to the second user workspace, and dynamically storing the change information on the storage component as part of the metadata, as described below.* *For purposes of invalidity of this claim, the first user workspace can comprise a first workspace or environment (e.g., a clinical data analysis system), and the second user workspace can comprise a second workspace or environment (e.g., an enterprise document management system such as Documentum):* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used. As depicted, for example in FIGS. 2A and 2B, the customer data analysis software application (e.g., SAS/PH-Clinical) **50** is separate and distinct from the enterprise document management system (e.g., Documentum or PC Docs) **55**." Col. 8, ll. 55-63. "The preferred DataDocket architecture, depicted in FIGS.

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	2A or 2B, is characterized by 'middleware' **60** that manages the flow of information between two or more applications that comprise the information system of an enterprise." Col. 9, ll. 5-8. *Swartz discloses tracking a change of the user from the first to the second context, and dynamically updating the stored metadata based on the change:* "More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them, that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55. *For example, Swartz discloses the ability to create an "audit trail" showing the flow of data and transactions between applications and contexts:* "The functionality of the DataDocket phase includes: . . . (c) generation of an audit trail to represent the flow of data; . . . (f) updating a knowledge base which stores dynamic information about integration transactions; (h) using stored context information, provides access to historical information about how a report was created, who did the work, and when it was completed . . ." Col. 9, ll. 14-33. *As a further example, the user's movement to another second context is tracked and the metadata is automatically updated, resulting in a "knowledge path" showing a record of the transactions performed by the user on the data:* "Vital to the design and implementation of the mechanisms specified in this architecture is the capturing of the 'knowledge path' of all the work required as part of building the proof for filing a regulatory application. Ultimately,

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	anyone reviewing the proof should be able to retrace all steps taken from the finished application, back to the generation of the arguments and assertions made during analysis, and finally back to the original data. Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 15-30. *Swartz provides at least two further examples. First, a user can switch user workspaces from the SAS/PH-Clinical software environment to the enterprise document management system (Documentum), and then access the user-defined data from the document management system. See Col. 19, ll. 38-63. Second, a user can employ a dynamic link (described above) to switch user workspaces from Documentum back to the SAS/PH-Clinical software environment for viewing particular data. See Col. 20, ll. 14-28. In both cases, the user accesses the data from the second user workspace.*
Claim 24 of '761 Patent	
24. The system of claim **23**, wherein the tracking component automatically creates the metadata when the user accesses the first user workspace.	*Swartz discloses that the tracking component (e.g., DataDocket middleware) automatically creates the metadata when the user accesses the first workspace (e.g., the first context):* "Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the 'context' in which the information is being used." Col. 8, ll. 56-60. "More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them,

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	that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55.
Claim 25 of '761 Patent	
25. The system of claim **23**, wherein the context component captures relationship data associated with a relationship between the first user workspace and at least one other user workspace.	*See claim 23, above. Also, this claim is substantially similar to claim 5, discussed in detail above.* *The context component (e.g., DataDocket middleware) captures relationship data (e.g., context information) associated with a relationship between the first and user workspace and another workspace. See, e.g., Claim 1, element [b], above, for a discussion of capturing relationship (context) information from multiple workspaces to create a "knowledge path" of all work done on the data. See Col. 19, ll. 15-30.* *Additionally, the context component of Swartz captures context information from a number of different user workspaces (e.g., disparate applications and information sources):* "Aspects of the present invention include . . . use of a knowledge repository containing record of integration transactions, context information from users and applications . . . ." Col. 4, ll. 19, 33-35. "As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26.
Claim 26 of '761 Patent	
26. The system of claim **23**, wherein an application associated with the first user workspace is automatically accessible via the second user workspace when the user moves from the first user workspace to the	*Swartz discloses that an application associated with the first user workspace (e.g., the SAS/PH-Clinical environment) is automatically accessible via the second user workspace (e.g., enterprise document management system (Documentum)) when the user moves from the first to the second workspace.* *For example, the user, through the Documentum workspace, can click on a particular object and bring up a portion of the SAS/PH-*

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second user workspace.	*Clinical workspace to display that object:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may, from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.
Claim 27 of '761 Patent	
27. The system of claim **23**, wherein context data relating to an item of communication is automatically stored and used in performance of communication tasks.	*Swartz discloses context data relating to an item of communication (e.g., mail message) is automatically stored and used in performance of communication tasks (e.g., monitoring, sending and receiving email):* "Another aspect of the present invention is the ability to trigger workflow events. For example, illustrated in FIG. 9 is a DataDocket Controller status window **910**, showing the status of mail in sub-window **920**, and a notification window **930** that provides the user with an indication that an email transaction has completed." *The context data can include, for example, information about e-mail messages exchanged, as reflected in Figure 9 below:*

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	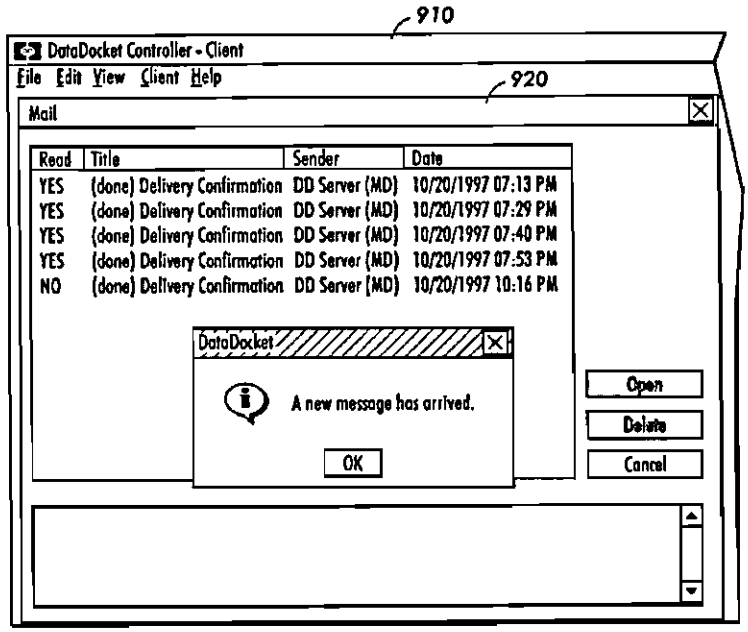 *FIG. 9*
Claim 29 of '761 Patent	
29. The system of claim **23**, wherein when the data created in the first user workspace is accessed from the second user workspace, in response to which the context component adds information to the metadata about the second user workspace.	*Swartz discloses that the data created in the first user workspace (e.g., the SAS/PH-Clinical workspace) is accessed from (available in) the second user workspace (e.g., enterprise document management system such as Documentum)), in response to which the context component adds information to the metadata about the second user workspace:* "Vital to the design and implementation of the mechanisms specified in this architecture is the capturing of the 'knowledge path' of all the work required as part of building the proof for filing a regulatory application. Ultimately, anyone reviewing the proof should be able to retrace all steps taken from the finished application, back to the generation of the arguments and assertions made during analysis, and finally back to the original data. Accordingly, the capturing of the context for all transactions supporting the decisions made is essential. Such functionality is likely to require recording a textual account of the transaction—such as a knowledge worker indicating 'why' they are doing

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	something. However, whenever possible, the recording of information should be done electronically, automatically with dynamic (or 'live') linkages to the source information and the system that manages such information." Col. 19, ll. 15-30. *Swartz discloses tracking a change of the user from the first to the second context, and dynamically updating the stored metadata based on the change:* "More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 22-26. "Some key advantages of the present invention are the saving of 'context' and having ability to visualize and explore past, present and potential decisions, infrastructure setup for individual and enterprise learning, structuring processes, practices, and applications and the interactions between them, that to date has been mostly unstructured and unrecorded." Col. 7, ll. 49-55. *See also disclosures for claim 23, element [b].*
Claim 31 of '761 Patent	
31. The system of claim **23**, wherein the storage component stores the data and the metadata according to at least one of a relational and an object storage methodology.	*Swartz discloses that the storage component stores the data (e.g., data items) and metadata (e.g., dynamic links) according to at least, e.g., an object storage methodology:* "Another aspect of the present invention visualizes objects and linkages maintained in the integration knowledge base, preferably using a 3D interface and conceptual schema for access and manipulation of the enterprise information." Col. 5, ll. 18-24. "More specifically, a knowledge link may be specified from within either a source document or published document, linking back to a related object in the data analysis system." Col. 18, ll. 20-23.
Claim 32 of '761 Patent	
32. The system of claim **23**, wherein storing of the metadata in the storage component in association	*Swartz discloses that storing of the metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata (e.g., via the context information):*

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with data facilitates many-to-many functionality of the data via the metadata.	"As used herein, the term 'knowledge integration middleware' represents any software used to assist in the integration of disparate information sources and their corresponding applications for the purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services. More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge." Col. 6, ll. 17-26. "In accordance with the present invention, there is provided a knowledge integration system for providing application interoperability and synchronization between heterogeneous document and data sources. . ." Col. 3, ll. 61-64.
Claim 33 of '761 Patent	
33. The system of claim **23**, wherein the first user workspace provides access to at least one communications tool, which includes e-mail, voicemail, fax, teleconferencing, instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing functionality.	*Swartz discloses that the first user workspace provides access to at least one communications tool, such as e-mail:* "The functionality of the DataDocket phase includes: . . . (I) triggering workflow events as part of an integration transaction (e.g., email notification, rendition generation request, etc.)." Col. 9, ll. 14-15, 34-36. "Another aspect of the present invention is the ability to trigger workflow events. For example, illustrated in FIG. 9 is a DataDocket Controller status window **910**, showing the status of mail in sub-window **920**, and a notification window **930** that provides the user with an indication that an email transaction has completed." Col. 19, ln. 64-col. 20, ln. 2. *Swartz also discloses that the first user workspace provides access to document sharing functionality (e.g., an enterprise document management system). Col. 8, ll. 26-44.*
Claim 34 of '761 Patent	
34. The system of claim **23**, wherein one or more applications include file storage pointers that are dynamic and associated with the first user workspace.	*Swartz discloses that the one or more applications include file storage pointers (e.g., dynamic links to objects) that are associated with the first user workspace:* "Another aspect of the present invention is the establishment of dynamic links from documents back to the data analysis system. For example, as illustrated by FIG. 13, a user may,

Claim Language	SNQ No. 1: Anticipation Under Swartz '994
	from the Documentum EDMS interface, drill down into the supporting source data. More specifically, a user may, by double-clicking to select the highlighted object in Virtual Document Manager window **1310**, initiate the option of viewing the selected object. If the 'view' button **1330** is selected in window **1320**, the object is displayed by linking to the analysis database and invoking, in one embodiment, the SAS/PH-Clinical environment, where the Anova plots can be displayed as shown by FIG. 14." Col. 20, ll. 14-24.

B. Anticipation by Seliger (SNQ No. 2)

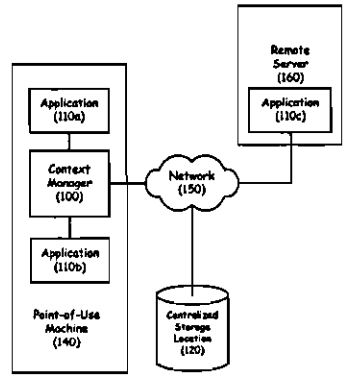
As explained in Part V above beginning at page 11, for purposes of this Request, Seliger consists of two documents: (1) U.S. Patent No. 6,941,313 B2 to Robert Seliger et al. ("Seliger '313") **[Exhibit C]** and (2) U.S. Patent No. 7,346,648 B1 to Robert Seliger ("Seliger '648") **[Exhibit D]**. Seliger '313 expressly incorporates by reference the disclosures from Seliger '648. *See* Seliger '313, col. 7, ll. 8-13 (incorporating by reference U.S. Patent Appl. Ser. No. 09/583,301, the application that issued as Seliger '648). These two patents therefore are properly treated and referred to collectively as a single prior art reference ("Seliger") as authorized by MPEP 2163.07(b), which reads:

> Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.

(underlining added).

A claim chart showing how Seliger anticipates claims 1-2, 4-15, 21-27, 29 and 31-34 is set forth below. Unless otherwise noted, underlining has been added by the Requester for clarity and emphasis. As all but one of the passages cited in the claim chart come from Seliger '313 (not from the incorporated Seliger '648), all citations in the chart below refer to portions of Seliger '313 unless specifically labeled as "Seliger '648."

Claim Language	SNQ No. 2: Anticipation Under Seliger
Claim 1 of '761 Patent	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Seliger discloses a computer-implemented ("point-of-use machine") network-based system that facilitates management of data:* "FIG. 7 shows an embodiment of a context

Claim Language	SNQ No. 2: Anticipation Under Seliger
	management system having an architecture using a network **150** adapted for carrying communication signals, data, and other information from one location to another." Col. 9, ll. 13-21. *See also* Fig. 7. "The context manager **100** may also use the network **150**, or another network coupled thereto, to reach the centralized storage location **120**." Col. 9, ll. 25-28.  FIG. 7
[a1] a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system,	*Seliger discloses a computer-implemented context component (e.g., context management server or context manager) for capturing context information (e.g., context data or data access events) associated with user-defined data (e.g., data records or patient medical records, etc.) created by a user interaction in a first context (e.g., a particular application):* "[A] 'context manager' which supports context-enabled applications, is used to pass context data from one application to another. 'Context data' is information indicative of a condition or identity associated with users, applications, stored records, or any other information that facilitates or enables performance of inter-application or inter-platform functionality in a context management environment." Col. 2, ll. 6-14. "[S]ome embodiments use a context management server (sometimes referred to as a "vault" or an "appliance") or other component of the context manager **100** to act as a collector for context data passing to and from various applications **110**. Once collected, context data may be sent through message queues and/or synchronizers to the centralized storage

Claim Language	SNQ No. 2: Anticipation Under Seliger
	location **120**." Col. 7, ll. 2-8. *Context data is generated when a user interacts with data in a first context.* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-management environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system. The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications 'knows' what context the user is working in at the time the user shifts from using the first to using the second application." Col. 2, ll. 17-29. "FIG. 11 shows an exemplary method carried out according to some embodiments of the present invention. In act **1000**, context data is collected from a plurality of applications. Col. 12, ll. 7-10.
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and	*Seliger discloses that the context component (e.g., context management server or context manger) dynamically stores the context information (e.g., context data) in metadata (e.g. data corresponding to the collected data or ac compound URL) associated with the user-defined data:* "FIG. **11** shows an exemplary method carried out according to some embodiments of the present invention. In act **1000**, context data is collected from a plurality of applications. In act **1005**, data corresponding to the collected context data, which may include data identical to the collected context data, is stored on a centralized storage location. Optionally, collecting the context data as in act **1000** may comprise appending and/or exchanging a compound URL with one or more applications, as shown in act **1015**." Col. 12, ll. 7-15.
[b] a computer-implemented tracking component of the network-based system for	*Seliger discloses a computer-implemented tracking component of the network-based system (e.g., method for auditing) for tracking a change of the user from a first context (e.g., a first*

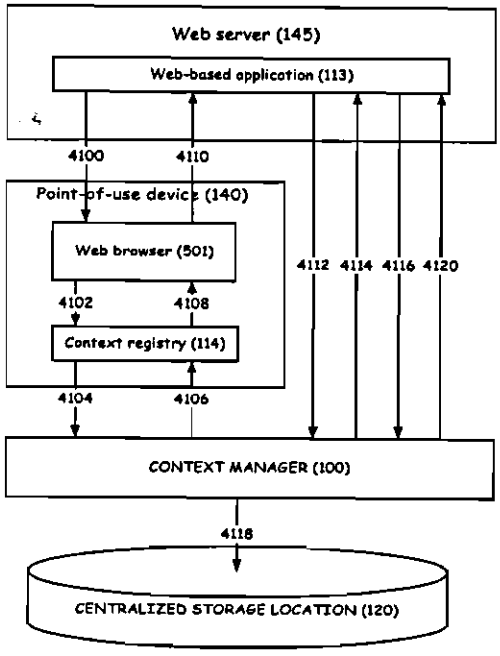
Claim Language	SNQ No. 2: Anticipation Under Seliger
tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change, wherein the user accesses the data from the second context.	*software application) to a second context (e.g., a second software application), and dynamically updating the stored metadata based on the change (e.g., recording the data access event), as described below.* "In accordance with another aspect of the invention, as shown in FIG. **2**, the context manager **101** resides on the server appliance **201**, but tracks and maintains a user's context as established by the user upon a particular computer." Seliger '648 **[Exhibit D]**, col. 4, ll. 43-47. *User context is recorded to the context manager as a "data-access event" every time the user carries out a "context gesture."* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-management environment causes context data to be generated and transmitted through the context manager." Col. 2, ll. 17-21. "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a 'data-access event' is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, l. 62- Col. 9, l. 6. *Context gestures can include movement from a first to a second context.* "The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system. The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications 'knows' what context the user is working in at the

Claim Language	SNQ No. 2: Anticipation Under Seliger
	time the user shifts from using the first to using the second application." Col. 2, ll. 21-29. "Additionally, some embodiments are directed to a method for auditing data access events in a data processing system, comprising: transferring context information from a first software application executing in the data processing system to a second software application executing in the data processing system; storing the context data in a centralized storage location; and extracting from the centralized storage location information indicative of data access events occurring in the data processing system. " Col. 3, ll. 51-59. *See also claims 1, 3 and 9 of Seliger '313.*
Claim 2 of '761 Patent	
2. The system of claim **1**, the context component is associated with a workspace, which is a collection of data and application functionality related to the user-defined data.	*See claim 1, above.* *The context component (e.g., context manager) is associated with a workspace, which is a collection of data and application functionality related to the user-defined data:* "Yet other embodiments are directed to a data processing system for auditing data access events in a context management framework, comprising: a plurality of software applications executing in the data processing system; a context manager coupled to the software applications that manages context data exchanges between the software applications. . . ." Col. 3, ll. 60-65.
Claim 4 of '761 Patent	
4. The system of claim **1**, the context information includes a relationship between the user and at least one of an application, application data, and user environment.	*See claim 1, above.* *The context information (e.g., context data) can include a relationship between the user (e.g., employee), application, and user environment (machine).* "The auditor 130 may be equipped with software to generate automatic reporting sheets, signals, tables, or data objects indicative of the organization's compliance with its own policies or with applicable laws. Additionally, detailed reports on the usage of a hospital's patient medical records

Claim Language	SNQ No. 2: Anticipation Under Seliger
	or accounting records by particular users may be generated. If a particular hospital employee comes under suspicion for acting in a way that is in violation of the policies or laws mentioned above, an audit can be performed, including an audit report, containing information showing which context data was associated with that employee. This information may then reveal whether or not the employee improperly accessed certain information or used certain applications in violation of applicable policies and rules as described above." Col. 8, ll. 37-50. "'Context data' is information indicative of a condition or identity associated with users, applications, stored records, or any other information that facilitates or enables performance of inter-application or inter-platform functionality in a context management environment. The context data may contain data useful for accessing data relating to or identifying an attribute of a user, machine, application, customer, or patient." Col. 2, ll. 9-17.
Claim 5 of '761 Patent	
5. The system of claim **1**, the context component captures context information of the first context and context information related to at least one other context.	*See claim 1, above.* *The context component (e.g., context manager) captures context information (e.g. context data) of the first context (one location, e.g., a first application) and at least one other context (another location, e.g., a second application):* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-management environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system. The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications 'knows' what context the user is working in at the

Claim Language	SNQ No. 2: Anticipation Under Seliger
	time the user shifts from using the first to using the second application." Col. 2, ll. 17-29. "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, - Col. 9, l. 3.
Claim 6 of '761 Patent	
6. The system of claim **5**, the context information of the at least one other context is at least one of stipulated by the user and suggested automatically by the system based upon search and association criteria set by the user.	*See claim 5, above.* *Seliger discloses that the context information of the at least one other context may be stipulated by the user.* "In accordance with another aspect of the invention, as shown in FIG. **2**, the context manager **101** resides on the server appliance **201**, but tracks and maintains a user's context as established by the user upon a particular computer." Seliger '648 **[Exhibit D]**, col. 4, ll. 43-47. "By carrying out certain actions, referred to as 'context gestures,' a user using a context-management environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system." Col. 2, ll. 17-23. *Seliger also discloses that the context information of the at least one other context may be suggested automatically by the system.* "Since the data stored on the centralized storage location **120** is uniformly-accessible to the auditor **130**, the auditor **130** may trigger, based on some

Claim Language	SNQ No. 2: Anticipation Under Seliger
	criterion, a particular subsequent decisional act. For example, a decision can be made automatically or by a 'monitor,' which can be human or a machine, that acts or is informed of execution or attempted execution of a certain context gesture." Col. 9, ll. 53-59.
Claim 7 of '761 Patent	
7. The system of claim **1**, wherein data created in the first context is associated with data created in the second context.	*See claim 1, above.* *Seliger discloses the data from the first context being associated with data in the second context (e.g., through the first and second applications).* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-managed environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms, but generally are responsive to a need by the user to move between applications or windows executing in a data processing system. The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications "knows" what context the user is working in at the time the user shifts from using the first to using the second application." Col. 2, ll. 17-29.
Claim 8 of '761 Patent	
8. The system of claim **1**, the context information is tagged to the user-defined data via the metadata when the user-defined data is created.	*See claim 1, above.* *Seliger discloses that the context information (e.g., context data) is tagged (i.e., as a context gesture) to the user-defined data via the metadata when the user-defined data is created:* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-managed environment causes context data to be generated and transmitted through the context manager. The context gestures may take any of numerous forms. . . ." Col. 2, ll. 17-21.
Claim 9 of '761 Patent	

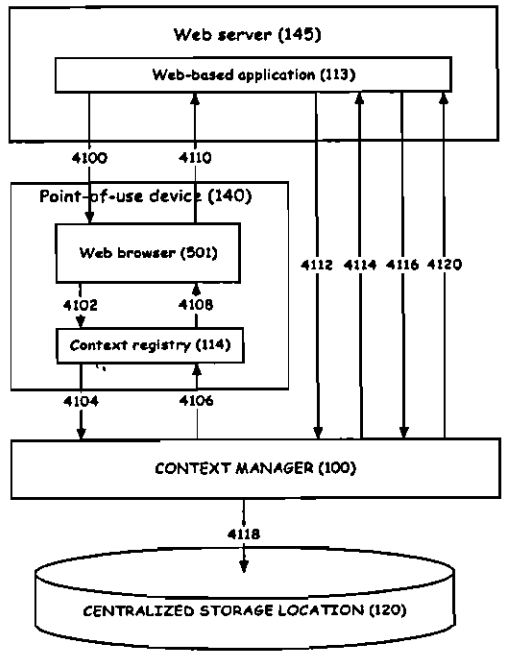
Claim Language	SNQ No. 2: Anticipation Under Seliger
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*See Preamble for claim 1 above.*
[a] creating data within a user environment of a web-based computing platform via user interaction with the user environment by a user using an application, the data in the form of at least files and documents;	*Seliger generally discloses creating data (e.g., web-based patient records) within a user environment of a web-based computing platform (e.g., context manager) via user interaction with the user environment by a user running an application program (e.g., browser or web-based application), the data in the form of at least documents and files (patient records).* *The Seliger system is set up to deal efficiently with access to, editing and auditing of patient records in a health care system. See generally, Background and Summary of the Invention.* *Seliger specifically contemplates using a web-based system with web-based applications and user interaction as shown in Figure 16:*  FIG. 16 "FIG. **16** shows an exemplary diagram with elements and signals for carrying out a method

Claim Language	SNQ No. 2: Anticipation Under Seliger
	according to the present invention used by Web-based applications using non-identifying methods. A Web-server **145** executing a Web-based application **113** is linked with a context manager **100** and a point-of-use device **140** executing a Web browser **501** and a CCOW context registry **114**." Col. 14, l. 64 – Col. 15, l. 4. *As discussed above under limitation [a1] of claim 1 and under claim 8, Seliger also discloses a user creating data in a user environment. See Col. 2, ll. 17-21.*
[b] dynamically associating metadata with the data, the data and metadata stored on a storage component of the web-based computing platform, the metadata includes information related to the user, the data, the application, and the user environment	*Seliger discloses dynamically associating metadata (context data) with the data and storing it on a storage component of the web-based computing platform (e.g. Centralized Storage Location 120):* "In act **1000**, context data is collected from a plurality of applications. In act **1005**, data corresponding to the collected context data, which may include data identical to the collected context data, is stored on a centralized storage location. Optionally, collecting the context data as in act **1000** may comprise appending and/or exchanging a compound URL with one or more applications, as shown in act **1015**." Col. 12, ll. 8-15. *As discussed above under limitation [b] of claim 1, context data is automatically recorded by the context manager whenever a "context gesture" is committed or a "data-access event" occurs. See Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59.* *Context data items include user, data and application information. See Col. 8, lines 35-48; Col. 2, ll. 9-17.* *Though described earlier in the disclosure, this same step is specifically contemplated for the web-based method shown in Fig. 16:* "A Web-server **145** executing a Web-based application **113** is linked to a context manager **100** and a point of user device **140** executing a Web browser **501** and a CCOW context registry **114**." Col. 15, ll. 1-4. "As before, the context manager **100** records the application **113** requests and other information onto the centralized storage location **120**." Col. 15, ll. 18-20.

Claim Language	SNQ No. 2: Anticipation Under Seliger
[c] tracking movement of the user from the user environment of the web-based computing platform to a second user environment of the web-based computing platform; and dynamically updating the stored metadata with an association of the data, the application, and the second user environment wherein the user employs at least one of the application and the data from the second environment.	*As discussed above under limitation [b] of claim 1, Seliger discloses tracking movement of a user from a first location to a second location and updating the stored context information based on that move:* "In accordance with another aspect of the invention, as shown in FIG. **2**, the context manager **101** resides on the server appliance **201**, but tracks and maintains a user's context as established by the user upon a particular computer." Seliger '648, col. 4, ll. 43-47. *Context data is automatically recorded by the context manager whenever a "context gesture" is committed or a "data-access event" occurs. See Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59.* "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, line 59- Col. 9, line 3. "Additionally, some embodiments are directed to a method for auditing data access events in a data processing system, comprising: transferring context information from a first software application executing in the data processing system to a second software application executing in the data processing system; storing the context data in a centralized storage location; and extracting from the centralized storage location information indicative of data access events occurring in the data processing system." Col. 3, ll. 54-62. *See also claims 1, 3 and 9 of Seliger '313.* *Though described earlier in the disclosure, this same step is specifically contemplated for the web-based method shown in*

Claim Language	SNQ No. 2: Anticipation Under Seliger
	Fig. 16. See Col. 15, l. 4 and ll. 18-20.
Claim 10 of the '761 Patent	
10. The method of claim **9**, further comprising capturing context information of the user.	*Seliger discloses capturing context information (data access events) of the user.* "'Context data' is information indicative of a condition or identity associated with users, applications, stored records, or any other information that facilitates or enables performance of inter-application or inter-platform functionality in a context management environment. The context data may contain data useful for accessing data relating to or identifying an attribute of a user, machine, application, customer, or patient." Col. 2, ll. 9-17. "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, l. 62 – Col. 9, l. 6.
Claim 11 of '761 Patent	
11. The method of claim **9**, further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.	*See claim 9, above.* *Seliger discloses indexing content of the user environment (e.g., data-access events) such that a plurality of users can access the content from an associated plurality of user environments.* *The entire purpose of the Seliger system is to enable tracking of access to patient records from a plurality of sources (e.g. doctor's offices, accounting departments, etc.). See generally, Col. 1, l. 52 – Col. 2, l. 16.* "Other embodiments are directed to a method for

Claim Language	SNQ No. 2: Anticipation Under Seliger
	storing context data, from a plurality of sources in a context management system, onto a centralized storage location, comprising: receiving context data from the plurality of sources; synchronizing the context data using a context manager; and storing context data in the centralized storage location; wherein storing the context data is performed according to a synchronization scheme, that includes context data from at least two sources." Col. 3, ll. 23-31. *Seliger clearly discloses tracking of the environment:* "In accordance with another aspect of the invention, as shown in FIG. **2**, the context manager **101** resides on the server appliance **201**, but tracks and maintains a user's context as established by the user upon a particular computer." Seliger '648, col. 4, ll. 43-47. "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, l. 62 – Col. 9, l. 6.
Claim 12 of '761 Patent	
12. The method of claim **9**, the least one of the data and the application is associated automatically with the second user environment.	*Seliger discloses that the data is associated automatically with the second user environment (e.g., in response to the movement from the first to the second user environment):* "The context in which the gestures are carried out may be transmitted from a first application to a second application to simplify the work of the user, as described above, so that the second applications "knows" what context the user is working in at the time the user shifts from using the first to using the second application. This looking-ahead functionality is a shortcut that shifts some

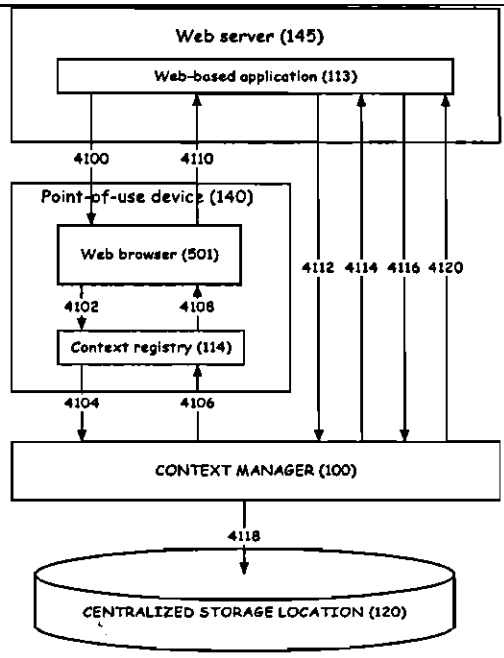
Claim Language	SNQ No. 2: Anticipation Under Seliger
	of the burden of cross-application work from the user to the context manager. " Col. 2, lines 23-29.
Claim 13 of '761 Patent	
13. The method of claim 9, further comprising accessing the user environment and the second user environment using a browser.	*Seliger discloses accessing the first and second user environments using a browser in Fig. 16:* "FIG. **16** shows an exemplary embodiment of a system using a Web browser to handle context management communications with a Web-based application." Col. 5, ll. 4-6.  FIG. 16
Claim 14 of '761 Patent	
14. The method of claim 9, further comprising communicating with the user environment using a TCP/IP communication protocol.	*Seliger discloses communicating with the user environment using a TCP/IP protocol:* "The applications send information to and receive information from the [context manager] through the World Wide Web **104** over the global Internet **105**. Communication is effected using conventional protocols such as TCP/IP and HTTP, as needed." Seliger '648, col. 4, 29-33.

Claim Language	SNQ No. 2: Anticipation Under Seliger
Claim 15 of '761 Patent	
15. The method of claim 9, further comprising locating the user environment from a remote location using a URL address.	*Seliger discloses locating the user environment from a remote location using a URL (Uniform Resource Locator):* "In some embodiments, applications use a Web-based interface to exchange URL data with the context manager in the course of conducting context-related transactions. These applications invoke a method, such as the "Locate" method, which provides them with the location of the context manager or its URL." Col. 13, ll. 7-13.
Claim 21 of '761 Patent	
21. A computer-readable medium for storing computer-executable instructions for a method of managing data, the method comprising:	*For purposes of this Request, limitations [a] through [c] of claim 21 are substantially similar to claim 9, except that it was written as a computer-readable medium rather than a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Seliger discloses a method of managing data. See Col. 5, ll. 45-50.* *Seliger also discloses a computer-readable medium for storing computer-executable instructions to carry out the methods disclosed therein.* "[Claim] **13.** At least on computer-readable medium encoded with instructions for execution in a computer system comprising at least two software applications, a context manager which facilitates sharing of a context among the at least two software applications. . ., a centralized database accessible to the context manager, and an auditor which provides an interface to enable the extraction of information from the centralized database relating to attempts to access patient data by the at least two software applications, ..." Col. 16, l. 65 – Col. 17, l. 8.
[a] creating data related to user interaction of a user within a user workspace of a web-based computing platform using an	*As explained in connection with limitation [a] of claim 9, Seliger discloses creating data related to user interaction of a user within a user workspace of a web-based computing platform using an application. See generally, Fig. 16 and accompanying text and the Background and Summary of the*

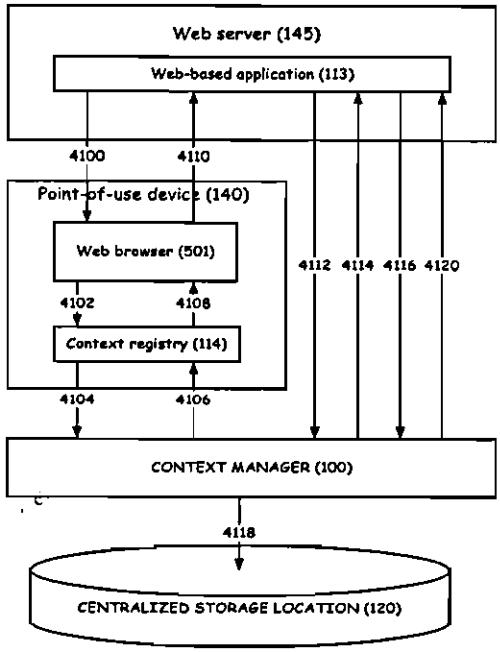
Claim Language	SNQ No. 2: Anticipation Under Seliger
application;	*Invention.*
[b] dynamically associating metadata with the data, the data and metadata stored on the web-based computing platform, the metadata includes information related to the user of the user workspace, to the data, to the application and to the user workspace;	*As explained in connection with limitation [b] of claim 9, Seliger discloses dynamically associating metadata with the data, and storing it on the web-based computing platform, the metadata includes information related to the user of the user workspace, to the data, to the application and to the user workspace. See Col. 12, ll. 8-15; Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59; Col. 8, lines 35-48; Col. 2, ll. 9-17; and Fig. 16 and accompanying text.*
[c] tracking movement of the user from the user workspace to a second user workspace of the web-based computing platform; dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace; and	*As explained in connection with limitation [c] of claim 9, Seliger discloses tracking movement of the user from one location to a second location of the web-based computing platform, and automatically recording an association of data, application and user workspace whenever a "context gesture" or "data–access event" occurs. See Seliger '648, col. 4, ll. 43-47; Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59; claims 1, 3 and 9 of Seliger '313; and Fig. 16 and accompanying text.*
[d] indexing the data created in the user workspace such that a plurality of different users can access the data via the metadata from a corresponding plurality of different user workspaces.	*For the purposes of this Request , claim 21[d] is substantially similar to claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 will not be repeated here.* *Seliger discloses indexing the data created in the user workspace such that a plurality of different users can access the content via the metadata (e.g. properties) from a corresponding plurality of different user workspaces. See generally, Col. 1, l. 52 – Col. 2, l. 16.* *"Seliger discloses indexing the data created in the user workspace (e.g., data-access events) such that a plurality of users can access the content from an associated plurality of user environments.* *The entire purpose of the Seliger system is to enable tracking of access to patient records from a plurality of sources (e.g. doctor's offices, accounting departments, etc.). See generally Col. 8, lines 38-46 and Col. 1, line 56- Col. 2 line36. Seliger clearly discloses tracking of the environment:* "Data-access events generally are so recordable and

Claim Language	SNQ No. 2: Anticipation Under Seliger
	auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, line 62- Col. 9, line 6.
Claim 22 of '761 Patent	
22. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, claim 22 is substantially similar to claim 9 except that it was written as computer-implemented means rather than as a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Seliger discloses a computer-implemented method for managing data. See Fig. 7 and Col. 5, ll. 45-50.* *Additionally, Seliger specifically discloses a computer-implemented system for conducting the methods disclosed therein.* "[Claim] 7. A system for auditing attempts to access patient data in a computer system comprising at least two software applications operable to access patient data and a context manager which facilitates a sharing of a context among the at least two software applications. . . ." Col. 16, ll. 25-29.*Col. 9, lines 10-21.*
[a] computer-implemented means for creating data by interaction of a user within a user workspace of a server using an application;	*As explained in connection with limitation [a] of claim 9, Seliger discloses computer-implemented means for creating data by interaction of a user within a user workspace of a server using an application. See generally, Fig. 16 and accompanying text and the Background and Summary of the Invention.*
[b] computer-implemented means for associating metadata with the data, the metadata stored in association with the	*As explained in connection with limitation [b] of claim 9, Seliger discloses computer-implemented means for associating metadata (context data) with the data, and storing it on storage means of the server (e.g., Centralized Storage*

Claim Language	SNQ No. 2: Anticipation Under Seliger
data on storage means of the server, the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace;	*Location 120), the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace. See Col. 12, ll. 8-15; Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59; Col. 8, lines 35-48; Col. 2, ll. 9-17; and Fig. 16 and accompanying text.*
[c] computer-implemented means for tracking movement of the user from the user workspace to a second user workspace of the server; and computer-implemented means for dynamically associating the data and the application with the second user workspace in the metadata such that the user can employ the application and data from the second user workspace.	*As explained in connection with limitation [c] of claim 9, Seliger discloses computer-implemented means (e.g., context manager) for tracking movement of the user from the user workspace to a second user workspace of the server (e.g., another location). See Seliger '648, col. 4, ll. 43-47; Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59; claims 1, 3 and 9 of Seliger '313; and Fig. 16 and accompanying text.*
Claim 23 of '761 Patent	
23. A computer-implemented system that facilitates management of data, comprising:	*As explained in connection with the preamble of claim 9, Seliger discloses a computer implemented system which manages data. See Fig. 7 and Col. 5, ll. 45-50.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Seliger discloses a computer-implemented (e.g. Point-of-use device) context component (e.g., context manager) of a web-based server (Web Server 145) for defining a first user workspace (the full box encompassing 140, 501 and 114). See Fig. 16:*

Claim Language	SNQ No. 2: Anticipation Under Seliger
	 FIG. 16
[a2] assigning one or more applications to the first user workspace,	*Seliger discloses that the context component (context manager (100) is linked to one or more applications (e.g., Web-based application (113)) to the first user workspace:* "A Web-server **145** executing a Web-based application **113** is linked with a context manager **100** and a point-of-use device **140** executing a Web browser **501** and a CCOW context registry **114**." Col. 15, ll. 1-4.
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for dynamically storing the context data as metadata on a storage component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and	*As discussed above under limitation [a1] to claim 1, Seliger discloses capturing context data associated with user interaction of a user in the first user workspace. See Col. 5, ll. 17-27; Col. 7, ll. 2-8; Col. 2, ll. 17-29.* *As discussed above under limitation [a2] to claim 1, Seliger further discloses that the context manger dynamically stores that context data in metadata (e.g. data corresponding to the collected data or ac compound URL) associated with the user-defined data. See Col. 5, ll. 28-37, Col. 8, l. 62- Col. 9, l. 6.* *Finally, with respect to the web based workspace, the specification makes clear that the user's use of the application is recorded by the context manager:* "A Web-server **145** executing a Web-based application

Claim Language	SNQ No. 2: Anticipation Under Seliger
	113 is linked to a context manager **100** and a point of user device **140** executing a Web browser **501** and a CCOW context registry **114**. "As before, the context manager **100** records the application **113** requests and other information onto the centralized storage location **120**." Col. 15, ll. 1-20. "Optionally, collecting the context data as in act **1000** may comprise appending and/or exchanging a compound URL with one or more applications, as shown in act **1015**." Col. 12, ll. 13-17.
[b] a computer-implemented tracking component of the web-based server for tracking change information associated with a change in access of the user from the first user workspace to a second user workspace, and dynamically storing the change information on the storage component as part of the metadata, wherein the user accesses the data from the second user workspace.	*As discussed above under limitation [c] of claim 9, Seliger discloses a computer-implemented tracking component of the web based server (see Fig. 16) (e.g., method for auditing) for tracking a change of the user from a first context (e.g., a first software application) to a second context (e.g., a second software application), and dynamically storing the change data when the user accesses (e.g. retrieves) the data in the second location (e.g., recording the data access event). See Seliger '648, col. 4, ll. 43-47; See Col. 2, ll. 17-29; Col. 8, l. 62- Col. 9, l. 36; Col. 3, ll. 51-59; claims 1, 3 and 9 of Seliger '313; and Fig. 16 and accompanying text.*
Claim 24 of '761 Patent	
24. The system of claim **23**, wherein the tracking component automatically creates the metadata when the user accesses the first user workspace.	*See claim 23, above.* *Seliger discloses that the tracking component automatically creates the metadata when the user accesses the first workspace (accesses an application from one location).* "By carrying out certain actions, referred to as 'context gestures,' a user using a context-management environment causes context data to be generated and transmitted through the context manager." Col. 2, ll. 17-20.
Claim 25 of '761 Patent	
25. The system of claim **23**, wherein the context component captures relationship data	*See claim 23, above.* *As discussed above under claim 5, Seliger discloses the context component (e.g. context manager) capturing*

Claim Language	SNQ No. 2: Anticipation Under Seliger
associated with a relationship between the first user workspace and at least one other user workspace.	*relationship data (e.g. data access events) associated with a relationship between the first user workspace (one location, e.g., first application) and the second workspace (another location, e.g., second application). See Col. 2, ll. 17-29; Col. 8, l. 62 - Col. 9, l. 3.*
Claim 26 of '761 Patent	
26. The system of claim **23**, wherein an application associated with the first user workspace is automatically accessible via the second user workspace when the user moves from the first user workspace to the second user workspace.	*See claim 23, above.* *Seliger further discloses that the application associated with the first location is accessible via the second location when the user moves there.* *See Figure 16 which shows that the same application is available to any point of use device placed between the Web server and the Context manager (i.e., 4114, 4120, etc.):*  *FIG. 16*
Claim 27 of '761 Patent	
27. The system of claim **23**, wherein context data relating to an item of communication is automatically stored and used in performance of communication	*See claim 23, above.* *Seliger also discloses context data (stored by the context manager) relating to an item of communication (e.g., e-mail) can be automatically stored and used in performance of communication tasks. For example, in one embodiment, the*

Claim Language	SNQ No. 2: Anticipation Under Seliger
tasks.	*context manager operates in conjunction with an "authorizer" and "access controller," which together permit or deny access to certain data records:* "If authorization is declined by the authorizer **160** for a particular context gesture, the access controller **170** may send or decline to send a signal to the context manager **100**, implementing the access control decision. Alternately, a signal containing the results of an authorization check can be sent to the context manager **100**, which will then implement the access control." Col. 10, ll. 59-65. "In addition to merely denying or allowing the execution of a context gesture or a data record access event, the access controller **170** and/or authorizer **160** may provide a signal to a monitor **180**. . . . The monitor **180** may be implemented in numerous ways. These include implementation as an electronic mail server adapted to sending an electronic mail message to an administrator, alerting the administrator of a breech. The monitor may similarly be a telephony or paging server, adapted for delivering a telephone or pager message to an administrator or other security personnel." Col. 11, ll. 13-25.
Claim 29 of '761 Patent	
29. The system of claim 23, wherein when the data created in the first user workspace is accessed from the second user workspace, in response to which the context component adds information to the metadata about the second user workspace.	*See claim 23, above.* *Seliger further discloses that when the data created in the first location is accessed from the second location, the context manager automatically updates (e.g. so it can be audited) the metadata (e.g. data-access event) about the second location.* "Data-access events generally are so recordable and auditable. These data-access events can comprise any of at least: context data, certain types or subsets of context data (i.e. not all available or collected context data), context data items (e.g., user, patient), context gestures, application data access, and attempted data-access events (insofar as they are identifiable and translate into meaningful signals). Thus a "data-access event" is almost any event corresponding to an action by a user or a machine which causes data (including

Claim Language	SNQ No. 2: Anticipation Under Seliger
	context and application data) to be moved from one location to another or to be retrieved from memory." Col. 8, l. 62 - Col. 9, l. 6.
Claim 31 of '761 Patent	
31. The system of claim 23, wherein the storage component stores the data and the metadata according to at least one of a relational and an object storage methodology.	*See claim 23, above.* *Seliger also teaches that the storage component can store the data and the metadata in a relational methodology.* "The centralized storage location **120** may be structured, and organized according to any of numerous ways known to those skilled in the art of data storage. Examples of the centralized storage location 120 include file systems and databases. Databases suitable for use with the present invention include, but are not limited to, relational databases, hierarchical databases, networks and directory systems. The information kept on the centralized storage location **120** may be formatted or modified for example by compression to improve economy or using another data processing technique to improve efficiency or performance of the storage system." Col. 7, ll. 14-25.
Claim 32 of '761 Patent	
32. The system of claim **23**, wherein storing of the metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata.	*See claim 23, above.* *Seliger also teaches the storing of the metadata (e.g. as managed by the context manager) in the storage component as facilitating many-to-many functionality of the data via the metadata (e.g. context information).* "FIG. **7** shows an embodiment of a context management system having an architecture using a network **150** adapted for carrying communication signals, data, and other information from one location to another. While still employing the context manager **100** to conduct context transactions between a plurality of applications **110**, the applications **110** may not all be executing on the same machine on which the context manager **100** runs. Thus, if the context manager **100** is executing on a point-of-use machine **140**, and applications **110*a*** and **110*b*** are also executing on the point-of-use machine **140**, a third application **110*c*** may execute on a remote server **160**, coupled to the point-of-

Claim Language	SNQ No. 2: Anticipation Under Seliger
	use machine **140** and the context manager **100**, by a network **150.**" Col. 9, ll. 13-25.
Claim 33 of '761 Patent	
33. The system of claim **23**, wherein the first user workspace provides access to at least one communications tool, which includes e-mail, voicemail, fax, teleconferencing, instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing functionality.	*See claim 23, above.* *Seliger also discloses use of email and voicemail in the first workspace:* "In addition to merely denying or allowing the execution of a context gesture or a data record access event, the access controller **170** and/or authorizer **160** may provide a signal to a monitor **180**. . . . The monitor **180** may be implemented in numerous ways. These include implementation as an electronic mail server adapted to sending an electronic mail message to an administrator, alerting the administrator of a breech. The monitor may similarly be a telephony or paging server, adapted for delivering a telephone or pager message to an administrator or other security personnel." Col. 11, ll. 13-25.
Claim 34 of '761 Patent	
34. The system of claim **23**, wherein one or more applications include file storage pointers that are dynamic and associated with the first user workspace.	*See claim 23, above.* *Seliger discloses that the one or more applications include file storage pointers (e.g., ID tag) that are dynamic and associated with the first user workspace (e.g. location).* "One implementation of the above concept involves having the context manager append an ID tag to its URL, thus forming a compound URL. The context manager then passes the compound URL, having the ID tag appended thereto, to the application requesting the context manager's services." Col. 13, ll. 30-34.

C. Anticipation by Lamping (SNQ No. 3)

As explained in Part V above beginning at page 13, for purposes of this Request, Lamping consists of two documents: (1) U.S. Patent No. 6,370,538 B1 to John O. Lamping et al. ("Lamping '538") **[Exhibit E]**; and (2) U.S. Patent No. 6,308,179 B1 to Karin Petersen et al. ("Petersen '179") **[Exhibit F]**. Lamping '538 expressly "incorporates by reference" the disclosures from Petersen '179. *See* Lamping '538, col. 1, ll. 44-50 (incorporating by reference U.S. Patent Appl. Ser. No. 09/143,551, the application that issued as Petersen '179). These two patents are properly treated and referred to collectively as a single prior art reference ("Lamping") for invalidity purposes, as authorized by MPEP 2163.07(b) which reads:

> Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.

(underlining added).

A claim chart showing how Lamping anticipates claims 1-2, 4-15, 21-29 and 31-35 is set forth below. Unless otherwise noted, underlining has been added by the Requester for clarity and emphasis. For simplicity an ease of reference, the chart will cite to "Lamping '538" or "Petersen '179" to clearly point out the document in which a particular disclosure is found.

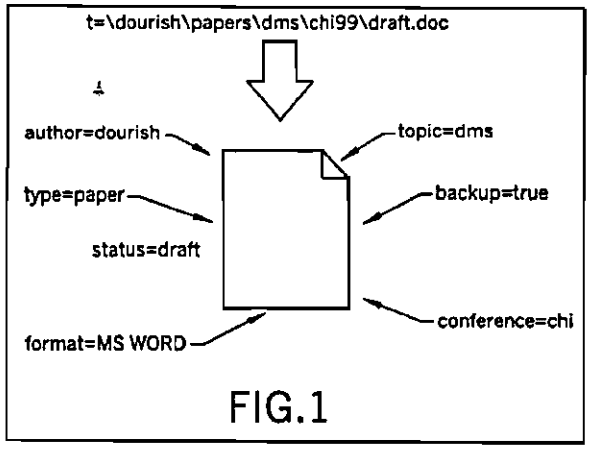
Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
Claim 1 of '761 Patent	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Lamping discloses a computer-implemented network-based system that facilitates management of data:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Petersen '179, col. 1, ln. 66-col. 2, ln. 5. "The present invention contemplates a new and improved manner of accessing documents by a user of a computer system." Petersen '179, col. 6, ll. 62-64. *The disclosure of Petersen '179 is incorporated by reference into Lamping. See Lamping '538, col. 1, ll. 44-50.*
[a1] a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system,	*Lamping discloses a computer-implemented context component (e.g., document management system or DMS) for capturing context information (e.g., document properties) associated with user-defined data (e.g., word processing files, e-mail messages, etc.) created by a user interaction in a first context (e.g., a particular project containment structure, as described below).* "Another aspect of the newer data management systems described is that they can handle a wide variety of kinds of data as documents. Documents, in these systems can include not only familiar document types, including, but not limited to word processing files, presentations, and mail messages, but other types as well . . . ." Lamping '538, col. 1, ll. 51-59. "This mechanism can be implemented as properties attached to documents. These properties are user and document specific in the sense that they are associated with the user which attached the properties and are directed to control of specific documents. This structure allows for the separation of the location of the document content from the document's management, which is described by its properties. Implementation of the properties eliminates the need to adhere to traditional file system and folder hierarchies, where the storage and retrieval of documents are based on a storage location." Petersen '179, col. 1, ll. 46-57. "Property: Some bit of information or behavior that can be attached to content. Adding properties to content does not change the content's identity. Properties are tags that can be placed on documents, each property has a name and a value (and optionally a set of methods that can be invoked)." Petersen '179, col. 9, ll. 54-59. *Lamping further discloses user-defined data created by user*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	interaction of the user in a first context (e.g., a particular project associated with the user-defined data, represented as a first containment structure in the document management system (DMS)): "At one moment a user may wish to organize the document space in terms of projects, while at some time in the future the user may wish to generate an organization according to time and/or according to document content." Petersen '179, col. 3, ll. 2-6. "A first containment structure is configured to hold representations of the documents in the repository having a first property type. . . A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-65. "So, if the property is 'project=DMS', then that property can not only be added to documents, but can also be dropped onto a collection so that 'project=DMS' is added to the current set of query terms for that collection." Petersen '179, col. 26, ll. 4-7.
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and	*Lamping discloses that the context component (e.g., document management system (DMS)) dynamically stores the context information (e.g., document properties) in metadata associated with the user-defined data:* "The user is provided access to properties by use of a document management system of the computer system. The user attaches selected properties to a document. The document with the attached properties is then stored at a location separate from the content of the document." Petersen '179, col. 6, ln. 64-col. 7, ln. 3. *The properties, which are associated with the document but stored separately from it, comprise the metadata.* "Static Property: A name-value pair associated with the document. Unlike active properties, static properties have no behavior. Provides searchable meta-data information about a

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	document." Petersen '179, col. 10, ll. 14-17. *The document management system (DMS) includes a storage component of the network-based system, e.g., database.* "Properties can be located on properties database **92**." Petersen '179, col. 15, ll. 41-42; Petersen '179, Fig. 5 (showing properties database 92).
[b] a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change, wherein the user accesses the data from the second context.	*Lamping discloses a computer-implemented tracking component of the network-based system (e.g., a property analyzer built into the DMS) for tracking a change of the user from a first context to a second context, and dynamically updating the stored metadata based on the change, as described below.* *For purposes of invalidity of this claim, the first and second user environments of Lamping can be first and second on-screen "containment structures," which can represent first and second projects:* "A first containment structure is configured to hold representations of the documents in the repository having a first property type. A second containment structure is configured to hold representations of documents in the repository having a second property type. A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. *These first and second containment structures can be, for example, associated with two different "project" property values:* "The column 'Project' **68** displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-64. "Turning to FIG. **5**, the organization hierarchy **74** is further refined for its retrieval and organization of documents to classify documents by the project property (i.e. barf or foo)." Lamping '538, col. 7, ll. 20-23. *Lamping discloses tracking a change of the user from the first to the second context (e.g., by sensing movement of the user's cursor from the first to the second containment structure), and dynamically updating the stored metadata (e.g., properties) based on the change:* "A representation of a first document having the first property type is stored in the first containment structure.

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	Further provided is a movement mechanism designed to move the representation of the first document, stored in the first containment structure to a location in the second containment structure. A property analyzer will sense operation of the movement mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure. A property changer will alter at least one of the properties of the first document based on the information received from the property analyzer such that the document's properties are consistent with the newly defined location." Lamping '538, col. 2, ll. 23-36. "The present invention takes this style of visualization, which translates property organizations into containment metaphors, and also allows the user to alter properties via direct manipulation of the containment representations. Moving the portrayal of a document from one location to another commands that its properties are adjusted so that it now belongs in the new location and doesn't belong in the former location." Lamping '538, col. 7, ll. 39-46. *For example, the movement can be based on moving the user's cursor from one project containment structure (for project "foo") to another (for project "barf"):* "FIG. **6** shows that the 'note to Fred' document **90** is to be moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**. Types of envisioned movement, mechanisms include but are not limited to a mouse, stylus, voice input device, or keyboard." Lamping '538, col. 7, ll. 51-57. *The user can access the data from the second context:* "Since the metaphor concept will work in both ways, the view of document organization in terms of containers can be the user's dominant mode of interaction and their principle manner of thinking about documents. The browser's state can be consistent, so that once a particular view of properties in terms of containers is set up, the user has the option of always seeing that view. The containers they will view on the screen are as persistent as typical directory folders, and documents can be moved among them, just like they can be

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	among directories." Lamping '538, col. 8, ll. 26-36.
Claim 2 of '761 Patent	
2. The system of claim **1**, the context component is associated with a workspace, which is a collection of data and application functionality related to the user-defined data.	*See claim 1, above.* *The context component (e.g., document management system) is associated with a workspace, which is a collection of data and application functionality related to the user-defined data:* "Document management system (DMS) A [of Fig. 1] is shown configured for operation with front-end components B, and back-end components C. Front-end components B include applications **10*a*-10*n*** and **11*a*-11*n***, such as word processing applications, mail applications among others." Lamping '538, col. 3, ll. 1-5. "Another aspect of the newer data management systems described is that they can handle a wide variety of kinds of data as documents. Documents, in these systems can include not only familiar document types, including, but not limited to word processing files, presentations, and mail messages, but other types as well . . . ." Lamping '538, col. 1, ll. 51-59.
Claim 4 of '761 Patent	
4. The system of claim **1**, the context information includes a relationship between the user and at least one of an application, application data, and user environment.	*See claim 1, above.* *The context information (e.g., properties) includes a relationship between the user and at least one of the application, application data and user environment, as shown in Figure 1 of Petersen below.*  FIG.1

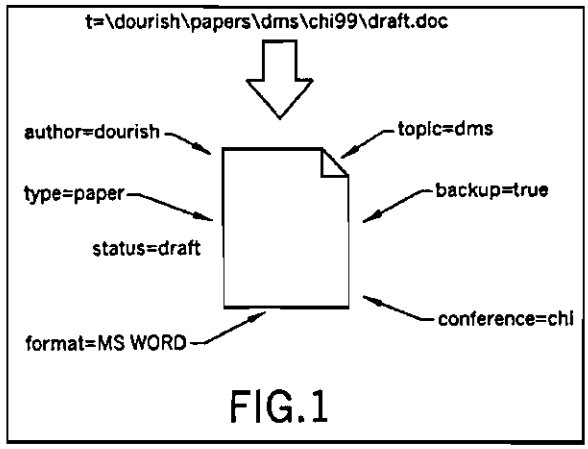
Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	As explained in Petersen: "FIG. 1 illustrates a distinction between hierarchical storage systems whose documents are organized in accordance with their location described by a hierarchical structure and the present invention where documents are organized according to their properties (e.g. author-dourish, type=paper, status=draft, etc.)." Petersen '179, col. 10, ll. 33-38. *As shown, the properties include a relationship between the user (e.g., author=dourish) and at least one of the application and application data (e.g., format=MS WORD) and user environment (e.g., topic=DMS).*
Claim 5 of '761 Patent	
5. The system of claim **1**, the context component captures context information of the first context and context information related to at least one other context.	*See claim 1, above.* *The context component (e.g., document management system (DMS)) captures context information of the first context and at least one other context (e.g., properties associated with the documents in two projects):* "The user is provided access to properties by use of a document management system of the computer system. The user attaches selected properties to a document. The document with the attached properties is then stored at a location separate from the content of the document." Petersen '179, col. 6, ln. 64-col. 7, ln. 3. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document. The 'old' column shows an old property which is attached to, in this example, two documents (Packrat Desktop State and blue). A mail column displays a mail property which takes on a value of either "yes" or "no") for the displayed documents." Lamping '538, col. 6, ln. 61-col. 7, ln. 2.
Claim 6 of '761 Patent	
6. The system of claim **5**, the context information of the at least one other context is at least one of stipulated	*See claim 5, above.* *Lamping discloses that the context information (e.g., properties) can be stipulated by the user:*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
by the user and suggested automatically by the system based upon search and association criteria set by the user.	"A document repository organized in terms of document properties is only of use if the documents actually have properties. There are several sources of properties on documents. Firstly, properties can come from the principals, who are allowed to attach arbitrary properties to documents so that they can create their own structure." Petersen '179, col. 17, ll. 36-42. "When a property is added to a document, the identity of the adder is recorded with the property." Petersen '179, col. 21, ll. 3-4. *Lamping also discloses that document properties can be suggested automatically by the document management system itself based on search and association criteria.* "However, since interesting properties can be derived from document content another mechanism provides a means for documents to be tagged with properties automatically. Some document properties are generic, such as their type, their length, their creator, the date they were created, and so forth, and these are obvious ones for DMS to maintain directly." Petersen '179, col. 17, ll. 48-54. "DMS property generators are applications that introduce information into the system, often processing structured files in order to turn content into properties. For example, a mail service operates on electronic mail files and processes them so that the DMS documents are annotated with details from the e-mail headers as document properties." Petersen '179, col. 15, ll. 23-28.
Claim 7 of '761 Patent	
7. The system of claim **1**, wherein data created in the first context is associated with data created in the second context.	*See claim 1, above.* *Lamping discloses that data created in the first context is associated with data created in the second context.* *For example, when the user moves from the first to the second context (e.g., first and second containment structures representing two projects), the data created in the first context (e.g., document) is associated with data in the second context (e.g., documents in an other project).* "FIG. **6** shows that the 'note to Fred' document **90** is to be

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**." Lamping '538, col. 7, ll. 51-55. "FIG. **7** shows, 'note to Fred' **90** has been moved from being mail in a foo project to mail in a barf project. It is noted that in FIG. **6** the mail, foo containment structure has three documents and only has two documents in FIG. **7**, and the number of documents in barf project folder of FIG. **6** is increased from two to three in FIG. **7**. As previously noted, moving the portrayal of a document from one location to another results in the properties attached to that document being adjusted." Lamping '538, col. 7, ln. 62-col. 8, ln. 3.
Claim 8 of '761 Patent	
8. The system of claim **1**, the context information is tagged to the user-defined data via the metadata when the user-defined data is created.	*See claim 1, above.* *Lamping discloses that the context information (e.g., properties) are tagged to the user-defined data via the metadata when the user-defined data is created:* "However, since interesting properties can be derived from document content another mechanism provides a means for documents to be tagged with properties automatically. Some document properties are generic, such as their type, their length, their creator, the date they were created, and so forth, and these are obvious ones for DMS to maintain directly." Petersen '179, col. 17, ll. 48-54. *The properties are tagged via the metadata:* "Static Property: A name-value pair associated with the document. Unlike active properties, static properties have no behavior. Provides searchable meta-data information about a document." Petersen '179, col. 10, ll. 14-17.
Claim 9 of '761 Patent	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*Lamping discloses a computer-implemented method of managing data:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	retrieving information from a variety of electronic documents." Petersen '179, col. 1, ln. 66-col. 2, ln. 2. "The present invention contemplates a new and improved manner of accessing documents by a user of a computer system." Petersen '179, col. 6, ll. 62-64. *The disclosure of Petersen '179 is incorporated by reference into Lamping. See Lamping '538, col. 1, ll. 44-50.*
[a] creating data within a user environment of a web-based computing platform via user interaction with the user environment by a user using an application, the data in the form of at least files and documents;	*Lamping discloses creating data within a user environment of a web-based computing platform via user interaction with the user environment by a user running an application program (e.g., word processing or mail program), the data in the form of at least documents and files:* "Another aspect of the newer data management systems described is that they can handle a wide variety of kinds of data as documents. Documents, in these systems can include not only familiar document types, including, but not limited to word processing files, presentations, and mail messages, but other types as well . . . ." Lamping '538, col. 1, ll. 51-59. "Document management system (DMS) A is shown configured for operation with front-end components B, and back-end components C. Front-end components B include applications **10*a*-10*n*** and **11*a*-11*n***, such as word processing applications, mail applications among others." Lamping '538, col. 3, ll. 1-5. "FIG. 2 illustrates a manner of providing related files requested by a user." Lamping '538, col. 4, ll. 56-57. *The document management system (DMS) may be web-based:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Peterson '179, col. 1, ln. 66-col. 2, ln. 5. "The document, for example, may be a document which the principal created, it may be an e-mail sent or received by the principal, a web page found by the principal. . . ." Lamping '538, col. 3, ll. 29-32.

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	The user environment can be, for example, a particular project property associated with the data, represented as a first containment structure in the DMS: "At one moment a user may wish to organize the document space in terms of projects, while at some time in the future the user may wish to generate an organization according to time and/or according to document content." Petersen '179, col. 3, ll. 2-6. "A first containment structure is configured to hold representations of the documents in the repository having a first property type. . . A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-65. "So, if the property is 'project=DMS', then that property can not only be added to documents, but can also be dropped onto a collection so that 'project=DMS' is added to the current set of query terms for that collection." Petersen '179, col. 26, ll. 4-7.
[b1] dynamically associating metadata with the data, the data and metadata stored on a storage component of the web-based computing platform,	*Lamping discloses dynamically associating metadata (e.g., document properties), the data and metadata stored on a storage component of the web-based computing platform:* "The user is provided access to properties by use of a document management system of the computer system. The user attaches selected properties to a document. The document with the attached properties is then stored at a location separate from the content of the document." Petersen '179, col. 6, ln. 64-col. 7, ln. 3. *The properties, which are associated with the document but stored separately from it, comprise the metadata.* "Static Property: A name-value pair associated with the document. Unlike active properties, static properties have no behavior. Provides searchable meta-data information about a document." Petersen '179, col. 10, ll. 14-17. *These properties can be dynamically associated with the data:*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	"However, since interesting properties can be derived from document content another mechanism provides a means for documents to be tagged with properties automatically. Some document properties are generic, such as their type, their length, their creator, the date they were created, and so forth, and these are obvious ones for DMS to maintain directly." Petersen '179, col. 17, ll. 48-54; *see also* Petersen ''179, col. 15, ll. 23-28 (disclosing "property generators" that dynamically associate properties with documents based on analyzing their contents). *The document management system (DMS) includes a storage component of the network-based system, e.g., database.* "Properties can be located on properties database **92**." Petersen '179, col. 15, ll. 41-42; Petersen '179, Fig. 5 (showing properties database 92).
[b2] the metadata includes information related to the user, the data, the application, and the user environment;	*Lamping discloses that the metadata includes information related to the user, the data, the application and the user environment, as shown in Figure 1 of Petersen below.*  FIG.1 *As explained in Petersen:* "FIG. **1** illustrates a distinction between hierarchical storage systems whose documents are organized in accordance with their location described by a hierarchical structure and the present invention where documents are organized according to their properties (e.g. author-dourish, type=paper, status=draft, etc.)." Petersen '179, col. 10, ll. 33-38. *The metadata (e.g., properties) include a relationship between the user (e.g., author=dourish) the data and the application (e.g.,*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	type=paper; format=MS WORD). *The metadata also includes a relationship with the user environment, e.g., the project with which the data is associated.* "So, if the property is 'project=DMS', then that property can not only be added to documents, but can also be dropped onto a collection so that 'project=DMS' is added to the current set of query terms for that collection." Petersen '179, col. 26, ll. 4-7. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-65.
[c] tracking movement of the user from the user environment of the web-based computing platform to a second user environment of the web-based computing platform; and	*Lamping discloses tracking movement of the user from the user environment of the web-based computing platform to a second user environment, as described below.* *For purposes of invalidity of this claim, the first and second user environments of Lamping can be first and second on-screen "containment structures," which can represent first and second projects:* "A first containment structure is configured to hold representations of the documents in the repository having a first property type. A second containment structure is configured to hold representations of documents in the repository having a second property type. A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. *As noted, the first and second containment structures can be, for example, associated with two different "project" property values:* "The column 'Project' **68** displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-64. "Turning to FIG. **5**, the organization hierarchy **74** is further refined for its retrieval and organization of documents to classify documents by the project property (i.e. barf or foo)." Lamping '538, col. 7, ll. 20-23. *Lamping discloses tracking a change of the user from the first to the second user environment (e.g., by sensing movement of the*

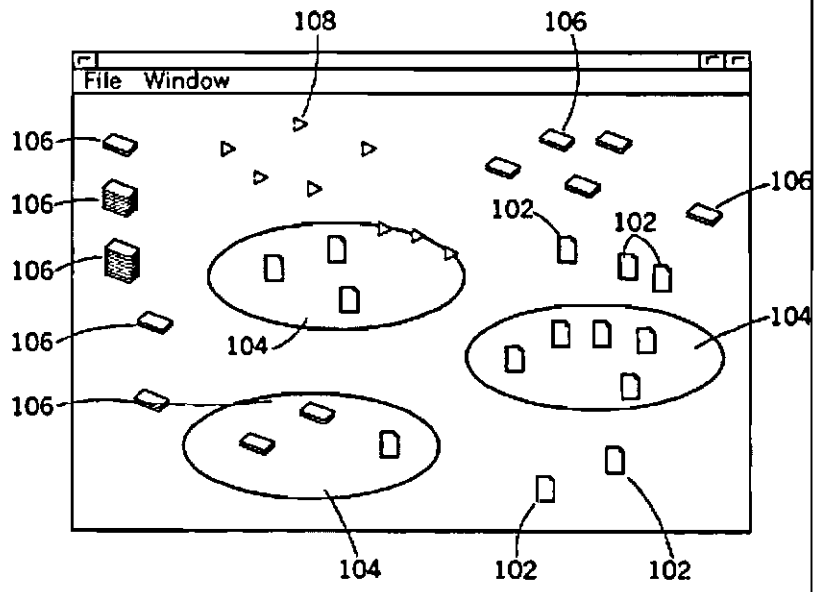
Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	user's cursor from the first to the second containment structure): "A representation of a first document having the first property type is stored in the first containment structure. Further provided is a movement mechanism designed to move the representation of the first document, stored in the first containment structure to a location in the second containment structure. A property analyzer will sense operation of the movement mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure." Lamping '538, col. 2, ll. 23-28. *For example, the movement can be based on moving the user's cursor from one project containment structure (for project "foo") to another (for project "barf"):* "FIG 6 shows that the 'note to Fred' document **90** is to be moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**. Types of envisioned movement, mechanisms include but are not limited to a mouse, stylus, voice input device, or keyboard." Lamping '538, col. 7, ll. 51-57.
[d] dynamically updating the stored metadata with an association of the data, the application, and the second user environment wherein the user employs at least one of the application and the data from the second environment.	*Lamping discloses dynamically updating the stored metadata with an association of the data, the application and the second user environment wherein the user employs at least one of the application and the data from the second environment, as explained below.* *As discussed above under claim 4, Lamping discloses storing metadata with an association of the data, the application and the user environment. Lamping also discloses dynamically updating the stored metadata with an association of the data, the application and a second user environment (e.g., in response to the movement):* "A representation of a first document having the first property type is stored in the first containment structure. Further provided is a movement mechanism designed to move the representation of the first document, stored in the first containment structure to a location in the second containment structure. A property analyzer will sense

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	operation of the movement mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure. A property changer will alter at least one of the properties of the first document based on the information received from the property analyzer such that the document's properties are consistent with the newly defined location." Lamping '538, col. 2, ll. 23-36. "The present invention takes this style of visualization, which translates property organizations into containment metaphors, and also allows the user to alter properties via direct manipulation of the containment representations. Moving the portrayal of a document from one location to another commands that its properties are adjusted so that it now belongs in the new location and doesn't belong in the former location." Lamping '538, col. 7, ll. 39-46. *For example, the movement can be based on moving the user's cursor from one project containment structure (for project "foo") to another (for project "barf"):* "FIG. **6** shows that the 'note to Fred' document **90** is to be moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**. Types of envisioned movement, mechanisms include but are not limited to a mouse, stylus, voice input device, or keyboard." Lamping '538, col. 7, ll. 51-57. "FIG. **7** shows, 'note to Fred' **90** has been moved from being mail in a foo project to mail in a barf project. It is noted that in FIG. **6** the mail, foo containment structure has three documents and only has two documents in FIG. **7**, and the number of documents in barf project folder of FIG. **6** is increased from two to three in FIG. **7**. As previously noted, moving the portrayal of a document from one location to another results in the properties attached to that document being adjusted." Lamping '538, col. 7, ln. 62-col. 8, ln. 3. *The user can access the application and data from the second user environment:* "Since the metaphor concept will work in both ways, the view of document organization in terms of containers can be the user's dominant mode of interaction and their principle

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	manner of thinking about documents. The browser's state can be consistent, so that once a particular view of properties in terms of containers is set up, the user has the option of always seeing that view. The containers they will view on the screen are as persistent as typical directory folders, and documents can be moved among them, just like they can be among directories." Lamping '538, col. 8, ll. 26-36. "A single document may appear in multiple collections." Petersen '179, col. 7, l. 34. "[A] document can be a member of multiple collections at the same time and so two collections can display the same document concurrently." Petersen '179, col. 13, ll.19-21.
Claim 10 of the '761 Patent	
10. The method of claim **9**, further comprising capturing context information of the user.	*Lamping discloses capturing context information (e.g., document properties) of the user.* "The simplest properties are tags on documents. For instance, 'important' or 'shared with Karin' are tag properties representing facets of the document that is relevant to a document user. Only slightly more complicated are properties that are name/value pairs. For instance, 'author=kedwards' is a property whose name component is 'author' and value component is 'kedwards'." Petersen '179, col. 19, ll. 58-64.
Claim 11 of '761 Patent	
11. The method of claim **9**, further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.	*See claim 9, above.* *Lamping discloses indexing content of the user environment (e.g., through the properties) such that a plurality of users can access the content from an associated plurality of user environments:* "[Claim] **4**. The method according to claim 3 further comprising: providing a second user access to the properties; attaching, by the second user, second selected ones of the properties to a second document, at least one of the second selected properties being different from the first selected properties, and wherein content of the second document is the first document content; . . . " Petersen

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	'179, col. 28, ll. 4-10. "[Claim] 9. The method according to claim 7 further comprising: making selected ones of the second document's reference properties public and others of the reference properties private, wherein a third user viewing the document of the second user will be able to view the public properties but will not be able to view the private properties." Petersen '179, col. 28, ll. 31-36. "Expanding upon the concept shown in FIG. **4*b***, attention is directed to FIG. **4*c***. It is first assumed document B includes as one of its properties 'document related to DMS', **44*a***, and as another property 'documents created in 1998', **44*b***. Then if the principal wishes to create a collection of all 'documents related to DMS' and another to those 'documents created in 1998', document B would be found in both collections. This again points out a distinct aspect of this property-based system. Specifically, introduced to the interactive experience is that documents can appear in multiple places at the same time. This means a document can be a member of multiple collections at the same time and so two collections can display the same document concurrently." Petersen '179, col. 13, ll. 9-21. "A single document may appear in multiple collections." Petersen '179, col. 7, l. 34. "[A] document can be a member of multiple collections at the same time and so two collections can display the same document concurrently." Petersen'179, col. 13, ll.19-21. "Another aspect of DMS A is that since the use of properties separates a document's inherent identity from its properties, from a principal's perspective, instead of requiring a document to reside on a single machine, documents in essence can reside on multiple machines . . ." Lamping '538, col. 4, ll. 37-41.
Claim 12 of '761 Patent	
12. The method of claim 9, the least one of the data and the application is associated automatically with the	*Lamping discloses that the data is associated automatically with the second user environment (e.g., in response to the movement from the first to the second user environment):* "A property analyzer will sense operation of the movement

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
second user environment.	mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure. A property changer will alter at least one of the properties of the first document based on the information received from the property analyzer such that the document's properties are consistent with the newly defined location." Lamping '538, col. 2, ll. 23-36. "The present invention takes this style of visualization, which translates property organizations into containment metaphors, and also allows the user to alter properties via direct manipulation of the containment representations. Moving the portrayal of a document from one location to another commands that its properties are adjusted so that it now belongs in the new location and doesn't belong in the former location." Lamping '538, col. 7, ll. 39-46. *For example, the movement of the user's cursor from one project containment structure (for project "foo") to the second containment structure (for project "barf") causes the data to be automatically associated with the second:* "FIG **6** shows that the 'note to Fred' document **90** is to be moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**. Types of envisioned movement, mechanisms include but are not limited to a mouse, stylus, voice input device, or keyboard." Lamping '538, col. 7, ll. 51-57. "FIG. **7** shows, 'note to Fred' **90** has been moved from being mail in a foo project to mail in a barf project. It is noted that in FIG. **6** the mail, foo containment structure has three documents and only has two documents in FIG. **7**, and the number of documents in barf project folder of FIG. **6** is increased from two to three in FIG. **7**. As previously noted, moving the portrayal of a document from one location to another results in the properties attached to that document being adjusted." Lamping '538, col. 7, ln. 62-col. 8, ln. 3.
Claim 13 of '761 Patent	
13. The method of claim 9, further comprising	*Lamping discloses accessing the first and second user*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
accessing the user environment and the second user environment using a browser.	*environments using a browser:* "Browser: A user interface which allows a user to locate and organize documents." Petersen '179, col. 8, ll. 66-67. "Further, by interacting with browser 12, a principal may run a query requesting all documents having a selected property." Lamping '538, col. 4, ll. 26-28. "Fig. 7 shows a browser in use. There are four basic entities being displayed. Documents **102** are displayed as individual entities. . . . Document collections appear in two forms; opened as ovals **104**, showing the documents they contain, and closed, as 'piles' **106**." Petersen '179, col. 25, ll. 38-43.  FIG.7 *Petersen '179, Fig. 7.* *In addition, from Lamping '538:* "With more particular attention to FIG. **4**, display **60** has displayed on it an attribute window **62** and a property column browser window **64**. For this example, a small number of documents are listed. The property column browser **64** is shown simply for explanation purposes and in operation would be closed and not visible. . . The column 'Project' **68** displays a project property attached to documents. For example, two project property names exist (barf and foo)

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	which are attached to the corresponding document." Lamping '538, col. 6, ll. 53-64.
Claim 14 of '761 Patent	
14. The method of claim 9, further comprising communicating with the user environment using a TCP/IP communication protocol.	*Lamping discloses communicating with the user environment using a TCP/IP protocol, as explained below.* *Lamping discloses that the user can interact with the user environment using the World Wide Web:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Peterson '179, col. 1, ln. 66-col. 2, ln. 5. "The document, for example, may be a document which the principal created, it may be an e-mail sent or received by the principal, a web page found by the principal . . . ." Lamping '538, col. 3, ll. 29-32. *One of ordinary skill in the art would understand that the World Wide Web (WWW) disclosed in Lamping inherently operates in accordance with a TCP/IP communication protocol. This is confirmed by John December et al., World Wide Web Unleashed 330 (2d ed. 1995) [**Exhibit H**]:* "The Internet uses a set of protocols called TCP/IP, or 'the Internet protocol suite,' to exchange information. These protocols serve as the standard rules for the applications that are commonly used on the Internet for communication and information. . . The Web utilizes these Internet protocols for communication." p. 330. *Reference to World Wide Web Unleashed to support an anticipatory rejection is authorized by MPEP 2131.01:* **2131.01 Multiple Reference 35 U.S.C. 102 Rejections** Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	(A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent. *MPEP 2131.01 (underlining added). World Wide Web Unleashed confirms that TCP/IP is inherent in the World Wide Web as disclosed in Lamping.*
Claim 15 of '761 Patent	
15. The method of claim 9, further comprising locating the user environment from a remote location using a URL address.	*Lamping discloses locating the user environment from a remote location using a URL (Uniform Resource Locator), as explained below.* *Lamping discloses that the user can interact with the user environment using the World Wide Web:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Peterson '179, col. 1, ln. 66-col. 2, ln. 5. "The document, for example, may be a document which the principal created, it may be an e-mail sent or received by the principal, a web page found by the principal . . . ." Lamping '538, col. 3, ll. 29-32. *One of ordinary skill in the art would understand that information on the World Wide Web (WWW) as disclosed in Lamping is located using Uniform Resource Locators (URLs). This is confirmed by John December et al., World Wide Web Unleashed 334 (2d ed. 1995) [**Exhibit H**]:* "The basis for identifying resources on the Web is the Uniform Resource Locator, or URL. A URL consists of a string of characters that uniquely identifies a resource." p. 334. *Reference to World Wide Web Unleashed to support an*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	anticipatory rejection is authorized by MPEP 2131.01: **2131.01 Multiple Reference 35 U.S.C. 102 Rejections** Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent. *MPEP 2131.01 (underlining added). World Wide Web Unleashed confirms that a URL address is inherent in the World Wide Web as disclosed in Lamping.*
Claim 21 of '761 Patent	
21. A computer-readable medium for storing computer-executable instructions for a method of managing data, the method comprising:	*For purposes of this Request, claims 21[a] through [d] are substantially similar to claim 9 except that it was written as a computer-readable medium rather than a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Lamping discloses a method of managing data. See Petersen '179, col. 1, ln. 66-col. 2, ln. 5; Petersen '179, col. 6, ll. 62-64; Lamping '538, col. 1, ll. 44-50.* *Lamping also includes a computer-readable medium for storing computer-executable instructions to carry out the methods disclosed therein. See Peterson '179, col. 15, ll. 45-51 (disclosing implementation written using lines of Java code).*
[a] creating data related to user interaction of a user within a user workspace of a web-based computing platform using an application;	*As explained in connection with limitation [a] of claim 9, Lamping discloses creating data related to user interaction of a user within a user workspace (e.g., a particular project associated with the data, represented as a first containment structure in the DMS) of a web-based computing platform using an application. See Lamping '538, col. 1, ll. 51-59; Lamping '538, col. 3, ll. 1-5; Lamping '538, col. 4, ll. 56-57; Peterson '179, col. 1, ln. 66-col. 2, ln. 5 (web-based);* Petersen '179, col.

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	26, ll. 4-7.
[b] dynamically associating metadata with the data, the data and metadata stored on the web-based computing platform, the metadata includes information related to the user of the user workspace, to the data, to the application and to the user workspace;	*As explained in connection with limitation [b1] and [b2] of claim 9, Lamping discloses dynamically associating metadata with the data, the data and metadata stored on the web-based computing platform, the metadata includes information related to the user of the user workspace, to the data, to the application and to the user workspace. See Petersen '179, col. 6, ln. 64-col. 7, ln. 3; Petersen '179, col. 10, ll. 14-17; Petersen '179, col. 17, ll. 48-54; Petersen '179, col. 15, ll. 23-28, 41-42; Petersen '179, Fig. 5 (showing properties database 92 for storing metadata).*
[c] tracking movement of the user from the user workspace to a second user workspace of the web-based computing platform;	*As explained in connection with limitation [c] of claim 9, Lamping discloses tracking movement of the user (e.g., using property analyzer 47) from the user workspace to a second user workspace of the web-based computing platform (e.g., another project to be associated with the data, represented as a second containment structure in the DMS). See Lamping '538, col. 2, ll. 19-25; Lamping '538, col. 6, ll. 61-64; Lamping '538, col. 7, ll. 20-23; Lamping '538, col. 2, ll. 23-28; Lamping '538, col. 7, ll. 51-57;* Petersen '179, col. 26, ll. 4-7.
[d] dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace; and	*As explained in connection with limitation [d] of claim 9, Lamping discloses dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace. See Lamping '538, col. 2, ll. 23-36; Lamping '538, col. 7, ll. 39-46; Lamping '538, col. 7, ll. 51-57; Lamping '538, col. 7, ln. 62-col. 8, ln. 3; Lamping '538, col. 8, ll. 26-36.*
[e] indexing the data created in the user workspace such that a plurality of different users can access the data via the metadata from a corresponding plurality of different user workspaces.	*For the purposes of this Request, claim 21[e] is substantially similar to claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 will not be repeated here.* *Lamping discloses indexing the data created in the user workspace such that a plurality of different users can access the content via the metadata (e.g. properties) from a corresponding plurality of different user workspaces. See Petersen '179, col. 28, ll. 4-10; Petersen '179, col. 28, ll. 31-36; Petersen '179, col. 13, ll. 9-2; Petersen '179, col. 7, l. 34; Petersen '179, col. 13, ll. 19-*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	21; Lamping '538, col. 4, ll. 37-41.
Claim 22 of '761 Patent	
22. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, claim 22 is substantially similar to claim 9 except that it was written as a computer-implemented system rather than as a method claim. As such, in the interests of brevity, the full explanation provided in connection with claim 9 above will not be repeated here.* *As explained in connection with the preamble of claim 9, Lamping discloses a method of managing data. See Petersen '179, col. 1, ln. 66-col. 2, ln. 5; Petersen '179, col. 6, ll. 62-64; Lamping '538, col. 1, ll. 44-50.* *Lamping also discloses a computer-implemented system for managing documents.* "[Claim] 1. A document management system for managing documents. . . ." Petersen '179, col. 27, ll. 14-15.
[a] computer-implemented means for creating data by interaction of a user within a user workspace of a server using an application;	*As explained in connection with limitation [a] of claim 9, Lamping discloses computer-implemented means for creating data by interaction of a user within a user workspace (e.g., a particular project associated with the data See Lamping '538, col. 1, ll. 51-59; Lamping '538, col. 3, ll. 1-5; Lamping '538, col. 4, ll. 56-57.* *Furthermore, the user workspace may be accessed from a server.* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Petersen '179, col. 1, ln. 66-col. 2, ln. 5.
[b] computer-implemented means for associating metadata with the data, the	*As explained in connection with limitation [b1] and [b2] of claim 9, Lamping discloses computer-implemented means for associating metadata with the data (e.g., document management*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
metadata stored in association with the data on storage means of the server, the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace;	*system or DMS), the metadata stored in association with the data on storage means of the server (e.g., properties database 92), the metadata includes information related to a user of the user workspace, to the data, to the application and to the user workspace. See Petersen '179, col. 6, ln. 64-col. 7, ln. 3; Petersen '179, col. 10, ll. 14-17; Petersen '179, col. 17, ll. 48-54; Petersen '179, col. 15, ll. 41-42; Petersen '179, Fig. 5 (showing properties database 92 for storing metadata).*
[c] computer-implemented means for tracking movement of the user from the user workspace to a second user workspace of the server; and	*As explained in connection with limitation [c] of claim 9, Lamping discloses computer-implemented means (e.g., property analyzer 47) for tracking movement of the user from the user workspace to a second user workspace of the server (e.g., another project to be associated with the data, represented as a second containment structure in the DMS). See Lamping '538, col. 2, ll. 19-25; Lamping '538, col. 6, ll. 61-64; Lamping '538, col. 7, ll. 20-23; Lamping '538, col. 2, ll. 23-28; Lamping '538, col. 7, ll. 51-57;* Petersen '179, col. 26, ll. 4-7.
[d] computer-implemented means for dynamically associating the data and the application with the second user workspace in the metadata such that the user can employ the application and data from the second user workspace.	*As explained in connection with limitation [d] of claim 9, Lamping discloses computer-implemented means for dynamically associating the data and the application with the second user workspace in the metadata such that the user can employ the application and data from the second user workspace. See Lamping '538, col. 2, ll. 23-36; Lamping '538, col. 7, ll. 39-46; Lamping '538, col. 7, ll. 51-57; Lamping '538, col. 7, ln. 62-col. 8, ln. 3; Lamping '538, col. 8, ll. 26-36; Petersen '179, col. 7, l. 34; Petersen '179, col. 13, ll.19-21.*
Claim 23 of '761 Patent	
23. A computer-implemented system that facilitates management of data, comprising:	*Lamping discloses a computer-implemented system that facilitates management of data:* "The inventors have recognized that a large amount of a user's interaction with a computer has to do with document management, such as storing, filing, organizing and retrieving information from a variety of electronic documents. These documents may be found on a local disc, on a network system file server, an e-mail file server, the world wide web, or a variety of other locations." Petersen '179, col. 1, ln. 66-col. 2, ln. 5. "The present invention contemplates a new and improved manner of accessing documents by a user of a computer

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	system." Petersen '179, col. 6, ll. 62-64. *The disclosure of Petersen '179 is incorporated by reference into Lamping. See Lamping '538, col. 1, ll. 44-50.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Lamping discloses a computer-implemented context component (e.g., document management system or DMS) for defining a first user workspace, as described below.* *The first user workspace can be, for example, a particular project associated with user-defined data, represented as a first containment structure in the document management system (DMS):* "At one moment a user may wish to organize the document space in terms of projects, while at some time in the future the user may wish to generate an organization according to time and/or according to document content." Petersen '179, col. 3, ll. 2-6 (underlining added). "A first containment structure is configured to hold representations of the documents in the repository having a first property type. . . A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-65 (underlining added). "So, if the property is 'project=DMS', then that property can not only be added to documents, but can also be dropped onto a collection so that 'project=DMS' is added to the current set of query terms for that collection." Petersen '179, col. 26, ll. 4-7.
[a2] assigning one or more applications to the first user workspace,	*Lamping discloses that the context component assigns one or more applications (e.g., word processing, e-mail applications) to the first user workspace:* "Document management system (DMS) A [of Fig. 1] is shown configured for operation with front-end components B, and back-end components C. Front-end components B include applications **10*a*-10*n*** and **11*a*-11*n***, such as word processing applications, mail applications among others."

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	Lamping '538, col. 3, ll. 1-5. "Another aspect of the newer data management systems described is that they can handle a wide variety of kinds of data as documents. Documents, in these systems can include not only familiar document types, including, but not limited to word processing files, presentations, and mail messages, but other types as well . . . ." Lamping '538, col. 1, ll. 51-59.
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for	*Lamping discloses that the context component captures context data (e.g., properties) associated with user interaction of a user (e.g., user interacting with data such as a document) while in the first user workspace:* "This mechanism can be implemented as properties attached to documents. These properties are user and document specific in the sense that they are associated with the user which attached the properties and are directed to control of specific documents. This structure allows for the separation of the location of the document content from the document's management, which is described by its properties. Implementation of the properties eliminates the need to adhere to traditional file system and folder hierarchies, where the storage and retrieval of documents are based on a storage location." Petersen '179, col. 1, ll. 46-57. "The user is provided access to properties by use of a document management system of the computer system. The user attaches selected properties to a document. The document with the attached properties is then stored at a location separate from the content of the document." Petersen '179, col. 6, ln. 64-col. 7, ln. 3.
[a4] dynamically storing the context data as metadata on a storage component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and	*Lamping discloses dynamically storing the context data (e.g., properties) as metadata on a storage component (e.g., properties database) of the web-based server:* "Static Property: A name-value pair associated with the document. Unlike active properties, static properties have no behavior. Provides searchable meta-data information about a document." Petersen '179, col. 10, ll. 14-17. "Properties can be located on properties database **92**." Petersen '179, col. 15, ll. 41-42; Petersen '179, Fig. 5 (showing properties database 92). *These properties can be dynamically associated with the data*

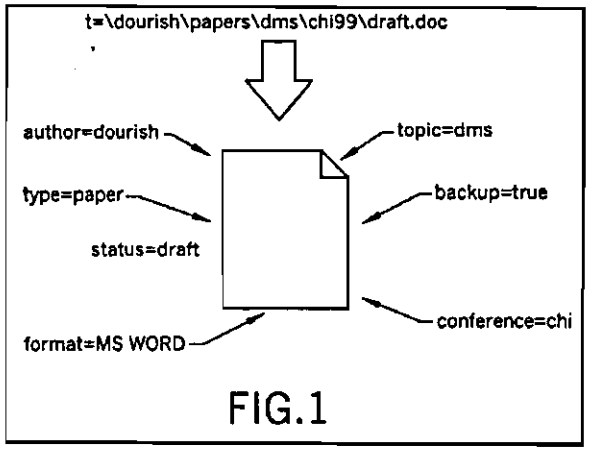
Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	created in the first user workspace: "However, since interesting properties can be derived from document content another mechanism provides a means for documents to be tagged with properties automatically. Some document properties are generic, such as their type, their length, their creator, the date they were created, and so forth, and these are obvious ones for DMS to maintain directly." Petersen '179, col. 17, ll. 48-54.
[b] a computer-implemented tracking component of the web-based server for tracking change information associated with a change in access of the user from the first user workspace to a second user workspace, and dynamically storing the change information on the storage component as part of the metadata, wherein the user accesses the data from the second user workspace.	*Lamping discloses a computer-implemented tracking component of the web-based server (e.g., a property analyzer built into the DMS) for tracking change information associated with a change in access of the user from the first to the second user workspace, and dynamically storing the change information as recited in the claim, as described below.* *For purposes of invalidity of this claim, the first and second user workspaces of Lamping can be first and second on-screen "containment structures," which can represent first and second projects:* "A first containment structure is configured to hold representations of the documents in the repository having a first property type. A second containment structure is configured to hold representations of documents in the repository having a second property type. A representation of a first document having the first property type is stored in the first containment structure." Lamping '538, col. 2, ll. 19-25. *These first and second containment structures can be, for example, associated with two different "project" property values:* "The column 'Project' **68** displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document." Lamping '538, col. 6, ll. 61-64. "Turning to FIG. 5, the organization hierarchy **74** is further refined for its retrieval and organization of documents to classify documents by the project property (i.e. barf or foo)." Lamping '538, col. 7, ll. 20-23. *Lamping discloses tracking a change in access of the user from the first to the second user workspace (e.g., by sensing movement of the user's cursor from the first to the second containment structure), dynamically storing the change information on the*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	storage component as part of the metadata (e.g., properties): "A representation of a first document having the first property type is stored in the first containment structure. Further provided is a movement mechanism designed to move the representation of the first document, stored in the first containment structure to a location in the second containment structure. A property analyzer will sense operation of the movement mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure. A property changer will alter at least one of the properties of the first document based on the information received from the property analyzer such that the document's properties are consistent with the newly defined location." Lamping '538, col. 2, ll. 23-36. "The present invention takes this style of visualization, which translates property organizations into containment metaphors, and also allows the user to alter properties via direct manipulation of the containment representations. Moving the portrayal of a document from one location to another commands that its properties are adjusted so that it now belongs in the new location and doesn't belong in the former location." Lamping '538, col. 7, ll. 39-46. *For example, the movement can be based on moving the user's cursor from one project containment structure (for project "foo") to another (for project "barf"):* "FIG. **6** shows that the 'note to Fred' document **90** is to be moved from being designated as having a foo project property to a barf project property by arrow **92**. The arrow **92** represents operation of a movement mechanism **94**, which may be part of a computer system **96**. Types of envisioned movement, mechanisms include but are not limited to a mouse, stylus, voice input device, or keyboard." Lamping '538, col. 7, ll. 51-57. *The user can access the data from the second user workspace:* "Since the metaphor concept will work in both ways, the view of document organization in terms of containers can be the user's dominant mode of interaction and their principle manner of thinking about documents. The browser's state can be consistent, so that once a particular view of properties in terms of containers is set up, the user has the option of

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	always seeing that view. The containers they will view on the screen are as persistent as typical directory folders, and documents can be moved among them, just like they can be among directories." Lamping '538, col. 8, ll. 26-36.
Claim 24 of '761 Patent	
24. The system of claim **23**, wherein the tracking component automatically creates the metadata when the user accesses the first user workspace.	*Lamping discloses that the tracking component (e.g., document management system or DMS) automatically creates the metadata when the user accesses the first workspace (e.g., when the document was first created):* "However, since interesting properties can be derived from document content another mechanism provides a means for documents to be tagged with properties automatically. Some document properties are generic, such as their type, their length, their creator, the date they were created, and so forth, and these are obvious ones for DMS to maintain directly." Petersen '179, col. 17, ll. 48-54. *These properties comprise the metadata:* "Static Property: A name-value pair associated with the document. Unlike active properties, static properties have no behavior. Provides searchable meta-data information about a document." Petersen '179, col. 10, ll. 14-17.
Claim 25 of '761 Patent	
25. The system of claim **23**, wherein the context component captures relationship data associated with a relationship between the first user workspace and at least one other user workspace.	*Lamping discloses that the context component (e.g., document management system (DMS)) captures relationship data associated with a relationship between the first user workspace and at least one other user workspace (e.g., properties associated with the documents in two workspaces):* "The user is provided access to properties by use of a document management system of the computer system. The user attaches selected properties to a document. The document with the attached properties is then stored at a location separate from the content of the document." Petersen '179, col. 6, ln. 64-col. 7, ln. 3. "The column 'Project' **68** [in Fig. 4 of Lamping] displays a project property attached to documents. For example, two project property names exist (barf and foo) which are attached to the corresponding document. The 'old' column shows an old property which is attached to, in this example,

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	two documents (Packrat Desktop State and blue). A mail column displays a mail property which takes on a value of either "yes" or "no") for the displayed documents." Lamping '538, col. 6, ln. 61-col. 7, ln. 2.
Claim 26 of '761 Patent	
26. The system of claim **23**, wherein an application associated with the first user workspace is automatically accessible via the second user workspace when the user moves from the first user workspace to the second user workspace.	*Lamping discloses that an application associated with a first user workspace is automatically accessible via the second user workspace:* "Document management system (DMS) A is shown connected for operation with front-end components B, and back-end components C. Front-end components B include DMS-aware applications **10*a*-10*n***, such as word processing applications, mail applications among others. Browser **12** (considered a specialized form of application) is also designed for use with DMS A." Petersen '179, col. 11, ll. 6-12 *The applications, including the browser, are available in both workspaces:* "The present invention takes this style of visualization, which translates property organizations into containment metaphors, and also allows the user to alter properties via direct manipulation of the containment representations. Moving the portrayal of a document from one location to another commands that its properties are adjusted so that it now belongs in the new location and doesn't belong in the former location." Lamping '538, col. 7, ll. 39-46. "The browser's state can be consistent, so that once a particular view of properties in terms of containers is set up, the user has the option of always seeing that view. The containers they will view on the screen are as persistent as typical directory folders, and documents can be moved among them, just like they can be among directories." Lamping '538, col. 8, ll. 29-36.
Claim 27 of '761 Patent	
27. The system of claim **23**, wherein context data relating to an item of communication is	*Lamping discloses context data relating to an item of communication (e.g., properties relating to e-mail messages) are automatically stored:* "Front-end components B include applications **10*a*-10*n*** and

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
automatically stored and used in performance of communication tasks.	**11*a*-11*n***, such as word processing applications, mail applications among others." Lamping '538, col. 3, ll. 3-5. "Documents, in these systems can include not only familiar document types, including, but not limited to word processing files, presentations, and mail messages, but other types as well . . . ." Lamping '538, col. 1, ll. 53-59. "Background applications are integrated into DMS through a property generator also sometimes called Services component **86**. DMS property generators are applications that introduce information into the system, often processing structured files in order to turn content into properties. For example, a mail service operates on electronic mail files and processes them so that the DMS documents are annotated with details from the e-mail headers as document properties." Petersen '179, col. 15, ll. 21-28. *These properties can be used in performance of communication tasks (e.g., locating e-mail messages from a certain individual, or of a specified type and were read within a specified time period):* "Collections, queries and properties are the basis of all interactions with the DMS document space, and so the performance of the property engine is a key component in the DMS system. The DMS database engine provides sufficiently crisp performance to support requirements for interactive response. On a small test database (342 documents, 4911 attributes), evaluating the query 'Mail.From=dourish' took 30 ms to return 8 documents, while the query 'MIME Type=texthtml or MIME Type=textjava and read within 1 month' took 140 ms to return 32 documents." Petersen '179, col. 17, ll. 22-32.
Claim 28 of '761 Patent	
28. The system of claim **23**, wherein the context component captures data and application functionality related to a user-defined topic of the first user workspace, and includes the data and application functionality in the	*Lamping discloses that the context component captures data and application functionality related to a user-defined topic of the first user workspace and includes it in the metadata, as shown in Figure 1 of Petersen below.*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
metadata.	 FIG.1 *As shown, the captured metadata (e.g., properties) include data and application functionality (e.g., format=MS WORD, type=paper) related to a user-defined topic (e.g. topic=DMS).*
Claim 29 of '761 Patent	
29. The system of claim **23**, wherein when the data created in the first user workspace is accessed from the second user workspace, in response to which the context component adds information to the metadata about the second user workspace.	*Lamping discloses that the data created in the first user workspace is accessed from the second user workspace (e.g., second containment structure associated with a second project), in response to which the context component adds information to the metadata about the second user workspace (e.g., properties associating the data with the new containment structure/project):* "A representation of a first document having the first property type is stored in the first containment structure. Further provided is a movement mechanism designed to move the representation of the first document, stored in the first containment structure to a location in the second containment structure. A property analyzer will sense operation of the movement mechanism and analyze properties attached to the first document when the representation of the first document is to be moved into the second containment structure. A property changer will alter at least one of the properties of the first document based on the information received from the property analyzer such that the document's properties are consistent with the newly defined location." Lamping '538, col. 2, ll. 23-36. *For example, the context component can add metadata associating the document with a new project (e.g., moved to project "barf"):* "FIG. **7** shows, 'note to Fred' **90** has been moved from being

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	mail in a foo project to mail in a barf project. It is noted that in FIG. 6 the mail, foo containment structure has three documents and only has two documents in FIG. 7, and the number of documents in barf project folder of FIG. 6 is increased from two to three in FIG. 7. As previously noted, moving the portrayal of a document from one location to another results in the properties attached to that document being adjusted." Lamping '538, col. 7, ln. 62-col. 8, ln. 3.
Claim 31 of '761 Patent	
31. The system of claim 23, wherein the storage component stores the data and the metadata according to at least one of a relational and an object storage methodology.	*Lamping discloses that the storage component stores the data and metadata according to at least, e.g., an object storage methodology:* "Individual properties can also be stored as browser objects, and appear on the desktop as triangles **108**." Petersen '179, col. 25, ll. 52-53. "The core of DMS A' is document layer **80** (which includes components such as the kernels, documents, properties, and bit providers of FIG. 3), which implements the DMS document concept of providing documents with document properties. In this embodiment, DMS A' offers three levels of interface. The first is the DMS document interface **82a**, a Java class model for applications that are fully DMS-aware. The DMS object model, structured in terms of document objects, properties, queries and collections, is offered to programmers as a set of classes they can use in their own programs." Petersen '179, col. 14, ln. 60-col. 15, ln. 3. "A digital library system, known as the Documentum DocPage repository, creates a document space called a 'DocBase.' This repository stores a document as an object that encapsulates the document's content along with its attributes, including relationships, associated versions, renditions, formats, workflow characteristics, and security. These document objects can be infinitely combined and re-combined on demand to form dynamic configurations of document objects that can come from any source." Petersen '179, col. 6, ll. 26-34.
Claim 32 of '761 Patent	
32. The system of claim **23**, wherein storing of the	*Lamping discloses that storing the metadata (e.g., properties) in the storage component in association with the data facilitates*

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata.	*many-to-many functionality of the data via the metadata.* *For example, Lamping discloses that the data can be accessed from a plurality of different workspaces or environments:* "Expanding upon the concept shown in FIG. 4b, attention is directed to FIG. 4c. It is first assumed document B includes as one of its properties 'document related to DMS', 44a, and as another property 'documents created in 1998', 44b. Then if the principal wishes to create a collection of all 'documents related to DMS' and another to those 'documents created in 1998', document B would be found in both collections. This again points out a distinct aspect of this property-based system. Specifically, introduced to the interactive experience is that documents can appear in multiple places at the same time. This means a document can be a member of multiple collections at the same time and so two collections can display the same document concurrently." Petersen '179, col. 13, ll. 9-21. "Another aspect of DMS A is that since the use of properties separates a document's inherent identity from its properties, from a principal's perspective, instead of requiring a document to reside on a single machine, documents in essence can reside on multiple machines . . ." Lamping '538, col. 4, ll. 37-41. "Since the metaphor concept will work in both ways, the view of document organization in terms of containers can be the user's dominant mode of interaction and their principle manner of thinking about documents. . . The invention thus offers users the option of thinking in terms of familiar containment metaphors. Yet they have the advantages of a property system when it is desired. Particularly, they can construct alternate containment structures, search in terms of properties, have one document naturally fit in many places, etc." Lamping '538, col. 8, ll. 26-40.
Claim 33 of '761 Patent	
33. The system of claim 23, wherein the first user workspace provides access to at least one communications tool, which includes e-mail, voicemail,	*Lamping discloses that the first user workspace provides access to at least one communications tool, such as e-mail:* "Document management system (DMS) A [of Fig. 1] is shown configured for operation with front-end components B, and back-end components C. Front-end components B

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
fax, teleconferencing, instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing functionality.	include applications 10a-10n and 11a-11n, such as word processing applications, mail applications among others." Lamping '538, col. 3, ll. 1-5. "Documents **20a-20n** are considered to be documents the corresponding principal **1-n** has brought into its document management space. Particularly, they are documents that a principal considers to be of value and therefore has in some manner marked as a document of the principal. The document, for example, may be a document which the principal created, it may be an e-mail sent or received by the principal . . . or any other form of electronic data (including video, audio, text, etc.) brought into the DMS document space." Lamping '538, col. 3, ll. 24-36.
Claim 34 of '761 Patent	
34. The system of claim **23**, wherein one or more applications include file storage pointers that are dynamic and associated with the first user workspace.	*Lamping discloses that the one or more applications include file storage pointers that are dynamic (e.g., a document ID) and associated with the first user workspace.* "FIG. **2** illustrates a manner of providing related files requested by a user. . . Suppose there is a document 'FOO.DOC' **34** and suppose it is contained in collection BAR. In this example, 'FOO.DOC' is given a document ID of #123. If the user selects this file for editing, the DMS issues the path 'Q:\#123\BAR\FOO.DOC'. The tag in this case is #123 which refers to the document 'FOO.DOC'." Lamping '538, col. 4, ll. 56-57, ln. 63-col. 5, ln. 1. *The dynamic file storage pointers can also include a static property indicating linkage between the document and other supporting documents:* "When application **11a** processes 'FOO.DOC', supporting files and auxiliary data files **40, 42, 44** are generated. Application **11a** will store these files in the same directory as the main document 'FOO.DOC', in this case at Q:\#123\BAR\. To the application, the tag #123 looks like an ordinary sub-directory. Translator **13** notices and extracts the tag #123 in the path name. After creating the support document, the translator will attach a static property, for example 'In support of Document #123', signifying that this is a support file for 'FOO.DOC'. The content of the

Claim Language	SNQ No. 3: Anticipation Under Lamping '538 (Which Incorporates By Reference Petersen '179)
	supporting files are then stored in external storage C. By having a common unique static property, the DMS can easily identify and locate all files related to 'FOO.DOC' regardless of where they actually reside on external storage C." Lamping '538, col. 5, ll. 6-19.
Claim 35 of '761 Patent	
35. The system of claim **23**, wherein the context component facilitates encryption of the data generated in the first user workspace.	*Lamping discloses that the context component facilitates encryption of the data generated in the first user workspace:* "Active properties can be attached to documents just like static properties, but they also contain program code which is involved in performing document operations. . . And a chain of properties helping to perform the operation can be used to provide facilities such as encryption and compression as properties on documents." Petersen '179, col. 22, ll. 35-37, 51-53.

D. Obviousness of Claim 16 in View of Ausems (SNQ No. 4)

Dependent claim 16 of the '761 patent reads in its entirety: "The method of claim 9, further comprising accessing the user environment via a portable wireless device." This claim adds nothing of patentable significance and is obvious under § 103(a).

Claim 16 depends from independent claim 9, which is separately anticipated by each of Swartz, Seliger and Lamping for the reasons explained in Parts VI.A-C, above, respectively. Claim 16 is obvious over any one of these three anticipatory references when combined with U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. entitled "Personal Digital Assistant with Wireless Telephone." Ausems discloses a handheld wireless communications device that combines a personal digital assistant (PDA) and wireless telephone into a single portable device. *See* Ausems, Col. 1, ll. 5-9, 54-58. The portable wireless device in Ausems includes a CPU, runs the Microsoft Windows CE operating system, and includes a web browser in order to facilitate wireless Internet access. *See* Ausems, Col. 7, ln. 63-col. 8, ln. 4. Ausems further discloses that the device "may remotely communicate with a computer system." Ausems, Col. 9, ll. 17-18.

Claim 16 recites nothing more than the trivial act of accessing a user environment from a portable wireless device. Portable wireless devices such as the one disclosed in Ausems were well-known long before the application for the '761 patent was filed. Using a portable wireless device to access a user environment would have entailed a simple substitution of a portable wireless device in place of a fixed-location, non-wireless device (such as a conventional desktop computer), predictably resulting in a method in which the user environment was accessed from a portable wireless device. One of ordinary skill in the art would be motivated to combine any of Swartz, Seliger or Lamping with Ausems to achieve the increased flexibility and mobility of being able to access a user environment remotely. Claim 16 is therefore obvious under § 103.

VII. LIST OF EXHIBITS

The following is a list of exhibits attached to this Request:

Exhibit A U.S. Patent No. 7,139,761 to Michael McKibben et al.

Exhibit B U.S. Patent No. 6,236,994 to Ronald M. Swartz et al.

Exhibit C U.S. Patent No. 6,941,313 to Robert Seliger et al.

Exhibit D U.S. Patent No. 7,346,648 to Robert Seliger

Exhibit E U.S. Patent No. 6,370,538 to John O. Lamping et al.

Exhibit F U.S. Patent No. 6,308,179 to Karin Petersen et al.

Exhibit G U.S. Patent No. 6,434,403 to Michael R. Ausems et al.

Exhibit H John December, The World Wide Web Unleashed (2d ed. 1995), pages 329-336

VIII. CONCLUSION AND PROPOSED REJECTIONS

The prior art presented here was not previously considered by the Patent Office. The claims of the '761 patent are not patentable over this prior art. The prior art discloses, teaches or suggests the subject matter of the '761 patent in such a manner that SNQs are raised for each of claims 1-2, 4-16, 21-29 and 31-35. The Requester respectfully requests that the PTO grant this Request for Reexamination and enter the following rejections:

1. Claims 1-2, 4-15, 21-27, 29 and 31-34 are anticipated by U.S. Patent No. 6,236,994 B1 to Ronald M. Swartz under 35 U.S.C. § 102(b).

2. Claims 1-2, 4-15, 21-27, 29 and 31-34 are anticipated by 6,941,313 to Robert Seliger et al. under 35 U.S.C. § 102(e).

3. Claims 1-2, 4-15, 21-29 and 31-35 are anticipated by U.S. Patent No. 6,370,538 to John O. Lamping et al. under 35 U.S.C. § 102(b).

4. Claim 16 is obvious over any one of Swartz, Seliger or Lamping in view of U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. under 35 U.S.C. § 103(a).

Accordingly, the Requester requests that the Patent Office grant this Request for Reexamination, initiate reexamination, and return a First Office Action rejecting all claims discussed herein with special dispatch.

Dated: July 2, 2009

Respectfully submitted,

/Heidi L. Keefe/
Heidi L. Keefe
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IX. CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 1.510(b)(5), that on July 2, 2009, I caused a true and correct copy of the foregoing REQUEST FOR *EX PARTE* REEXAMINATION UNDER 35 U.S.C. §§ 302-307 to be served via First Class U.S. Mail on the following:

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the assignee and attorney of record, respectively, of U.S. Patent No. 7,139,761.

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