Attorney Docket No. 309101-203

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.:
Requester: Facebook, Inc.	

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

REQUEST FOR *INTER PARTES* REEXAMINATION UNDER 35 U.S.C. §§ 311 ET SEQ AND 37 CFR § 1.902 ET SEQ.302-307

Dear Sir or Madam:

Pursuant to 35 U.S.C. §§ 311 *et seq.* and 37 C.F.R. § 1.902 *et seq.*, the undersigned, on behalf of Facebook, Inc., hereby requests an *inter partes* reexamination of claims 1-16, 21, 23-26, 29, 31-34 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.

The '761 patent is currently involved in a pending *ex parte* reexamination proceeding (Control No. 90/010,591), assigned to Examiner Deandra M. Hughes. In the event the PTO grants the present Request, the Requester respectfully requests that the two reexaminations be merged so both can proceed expeditiously.

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I. REQUIREMENTS FOR *INTER PARTES* REEXAMINATION UNDER 37 C.F.R. § 1.915

Pursuant to 37 C.F.R. §§ 1.913 and 1.915, each requirement for *Inter Partes* Reexamination of the '761 patent is satisfied. The application for the '761 patent was filed on December 10, 2003. As a patent issuing from an original application filed after November 29, 1999, the '761 patent qualifies for *Inter Partes* Reexamination. *See* 37 C.F.R. § 1.913.

A. Payment of Fees – 37 C.F.R. § 1.915(a)

The Requester authorizes the Patent and Trademark Office to charge the Deposit Account listed on the face of this Request for the fees set forth in 37 C.F.R. § 1.20(c)(2).

B. Identification of Claims for Inter Partes Reexamination – 37 C.F.R. § 1.915(b)(1)

Facebook requests *inter partes* reexamination of claims 1-16, 21, 23-26, 29, 31-34 of the '761 patent. Detailed explanations of the pertinence and manner of applying the prior art references to each claim for which reexamination is requested may be found below under Section VII, beginning on page 27.

C. Citation of Prior Art Presented – 37 C.F.R. § 1.915(b)(2)

PTO Form SB/008a, filed concurrently herewith, identifies the patents and printed publications upon which this Request is based. A complete copy of each listed patent and printed publication is included herewith. This Request for reexamination is based on the following patents and printed publications:

Exhibit B: Christopher K. Hess & Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments*, published by the Department of Computer Science, University of Illinois at Urbana-Champaign, July 2002 ("Hess")

Exhibit C: U.S. Patent No. 6,430,575 B1 to J. Paul Dourish et al. entitled "Collaborative Document Management System with Customizable Filing Structures that are Mutually Intelligible," issued on August 6, 2002 from an application filed in the United States on September 10, 1999 ("Dourish")

Exhibit D: European Patent Application EP 1 087 306 A2 to Laurence Hubert et al. entitled "Meta-Documents and Method of Managing Them," filed on August 29, 2000 and published internationally on March 28, 2001 ("Hubert")

Exhibit E: iManage, Inc., *iManage DeskSite 6.0 User Reference Manual*, 2001, Chapters 1-5 ("iManage")

Exhibit F: 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

Exhibit G: U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. entitled "Personal Digital Assistant with Wireless Telephone," issued on August 13, 2002 from an application filed in the United States on February 19, 1999 ("Ausems")

Exhibit H: Microsoft Press, *Microsoft Computer Dictionary* (3d ed. 1997), pages 403-04, 462, 487, 505-506, 511-512 ("Microsoft")

Exhibit I: U.S. Patent Application Pub. No. 2003/0120660 to L. Michael Maritzen entitled "Consumer-Centric Context-Aware Switching Model," filed in the United States on December 7, 2001 and published on June 26, 2003

D. Listing of Substantial New Questions – 37 C.F.R. § 1.915(b)(3)

This Request is based upon the newly cited prior art documents identified on the accompanying Patent and Trademark Office Form 1449. None of these references were cited or considered during the original prosecution. Therefore, each raises a substantial new question of patentability ("SNQ"). Each of these prior art references constitutes effective prior art vis-à-vis claims claims 1-16, 21, 23-26, 29, 31-34 under 35 U.S.C. § 102 and/or 35 U.S.C. § 103. The detailed identification of each new SNQ is provided in Part VI, beginning at page 22. The SNQs presented by this Request are listed below:

No.	SNQs (Written as Proposed Rejections for the '761 Patent)
1	Whether claims 1-13, 16, 21, 23-26, 29, 31-34 are **anticipated** by Christopher K. Hess and Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments* (July 2002) under 35 U.S.C. § 102(b).
2	Whether claims 1-15, 21, 23-26, 29, 31-34 are **anticipated** by U.S. Patent No. 6,430,575 B1 to J. Paul Dourish et al. under 35 U.S.C. § 102(b).
3	Whether claims 1-15, 21, 23-26, 29, 31-34 are **anticipated** by EP 1 087 306 A2 to Laurence Hubert et al. under 35 U.S.C. § 102(b).
4	Whether claims 1-2, 4-15, 21, 23-26, 29, 32-34 are **anticipated** by iManage, Inc., *iManage DeskSite 6.0 User Reference Manual*, December 17, 2002, Chapters 1-5, under 35 U.S.C. § 102(b).

No.	SNQs (Written as Proposed Rejections for the '761 Patent)
5	Whether claim 3 is **anticipated** by U.S. Patent No. 6,236,994 to Robert M. Swartz et al. under 35 U.S.C. § 102(b).
6	Whether claims 9-15, 21, 23-26, 31-34 are **obvious** over Hess in view of Microsoft Press, *Microsoft Computer Dictionary*, pages 462, 487, 505-06 (3d ed. 1997).
7	Whether claim 16 is **obvious** over any one of Dourish, Hubert or iManage in view of U.S. Patent No. 6,434,403 B1 to Michael R. Ausems.
8	Whether claim 31 is **obvious** over any one of Hess, Dourish or iManage in view of Microsoft Press, *Microsoft Computer Dictionary*, pages 403-04 (3d ed. 1997).
9	Whether claims 1-16, 21, 23-26, 29, 31-34 are **obvious** in view of the combination of Hess and Dourish.
10	Whether claims 1-15, 21, 23-26, 29, 31-34 are **obvious** over Hubert in view of U.S. Patent Appl. Pub. 2003/0120660 to L. Michael Maritzen.

Detailed explanations of the pertinence and manner of applying the prior art references to each claim for which reexamination is requested is set forth in this Request under Section VII, beginning on page 27.

E. Copy of Prior Art and Translations – 37 C.F.R. § 1.915(b)(4)

Copies of every patent and printed publication relied upon in this Request are included as Exhibits as required by 37 C.F.R. § 1.915(b)(4).

F. Copy of U.S. Patent No. 7,139,761 – 37 C.F.R. § 1.915(b)(5)

Attached as **Exhibit A** is a copy of the '761 patent as required by 37 C.F.R. § 1.915(b)(5). To Requester's knowledge, the '761 patent is in force. The Requester is aware of no disclaimer, certificate of correction, or reexamination certificate. 37 C.F.R. § 1.915(b)(5).

G. Certification of Service on Patent Owner – 37 C.F.R. § 1.915(b)(6)

The undersigned certifies that a complete and entire copy of this Request for *Inter Partes* Reexamination and all supporting documents have been provided to the patent owner by serving the attorney/agent of record at the Patent Office for the '761 patent:

KING AND SPAULDING LLP
1700 Pennsylvania Ave, NW
Suite 200
Washington DC 20006

H. Certification That Estoppel Does Not Prohibit *Inter Partes* Reexamination – 37 C.F.R. § 1.915(b)(7)

Facebook hereby certifies that it is not prohibited under the provisions of 35 U.S.C. § 317 or 37 C.F.R. § 1.907 from filing this Request for *Inter Partes* reexamination. Neither Facebook nor those in privity with Facebook have previously requested *Inter Partes* reexamination of the '761 patent. 35 U.S.C. § 317(b); 37 C.F.R. § 1.907.

I. Statement Identifying Real Party in Interest – 37 C.F.R. § 1.915(b)(8)

Facebook, as the real party in interest, requests reexamination of the '761 patent in view of the SNQs explained in detail below. Facebook reserves all rights and defenses available including, without limitation, defenses as to invalidity and unenforceability. By filing this Request in compliance with the Patent Rules, Facebook does not represent, agree, or concur that the '761 patent is enforceable. Facebook specially asserts that the claims of the '761 patent are in fact not patentable and as such the Patent and Trademark Office should reexamine and find them unpatentable and cancel those claims, rendering them null, void, or otherwise unenforceable.

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 written discovery is due to close on November 20, 2009. The Court overseeing the litigation has not construed any claims of the '761 patent

and will not do so until no earlier than January 2010. Trial in the action 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 interview, nor any statement of Reasons for Allowance, it is not clear why these amendments were significant or why they were sufficient to overcome the cited prior art. The '761 patent issued with the revised claims 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.

[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.

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. SUMMARY AND 102/103 DATE QUALIFICATION OF THE PRIOR ART

A. Hess

Christopher K. Hess & Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments*, published by the Department of Computer Science, University of Illinois at Urbana-Champaign, July 2002 ("Hess"), discloses a context-based data management and document filing system. Hess qualifies as prior art under 35 U.S.C. § 102(b) because it was published more than one year before the December 10, 2003 filing date of the '761 patent application. In particular, the front page of Hess bears a publication date of July 2002. Additionally, the paper was published on the World Wide Web and available for download from the University of Illinois website no later than November 2002, as confirmed by the Internet Archive (*see* attached Affidavit attached as Exhibit J, Ex. A page 2 of 6).[2] *See* MPEP 2128 ("An

[2] Attached as Exhibit J to this Request is an affidavit from Christopher Butler, Office Manager of the Internet Archive, a service has been archiving and indexing web pages since the early days

electronic publication, including an on-line database or Internet publication, is considered to be a 'printed publication' within the meaning of 35 U.S.C. 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the document relates.").

As explained in more detail in Part VII(A) beginning on page 29 below, Hess describes an "ubiquitous computing" environment, *e.g.*, an environment in which users access data from a wide variety of devices, locations or contexts. Hess presents a system known as the Context Filing System ("CFS") which, among other things, organizes and presents data to a user based upon the current "context" in which the user is operating. *See* Hess, § 1, page 4. A "context" can include, for example, a user's location, the topic, category or event to which the data relates, or the user computer system and configuration preferences. *See* Hess, § 2.2, page 7. As further explained in Hess:

> "One of the distinguishing factors that differentiates ubiquitous computing from traditional distributed computing is context. Context allows a system to adapt to the current surroundings in order to facilitate the use of the computational environment. In this paper, we present a file system for ubiquitous computing applications that is context-aware. Context may be associated to files and directories and is used to limit the scope of available data to what is important for the current task, aggregate related material, and trigger data type conversions, therefore simplifying the tasks of application developers and users of the system." Hess, Abstract.

Hess explains that the user's data is dynamically organized by "limiting the visibility of data to what is important for the current context, which may include user preferences, application configurations, and application data." Hess, § 2.2, page 6. As the user moves from one context to another, his or her data follows the user to the new context:

> "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new

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of the World Wide Web. The affidavit confirms that the University of Illinois at Urbana-Champaign had the Hess paper available for download in PDF format on a "Publications and Reports" web page no later than November 14, 2002. *See* Ex. J at ¶ 5; Ex. J (Ex. A to Ex. J.) at p. 2 of 6. The University of Illinois continues to this day to maintain its publications for the Context File System on the web, for example at <http://gaia.cs.uiuc.edu/html/cfs.htm>.

> space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.

CFS keeps track of the location of the user's documents irrespective of the current context by storing namespace mappings that "act[] as meta-data for files on disk." Hess, § 3.1, pages 8-9. The system tracks when a user leaves a particular context and enters another context, dynamically updating the metadata based on the movement. Hess, § 2.1, page 5 ("Therefore, the space file system namespace changes as users physically move in and out of the space."). Finally, Hess discloses a browser-based user interface for locating and accessing files within the available contexts. Hess, § 5, page 13.

Hess was not cited during the original prosecution or during in the pending reexamination. As explained below, iManage raises substantial new questions as to claims 1-16, 21, 23-26, 29, and 32-34 of the '761 patent.

B. **Dourish**

U.S. Patent No. 6,430,575 B1 to J. Paul Dourish et al. entitled "Collaborative Document Management System with Customizable Filing Structures that are Mutually Intelligible" ("Dourish") issued on August 6, 2002 from an application filed on September 10, 1999. Dourish qualifies as prior art to the '761 patent under 35 U.S.C § 102(b) and § 102(e).

Dourish relates generally to "a collaborative document management system for classifying shared collections of documents, and more particularly, to a method and apparatus for providing customizable categorizations of the shared collection of documents that are mutually intelligible." Col. 1, ll. 8-13. The system in Dourish categorizes documents by placing them within a series of customized "filing structures," each filing structure corresponding to a particular context in which the documents may be accessed. *See* Col. 8, ln. 67 – col. 9, ln. 2 ("Each of these documents is assigned a context property in the Placeless Environment to record which filing structures it is a part of."). As Dourish explains:

> "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing

> structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-47.
>
> "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62.

Figure 2 reproduced below provides an example of this capability with three different filing structures or contexts, *i.e.* a structure **202** for a "Core Level" context and customized structures **204** and **206** for "Group 1 Level" and "User 1 Level" contexts, respectively:

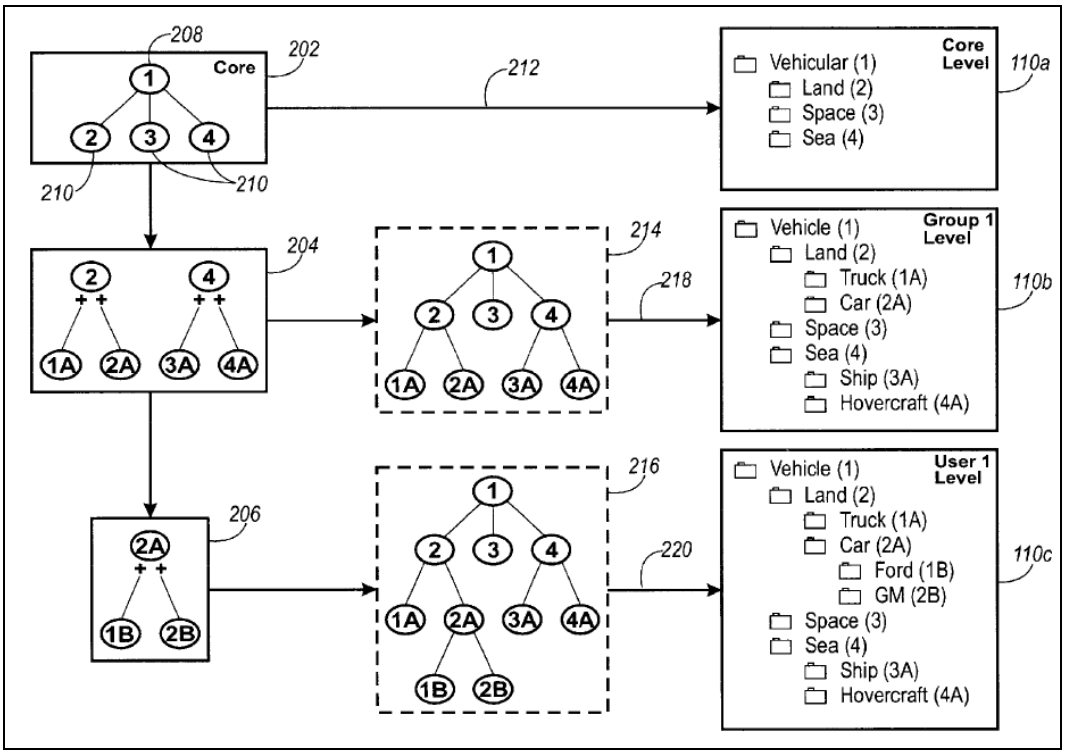


Fig. 2.

Dourish explains that "the customized filing structures **204** and **206** define sequences of layered modifications to the core filing structure **202** and the customized filing structure **204**, respectively. Each sequence of modifications defines a different context in which to file (i.e., categorize) documents." Dourish further states that in "viewing different customized

categorizations, a user is able to view a shared repository of documents (i.e., information) arranged in multiple contexts (i.e., perspective) that are mutually intelligible." Col. 5, ll. 62-66.

When a user moves from one context to another in the Dourish system, the system tracks the user's movement and dynamically updates the context information and associated metadata based on the change. In particular, Dourish provides a filing structure "translator" that updates the metadata associated with the data in order to display the files in the newly-selected context:

> "In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of documents." Col. 4, ll. 42-47.

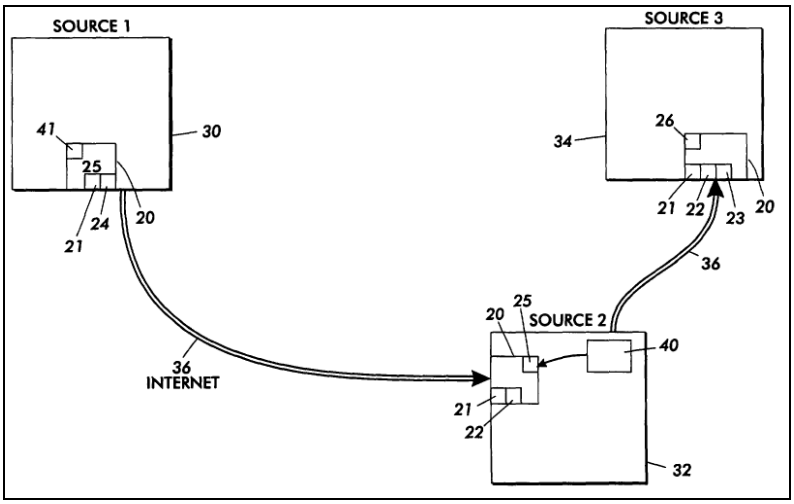
The translation enables the system to adjust the view of documents according to the current context and retrieve and meaningfully present documents in that context. *See* Col. 4, ll. 33-47.

Dourish was not cited during the original prosecution or in the pending reexamination. As explained below, it raises a substantial new question as to claims 1-15, 21, 23-26, 29, 31-34.

C. **Hubert**

European Patent Application EP 1 087 306 A2 to Laurence Hubert et al. entitled "Meta-Documents and Method of Managing Them" ("Hubert") was published internationally on March 28, 2001. It qualifies as prior art to the '761 patent under 35 U.S.C. § 102(b).

Hubert describes a structure known as a "meta-document" that is used to encapsulate the user's data (*e.g.*, spreadsheet or word processing data), metadata and processing information. *See* Hubert, ¶ 0011-0014; Fig. 1. The system in Hubert enables the user and its meta-document to seamlessly move from one computing environment (source) to another, for example through the Internet. This is shown in Figure 2 below:



Hubert, Fig. 2.

Hubert further explains that the movement from one environment (source) to another is tracked and the metadata is dynamically updated such that the user accesses the data from the second environment:

> "Meta-document 20 [in Fig. 2 above] is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023.

Hubert provides the following analogy to explain how the meta-document, as it moves from one environment to another, can take actions based on the environment (context) in which it is accessed:

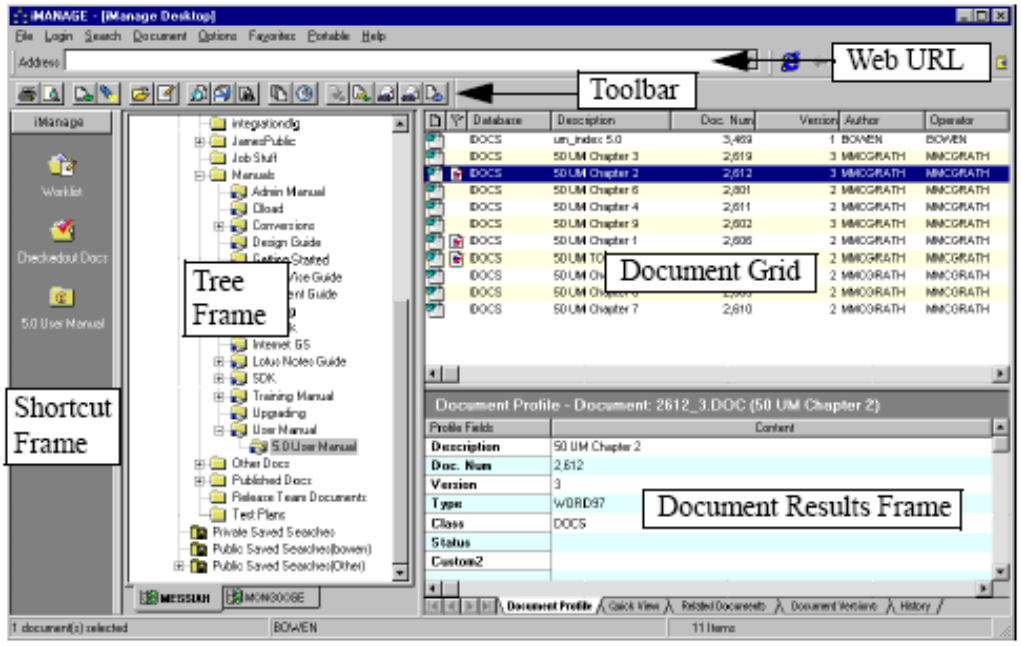
> "When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen. Similarly, if a source finds certain processing information on a meta-document of interest, it can copy or use the processing information and of course, trigger actions based upon it. This is similar to pollen carried on a bee's body being left on another flower" Hubert, ¶ 0026.

Hubert was not cited during the original prosecution or in the pending reexamination. As explained below, it raises a substantial new question as to claims 1-15, 21, 23-26, 29, 31-34.

D. **iManage**

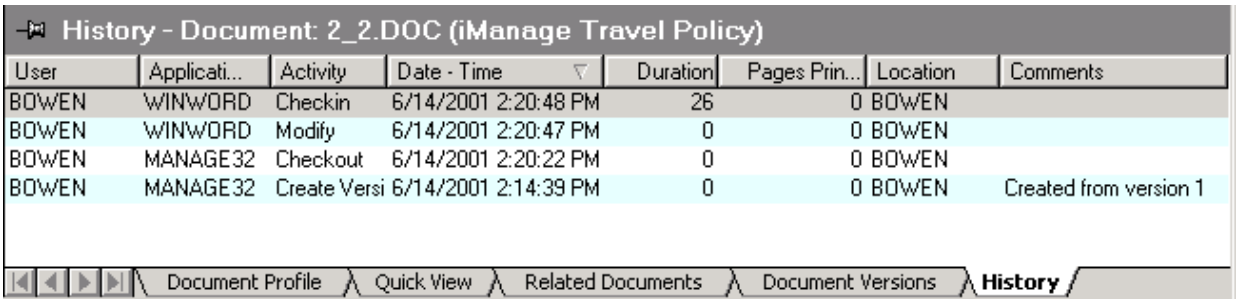
The *iManage DeskSite 6.0 User Reference Manual*, 2001, Chapters 1-5 ("iManage") describes features and functionalities of the iManage document management system (DMS). The iManage manual was published in July 2001, two and a half years before the filing date of the application for the '761 patent. *See* Copyright Page (AUT0020002). It therefore qualifies as prior art under 35 U.S.C. § 102(b).

"iManage DeskSite is an enterprise-wide, mission-critical DMS. With iManage DeskSite, you can greatly simplify the task of managing repositories of millions of documents and making them available to thousands of users." Chapter 1, p. 4. iManage provides a suite of tools for organizing, searching and retrieving documents, as well as tracking activities related to the documents. A screenshot of the main user interface is provided below:



Chapter 2, Figure 2.1, p. 22. "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using." Chapter 5, p. 125.

One of the features provided by iManage is a Document History feature, which captures context information about the user's documents and tracks the movement of the user from one context or environment to another. "The document history record displays all activities of the types selected for recording your system administrator." Chapter 3, pp. 82-83. The types of activities recorded by iManage include, for example, accessing documents from particular applications or particular computer systems (locations). *Id.* This is shown in the following screenshot showing the History tracked with respect to a particular document:



Chapter 3, Figure 3.26, p. 83; see also Chapter 5, p. 141 ("The History dialog [shown above] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments.").

iManage was not cited during the original prosecution or during in the pending reexamination. As explained below, iManage raises a substantial new question as to claims 1-2, 4-15, 21, 23-26, 29, and 32-34 of the '761 patent.

E. **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"). 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.

Swartz was not cited during the original prosecution of the '761 patent, and is not being applied against claim 3 in the pending reexamination. As explained below, Swartz raises a substantial new question of patentability as to claim 3.

F. Microsoft Computer Dictionary

Microsoft Press, *Microsoft Computer Dictionary* (3d ed.) ("Microsoft"), was published in 1997 and therefore qualifies as prior art to the '761 patent under 35 U.S.C. § 102(b). Microsoft is a well-known and comprehensive computer dictionary. It is cited in this Request to establish the obviousness of several claims that add trivial details that lack patentable significance, such as the use of web browsers to access data.

G. **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"). 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. As explained below, Ausems raises a substantial new question as to claim 16 of the '761 patent.

H. **Maritzen**

U.S. Patent Application Pub. No. 2003/0120660 to L. Michael Maritzen entitled "Consumer-Centric Context-Aware Switching Model," filed in the United States on December 7, 2001 and published on June 26, 2003. It therefore qualifies as prior art to the ''761 patent under 35 U.S.C. § 102(a) and § 102(e).

Maritzen discloses a computer-based networked system in which context information is captured, stored and transmitted for use at multiple different websites. Martizen, ¶ 0076, Fig. 9, ¶¶ 81-83. The system as disclosed generally involves three steps: (1) capturing context

information, (2) storing that information and (3) sharing that information with multiple different websites. As explained in Maritzen:

> "A user enters personal information such as name, mailing address, and age, when requesting information from website #1. The user leaves website #1 and visits website #2. Subsequently, the user visits website #3. The progression of the user from website #1 through website #3 may occur during different sessions." ¶ 0081.
>
> "The website #3 requests personal information such as name and mailing address from the user. In response to the user's preselection, context data including the user name and mailing address is automatically sent to website #3. This saves the user from re-entering this personal information." ¶ 0082.
>
> "Further, website #3 also requests the context data including the user's website visitation history. In response to the user's pre-selection of allowable context data to be distributed, the user is prompted to permit this distribution of the user's website visitation history. The user is able to decide whether to allow this context data to be distributed to website #3." ¶ 0083.

Martizen was not cited during the original prosecution of the '761 patent nor in the pending reexamination. As explained below, Maritzen raises a substantial new question of patentability as to claims 1-15, 21, 23-26, 29, 31-34 when combined with Hubert.

VI. STATEMENT POINTING OUT EACH SUBSTANTIAL NEW QUESTION OF PATENTABILITY

This Request is based on the prior art references cited in Part I.C, above, starting on page 4. The Requester is submitting PTO Form SB/008a identifying these references. None of these prior art references 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, these references disclose the limitations of the'761 patent in a manner not previously considered in either the original prosecution or the pending reexamination.

A. Summary Identification of Substantial New Questions

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

No.	SNQs (Written as Proposed Rejections for the '761 Patent)
1	Whether claims 1-13, 16, 21, 23-26, 29, 31-34 are **anticipated** by Christopher K. Hess and Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments* (July 2002) under 35 U.S.C. § 102(b).
2	Whether claims 1-15, 21, 23-26, 29, 31-34 are **anticipated** by U.S. Patent No. 6,430,575 B1 to J. Paul Dourish et al. under 35 U.S.C. § 102(b).
3	Whether claims 1-15, 21, 23-26, 29, 31-34 are **anticipated** by EP 1 087 306 A2 to Laurence Hubert et al. under 35 U.S.C. § 102(b).
4	Whether claims 1-2, 4-15, 21, 23-26, 29, 32-34 are **anticipated** by iManage, Inc., *iManage DeskSite 6.0 User Reference Manual*, 2001, Chapters 1-5, under 35 U.S.C. § 102(b).
5	Whether claim 3 is **anticipated** by U.S. Patent No. 6,236,994 to Robert M. Swartz et al. under 35 U.S.C. § 102(b).
6	Whether claims 9-15, 21, 23-26, 31-34 are **obvious** over Hess in view of Microsoft Press, *Microsoft Computer Dictionary*, pages 462, 487, 505-06 (3d ed. 1997).
7	Whether claim 16 is **obvious** over any one of Dourish, Hubert or iManage in view of U.S. Patent No. 6,434,403 B1 to Michael R. Ausems.
8	Whether claim 31 is **obvious** over any one of Hess, Dourish or iManage in view of Microsoft Press, *Microsoft Computer Dictionary*, pages 403-04 (3d ed. 1997).
9	Whether claims 1-16, 21, 23-26, 29, 31-34 are **obvious** in view of the combination of Hess and Dourish.
10	Whether claims 1-15, 21, 23-26, 29, 31-34 are **obvious** over Hubert in view of U.S. Patent Appl. Pub. 2003/0120660 to L. Michael Maritzen.

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 Hess

Claims 1-16, 21, 23-26, 29, 31-34 are unpatentable because they are either anticipated or rendered obvious by Hess (*see* SNQ Nos. 1, 6, 8, 9, listed above). Hess was not of record in the prosecution of the '761 patent, nor has it been cited in the pending *ex parte* reexamination, and is thus new art. The Requester believes that a reasonable examiner would consider the teachings of Hess to be important in determining whether or not these claims of the '761 patent are patentable. None of the prior art cited during the 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 III(B) beginning at page 9, the Examiner apparently thought those features distinguished the '761 patent from the prior art of record. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006),* at page 3. As explained in more detail in Part VII(A) starting at page 29 below, Hess discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability. Thus, a SNQ as is raised by this reference.

C. Substantial New Questions Raised by Dourish

Claims 1-16, 21, 23-26, 29, 31-34 are unpatentable because they are either anticipated or rendered obvious by Dourish (*see* SNQ Nos. 2, 7, 8, 9, listed above). Dourish was not of record in the prosecution of the '761 patent, nor has it been cited in the pending *ex parte* reexamination, and is thus new art. The Requester believes that a reasonable examiner would consider the teachings of Dourish to be important in determining whether or not these claims of the '761 patent are patentable. None of the prior art cited during the 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 III(B) beginning at page 9, the Examiner apparently thought those features distinguished the '761 patent from the prior art of record. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006),* at page 3. As explained in more detail in Part VII(B) beginning at page 57, Dourish discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability. Thus, a SNQ as to claims 1-13, 16, 21, 23-26, 29, 31-34 is raised by this reference.

D. Substantial New Questions Raised by Hubert

Claims 1-16, 21, 23-26, 29, 31-34 are unpatentable because they are either anticipated or rendered obvious by Hubert (*see* SNQ Nos. 3, 7, 10, above). Hubert was not of record in the prosecution of the '761 patent, nor has it been cited in the pending *ex parte* reexamination, and is thus new art. The Requester believes that a reasonable examiner would consider the teachings of Hubert to be important in determining whether or not these claims of the '761 patent are patentable. None of the prior art cited during the 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 III(B) beginning at page 9, the Examiner apparently thought those features distinguished the '761 patent from the prior art of record. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006),* at page 3. As explained in more detail in Part VII(C) beginning at page 85, Hubert discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability. Thus, a SNQ as is raised by this reference.

E. Substantial New Questions Raised by iManage

Claims 1-2, 4-16, 21, 23-26, 29, 31-34 are unpatentable because they are either anticipated or rendered obvious by iManage (*see* SNQ Nos. 4, 7, 8, listed above). iManage was

not of record in the prosecution of the '761 patent, nor has it been cited in the pending *ex parte* reexamination, and is thus new art. The Requester believes that a reasonable examiner would consider the teachings of iManage to be important in determining whether or not these claims of the '761 patent are patentable. None of the prior art cited during the 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 III(B) beginning at page 9, the Examiner apparently thought those features distinguished the '761 patent from the prior art of record. *See Notice of Allowability and Examiner's Amendment (Aug. 30, 2006)*, at page 3. As explained in more detail in Part VII(D) beginning at page 105, iManage discloses those features (and the other features claimed in the '761 patent), and therefore raises a substantial new question of patentability. Thus, a SNQ is raised by this reference.

F. Substantial New Questions Raised by Swartz

Claim 3 is unpatentable because it is anticipated by Swartz (*see* SNQ No. 5 listed above). Swartz was not of record in the prosecution of the '761 patent. Swartz has been cited in the pending *ex parte* reexamination proceedings, and has been found sufficient to raise a SNQ as to claims 1-2, 4-15, 21-27, 29 and 31-34 of the '761 patent. Reexamination was <u>not</u> requested with respect to claim 3 in those reexamination proceedings, and as such, Swartz has not been applied against that claim. The Requester believes that a reasonable examiner would consider the teachings of Swartz to be important in determining whether or not claim 3 of the '761 patent is patentable. Thus, a SNQ as to claim 3 is raised by this reference.

G. Substantial New Questions Raised by Microsoft

Claims 9-15, 21, 23-26, 31-34 are unpatentable because of a combination of the *Microsoft Computer Dictionary* and other prior art cited in this Request (*see* SNQ Nos. 6, 8,

listed above). Microsoft was not of record in the prosecution of the '761 patent nor has it been cited in the pending reexamination. The Requester believes that a reasonable examiner would consider the teachings of Microsoft to be important in determining whether or not these claims of the '761 patent are patentable. Thus, a SNQ is raised by this reference.

H. Substantial New Questions Raised by Ausems

Claim 16 is unpatentable because it is obvious in view of the combination of Ausems and any one of Dourish, Hubert or iManage (*see* SNQ No. 7 listed above). Ausems was not of record in the prosecution of the '761 patent. Ausems has been cited in the pending *ex parte* reexamination proceedings against claim 16, but it has not been combined with Dourish, Hubert or iManage. The combination of Ausems with these new references therefore raises a new combination that has not been considered by the PTO. The Requester believes that a reasonable examiner would consider the teachings of Ausems to be important in determining whether or not claim 16 of the '761 patent is patentable. Thus, a SNQ as to claim 16 is raised by this reference.

I. Substantial New Questions Raised by Martizen

Claims 1-15, 21, 23-26, 29, 31-34 are unpatentable because they are obvious in light of the combination of Hubert and Maritzen (*see* SNQ No. 10 listed above). Maritzen was not of record in the prosecution of the '761 patent nor has it been cited in the pending reexamination. The Requester believes that a reasonable examiner would consider the teachings of Martizen to be important in determining whether or not these claims of the '761 patent are patentable. Thus, a SNQ is raised by this reference.

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

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. Many claims of the ’761 patent suffer from significant § 112 indefiniteness deficiencies that inhibit clear understanding of their scope. The Requester has for the most part relied on the patent owner’s own interpretation, as reflected in the manner in which it has applied its claims in litigation, as a guide to how the prior art should be mapped against the claims of the ’761 patent. To the extent any interpretation of the claims can be discerned from the analysis provided in this Request, it 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 Hess (SNQ No. 1)**

A claim chart showing how Hess anticipates claims 1-13, 16, 21, 23-26, 29, 31-34 of the '761 patent is provided below. Except as otherwise noted, all underlining in the quotations from the prior art have been added by the Requester for emphasis.

U.S. Patent No. 7,139,761	**SNQ No. 1: Anticipation Based on Hess, *A Context File System for Ubiquitous Computing Environments* (July 2002)**
Claim 1 (Independent)	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Hess discloses a computer-implemented network-based system that facilitates the management of data. In particular, Hess discloses a filing system known as the Context File System (CFS) that uses context to allow users to organize and manage their data.* "To address the foregoing issues, this paper presents a context-aware file system (CFS) targeted at ubiquitous computing environments. CFS uses context to facilitate data access for mobile users, to aggregate related data, and to drive dynamic data types to support heterogeneous devices and user preferences." Hess, § 1, page 4. "CFS uses context to alleviate many of the tasks that are traditionally performed manually or require additional programming effort. More specifically, context is used to 1) automatically make personal storage available to applications, conditioned on user presence, 2) organize data to simplify locating data important for applications and users, and 3) retrieve data in a format based on the context of user preferences or device characteristics." Hess, § 1, page 4.
[a1] a computer-implemented context component of the network-based system for capturing context information associated with user-defined data	*Hess discloses a computer-implemented context component of the network-based system (e.g. a mount server) for capturing context information associated with user-defined data (e.g., files created by the user):* "Context allows a system to adapt to the current surroundings in order to facilitate the use of the computational environment. In this paper, we present a file system for ubiquitous computing applications that is context-aware. Context may be associated to files and

U.S. Patent No. 7,139,761	**SNQ No. 1: Anticipation Based on Hess, *A Context File System for Ubiquitous Computing Environments* (July 2002)**
	directories and is used to limit the scope of available data to what is important for the current task, aggregate related material, and trigger data type conversions, therefore simplifying the tasks of application developers and users of the system." Hess, page 1, Abstract. "The system allows context to be attached (detached) to (from) files and directories by generating context-aware mount points, where mount points are owned by users and contain context tags. Once a context is associated to a file, the data is visible in the directory representing the context, as shown in Fig. 2." Hess, § 2.2, page 6. "CFS categorizes context into *external context* and *internal context*. We define external context as any information that is gathered from the surroundings, outside the scope of the current device or application, which the system uses to organize data so that material important to the current task is aggregated in well-known locations, thereby allowing relevant files and directories to be easily discovered by applications and other users. We define internal context as any information that is determined from the current device or application, for example, device characteristics (i.e., graphic context) or user preferences such as data format. This form of context is used to change the type of a data source so that it is compatible with application needs." Hess, § 2, pages 4-5 (italics in original).
[a2] created by user interaction of a user in a first context of the network-based system,	*The user-defined data is created by user interaction of a user in a first context (e.g., a context directory). For example, Hess discloses a mechanism of "implicit" attachment by which context information is associated when a user creates a file within a particular context directory:* "Implicit attachment of context is handled in a slightly different manner. In this case, when a file is created in one of the current context directories, the current context is used to generate the mount context tags." Hess, § 4.3, page 12.
[a3] the context component dynamically storing the context information in metadata associated with the	*The context component (e.g., mount server) dynamically stores the context information in metadata (e.g. the storage mappings and file system namespace) associated with the user-defined data (e.g. the user file(s)):*

U.S. Patent No. 7,139,761	**SNQ No. 1: Anticipation Based on Hess, *A Context File System for Ubiquitous Computing Environments* (July 2002)**
user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and	"We use mounts to store context information rather than directories on disk because context directories are not hierarchical and having the information in the mount points makes finding and aggregating files with a particular context easier and more efficient." Hess, § 4.3, page 12. "Each space maintains a single mount server, which stores the current storage namespace layout of the space file system and is essentially a database for searching for relevant material. The mount server contains both system and user storage mappings as described in Section 2.1. These mappings acts as meta-data for files on disk. We split the meta-data from the actual data so that the meta-data can be easily searched, but only a minimal amount of information needs to be transported as users move among spaces. The underlying data is stored as files, since most existing applications use files to store their data." Hess, § 3.1, pages 8-9. *As shown above, the user-defined data and the metadata are both stored in a storage component of the network-based system (e.g., the mount server and files, stored on disk).*
[b1] 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,	*Hess discloses a computer implemented tracking component for tracking a change of the user from the first context to a second context. This is accomplished, for example, when a user leaves a first space and moves to a second space:* "Active spaces (or simply *spaces*) are often designated for specific tasks . . . and therefore typically have a context associated with them." Hess, § 1, page 3 (italics in original). "The mount server maintains the current context of the space in which it is running." Hess, § 3.1, page 10. "When the user leaves a space, the user's directory mappings are automatically deleted from the space file system, which restricts access unless the user is physically present. The mount server removes the need for users to manually transfer files that they will need when they move between spaces." Hess, § 3.1, page 9. "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3.

U.S. Patent No. 7,139,761	**SNQ No. 1: Anticipation Based on Hess, *A Context File System for Ubiquitous Computing Environments* (July 2002)**
	Hess further discloses that the metadata associated with the user-defined data (e.g. the storage mappings and file system namespace for the user's file(s)) is dynamically updated based on the user's movement from the first to the second context (e.g., new space): "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move between spaces and be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move in and out of the space." Hess, § 2.1, page 5. "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.
[b2] wherein the user accesses the data from the second context.	*Hess discloses that the user accesses the data from the second context (space):* "Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4. "[O]ur system is targeted at organizing data for applications in addition to users. Lastly, we incorporate the mobility of users, allowing them to merge their data into a new space." Hess, § 6, page 14.
Claim 2 (Dependent)	
2. The system of claim **1**,	*Hess discloses that the context component (e.g., mount server) is*

U.S. Patent No. 7,139,761	**SNQ No. 1: Anticipation Based on Hess, *A Context File System for Ubiquitous Computing Environments* (July 2002)**
the context component is associated with a workspace, which is a collection of data and application functionality related to the user-defined data.	*associated with a workspace (e.g., space), which is a collection of data and application functionality related to the user-defined data:* "The mount server maintains the current context of the space in which it is running." Hess, § 3.1, page 10. "Each space maintains a collection of data that constitutes the space file system, which consists of space-specific (system) data and remotely-located personal (user) data. Users maintain personal *mobile* mounts that may be merged into the space file system to make their data available within the space and act as pointers to remote storage, as shown in Fig. 1." Hess, § 2.1, page 5 (italics in original). "Figure 1: The mount points of mobile users may be dynamically added to the space file system to make data available to applications running in the space." Hess, § 2.1, page 5. "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3.
Claim 3 (Dependent)	
3. The system of claim **1**, the context component is associated with a web, which web is a collection of interrelated workspaces, the web maintains a location of data of the respective interrelated workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship.	*Hess discloses that the context component is associated with a web, i.e., a collection of interrelated workspaces (e.g., spaces), that maintain a location of data of the respective workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship.* *For example, when a user moves his or her workspace to another workspace, the user's data is "merged" into the new space, which maintains the location of the user's data.* "The personal storage of users is dynamically mounted under the directory /users when they are detected within a space. Since many users may be present in a space, each user is allocated a temporary directory using their unique user name. Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move

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	between spaces and be able to find their data in a consistent location within the directory hierarchy of the space." Hess, § 2.1, page 5. *See also Hess, § 2.1, page 5, Fig. 2.*
Claim 4 (Dependent)	
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.	*Hess discloses that the context information includes a relationship between the user (e.g., user preferences), the application and/or the application data (e.g., data format):* "CFS categorizes context into *external context* and *internal context*. We define external context as any information that is gathered from the surroundings, outside the scope of the current device or application, which the system uses to organize data so that material important to the current task is aggregated in well-known locations, thereby allowing relevant files and directories to be easily discovered by applications and other users. We define internal context as any information that is determined from the current device or application, for example, device characteristics (i.e., graphic context) or user preferences such as data format. This form of context is used to change the type of a data source so that it is compatible with application needs." Hess, § 2, pages 4-5 (italics in original). "Some examples of useful contexts are: • *Location* – represents the location of the current space, such as a specific room number. • *Situation* – refers to an activity that is taking place within a space, for example a meeting or lecture. • *Space* – represents the type of space, e.g., office or store." Hess, § 2.2, page 7.
Claim 5 (Dependent)	
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.	*Hess discloses that the context component (e.g,. mount server) captures context information of the first context (e.g., the current space in which the user is running) and at least one other context (e.g., a new space into which the user moves):* "The mount server maintains the current context of the

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	space in which it is running." Hess, § 3.1, page 10. "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move between spaces and be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move in and out of the space." Hess, § 2.1, page 5. "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space." Hess, § 1, page 4.
Claim 6 (Dependent)	
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.	*Hess discloses that the context information of the at least one other context may be stipulated by the user:* "The mount server maintains the current context of the space in which it is running. In our current implementation, the context is set manually; future versions may be able to detect the context automatically through environmental sensing." Hess, § 3.1, page 10. *Although not necessary to anticipate this claim, Hess also discloses that the context information of the at least one other context may be suggested automatically based upon search and association criteria set by the user (e.g., for locating specific mount points that contain context tags):* "The mount server exports a query interface and acts as a database, which can be used to search for specific mount points, based on the XML description tags, and is used to find mount points during the construction of the virtual directory structure. For example, to determine which files are important to the current task, the mount server is

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	queried for all mount points that match the current context of the space." Hess, § 3.1, page 10. "For example, a seminar application may automatically be started every week at a certain time, trigged by a calendar or when the moderator arrives. Suppose the application displays the papers that are to be discussed that week. The application knows that it requires papers. However, those papers may be specific to the seminar, which is held at a certain time each week in a designated room. Therefore, the environmental context (i.e., seminar, time, etc.) can be used to display the correct material for the given task." Hess, § 1, pages 3-4.
Claim 7 (Dependent)	
7. The system of claim **1**, wherein data created in the first context is associated with data created in the second context.	*Hess discloses that the data created in the first context is associated with data created in the second context:* "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. <u>This allows users to move between spaces and be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move in and out of the space</u>." Hess, § 2.1, page 5. *For example, if the user moves from the first context to the second context, the data created in the first context "follows" the user to the second context and is associated the data created in that second context:* "The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4. "Each space maintains a collection of data that constitutes the space file system, which consists of space-specific (system) data and remotely-located personal (user) data.

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	Users maintain personal *mobile* mounts that may be merged into the space file system to make their data available within the space and act as pointers to remote storage, as shown in Fig. 1." Hess, § 2.1, page 5 (italics in original).. "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. "Figure 1: The mount points of mobile users may be dynamically added to the space file system to make data available to applications running in the space." Hess, § 2.1, page 5. *See also Hess, § 2.1, page 5, Figure 1 (showing the "merging" of the user's data into a new context).*
Claim 8 (Dependent)	
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.	*Hess discloses that the context information is tagged to the user-defined data (e.g., user file(s)) via the metadata (e.g., the mount context flags) when the data is created.* *For example, Hess discloses a mechanism of "implicit" attachment by which context information is associated when a user creates a file within a particular context directory:* "Implicit attachment of context is handled in a slightly different manner. In this case, when a file is created in one of the current context directories, the current context is used to generate the mount context tags." Hess, § 4.3, page 12.
Claim 9 (Independent)	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*Hess discloses a computer-implemented method of managing data. In particular, Hess discloses a filing system known as the Context File System (CFS) that uses context to allow users to organize and manage their data.* "To address the foregoing issues, this paper presents a context-aware file system (CFS) targeted at ubiquitous computing environments. CFS uses context to facilitate data access for mobile users, to aggregate related data, and to drive dynamic data types to support heterogeneous devices and user preferences." Hess, § 1, page 4.

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	"CFS uses context to alleviate many of the tasks that are traditionally performed manually or require additional programming effort. More specifically, context is used to 1) automatically make personal storage available to applications, conditioned on user presence, 2) organize data to simplify locating data important for applications and users, and 3) retrieve data in a format based on the context of user preferences or device characteristics." Hess, § 1, page 4.
[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;	*Hess discloses creating data within a user-environment of a web-based computing platform (e.g,. a space) via user interaction with a user environment by a user using an application:* "In this paper, we present a file system for ubiquitous computing applications that is context-aware. Context may be associated to files and directories and is used to limit the scope of available data to what is important for the current task, aggregate related material, and trigger data type conversions, therefore simplifying the tasks of application developers and users of the system." Hess, Abstract, page 1. "The underlying data is stored as files, since most existing applications use files to store their data." Hess, § 3.1, page 9. *Hess further discloses that the user environment resides in a web-based computing platform. See Hess, § 5, page 13 (disclosing the ability to access user environments using graphical browser); § 3.1, page 9 (showing XML coding for context directories).*
[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;	*Hess discloses dynamically associating metadata (e.g., storage mappings and context information) with the data, both the data and metadata being stored on a storage component of the web-based computing platform.* *For example, Hess discloses a mechanism of "implicit" attachment by which context information is created when a user creates a file within a particular context directory:* "Implicit attachment of context is handled in a slightly different manner. In this case, when a file is created in one of the current context directories, the current context is used to generate the mount context tags." Hess, § 4.3, page 12.

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	These mount context tags act as meta-data for the data: "We use mounts to store context information rather than directories on disk because context directories are not hierarchical and having the information in the mount points makes finding and aggregating files with a particular context easier and more efficient." Hess, § 4.3, page 12. "Each space maintains a single mount server, which stores the current storage namespace layout of the space file system and is essentially a database for searching for relevant material. The mount server contains both system and user storage mappings as described in Section 2.1. These mappings acts as meta-data for files on disk. We split the meta-data from the actual data so that the meta-data can be easily searched, but only a minimal amount of information needs to be transported as users move among spaces. The underlying data is stored as files, since most existing applications use files to store their data." Hess, § 3.1, pages 8-9. *As shown above, the user-defined data and the metadata are stored in a storage component of the network-based system (e.g., the mount server and files, stored on disk).* *The metadata (e.g., context information) includes information related to the user (e.g., user preferences), the application (e.g., data format) and the user environment (e.g., physical surroundings, device characteristics, etc):* "CFS categorizes context into *external context* and *internal context*. We define external context as any information that is gathered from the surroundings, outside the scope of the current device or application, which the system uses to organize data so that material important to the current task is aggregated in well-known locations, thereby allowing relevant files and directories to be easily discovered by applications and other users. We define internal context as any information that is determined from the current device or application, for example, device characteristics (i.e., graphic context) or user preferences such as data format. This form of context is used to change the type of a data source so that it is compatible with application needs." Hess, § 2, pages 4-5 (italics in original).

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[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	*Hess discloses tracking movement of the user from the user environment of the web-based computing platform (e.g,. space) to a second such user environment. This is accomplished, for example, when a user leaves a first space and moves into a second space:* "Active spaces (or simply *spaces*) are often designated for specific tasks . . . and therefore typically have a context associated with them." Hess, § 1, page 3 (italics in original). "The mount server maintains the current context of the space in which it is running." Hess, § 3.1, page 10. "When the user leaves a space, the user's directory mappings are automatically deleted from the space file system, which restricts access unless the user is physically present. The mount server removes the need for users to manually transfer files that they will need when they move between spaces." Hess, § 3.1, page 9. *The user moves from the first to a second context, for example, by moving to a new space. This movement is detected (tracked) by the system:* "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.
[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.	*Hess discloses dynamically updating the stored metadata with an association of the data, application and second user environment (e.g., the new space into which the user moves):* "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move between spaces and

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	be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move in and out of the space." Hess, § 2.1, page 5. "The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4. *Hess discloses that the user accesses the application and/or the data from the second user environment (e.g., new space):* "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. "Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4. "[O]ur system is targeted at organizing data for applications in addition to users. Lastly, we incorporate the mobility of users, allowing them to merge their data into a new space." Hess, § 6, page 14.
Claim 10 (Dependent)	
10. The method of claim **9**, further comprising capturing context information of the user.	*Hess discloses capturing context information of the user:* "The mount server maintains the current context of the space in which it is running." Hess, § 3.1, page 10. "CFS categorizes context into *external context* and *internal context*. . . We define *internal context* as any information that is determined from the current device or application, for example, device characteristics (i.e., graphic context) or user preferences such as data format." Hess, § 2, pages 4-5.
Claim 11 (Dependent)	
11. The method of claim **9**,	*Hess discloses indexing content of the user environment (e.g.,*

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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.	*space) such that a plurality of users can access the content from an associated plurality of user environments.* *For example, Hess discloses that the content of a user environment is indexed through the use of context information to create a virtual directory hierarchy that can be navigated and/or accessed by users who are located in different (remote) user environments (e.g., remote machines):* "Since each user may place their own data in a different location in their own private hierarchy, the task of finding data of another user can be difficult for automated process, during group collaborative task, or when a user must decide from a choice of application configurations. CFS uses context to organize data so that related material are co-located using a virtual directory hierarchy, where irrelevant information is pruned from view." Hess, § 2.2, page 6. "Recall that the data may be located in the personal repositories of individual users. Even though the data of a single user or group of users may be dispersed among several remote machines, that data is aggregated and presented as a single source with only pertinent information available. Name clashes are handled by indexing different files with the same name." Hess, § 2.2, page 7. "This context information can be used to determine which information is meaningful in a particular space. For example, a user may configure a presentation application based on a personal preferences or resources available in a space, such as number and type of displays. Different configurations may be available and the user should be able to choose among them when launching an application. Furthermore, different users may have their own personal configurations, and the correct configurations should be displayed depending on who is launching the application." Hess, § 1, page 3.
Claim 12 (Dependent)	
12. The method of claim **9**, the least one of the data and the application is associated automatically with the	*Hess discloses that the data and application are associated automatically with the second user environment (e.g., new space):* "Users can move between spaces and their environment

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second user environment.	(i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can "follow" them around, becoming available whenever they enter a new space." Hess, § 1, page 4. "The mount server removes the need for users to manually transfer files that they will need when they move between spaces." Hess, § 3.1, page 9.
Claim 13 (Dependent)	
13. The method of claim **9**, further comprising accessing the user environment and the second user environment using a browser.	*Hess discloses accessing the user environment and the second user environment (e.g., the context directories) using a browser:* "We have implemented a shell program to perform command line operations, as well as a graphical interface to navigate the file system hierarchy and launch applications. Figure 4 shows a screen shot of our graphical file browser. The browser is shown in the context directory */location:/2401/situation:/meeting*. The file system has aggregated all files that are associated to the same context and displays them together. New context directories may be created by creating a new folder, which internally calls the mkdir operation." Hess, § 5, page 13. *The browser for accessing user environments (e.g., context directories) is shown in Figure 4, reproduced below:*

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	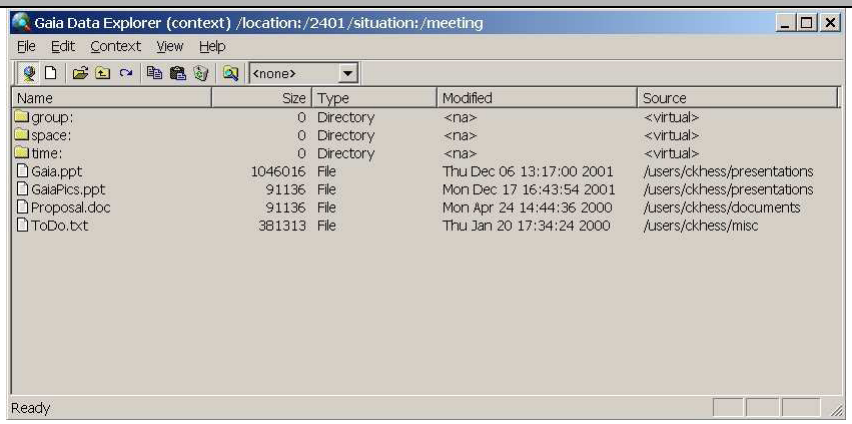 *Hess, § 5, page 13, fig. 4. This figure is explained as follows:* "Figure 4: The graphical browser allows users to navigate and manipulate the virtual file hierarchy. Context can be associated to a file by simply copying it to a context directory." Hess, § 5, p. 13.
Claim 16 (Dependent)	
16. The method of claim **9**, further comprising accessing the user environment via a portable wireless device.	*Hess discloses accessing the user environment via a portable wireless device (e.g,. wireless handheld Windows CE device):* "We allow users to carry their own personal mounts with them via a handheld (see Fig. 3). We have developed an application for WindowsCE devices that is used as the conduit for transporting mounts. When a user enters a space, the device obtains a handle to the space via IR beacon. This handle is the entry point to all services running in the space and is used for further communication with the infrastructure via the 802.11 wireless network." Hess, § 5, page 13. *See also Hess, § 3, page 8, figure 3 (showing mobile handheld device used to access the user environments).*
Claim 21 (Independent)	
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 claim 21 was written as a computer-readable medium (apparatus) 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, Hess*

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	discloses a method of managing data. See Hess, § 1, page 4.
[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, Hess 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 Hess, Abstract, page 1; § 3.1, page 9; § 5, page 13.*
[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, Hess 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 Hess, § 4.3, page 12; § 3.1, pages 8-9; § 2, pages 4-5.*
[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, Hess discloses tracking movement of the user from the first to the second workspace of the web-based computing platform. See Hess, § 1, pages 3-4; § 3.1, pages 9-10.*
[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, Hess discloses dynamically associating the data and application with the second user workspace in the metadata such that the user employs the application and data from the second workspace. See Hess, § 1, pages 3-4; § 2.1, page 5; § 6, page 14.*
[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 limitation is substantially similar to dependent claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 need not be repeated here.* *As explained in connection with claim 11, supra, Hess discloses indexing the data created in the user workspace such that a plurality of users can access the data via the metadata from a*

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	corresponding plurality of different user workspaces. See Hess, § 2.2, page 6; § 2.2, page 7.
Claim 23 (Independent)	
23. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, the preamble of claim 23 is substantially identical to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, Hess discloses a computer-implemented system that facilitates management of data. See Hess, § 1, page 4.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Hess discloses generating a plurality of user environments in a web-based system. These user environments take the form of, for example, "spaces":* "Recent activity in ubiquitous computing research is attempting to merge the virtual and physical worlds by incorporating an array of software, hardware, and physical entities into next generation computing environments [Wei93, MIT, Hew, Mic]. These environments consist of intelligent rooms or spaces, containing appliances (whiteboard, video projectors, etc), powerful stationary computers, and mobile wireless handheld devices. The large collection of devices, resources, and peripherals must be coordinated and access to them must be made simple. Users should be able to easily interact with these devices and it should be easy for developers to construct applications utilizing any of the available resources. We term these environments *active spaces*." Hess, § 1, page 3 (italics in original). "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another." Hess, § 1, page 4. *Hess further discloses that the user environment resides in a web-based system. See Hess, § 5, page 13 (disclosing the ability to access user environments using a graphical browser); § 3.1, page 9 (showing XML coding for context directories).*
[a2] assigning one or more applications to the first user	*Hess discloses that the context component assigns one or more applications to the first user workspace (e.g., space):*

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workspace,	"Each space maintains a single mount server, which stores the current storage namespace layout of the space file system and is essentially a database for searching for relevant material. The mount server contains both system and user storage mappings as described in Section 2.1. . . The underlying data is stored as files, since most existing applications use files to store their data." Hess, § 3.1, pages 8-9 "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. "CFS uses context to alleviate many of the tasks that are traditionally performed manually or require additional programming effort. More specifically, context is used to 1) automatically make personal storage available to applications, conditioned on user presence, 2) organize data to simplify locating data important for applications and users, and 3) retrieve data in a format based on the context of user preferences or device characteristics." Hess, § 1, page 4.
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for	*Hess discloses that the context component captures context data associated with user interaction of a user while in the first user workspace (e.g., user creating or modifying files in a space):* "Context allows a system to adapt to the current surroundings in order to facilitate the use of the computational environment. In this paper, we present a file system for ubiquitous computing applications that is context-aware. Context may be associated to files and directories and is used to limit the scope of available data to what is important for the current task, aggregate related material, and trigger data type conversions, therefore simplifying the tasks of application developers and users of the system." Hess, page 1, Abstract. "The system allows context to be attached (detached) to (from) files and directories by generating context-aware mount points, where mount points are owned by users and contain context tags. Once a context is associated to a file, the data is visible in the directory representing the context, as shown in Fig. 2." Hess, § 2.2, page 6. "CFS categorizes context into *external context* and *internal context*. We define external context as any

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	information that is gathered from the surroundings, outside the scope of the current device or application, which the system uses to organize data so that material important to the current task is aggregated in well-known locations, thereby allowing relevant files and directories to be easily discovered by applications and other users. We define internal context as any information that is determined from the current device or application, for example, device characteristics (i.e., graphic context) or user preferences such as data format. This form of context is used to change the type of a data source so that it is compatible with application needs." Hess, § 2, pages 4-5 (italics in original).
[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	*Hess discloses that the context component (e.g., mount server) dynamically stores the context information in metadata (e.g. the user storage mappings and file system namespace) associated with the user-defined data (e.g. the user file(s)):* "We use mounts to store context information rather than directories on disk because context directories are not hierarchical and having the information in the mount points makes finding and aggregating files with a particular context easier and more efficient." Hess, § 4.3, page 12. "Each space maintains a single mount server, which stores the current storage namespace layout of the space file system and is essentially a database for searching for relevant material. The mount server contains both system and user storage mappings as described in Section 2.1. These mappings acts as meta-data for files on disk. We split the meta-data from the actual data so that the meta-data can be easily searched, but only a minimal amount of information needs to be transported as users move among spaces. The underlying data is stored as files, since most existing applications use files to store their data." Hess, § 3.1, pages 8-9. *As shown above, the user-defined data and the metadata are both stored in a storage component of the network-based system (e.g., the mount server and files, stored on disk).*
[b1] a computer-implemented tracking	*Hess discloses a computer implemented tracking component of the web-based server for tracking change information associated*

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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,	*with a change in access of the user from the first user workspace to a second user workspace. This is accomplished in Hess, for example, when the user leaves a first space and moves into a second space:* "When the user leaves a space, the user's directory mappings are automatically deleted from the space file system, which restricts access unless the user is physically present. The mount server removes the need for users to manually transfer files that they will need when they move between spaces." Hess, § 3.1, page 9. "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. *Hess further discloses that the change information is dynamically (e.g., automatically) stored as part of the metadata (e.g. the storage mappings and file system namespace for the user's file(s)):* "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move between spaces and be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move in and out of the space." Hess, § 2.1, page 5. "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.
[b2] wherein the user accesses the data from the	*Hess discloses that the user accesses the data from the second user workspace:*

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second user workspace.	"Storage becomes implicitly linked to a user and can 'follow' them around, <u>becoming available whenever they enter a new space</u>. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4. "[O]ur system is targeted at organizing data for applications in addition to users. Lastly, we incorporate the mobility of users, <u>allowing them to merge their data into a new space</u>." Hess, § 6, page 14.
Claim 24 (Dependent)	
24. The system of claim **23**, wherein the tracking component automatically creates the metadata when the user accesses the first user workspace.	*Hess discloses that the tracking component automatically creates the metadata (e.g., automatically attaches context information) when the user accesses the first workspace (e.g., a space, as represented by a context directory).* *For example, Hess discloses a mechanism by which the metadata (e.g., context information) is automatically created when the user copies a file into the workspace or creates a file within that workspace:* "The operation of explicitly attaching context to files is handled by the copy operation, which is a primitive available in the CFS interface. Copying a file to a context directory <u>attaches the context</u> associated with the path to the file by creating a directory on disk for that context and creating a link to the real le in the generated directory." Hess. § 4.3, page 12. "Implicit attachment of context is handled in a slightly different manner. In this case, <u>when a file is created in one of the current context directories</u>, <u>the current context is used to generate the mount context tags</u>." Hess, § 4.3, page 12.
Claim 25 (Dependent)	
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.* *For purposes of this Request, claim 25 is similar to claim 5, above. As such, in the interests of brevity, the full explanation provided in connection with claim 5 will not be repeated here.* *As explained in connection with claim 5, Hess discloses capturing relationship data associated with a relationship between the first user workspace and at least one other user workspace. See Hess,*

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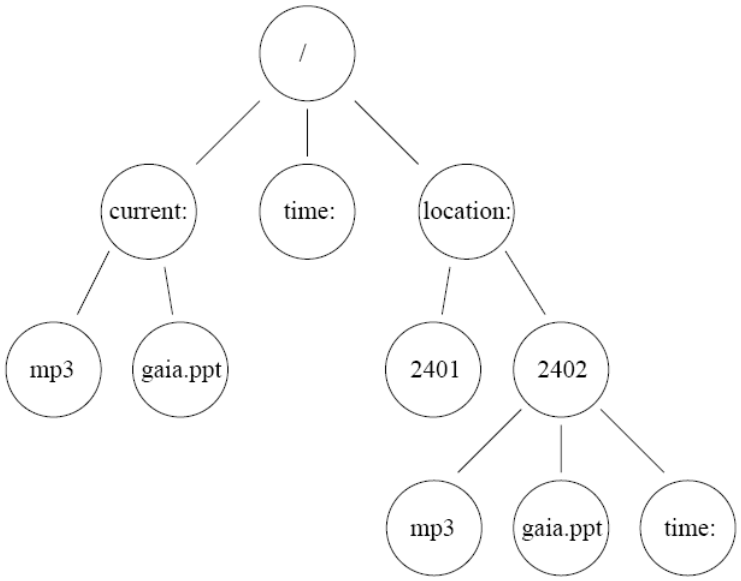
	§ 3.1 (page 10), § 2.1 (page 5), § 1 (page 4). *See also Hess, § 2.2, discussing the use of context information to create a virtual hierarchy showing the relationship between workspaces based on how they are arranged in the hierarchy.* *This is shown in Figure 2 of Hess:*  *Hess, § 2.2, page 6, Figure 2.* "Figure 2: An abridged view of the context mode virtual directory hierarchy. The virtual (context) file hierarchy aggregates files and directories with the same context associated to them. The /current: directory contains all files for the current context only. Note that the time: context directory appears twice in the figure, illustrating that no fixed hierarchy is imposed on context." Hess, § 2.2, page 6.
Claim 26 (Dependent)	
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	*Hess discloses that an application associated with the first user workspace is automatically accessible via the second user workspace when the user moves from the first to the second workspace.* "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3.

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second user workspace.	"Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.
Claim 29 (Dependent)	
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.	*Hess discloses that the data created in the first user workspace (e.g., files) are accessed from the second user workspace (e.g., a new space to which the user moves), in response to which the context component adds information to the metadata about the second user workspace:* "When the user leaves a space, the user's directory mappings are automatically deleted from the space file system, which restricts access unless the user is physically present. The mount server removes the need for users to manually transfer files that they will need when they move between spaces." Hess, § 3.1, page 9. "Users can move between spaces and their environment (i.e., applications, state, data, etc.) can move with them." Hess, § 1, page 3. *For example, the context component adds information to the metadata about the second user workspace by updating the storage mappings and file system namespace for the user's file(s) to reflect the new space to which the user has moved:* "Personal mount points may be carried with a user via a mobile handheld device or automatically retrieved from a home server and merged into the current environment to make personal storage available to applications and other users. Our current implementation employs the latter approach. This allows users to move between spaces and be able to find their data in a consistent location within the directory hierarchy of the space. Therefore, the space file system namespace changes as users physically move

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	in and out of the space." Hess, § 2.1, page 5. "Users are highly mobile in active spaces and should not be burdened with manually transferring files or data, be it configurations, preferences, or application data from one environment to another. The environment should assist in making personal storage automatically available in the users' present location. Storage becomes implicitly linked to a user and can 'follow' them around, becoming available whenever they enter a new space. Therefore, the physical location of the user triggers the automatic configuration of the user's environment." Hess, § 1, page 4.
Claim 31 (Dependent)	
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.	*Hess 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.* "The mount server is initialized with an XML configuration file, which contains the space-specific system mounts. This file contains entries that specify which machines export a part of their storage, how that storage gets mapped into the space file system namespace, to whom the descriptions belong, and (optionally) what context is associated to the data." Hess, § 3.1, page 9. *The fact that the data and metadata are stored and organized using an XML file indicates an object storage methodology.*
Claim 32 (Dependent)	
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.	*Hess 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.* *For example, Hess discloses that the metadata (e.g., context information) is used to create a virtual directory hierarchy that can be navigated and/or accessed in order to locate data in different workspaces:* "CFS uses context to organize data so that related material are co-located by constructing a virtual directory hierarchy, where irrelevant information is pruned from view. Paths are composed of context types and context values (a concrete value for a given type) of the form /<type1:>/<value1>/<type2:>/<value2>." Hess, § 2.2,

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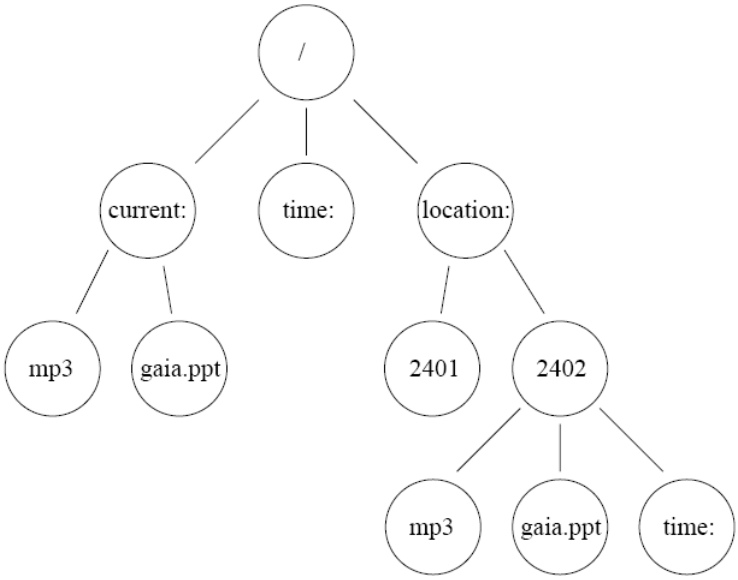
	page 6. *An example is shown in Figure 2 of Hess, reproduced below, in which specific data and contexts (a PowerPoint file called "gaia.ppt" and a context directory related to time) is available in more than one workspace, thus enabling many-to-many functionality:*  *Hess, § 2.2, page 6, Figure 2.* "Figure 2: An abridged view of the context mode virtual directory hierarchy. The virtual (context) file hierarchy aggregates files and directories with the same context associated to them. The /current: directory contains all files for the current context only. Note that the time: context directory appears twice in the figure, illustrating that no fixed hierarchy is imposed on context." Hess, § 2.2, page 6.
Claim 33 (Dependent)	
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,	*Hess discloses that the first user workspace provides access to at least one communications tool, e.g., document sharing functionality:* "Since each user may place their own data in a different location in their own private hierarchy, the task of finding data of another user can become difficult for automated processes, during a group collaborative task, or when a user

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instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing functionality.	must decide from a choice of application configurations. CFS uses context to organize data so that related material are co-located by constructing a virtual directory hierarchy, where irrelevant information is pruned from view." Hess, § 2.2, page 6. "The file system will use the current location, situation, and time information along with the fact that 'papers' are requested to find the correct files for the application. The contents of this directory may automatically change every week, as papers are added and old papers time out. However, from the application point of view, it simply opens the same directory every week and finds the relevant material. This is also convenient because all the papers can collected in the same real directory, so that the papers of previous weeks can be found." Hess, § 2.2, page 7. "Recall that the data may be located in the personal repositories of individual users. Even though the data of a single user or group of users may be dispersed among several remote machines, that data is aggregated and presented as a single source with only pertinent information visible." Hess, § 2.2, page 7.
Claim 34 (Dependent)	
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.	*Hess discloses that one or more applications include file storage pointers that are dynamic and associated with the first user workspace (e.g., the current context in which the user is operating).* *For example, CFS includes file storage pointers, in the form of virtual directory hierarchies that are "dynamic" in that the data they point to can automatically change based on contextual information associated with the first user workspace:* "The virtual file system hierarchy is based on what contexts have been attached to files. Appending the special keyword current: to a path specifies that the directory should contain all files that pertain to the current context. When this is done, CFS uses the current context properties of the environment (e.g., location, time, situation, weather) together with user specified properties in the path to display the correct application data. For example, returning the seminar application described earlier, the application may require all papers that are to be discussed during a seminar. The

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	application simply opens the directory for the current papers, e.g., /type:/papers/current:. The file system will use the current location, situation, and time information along with the fact that 'papers' are requested to find the correct files for the application. The contents of this directory may automatically change every week, as papers are added and old papers time out. However, from the application point of view, it simply opens the same directory every week and finds the relevant material." Hess, § 2.2, page 7.

B. **Anticipation by Dourish (SNQ No. 2)**

A claim chart showing how Dourish anticipates claims 1-15, 21, 23-26, 29, 31-34 of the '761 patent is provided below. Except as otherwise noted, all underlining in the quotations from the prior art have been added by the Requester for emphasis.

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Claim 1 (Independent)	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Dourish discloses a computer-implemented system that facilitates the management of data.* "The present invention relates generally to a collaborative document management system for classifying shared collections of documents, and more particularly, to a method and apparatus for providing customizable categorizations of the shared collection of documents that are mutually intelligible." Col. 1, ll. 8-13. *The system in Dourish is network-based:* "FIG. 1 illustrates an operating environment **102** for performing the present invention. The operating environment **102** is used to define a collaborative document management system that includes a network server **104** that is accessed by client computers **106** over network **108**." Col. 3, ll. 37-41.
[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,	*Dourish discloses a computer-implemented context component of the network-based system (e.g., category manager 122 of Fig. 1), for capturing context information (e.g., properties or metadata which are used to formulate filing structures) associated with user-defined data (e.g., user's documents) in a first context (e.g., a core filing structure for the user's documents).* "To begin, the application program interface receives input for defining a core filing structure having hierarchically organized filing categories. The core filing structure provides a first mapping for categorizing documents stored in the memory." Col. 2, ll. 29-34. "Once a filing structure is defined in the filing structure store **116**, documents **115** stored in the document store **114** can be categorized therein. The act of categorizing documents in the filing structure store does not involve moving documents

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	between physical directories. Instead, categorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 24-33. *The filing structure associated with the user's documents comprises a "first context" in which the user interacts:* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62.
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data,	*The context component (e.g., category manager 122) dynamically stores the context information in metadata associated with the user-defined data (e.g., properties that specify the document filing structure for the user's document(s)):* "[C]ategorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 29-32. *The Dourish reference uses the term "properties" synonymously with "metadata":* "Each document reference encapsulates its own set of properties or metadata." Col. 8, ll. 23-24. "Once a document directory is identified, documents can be ordered in the directory according to a predefined set of properties (e.g., name, creation date, file size, etc.)." Col. 4,

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	ll. 48-50. "Metadata is defined herein as any data in or referenced by a document that refers to information about a document that is not part of the content of the document (e.g., filename, creation date, file size, author)." Col. 4, ll. 61-65.
[a3] the user-defined data and metadata stored on a storage component of the network-based system; and	*Dourish discloses that the user-defined data and metadata are stored on a storage component of the network-based system.* *In particular, Dourish discloses that the metadata and user-defined data are stored in "filing structure store 116" and "document store 114," respectively:* "FIG. 1 illustrates an operating environment **102** for performing the present invention. The operating environment **102** is used to define a collaborative document management system that includes a network sever **104** that is accessed by client computers **106** over network **108**. A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 37-47.
[b1] 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,	*Dourish discloses a computer implemented tracking component (e.g., structure translator 124) for tracking a change of the user from the first context to a second context.* *This is accomplished, for example, when a user moves to a different context (e.g., a second, customized filing structure) and attempts to access data from that context:* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in

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	one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62. *This second context was created by the user modifying the original filing structure (e.g., core filing structure) to create a second (customized) filing structure:* "Each sequence of modifications defines a different context in which to file (i.e. categorize) documents." Col. 5, ll. 20-22. *When the user attempts to access the data from the second context (e.g., the second or "first customized" filing structure), the context component (structure translator 124) dynamically updates the stored metadata based on the change.* *In particular, structure translator 124 translates (and thereby updates) the original filing structure in order to make the data available in the first customized structure:* "In operation, the application program interface receives input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50. "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces. In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of

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	documents." Col. 4, ll. 33-47.
[b2] wherein the user accesses the data from the second context.	*Dourish discloses that the user accesses the data from the second context (e.g., the second (customized) filing structure):* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed." Col. 4, ll. 33-34.
Claim 2 (Dependent)	
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.* *Dourish discloses that the context component (e.g., category manager 122) is associated with a workspace, which is a collection of data and application functionality related to the user-defined data:* "FIG. 1 illustrates an operating environment **102** for performing the present invention. The operating environment **102** is used to define a collaborative document management system that includes a network sever **104** that is accessed by client computers **106** over network **108**. A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 37-47.
Claim 3 (Dependent)	
3. The system of claim **1**, the context component is associated with a web, which web is a collection of interrelated workspaces, the web maintains a location of data of the respective interrelated workspaces when one or more of the interrelated	*See claim 1 above.* *Dourish discloses that the context component is associated with a web, which is a collection of interrelated workspaces (e.g., filing structures or contexts), maintaining a location of data of the respective workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship.* *For example, each new workspace is based on modifications layered atop an existing workspace, and is therefore related to it. The location of the data is maintained regardless of whether the interrelated workspaces are moved into a different workspace interrelationship.*

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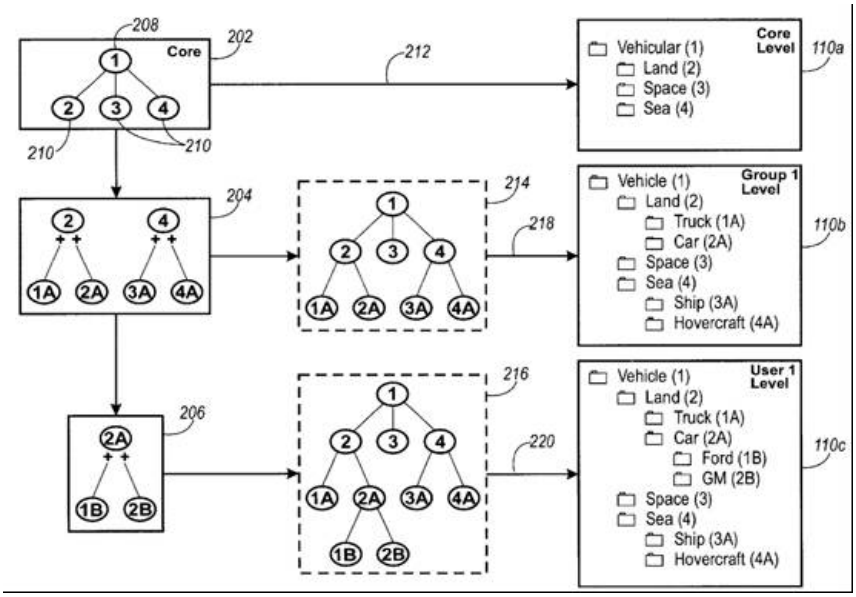
workspaces are moved into a different workspace interrelationship.	*This is shown in Figure 2, which shows three contexts or workspaces (202, 204, 206, on left) and shows that they maintain the location of the underlying data regardless of how the workspaces and their interrelationships are modified:*  *Fig. 2.* *As further explained in Dourish:* "Unlike conventional filing systems, the customized filing structures **204** and **206** [of Fig. 2 above] define sequences of layered modifications to the core filing structure **202** and the customized filing structure **204**, respectively. Each sequence of modifications defines a different context in which to file (i.e., categorize) documents. Modifying a filing structure may involve adding elements to (e.g., adding element 1A and 2A to element 2), modifying elements in, or deleting elements from a preexisting filing structure. That is, the customized filing structures define cumulative customizations that are layered on top of each other. For example as shown in FIG. 2, the user level filing structure **206** is layered on the group level filing structure which in turn is layered on the core level filing structure. By defining sequences of layered modifications, the structure translator **124** is able to translate between different levels of customization." Col. 5, ll. 17-32.
Claim 4 (Dependent)	
4. The system of claim	*See claim 1 above.*

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1, the context information includes a relationship between the user and at least one of an application, application data, and user environment.	*Dourish discloses that the context information, stored in the form of document properties, includes a relationship between the user and at least one of an application (e.g., document format property), application data (e.g., document topic property) and a user environment (e.g., document filing location property):* "In accordance with yet another aspect of the invention, each document records auditing information that can be used to determine by whom and at what time a document was categorized according to a particular filing structure." Col. 7, ll. 39-43. "[C]ategorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 29-32. "Initially at step **702** in FIG. 7, the property used to file a selected document is identified. In the file system model, a document has only one property—the location at which the document is stored. However, in an expanded model, documents may have any number of properties (e.g., name, source, topic, format, create date, size, etc.)." Col. 7, ll. 56-61.
Claim 5 (Dependent)	
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.* *Dourish discloses that the context component (e.g,. category manager 122) captures context information of the first context (e.g., the original or "core" filing structure) and at least one other context (e.g., a second or "first customized" filing structure).* *The context information includes, for example, a sequence of modifications that defines the differences between the first and second contexts, which is captured by the system:* "The core filing structure provides a first mapping for categorizing documents stored in the memory. In addition, the application program interface receives input for defining a first customized filing structure having hierarchically organized filing categories. The first customized filing structure is defined by a first sequence of modifications to the core filing structure to provide a second mapping for categorizing documents stored in the memory." Col. 2, ll.

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	32-39. "Each sequence of modifications defines a different context in which to file (i.e. categorize) documents." Col. 5, ll. 20-22. "[T]he structure translator **124** interprets documents in shared document repository **114** according to both the context under which the document is filed and the context under which the document is retrieved." Col. 6, ll. 7-10.
Claim 6 (Dependent)	
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.* *Dourish discloses that context information of the at least one other context (e.g., filing structure) is stipulated by the user.* *For example, context information for the new context (e.g., first customized filing structure) is created by user input specifying modifications to an existing context:* "The core filing structure provides a first mapping for categorizing documents stored in the memory. In addition, the application program interface receives input for defining a first customized filing structure having hierarchically organized filing categories. The first customized filing structure is defined by a first sequence of modifications to the core filing structure to provide a second mapping for categorizing documents stored in the memory." Col. 2, ll. 32-39. "Each sequence of modifications defines a different context in which to file (i.e., categorize) documents." Col 5, ll. 20-22.
Claim 7 (Dependent)	
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.* *Dourish discloses that data created in the first context is associated with data created in the second context:* *For example, if the user moves from the first context (e.g., core filing structure) to the second context (e.g., first customized filing structure), documents created in the first context are available in the second context along with other data created in that second context:* "In operation, the application program interface receives

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	input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50. "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41.
Claim 8 (Dependent)	
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.* *Dourish discloses that the context information is tagged to the user-defined data (e.g., user document(s)) via the metadata when the user-defined data is created.* *For example, Dourish discloses that the metadata may record the date when the document was first created:* "Once a document directory is identified, documents can be ordered in the directory according to a predefined set of properties (e.g., name, creation date, file size, etc.)." Col. 4, ll. 48-50. "Metadata is defined herein as any data in or referenced by a document that refers to information about a document that is not part of the content of the document (e.g., filename, creation date, file size, author)." Col. 4, ll. 61-65.
Claim 9 (Independent)	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*For purposes of this Request, the preamble of claim 9 is substantially similar to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, Dourish*

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	discloses a computer-implemented method of managing data. See Col. 1, ll. 8-13; col. 3, ll. 37-41.
[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;	*Dourish discloses creating data within a user environment (e.g,. a first context, referred to as a core filing structure) of a web-based computing platform:* "To begin, the application program interface receives input for defining a core filing structure having hierarchically organized filing categories. The core filing structure provides a first mapping for categorizing documents stored in the memory." Col. 2, ll. 29-34. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62. *This data was created via user interaction with the first user environment using an application, and the data is stored in the form of at least files and documents:* "A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**. The document store **114** is a shared repository of documents that stores documents (i.e., data) independent from the filing structure store **116** that records different categories in which documents **155** in the document store are organized. A document is defined herein as any object that contains or identifies (e.g., URL) information." Col. 3, ll. 41-53. *Dourish further discloses that the user environment resides in a web-based computing platform.* "In one embodiment, the application program interface is accessed through a web browser." Col. 3, ll. 59-61. "In particular, it will be appreciated that the program interface could be accessed through a web server to provide client independent access to servers coupled to the Internet." Col. 6, ll.

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	54-57.
[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;	*Dourish discloses dynamically associating metadata (e.g., properties that specify the document filing structure) with the data, both the data and metadata being stored on a storage component of the web-based computing platform:* "[C]ategorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 29-32. *The Dourish reference uses the term "properties" synonymously with "metadata":* "Each document reference encapsulates its own set of properties or metadata." Col. 8, ll. 23-24. "Once a document directory is identified, documents can be ordered in the directory according to a predefined set of properties (e.g., name, creation date, file size, etc.)." Col. 4, ll. 48-50. "Metadata is defined herein as any data in or referenced by a document that refers to information about a document that is not part of the content of the document (e.g., filename, creation date, file size, author)." Col. 4, ll. 61-65. *Dourish discloses that the user-defined data and metadata are stored in a storage component, e.g., "document store 114" and "filing structure store 116," respectively:* "FIG. 1 illustrates an operating environment **102** for performing the present invention. The operating environment **102** is used to define a collaborative document management system that includes a network sever **104** that is accessed by client computers **106** over network **108**. A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 37-47. *The metadata (e.g., properties) includes information related to the user (e.g., user identity), the application (e.g., document format), the data (e.g., topic) and the user environment (e.g., identity of the*

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	document's filing structure): "In accordance with yet another aspect of the invention, each document records auditing information that can be used to determine by whom and at what time a document was categorized according to a particular filing structure." Col. 7, ll. 39-43. "Once a document directory is identified, documents can be ordered in the directory according to a predefined set of properties (e.g., name, creation date, file size, etc.)." Col. 4, ll. 48-50. "Initially at step **702** in FIG. 7, the property used to file a selected document is identified. In the file system model, a document has only one property—the location at which the document is stored. However, in an expanded model, documents may have any number of properties (e.g., name, source, topic, format, create date, size, etc.)." Col. 7, ll. 56-61.
[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	*Dourish discloses tracking movement of the user from the user environment of the web-based computing platform (e.g,. first context or core filing structure) to a second user environment.* *This is accomplished, for example, when a user moves to a different context (e.g., a first customized filing structure) and attempts to access data from that context:* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62.

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[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.	*Dourish discloses dynamically updating the stored metadata with an association of the data, application and second user environment (e.g., the second context or the "first customized" filing structure).* *In particular, structure translator 124 translates (and thereby updates) the original filing structure such that the user employs the data and the application in the first customized structure:* "In operation, the application program interface receives input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50. "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces. In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of documents." Col. 4, ll. 33-47.
Claim 10 (Dependent)	
10. The method of claim **9**, further comprising capturing context information of the user.	*See claim 9 above.* *Dourish discloses capturing context information of the user:* "Metadata is defined herein as any data in or referenced by a document that refers to information about a document that is not part of the content of the document (e.g., filename, creation date, file size, author)." Col. 4, ll. 61-65.
Claim 11 (Dependent)	

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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.* *Dourish discloses indexing content of the user environment (e.g., context or filing structure) such that a plurality of users can access the content from an associated plurality of user environments.* *For example, Dourish discloses that the content of a user environment is indexed through the use of the filing structure information and can thus be located and/or accessed by a plurality of different users in different user environments:* "Referring again to FIG. 1, the structure translator **124** interprets documents in shared document repository **114** according to both the context under which the document is filed and the context under which the document is retrieved. For example, assume initially that the customized filing structure **204** for the core filing structure **202** is defined as shown in FIG. 5. In addition, assume that subsequently a document **504** (entitled 'Fuel Efficient Cars'), which is stored in the shared repository **114**, is filed (e.g., by dragging and dropping the document) in the customized filing structure **204** at the category labeled 'Vehicle/Land/Car/,' as indicated by reference number **506**. A second user having defined customized filing structure **502** can subsequently view that document using the application program interface **300** in either the context given by the customized filing structure **214** or the customized filing structure **503** (using for example the application program interfaces shown in FIGS. 3 and 4). When viewed in the context of customized filing structure **214**, the document **504** is viewed in the context in which it was originally filed. However, when viewed in the context of customized filing structure **503**, the document **504** is viewed in the context as indicated by category **508** 'Vehicle/Non-Aquatic'. Accordingly, the system advantageously presents the shared document **504** in a way that makes sense when it is viewed in the context of categorizations in which the document **504** was not filed even though no one-to-one mapping exits between the two filing structures." Col. 6, ll. 7-34. *The Dourish system can be used by multiple users:* "In accordance with the invention, there is provided a method and apparatus therefor, for sharing customizations to a filing system in which documents stored in memory (e.g., a shared

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	repository) are categorized and accessed by multiple users through an application program interface." Col. 2, ll. 25-29.
Claim 12 (Dependent)	
12. The method of claim **9**, the least one of the data and the application is associated automatically with the second user environment.	*See claim 9 above.* *Dourish discloses that the data and application are associated automatically with the second user environment (e.g., the second filing structure).* *In particular, when a request to access a document from the second context or filing structure is received, the system automatically translates the filing structure/metadata so the document and the application are associated with the second filing structure:* "In operation, the application program interface receives input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50. "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces. In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of documents." Col. 4, ll. 33-47.
Claim 13 (Dependent)	
13. The method of claim **9**, further comprising	*See claim 9 above.* *Dourish discloses accessing the user environment and the second*

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accessing the user environment and the second user environment using a browser.	*user environment using a browser (e.g., web browser):* "It will be appreciated by those skilled in the art that the elements forming the operation environment **102** can be arranged in different configurations. For example, in one alternate embodiment, a separate instance of the application program **112** operates with the application program interface **110** on each client computer **106**. In one embodiment, the application program interface is accessed through a web browser." Col. 3, ll. 54-61.
Claim 14 (Dependent)	
14. The method of claim **9**, further comprising communicating with the user environment using a TCP/IP communication protocol.	*See claim 9 above.* *Dourish discloses communicating with the user environment using a TCP/IP communication protocol:* "The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository. In one embodiment, the shared repository is a repository of URLs (uniform resource locator) that reference documents stored on servers located throughout a network (e.g., the Internet)." Col. 6, ln. 62-col. 7, ln. 1. *One of ordinary skill in the art would understand that the use of the Internet in Dourish inherently operates in accordance with a TCP/IP communication protocol.* *This is confirmed by Microsoft Press, Microsoft Computer Dictionary (3d ed. 1997) [**Exhibit H**], which defines TCP/IP as follows:* "TCP/IP *n.* Acronym for **T**ransmission **C**ontrol **P**rotocol/ **I**nternet **P**rotocol. A protocol developed by the Department of Defense for communications between computers. It is built into the UNIX system and has become the de facto standard for data transmission over networks, including the Internet." p. 462. *Reference to the Microsoft Computer Dictionary 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:

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	(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).* *Computer Dictionary confirms that TCP/IP is inherent in use of Internet systems as disclosed in Dourish.*
Claim 15 (Dependent)	
15. The method of claim **9**, further comprising locating the user environment from a remote location using a URL address.	*See claim 9 above.* *Dourish discloses locating the user environment from a remote location using a URL address:* "The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository. In one embodiment, the shared repository is a repository of URLs (uniform resource locator) that reference documents stored on servers located throughout a network (e.g., the Internet)." Col. 6:62 - col. 7:1.
Claim 21 (Independent)	
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 that claim 21 was written as a computer-readable medium (apparatus) 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, Dourish discloses a method of managing data. See Col. 1, ll. 8-13; col. 3, ll. 37-41. The "computer-readable medium" is the network server 104. See Col. 3, ll. 38-41; Fig. 1(server 104).*
[a] creating data related to user interaction of a user within a user workspace of a web-	*As explained in connection with limitation [a] of claim 9, Dourish 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 Dourish, col. 2, ll. 29-34; col. 6, ll. 59-62;*

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based computing platform using an application;	*col. 3, ll. 41-53; col. 3, ll. 59-61; col. 6, ll. 54-57.*
[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, Dourish 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 generally Dourish, col. 4, ll. 29-32; col. 7, ll. 39-45 (dynamic association); col. 8, ll. 23-24 (metadata); col. 4, ll. 48-50 (metadata/properties); col. 4, ll. 61-65 (metadata); col. 3, ll. 37-47 (storage component); col. 7, ll. 39-43 (information related to the user); col. 4, ll. 29-32 (information related to the user environment); col. 7, ll. 56-61 (information related to the application and the data).*
[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, Dourish discloses tracking movement of the user from the first to the second workspace of the web-based computing platform. See Dourish, col. 4, ll. 33-41 (tracking movement); col. 6, ll. 59-62 (same).*
[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, Dourish discloses dynamically associating the data and application with the second user workspace in the metadata such that the user employs the application and data from the second workspace. See Dourish, col. 2, ll. 43-50 (document requested from and made available to second workspace); Col. 4, ll. 33-47 (metadata translated so user employs application and data from second workspace).*
[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 limitation is substantially similar to dependent claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 need not be repeated here.* *As explained in connection with claim 11, supra, Dourish discloses indexing the data created in the user workspace such that a plurality of users can access the data via the metadata from a corresponding plurality of different user workspaces. See Dourish, col. 6, ll. 7-34.*

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Claim 23 (Independent)	
23. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, the preamble of claim 23 is substantially identical to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 9, Dourish discloses a computer-implemented system that facilitates management of data. See Col. 1, ll. 8-13; col. 3, ll. 37-41.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Dourish discloses a computer-implemented context component of a web-based server (e.g., category manager 122 of Fig. 1), for defining a first user workspace of the web-based server (e.g., a core filing structure for the user's documents).* "To begin, the application program interface receives input for defining a core filing structure having hierarchically organized filing categories. <u>The core filing structure provides a first mapping for categorizing documents stored in the memory</u>." Col. 2, ll. 29-34. *Dourish further discloses that the user workspace operates on a web-based server. See col. 3, ll. 59-61; col. 6, ll. 54-57.*
[a2] assigning one or more applications to the first user workspace,	*Dourish discloses that the context component assigns one or more applications (e.g., application program 112) to the first user workspace (e.g., filing structure):* "FIG. 1 illustrates an operating environment **102** for performing the present invention. The operating environment **102** is used to define a collaborative document management system that includes a network sever **104** that is accessed by client computers **106** over network **108**. <u>A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116**</u> to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 37-47.
[a3] capturing context data associated with user interaction of a user while in the first user	*Dourish discloses that the context component (e.g., category manager 122 of Fig. 1) captures context information (e.g., filing structure) associated with user interaction of a user in the first user workspace*

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workspace, and for	*(e.g., a core filing structure for the user's documents).* "To begin, the application program interface receives input for defining a core filing structure having hierarchically organized filing categories. The core filing structure provides a first mapping for categorizing documents stored in the memory." Col. 2, ll. 29-34. "Each of these documents is assigned a context property in the Placeless Environment to record which filing structures it is a part of." Col. 8, ln. 67 – col. 9, ln. 2. "Once a filing structure is defined in the filing structure store **116**, documents **115** stored in the document store **114** can be categorized therein. The act of categorizing documents in the filing structure store does not involve moving documents between physical directories. Instead, categorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 24-33. *The filing structure associated with the user's documents comprises a first "context" or user workspace in which the user interacts:* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62.
[a4] dynamically storing the context data as metadata on a storage	*Dourish discloses that the context component (e.g., category manager 122) dynamically stores the context data as metadata associated with the user-defined data (e.g., properties that specify the document filing*

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component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and	*structure for the user's document(s)), which is dynamically associated with data created in the first user workspace:* "[C]ategorizing documents involves the assignment of unique values to one or more predefined document properties (e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 29-32. "In accordance with yet another aspect of the invention, each document records auditing information that can be used to determine by whom and at what time a document was categorized according to a particular filing structure. Recording auditing information insures that knowledge of how a document was originally categorized in the initial filing structure is retained." Col. 7, ll. 39-45. *The Dourish reference uses the term "properties" synonymously with "metadata":* "Each document reference encapsulates its own set of properties or metadata." Col. 8, ll. 23-24. "Once a document directory is identified, documents can be ordered in the directory according to a predefined set of properties (e.g., name, creation date, file size, etc.)." Col. 4, ll. 48-50. "Metadata is defined herein as any data in or referenced by a document that refers to information about a document that is not part of the content of the document (e.g., filename, creation date, file size, author)." Col. 4, ll. 61-65. *Dourish discloses that the metadata is stored on a storage component of the network-based system (e.g., filing structure store 116):* "A program interface **110** operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 41-47.
[b1] a computer-implemented tracking component of the web-based server for tracking	*Dourish discloses a computer implemented tracking component (e.g., structure translator 124) for tracking change information associated with a change in access from the first user workspace to the second user workspace.*

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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,	*This is accomplished, for example, when a user moves to a different user workspace (e.g., a second, customized filing structure) and attempts to access data from that workspace:* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "Once categories have been defined and documents organized therein, the application program interface **110** can be used to view documents in the shared repository **114** in one of a plurality of contexts. The context in which documents are organized is important in understanding a particular document's relationship to other documents in the shared repository." Col. 6, ll. 59-62. *This second workspace is created by the user modifying the original filing structure (e.g., core filing structure) to create a second (customized) filing structure:* "Each sequence of modifications defines a different context in which to file (i.e. categorize) documents." Col. 5, ll. 20-22. *When the user attempts to access the data from the second workspace (e.g., the second or "first customized" filing structure), the context component (structure translator 124) dynamically updates the stored metadata based on the change.* *In particular, structure translator 124 translates (and thereby updates) the original filing structure in order to make the data available in the first customized structure:* "In operation, the application program interface receives input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50.

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	"After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces. In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of documents." Col. 4, ll. 33-47.
[b2] wherein the user accesses the data from the second user workspace.	*Dourish discloses that the user accesses the data from the second user environment (e.g., the second (customized) filing structure):* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed." Col. 4, ll. 33-34.
Claim 24 (Dependent)	
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.* *Dourish discloses that the tracking component automatically creates the metadata (e.g., automatically attaches context information) when the user accesses the first workspace (e.g., the core filing structure).* *For example, Dourish discloses a mechanism by which the metadata (e.g., filing structure information) is automatically created by the category manager when documents are being categorized:* "Unlike conventional filing systems, the customized filing structures **204** and **206** define sequences of layered modifications to the core filing structure **202** and the customized filing structure **204**, respectively. Each sequence of modifications defines a different context in which to file (i.e. categorize) documents." Col. 5, ll. 17-25. "[C]ategorizing documents involves the assignment of unique values to one or more predefined document properties

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	(e.g., document filing location). These document properties can be used to individually categorize the collection of documents." Col. 4, ll. 29-32. "Each of these documents is assigned a context property in the Placeless Environment to record which filing structures it is a part of." Col. 8, ln. 67 – col. 9, ln. 2.
Claim 25 (Dependent)	
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.* *For purposes of this Request, claim 25 is similar to claim 5, above. As such, in the interests of brevity, the full explanation provided in connection with claim 5 will not be repeated here. As explained in connection with claim 5, Dourish discloses capturing relationship data associated with a relationship between the first user workspace and at least one other user workspace. See Dourish, col. 2, ll. 32-39; col. 2, ll. 43-50; col. 5, ll. 20-22; col. 6, ll. 7-10.*
Claim 26 (Dependent)	
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.	*Dourish discloses that an application associated with the first user workspace (e.g., application program and interface as shown in Figs. 3-4) is automatically accessible via the second user workspace when the user moves from the first to the second workspace (e.g., from the first to the second context):* "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces." Col. 4, ll. 33-41. "A program interface **110** [in Fig. 1] operates on client computers **106** for accessing an application program **112** operating on the network server **104**. The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**." Col. 3, ll. 41-47.

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Claim 29 (Dependent)	
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.	*Dourish discloses that the data created in the first user workspace (e.g., documents) are accessed from the second user workspace (e.g., a second filing structure), in response to which the context component adds information to the metadata about the second user workspace.* *The context component (structure translator 124) translates the filing structures and thereby adds information to the metadata about the second user workspace:* "In operation, the application program interface receives input requesting that a first document stored in the memory and categorized according to one of the core filing structure and the first customized filing structure be viewed according the other of the core filing structure and the first customized filing structure. The apparatus translates between the core filing structure and the first customized filing structure with the first sequence of modifications." Col. 2, ll. 43-50. "After documents are categorized using the category manager **122**, the documents can be viewed (i.e., retrieved) according to the context of a particular filing structure that is distinct from the context under which they were filed. That is, once a document is filed according to a particular filing structure, the context in which that document was filed can be mapped to other customized filing structures in a manner that is transparent to users operating the application program interfaces. In accordance with another aspect of the invention, a structure translator **124** translates between different levels of customization that provide different perspectives into the shared repository of documents **114**. More specifically, the structure translator **124** computes a mapping between different levels of customization to provide different interpretations of the shared repository of documents." Col. 4, ll. 33-47.
Claim 31 (Dependent)	
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	*Dourish discloses that the storage component can store the data and metadata according to at least, e.g., a relational methodology.* "A relational database is an example of a collaborative document management system that provides different views of a shared repository of information." Col. 2, ll. 8-11.

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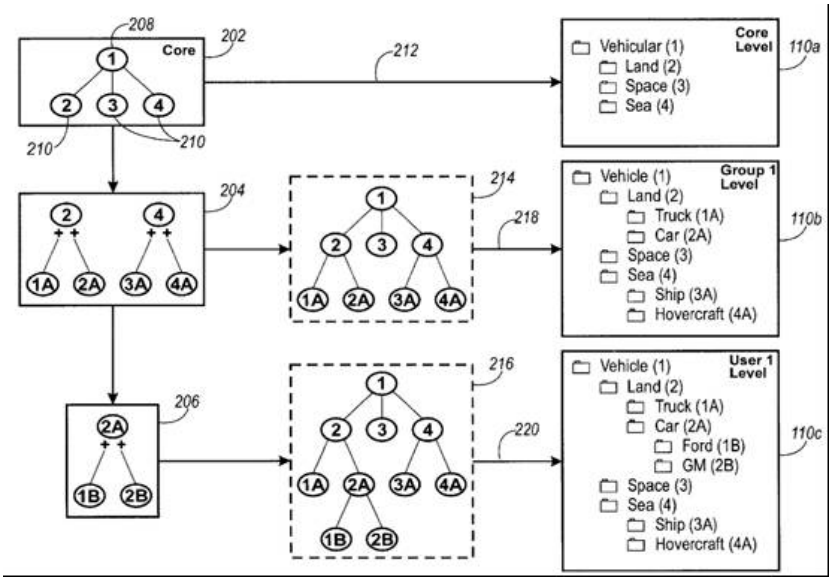
object storage methodology.	
Claim 32 (Dependent)	
32. The system of claim **23**, wherein storing of the metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata.	*Dourish discloses that storing of the metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata.* *For example, Dourish discloses that the stored metadata in association with the data (e.g., context information and filing structures) facilitates the ability to access data from multiple different contexts or workspaces. Figure 2 below, which shows three contexts or workspaces (202, 204, 206, on left), shows many-to-many functionality of the data through the metadata:*  *Fig. 2.*
Claim 33 (Dependent)	
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,	*Dourish discloses that the first user workspace provides access to at least one communications tool, e.g., document sharing functionality:* "The application program **112** accesses in memory of the network server **104** a document store **114** and a filing (i.e., category) structure store **116** to provide customizable filing structures to the users of the computers **106**. The document store **114** is a shared repository of documents that stores documents (i.e., data) independent from the filing structure store **116** that records different categories in which documents **155** in the

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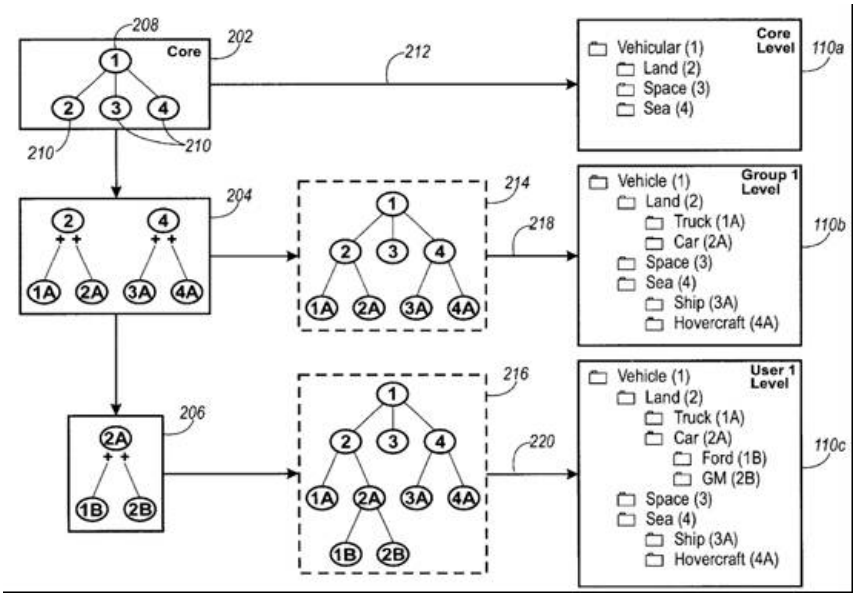
calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing functionality.	document store are organized." Col. 3, ll. 41-51.
Claim 34 (Dependent)	
34. The system of claim **23**, wherein one or more applications include file storage pointers that are dynamic and associated with the first user workspace.	*Dourish discloses that one or more applications include file storage pointers that are dynamic and associated with the first user workspace (e.g., the current context in which the user is operating).* *For example, each new workspace is based on modifications derived from the first user workspace. The system maintains file storage pointers that are dynamic, i.e., regardless of which workspace the user is accessing the data can be located.* *This is shown in Figure 2, which shows three contexts or workspaces (202, 204, 206, on left) and shows that they maintain the location of the underlying data regardless of how the workspaces and their interrelationships are modified:*  *Fig. 2.* *As further explained in Dourish:* "Unlike conventional filing systems, the customized filing structures **204** and **206** [of Fig. 2 above] define sequences of layered modifications to the core filing structure **202** and the customized filing structure **204**, respectively. Each sequence of

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	modifications defines a different context in which to file (i.e., categorize) documents. Modifying a filing structure may involve adding elements to (e.g., adding element 1A and 2A to element 2), modifying elements in, or deleting elements from a preexisting filing structure. That is, the customized filing structures define cumulative customizations that are layered on top of each other. For example as shown in FIG. 2, the user level filing structure **206** is layered on the group level filing structure which in turn is layered on the core level filing structure. By defining sequences of layered modifications, the structure translator **124** is able to translate between different levels of customization." Col. 5, ll. 17-32.

C. **Anticipation by Hubert (SNQ No. 3)**

A claim chart showing how Hubert anticipates claims 1-15, 21, 23-26, 29, 31-34 of the '761 patent is provided below. Except as otherwise noted, all underlining in the quotations from the prior art have been added by the Requester for emphasis.

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Claim 1 (Independent)	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*Hubert discloses a computer-implemented system that facilitates the management of data.* "This invention relates generally to the management and use of documents, and in particular, to the management and use of information pertaining to the various manipulations that may be performed on documents." Hubert, ¶ 0001. *The system disclosed in Hubert is a network-based system. See Fig. 2 (showing network-based system).*
[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,	*Hubert discloses a computer-implemented context component of the network-based system (e.g., tool 18 in Fig. 1), for capturing context information (e.g., processing information and metadata) associated with user-defined data (e.g., user data) in a first context (e.g., the particular source or environment in which the data is created).* "Optional tool 18 is shown in meta-document 10. In this embodiment, tool 18 is an embedded software program, interface or macro which generates and stores processing information 14 and associated metadata 16 for indexing and retrieving the processing information 14. Whenever the meta-document 10 is accessed or processed, tool 18 generates a piece of processing information 14 and metadata 16 to record that fact. Alternatively, meta-document 10 may include no tool 18. In that embodiment, the tool for generating and storing processing information and metadata will be located at each source or environment that interacts with meta-document 10." Hubert, ¶ 0021. "Meta-document 10 also includes document information or data 12. Information or data 12 may be the substance of a letter or a spreadsheet of user input information or any other

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	typical data or information that a user might want to record." Hubert, ¶ 0020. *For purposes of this Request, the first context can comprise the first source or environment 30 (shown in Fig. 2):* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022.
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data,	*Hubert discloses that the context component dynamically stores the context information in metadata associated with the user-defined data.* "Optional tool 18 is shown in meta-document 10. In this embodiment, tool 18 is an embedded software program, interface or macro which generates and stores processing information 14 and associated metadata 16 for indexing and retrieving the processing information 14. Whenever the meta-document 10 is accessed or processed, tool 18 generates a piece of processing information 14 and metadata 16 to record that fact." Hubert, ¶ 0021. "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30. Processing information 21 is created (in this embodiment by source 30) and stored on meta-document 20. Metadata 24 is also created and is used to index and retrieve the stored processing information 21." Hubert, ¶ 0022.
[a3] the user-defined data and metadata stored on a storage component of the network-based system; and	*Hubert discloses that the user-defined data and the metadata are stored on a storage component of the network-based system (e.g., within meta-document 10, which is stored electronically):* "Meta-document 10 includes an object 20, which may be a file structure if the meta-document is stored electronically, or a type of media, such as a floppy disk, piece of paper, magnetic tape, etc." Hubert, ¶ 0020.
[b1] a computer-implemented tracking component of the	*Hubert discloses a computer implemented tracking component (e.g., processing program 40 in Fig. 2) for tracking a change of the user from the first context (first source or environment 30) to a second*

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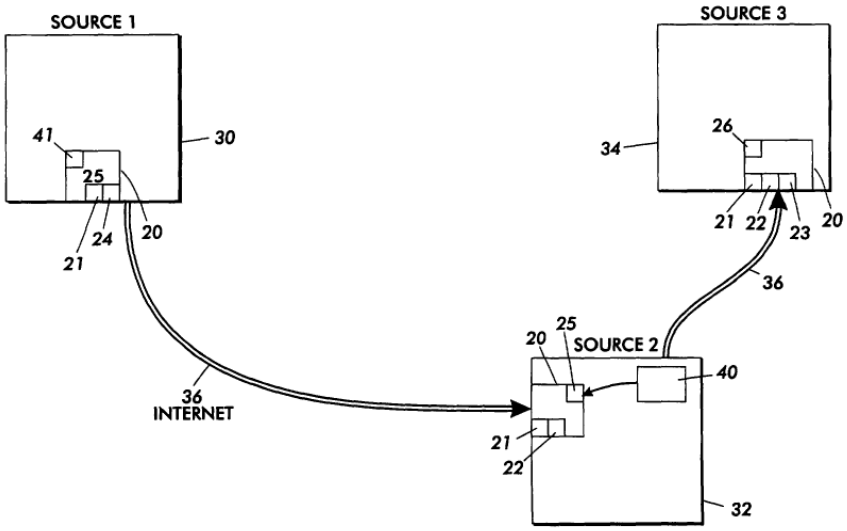
network-based system for tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change,	*context (e.g., second source or environment 32). The movement from the first environment (30) to the second environment (32) is shown in Figure 2 below:*  *Hubert, Fig. 2.* *This movement is tracked and the metadata is updated accordingly:* "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023. "When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen. Similarly, if a source finds certain processing information on a meta-document of interest, it can copy or use the processing information and of course, trigger actions based upon it. This is similar to pollen carried on a bee's body being left on another flower" Hubert, ¶ 0026.
[b2] wherein the user accesses the data from the second context.	*Hubert discloses that the user accesses the data from the second context (e.g., the second source or environment):* "Once the recommendation is written and stored as 'pollen'

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	or processing information, the next step is when the meta-document reaches a source that may be interested in recording this comment. A tool at the source includes a tool that extracts and uses this knowledge." Hubert, ¶ 0034.
Claim 2 (Dependent)	
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.* *Hubert discloses that the context component is associated with a workspace (e.g., environment), which is a collection of data and application functionality (e.g. spreadsheet or word processing functionality) related to the user-defined data:* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022. "Meta-document 10 also includes document information or data 12. Information or data 12 may be the substance of a letter or a spreadsheet of user input information or any other typical data or information that a user might want to record." Hubert, ¶ 0020.
Claim 3 (Dependent)	
3. The system of claim **1**, the context component is associated with a web, which web is a collection of interrelated workspaces, the web maintains a location of data of the respective interrelated workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship.	*See claim 1 above.* *Hubert discloses that the context component is associated with a web, which is a collection of interrelated workspaces (e.g., sources or environments):* "When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen. Similarly, if a source finds certain processing information on a meta-document of interest, it can copy or use the processing information and of course, trigger actions based upon it. This is similar to pollen carried on a bee's body being left on another flower." Hubert, ¶ 0026. *Hubert further discloses maintaining a location of data of the respective workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship.* "Many documents are moved from site to site, from user to

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	user. The path of distribution and the fact that a document undergoes changes through its travels as noted above add to the knowledge or information about the document. This processing information may also be thought of as 'pollen' since it is knowledge that sticks to the document's trajectory." Hubert, ¶ 0016. "Metadata is provided to index and retrieve each type of processing information. In this way, the processing information may be accessed by other environments, such as when the meta-document is emailed across an intranet to a relevance database." Hubert, ¶ 0012.
Claim 4 (Dependent)	
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.* *Hubert discloses that the context information, stored in the metadata and/or processing information, includes a relationship between the user and at least one of an application (e.g., the software tool used to manipulate the data), application data and a user environment:* "A meta-document, according to the invention, includes an object conveying document information, processing information pertaining to processing of the meta-document and metadata for indexing and retrieving the processing information. Processing information includes information pertaining to the fact that the meta-document (or the document information) was processed, by whom, any relevant tool used and the result of the processing." Hubert, ¶ 0011. "Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022.
Claim 5 (Dependent)	
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.* *Hubert discloses that the context component captures context information of the first context (e.g., the original source or environment 30) and at least one other context (e.g., a second source or environment 32).* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an

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	environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022. "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023.
Claim 6 (Dependent)	
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.* *Hubert discloses that context information of the at least one other context (e.g., application) is stipulated by the user.* *For example, context information for the other context is stipulated by the user checking out a document or launching another application to access the document.* "In the third step, the knowledge pollenizer tool parses the meta-document looking for all encoded pollen, identifies the pollen and its source and finds a compatible knowledge tool to receive this piece of pollen. The tool presents a list of all pollen items it found and asks the user who originally tried to open or save the meta-document whether or not the user wants any of the pollen to be inserted in the local knowledge environment." Hubert, ¶ 0038.
Claim 7 (Dependent)	
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.* *Hubert discloses that data created in the first context is associated with data created in the second context:* *For example, when the user-defined data moves to a second environment, the data may be associated with data in the second environment (e.g., in the second environment's knowledge environment):* "In the second step, the meta-document enters a new

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	pollenization space. . .” Hubert, ¶ 0036. “In the third step, the knowledge pollenizer tool parses the meta-document looking for all encoded pollen, identifies the pollen and its source and finds a compatible knowledge tool to receive this piece of pollen. The tool presents a list of all pollen items it found and asks the user who originally tried to open or save the meta-document whether or not the user wants any of the pollen to be inserted in the local knowledge environment.” Hubert, ¶ 0038.
Claim 8 (Dependent)	
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.* *Hubert discloses that the context information is tagged to the user-defined data via the metadata when the user-defined data is created.* “If for example meta-document 20 is a key strategic document, the document information 25 is the text of the strategic document. Processing information 21 may be the time stamp and record of the place of creation of the document.” Hubert, ¶ 0022.
Claim 9 (Independent)	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*For purposes of this Request, the preamble of claim 9 is substantially similar to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, Hubert discloses a computer-implemented method of managing data. See Hubert, ¶ 0001, Fig. 2.*
[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;	*Hubert discloses creating data within a user-environment of a web-based computing platform (e.g,. a first environment or source 30):* “Meta-document 10 also includes document information or data 12. Information or data 12 may be the substance of a letter or a spreadsheet of user input information or any other typical data or information that a user might want to record.” Hubert, ¶ 0020. “A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which

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	includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022. *The data is in the form of documents and files:* "Meta-document 10 includes an object 20, which may be a file structure if the meta-document is stored electronically, or a type of media, such as a floppy disk, piece of paper, magnetic tape, etc." Hubert, ¶ 0020. "Meta-document 10 also includes document information or data 12. Information or data 12 may be the substance of a letter or a spreadsheet of user input information or any other typical data or information that a user might want to record." Hubert, ¶ 0020. *Hubert further discloses that the user environment resides in a web-based computing platform. See Hubert, ¶ 0036 ("A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server.").*
[b1] dynamically associating metadata with the data, the data and metadata stored on a storage component of the web-based computing platform,	*Hubert discloses dynamically associating metadata with the data, both the data and metadata being stored on a storage component of the web-based computing platform.* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30. Processing information 21 is created (in this embodiment by source 30) and stored on meta-document 20. Metadata 24 is also created and is used to index and retrieve the stored processing information 21." Hubert, ¶ 0022. *Hubert discloses that the data and the metadata are stored on a storage component of the web-based computing platform (e.g., within meta-document 10, which is stored electronically):* "Meta-document 10 includes an object 20, which may be a file structure if the meta-document is stored electronically, or a type of media, such as a floppy disk, piece of paper, magnetic tape, etc." Hubert, ¶ 0020.
[b2] the metadata includes information related to the user, the	*Hubert discloses that the metadata includes information related to the user, the data, the application (e.g. the software tool used to*

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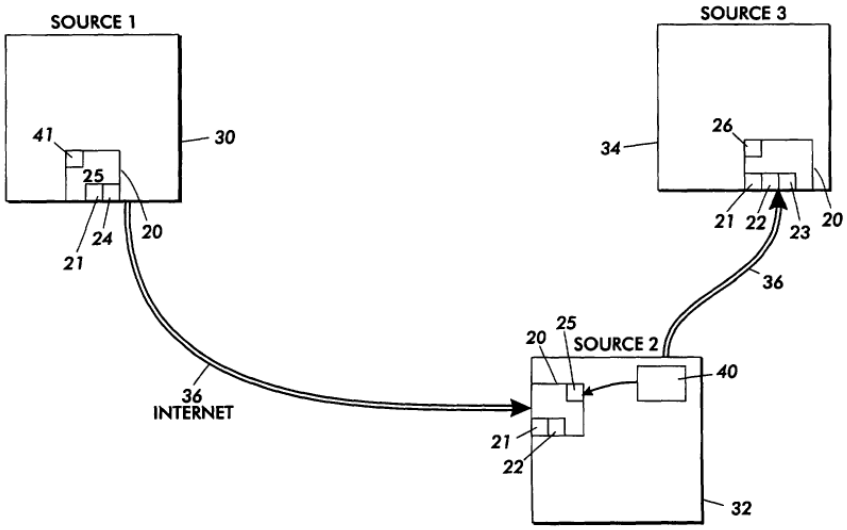
data, the application, and the user environment;	*manipulate the data) and the user environment.* "A meta-document, according to the invention, includes an object conveying document information, processing information pertaining to processing of the meta-document and metadata for indexing and retrieving the processing information. Processing information includes information pertaining to the fact that the meta-document (or the document information) was processed, by whom, any relevant tool used and the result of the processing." Hubert, ¶ 0011. "Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022.
[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	*Hubert discloses tracking movement of the user from the user environment of the web-based computing platform (e.g,. environment 30) to a second user environment (e.g., environment 32).* *The movement from the first environment (30) to the second environment (32) is shown in Figure 2 below:*  *This movement is tracked and the metadata is updated accordingly:* "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not

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	shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023. "When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen. Similarly, if a source finds certain processing information on a meta-document of interest, it can copy or use the processing information and of course, trigger actions based upon it. This is similar to pollen carried on a bee's body being left on another flower" Hubert, ¶ 0026.
[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.	*Hubert discloses dynamically updating the stored metadata with an association of the data, the application and the second user environment:* "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023. "When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen. Similarly, if a source finds certain processing information on a meta-document of interest, it can copy or use the processing information and of course, trigger actions based upon it. This is similar to pollen carried on a bee's body being left on another flower" Hubert, ¶ 0026. *Hubert discloses that the user accesses the data from the second user environment:* "Once the recommendation is written and stored as 'pollen' or processing information, the next step is when the meta-document reaches a source that may be interested in recording this comment. A tool at the source includes a tool that extracts and uses this knowledge." Hubert, ¶ 0034.
Claim 10 (Dependent)	

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10. The method of claim **9**, further comprising capturing context information of the user.	*See claim 9 above.* *Hubert discloses capturing context information of the user:* "Processing information includes information pertaining to the fact that the meta-document (or the document information) was processed, by whom, any relevant tool used and the result of the processing." Hubert, ¶ 0011. "Docushare Metadata (title, abstract, author, etc.) (5)" Hubert, ¶ 0038 (table).
Claim 11 (Dependent)	
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.* *Hubert discloses indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.* "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert,¶ 0036. "Information pertaining to each processing step is stored with the document along with metadata for indexing and retrieving the processing information. By storing a record of all the various processing and the results of the processing performed on a particular document, and making that information retrievable, users in an organization have the opportunity to come back to some piece of information about a document that later turned out to be of great import." Hubert, ¶ 0010.
Claim 12 (Dependent)	
12. The method of claim **9**, the least one of the data and the application is associated automatically with the second user environment.	*See claim 9 above.* *Hubert discloses that the data is associated automatically with the second user environment (e.g., source or environment 32):* "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was

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	received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023.
Claim 13 (Dependent)	
13. The method of claim **9**, further comprising accessing the user environment and the second user environment using a browser.	*See claim 9 above.* *Hubert discloses accessing the user environment and the second user environment using a browser:* "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert,¶ 0036. *Downloading the document through a Web Server inherently requires access of the environment using a browser.*
Claim 14 (Dependent)	
14. The method of claim **9**, further comprising communicating with the user environment using a TCP/IP communication protocol.	*See claim 9 above.* *Hubert discloses communicating with the user environment using a TCP/IP communication protocol. Hubert discloses locating the user environment from a remote location through a Web Server.* "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert,¶ 0036. "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32." Hubert, ¶ 0023. *One of ordinary skill in the art would understand that access through a Web Server and the Internet inherently disclose use of a TCP/IP communication protocol.* *This is confirmed by Microsoft Press, Microsoft Computer Dictionary (3d ed. 1997) [**Exhibit H**], which defines TCP/IP as follows:* "TCP/IP *n.* Acronym for **T**ransmission **C**ontrol **P**rotocol/ **I**nternet **P**rotocol. A protocol developed by the Department of Defense for communications between computers. It is built into the UNIX system and has become the de facto standard for data transmission over networks, including the Internet." p. 462. *Reference to Microsoft Computer Doctionary to support an anticipatory rejection is authorized by MPEP 2131.01:* **2131.01 Multiple Reference 35 U.S.C. 102 Rejections**

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	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).* *Microsoft Computer Dictionary confirms that TCP/IP is inherent in use of web-based systems as disclosed in Hubert.*
Claim 15 (Dependent)	
15. The method of claim **9**, further comprising locating the user environment from a remote location using a URL address.	*See claim 9 above.* *Hubert discloses locating the user environment from a remote location using a URL address:* "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert,¶ 0036. "In the Knowledge Pump database, the recommended document is just referenced as a URL." Hubert, ¶ 0029.
Claim 21 (Independent)	
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 that claim 21 was written as a computer-readable medium (apparatus) 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, Hubert discloses a method of managing data. See Hubert,¶ 0001, Fig. 2.*
[a] creating data related to user interaction of a user within a user	*As explained in connection with limitation [a] of claim 9, Hubert discloses creating data related to user interaction of a user within a user workspace of a web-based computing platform using an*

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workspace of a web-based computing platform using an application;	*application. See generally Hubert, ¶¶ 0020, 0022, 0036 (web-based).*
[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 limitations [b1] and [b2] of claim 9, Hubert 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 generally Hubert, ¶¶ 0011, 0020, 0022.*
[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, Hubert discloses tracking movement of the user from the first to the second workspace of the web-based computing platform. See Hubert, Fig. 2, ¶¶ 0023, 0026.*
[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, Hubert discloses dynamically associating the data and application with the second user workspace in the metadata such that the user employs the application and data from the second workspace. See Hubert, ¶¶ 0023, 0026, 0034.*
[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	*For the purposes of this Request, this limitation is substantially similar to dependent claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 need not be repeated here.* *As explained in connection with claim 11, supra, Hubert discloses indexing the data created in the user workspace such that a plurality of users can access the data via the metadata from a corresponding plurality of different user workspaces. See Hubert, ¶¶ 0010, 0036.*

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workspaces.	
Claim 23 (Independent)	
23. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, the preamble of claim 23 is substantially identical to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, Hubert discloses a computer-implemented system that facilitates management of data. See Hubert, ¶ 0001, Fig. 2.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*Hubert discloses a computer implemented context component of a web-based server for defining a first user workspace of the web-based server.* *For purposes of this Request, the first user workspace can be the first source or environment 30 used by the user to create the data.* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022. *Hubert further discloses that the user environment resides in a web-based computing platform. See Hubert, ¶ 0036 ("A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server.").*
[a2] assigning one or more applications to the first user workspace,	*Hubert discloses assigning one or more applications (e.g., document processing or spreadsheet applications) to the first user workspace (e.g. first source or environment 30):* "Meta-document 10 also includes document information or data 12. Information or data 12 may be the substance of a letter or a spreadsheet of user input information or any other typical data or information that a user might want to record." Hubert, ¶ 0020. "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently

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	associated with source or environment 30." Hubert, ¶ 0022.
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for	*As explained in connection with limitation [a1] of claim 1, Hubert, discloses capturing context data associated with user interaction while in the first user workspace (e.g., first application and/or location). See Hubert, ¶ 0021, 0022.*
[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	*As explained in connection with limitation [a2] and [a3] of claim 1, Hubert discloses dynamically storing the context data as metadata on a storage component of the web-based server (e.g., meta-document), which is dynamically associated with data created in the first user workspace. See Hubert, ¶¶ 0020-0022.*
[b1] 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,	*As explained in connection with limitation [b1] of claim 1, Hubert discloses 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 (e.g., the user moving from a first source or environment to a second source or environment), and dynamically storing the change information on the storage component as part of the metadata. See Hubert, ¶¶ 0023, 0026, Fig. 2.*
[b2] wherein the user accesses the data from the second user workspace.	*As explained in connection with limitation [b2] of claim 1, Hubert discloses that the user accesses the data from the second user workspace. See Hubert ¶ 0034.*
Claim 24 (Dependent)	
24. The system of claim **23**, wherein the tracking component automatically creates the	*See claim 23 above.* *Hubert discloses that the tracking component automatically creates the metadata when the user accesses the first workspace (e.g., the first*

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metadata when the user accesses the first user workspace.	*source or environment).* "Creation and recording of the processing information and associated metadata on the meta-document may be accomplished externally by the particular source or environment to which the meta-document may be residing. Alternatively, each meta-document may include a tool (e.g., a software program or macro) embedded on the object. Whenever the meta-document is accessed or processed, the embedded tool creates the appropriate processing information and associated metadata." Hubert, ¶ 0013.
Claim 25 (Dependent)	
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.* *For purposes of this Request, claim 25 is similar to claim 5, above. As such, in the interests of brevity, the full explanation provided in connection with claim 5 will not be repeated here. As explained in connection with claim 5, Hubert discloses capturing relationship data associated with a relationship between the first user workspace and at least one other user workspace. See Hubert, ¶¶ 0022, 0023.*
Claim 26 (Dependent)	
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.* *Hubert discloses that an application associated with the first user workspace (e.g., software tool 18) is automatically accessible via the second user workspace when the user moves from the first to the second workspace. The software tool is embedded in the meta-document that is transmitted from workspace to workspace, and is thus automatically available when the user moves to the second workspace (source or environment 32):* "When meta-document 20 arrives at source 32, source 32 needs some means of determining what processing information is available on meta-document 20. In one embodiment, meta-document 20 embeds a processing software program 41 called knowledge pollenizer which may be programmed to extract relevant processing information, such as any strategic recommendations contained in processing information 21, and to send them automatically to all the local managers at source 32." Hubert, ¶ 0024.

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	"Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document." Hubert, ¶ 0023.
Claim 29 (Dependent)	
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.* *Hubert discloses that the data created in the first user workspace are accessed from the second user workspace (e.g., second source or environment 32), in response to which the context component adds information to the metadata about the second user workspace.* "Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32. Source 32 includes a processing program 40 which processes the document information 25 by copying the document text and storing it in a new document. A record of this copying is stored as processing information 26 (with its associated metadata - not shown). A record of the fact that the meta-document 20 was received at source 32 is stored as processing information 22 (with associated metadata not shown)." Hubert, ¶ 0023.
Claim 31 (Dependent)	
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.	*Hubert discloses that the storage component stores the data and the metadata according to an object storage methodology:* "Issues about security, access-rights, intellectual property etc. can be addressed by the meta-document creators as part of each meta-document's creation. One factor that must be taken into account when creating meta-documents is their size and complexity. However, emerging technologies such as RDF metadata and DOM (Document Object Model) will readily enable implementation of meta-documents." Hubert, ¶ 0030. "As noted above, metadata is commonly defined as data about data. In the context of meta-documents, metadata is defined as data about or related to the 'textual part' of a document, but not part of the text itself, including the textual information which describes the processing of the document (processing information or pollen). The Resource Description Framework (RDF) is an abstract model for defining metadata. The basic data model consists of three object types:

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	Resources, Properties and Statements which correspond to a resource associated with a property." Hubert, ¶ 0031. "The system according to the invention employs a new form of document called a meta-document. A meta-document, according to the invention, includes an object conveying document information, processing information pertaining to processing of the meta-document and metadata for indexing and retrieving the processing information." Hubert, ¶ 0011.
Claim 32 (Dependent)	
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.* *Hubert 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.* *For example, Hubert discloses that the metadata allows the retrieval and use of documents from multiple different contexts or workspaces.* "Information pertaining to each processing step is stored with the document along with metadata for indexing and retrieving the processing information. By storing a record of all the various processing and the results of the processing performed on a particular document, and making that information retrievable, users in an organization have the opportunity to come back to some piece of information about a document that later turned out to be of great import." Hubert, ¶ 0010, page 3. "Processing may include transformation of the document information or the meta-document itself, evaluation or analysis of the document information using a linguistic tool or a knowledge management tool, adding a user comment (such as for later transmittal to a relevance system), or distribution of the meta-document. Metadata is provided to index and retrieve each type of processing information. In this way, the processing information may be accessed by other environments, such as when the meta-document is emailed across an intranet to a relevance database." Hubert, ¶ 0012. "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert,¶ 0036.

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Claim 33 (Dependent)	
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.* *Hubert discloses that the first user workspace provides access to at least one communications tool, e.g., e-mail or web:* "A meta-document is sent to a different pollenization space typically when it is sent through email as an attachment or downloaded through a Web Server." Hubert, ¶ 0036.
Claim 34 (Dependent)	
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.	*Hubert discloses that one or more applications include file storage pointers (e.g., through the metadata) that are dynamic and associated with the first user workspace:* "A schematic representation of how a meta-document is transformed during part of its life and is used to pollenize an environment is shown in Figure 2. Meta-document 20, which includes document information 25, is created or presently associated with source or environment 30." Hubert, ¶ 0022. "Metadata is provided to index and retrieve each type of processing information. In this way, the processing information may be accessed by other environments, such as when the meta-document is emailed across an intranet to a relevance database." Hubert, ¶ 0012. "Many documents are moved from site to site, from user to user. The path of distribution and the fact that a document undergoes changes through its travels as noted above add to the knowledge or information about the document. This processing information may also be thought of as 'pollen' since it is knowledge that sticks to the document's trajectory." Hubert, ¶ 0016.

D. **Anticipation by iManage (SNQ No. 4)**

A claim chart showing how iManage anticipates claims 1-2, 4-15, 21, 23-26, 29, 32-34 of the '761 patent is provided below. Except as otherwise noted, all underlining in the quotations from the prior art have been added by the Requester for emphasis.

U.S. Patent No. 7,139,761	**SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)**
Claim 1 (Independent)	
1. A computer-implemented network-based system that facilitates management of data, comprising:	*iManage discloses a computer-implemented system that facilitates the management of data.* "A document-management system (DMS) is software and/or hardware that manages repositories of millions of documents for hundreds or thousands of users." Chapter 1, p. 12. "iManage DeskSite is an enterprise-wide, mission-critical DMS. With iManage DeskSite, you can greatly simplify the task of managing repositories of millions of documents and making them available to thousands of users." Chapter 1, p. 13. *iManage runs on a network-based system. Chapter 1, p. 18, Figure 1.1 (showing clients retrieving documents from remote, network-connected servers).*
[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,	*iManage discloses a computer-implemented context component of the network-based system (e.g., DeskSite software), for capturing context information (e.g., document history information) associated with user-defined data (e.g., user's document) in a first context (e.g., the particular application being used or the user's location).* *For purposes of this Request, the first context can be the particular application used to create the user-defined data, the location (computer) of the user, or a combination of both. iManage discloses capturing such context information automatically, in a first context of the network-based system (e.g., the application or location in which the user is creating the data):* "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using." Chapter 5, p. 125. "The document history record displays all activities of the

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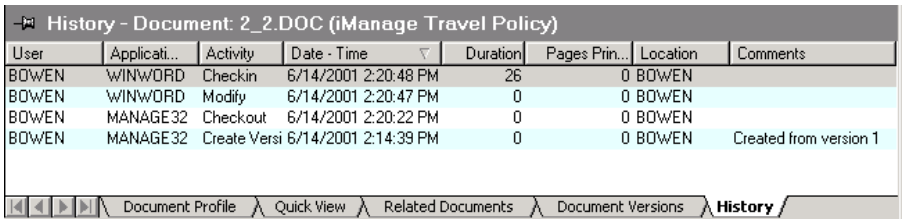
	types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. "The History dialog [shown below] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141.  History - Document: 2_2.DOC (iManage Travel Policy) User | Applicati... | Activity | Date - Time | Duration | Pages Prin... | Location | Comments BOWEN | WINWORD | Checkin | 6/14/2001 2:20:48 PM | 26 | 0 | BOWEN | BOWEN | WINWORD | Modify | 6/14/2001 2:20:47 PM | 0 | 0 | BOWEN | BOWEN | MANAGE32 | Checkout | 6/14/2001 2:20:22 PM | 0 | 0 | BOWEN | BOWEN | MANAGE32 | Create Versi | 6/14/2001 2:14:39 PM | 0 | 0 | BOWEN | Created from version 1 Document Profile | Quick View | Related Documents | Document Versions | History *Chapter 3, Figure 3.26, p. 83.*
[a2] the context component dynamically storing the context information in metadata associated with the user-defined data,	*iManage discloses that the context component dynamically stores the context information (e.g., profile and history information) in metadata associated with the user-defined data.* *As shown in Figure 3.26 (above, previous cell), this metadata defines the historical record of all activities on the document.*
[a3] the user-defined data and metadata stored on a storage component of the network-based system; and	*iManage discloses that the user-defined data and the metadata is stored on a storage component of the network-based system (e.g., an iManage library):* "**What is an iManage Library?** When we refer to an iManage Database, or Library, we are actually talking about a library that includes three distinct entities. Each iManage library is actually composed of these

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	three parts: • a **fileserver**, which stores the actual documents • a set of **information tables**, or **database**, that stores information about the documents • a set of **index collections** of the full text of documents in the library, which is used for searching These three components – the fileserver, the information tables, and the full-text index – work together to organize and index your documents. From a user's standpoint, though, they operate as a single entity, or library, with a single name." Chapter 1, p. 19 (boldface in original).
[b1] 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,	*iManage discloses a computer implemented tracking component (e.g., DeskSite software) for tracking a change of the user from the first context to a second context (e.g., a second application or location).* *This is accomplished, for example, when a user moves to a different application, or a different location, then attempts to access the data from that context. The movement is tracked and the document's history is updated accordingly:* "You can display the history of a document's activity by highlighting a document in the Document Grid, then clicking the History tab or the History toolbar icon or selecting **History** from the **Document** menu. The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83 (boldface in original). *For example, the following screenshot shows tracking a user (BOWEN) accessing a document (2_2.DOC) from two different*

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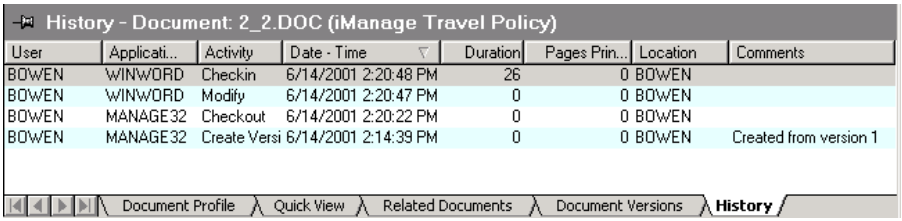
	contexts (applications), and updating the metadata (e.g., document history) based on the change:  *Chapter 3, Figure 3.26, p. 83.* *The first context is "MANAGE32" at 2:14:39 PM, and the second context can be, for example, a different Application and/or Location in which the data is accessed, here "WINWORD" at 2:20:47 PM. DeskSite tracks the user's movement into either, or both, contexts.* "The *History* dialog [above] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original). "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125.
[b2] wherein the user accesses the data from the second context.	*iManage discloses that the user accesses the data from the second context (e.g., a second application or location):* "**Opening from an Integrated Application** If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting **Open** from the application's **File** menu." Chapter 3, pp. 50-51 (boldface in original).
Claim 2 (Dependent)	
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.* *iManage discloses that the context component (e.g., DeskSite) is associated with a workspace (e.g., DeskSite Desktop), which is a collection of data and application functionality related to the user-defined data:* "The iManage DeskSite Desktop window is modeled on the Windows Explorer and Outlook user interfaces and contains

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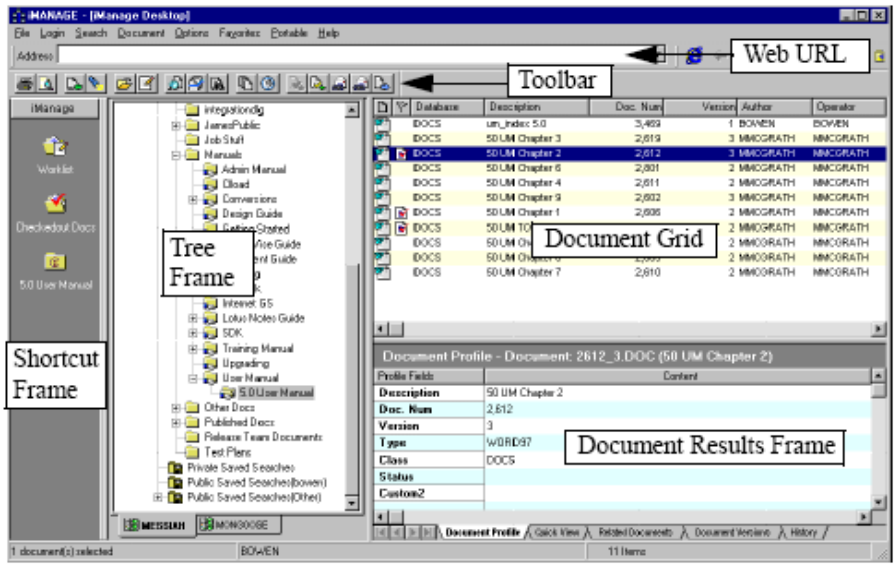
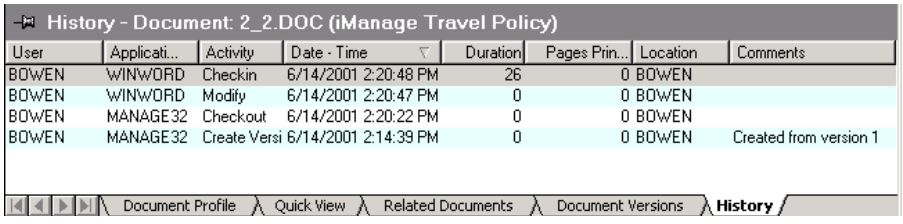
	several display frames, menus and toolbars: • **Shortcut frame**: contains icons for shortcuts to important folders • **Tree frame**: organizes and displays information about servers, libraries, folders and searches • **Document grid**: displays a document list that is either the result of a search or the contents of folders • **Document Results frame**: displays various information in tabular display areas about a particular document • **Menu Options and Toolbars**: provide the functionality to perform everyday tasks in iManage • **Web Browser**: provides access to the web directly from the iManage DeskSite Desktop" Chapter 2, p. 21 (boldface in original). *A screenshot of the workspace is shown below:*  *Chapter 2, Figure 2.1, p. 22.* "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125.
Claim 4 (Dependent)	
4. The system of claim 1, the context	*See claim 1 above.* *iManage discloses that the context information, stored in the form of*

<table>
<tr><th>U.S. Patent No. 7,139,761</th><th>SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)</th></tr>
<tr><td>information includes a relationship between the user and at least one of an application, application data, and user environment.</td><td>document profile information, includes a relationship between the user (e.g., document author) and at least one of an application (e.g., document type), application data (e.g., document class) and a user environment (e.g., document database and type):
Table 3.1: Default Fields of Profile Information
<table><tr><th>Default Name of Field</th><th>Significance</th></tr><tr><td>Database</td><td>Name of the database in which the document is stored.</td></tr><tr><td>Type</td><td>This field usually indicates the application that should be used to open the document.</td></tr><tr><td>Class</td><td>This field classifies the document with a custom document classification.</td></tr><tr><td>Author</td><td>This field indicates who wrote the document.</td></tr></table>Chapter 3, Table 3.1, p. 53.
“The History dialog displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments.” Chapter 5, p. 141 (italics in original).</td></tr>
<tr><th>Claim 5 (Dependent)</th><th></th></tr>
<tr><td>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.</td><td>See claim 1 above.
iManage discloses that the context component (e.g,. DeskSite) captures context information of the first context (e.g., the original application or location where the document was created) and at least one other context (e.g., a second application or location).
For example, the following screenshot shows capturing context information of a first context (the user BOWEN creating a document from the MANAGE32 application) and a second context (the same user accessing the document from the WINWORD application):
 
</td></tr>
</table>

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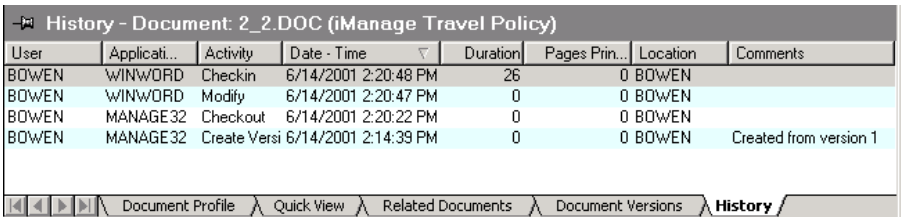
	Chapter 3, Figure 3.26, p. 83.
Claim 6 (Dependent)	
6. The system of claim **5**, the context information of the at least one other context is at least one of stipulated by the user and suggested automatically by the system based upon search and association criteria set by the user.	*See claim 5 above.* *iManage discloses that context information of the at least one other context (e.g., application) is stipulated by the user.* *For example, context information for the other context is stipulated by the user checking out a document or launching another application to access the document. Chapter 3, pp. 67-68.* "**Opening from an Integrated Application** If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting **Open** from the application's **File** menu." Chapter 3, pp. 50-51 (boldface in original).
Claim 7 (Dependent)	
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.* *iManage discloses that data created in the first context is associated with data created in the second context:* *For example, if the user moves from the first context to the second context, documents created in the first context are available in the second context (e.g., second application) along with other data created in that second context:* *For example, the following screenshot shows capturing context information of a first context (the user BOWEN creating a document from the MANAGE32 application) and a second context (the same user accessing the document from the WINWORD application):*  History - Document: 2_2.DOC (iManage Travel Policy) User | Applicati... | Activity | Date - Time | Duration | Pages Prin... | Location | Comments BOWEN | WINWORD | Checkin | 6/14/2001 2:20:48 PM | 26 | 0 | BOWEN BOWEN | WINWORD | Modify | 6/14/2001 2:20:47 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Checkout | 6/14/2001 2:20:22 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Create Versi | 6/14/2001 2:14:39 PM | 0 | 0 | BOWEN | Created from version 1 Document Profile | Quick View | Related Documents | Document Versions | History *Chapter 3, Figure 3.26, p. 83.* "**Opening from an Integrated Application**

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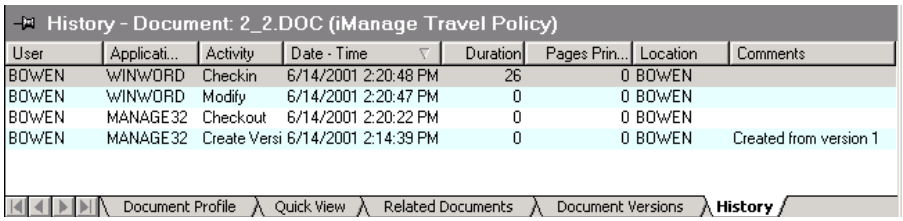
	If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting **Open** from the application's **File** menu." Chapter 3, pp. 50-51 (boldface in original).
Claim 8 (Dependent)	
8. The system of claim **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.* *iManage discloses that the context information is tagged to the user-defined data (e.g., document(s)) via the metadata when the user-defined data is created.* *For example, iManage discloses that the metadata may record the date and/or when the document was created: The following screenshot shows capturing information regarding the User, Application, Activity and Date-Time when the user-defined data (document) was created:*  *Chapter 3, Figure 3.26, p. 83.* "The *History* dialog [above] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).
Claim 9 (Independent)	
9. A computer-implemented method of managing data, comprising computer-executable acts of:	*For purposes of this Request, the preamble of claim 9 is substantially similar to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, iManage discloses a computer-implemented method of managing data. See Chapter 1, pp. 12-13, 18.*

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[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;	*iManage discloses creating data within a user-environment of a web-based computing platform (e.g,. a first application or location):* "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125. *For example, a user can create a document or file in an application (such as Microsoft Word) and save that document to the iManage system.* "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using." Chapter 5, p. 125. "***Save:*** If the document already exists in iManage DeskSite the Save command simply replaces the original document. For documents that do not exist in an iManage DeskSite the Save command launches a *New Document Profile* dialog to allow you to enter profile information for the new document." Chapter 5, p. 130 (bold and italics in original). *For purposes of this Request, the user environment can be the particular application used to create the user-defined data, the location (computer) of the user, or a combination of both. For more information, see below.* *iManage further discloses that the user environment resides in a web-based computing platform. See Chapter 3, p. 74 ("You can send a copy of a document, a link of a document, or a URL link of a document through e-mail from iManage DeskSite."); chapter 6, p. 157 ("In the **WorkSite** box, you can enter the URL for accessing imanage [sic] WorkSite in the **Base Path** field.") (boldface in original).*
[b1] dynamically associating metadata with the data, the data and metadata stored on a storage component of the web-based computing platform,	*iManage discloses dynamically associating metadata (e.g., document history information) with the data, both the data and metadata stored on a storage component of the web-based computing platform.* "The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • <u>Opening and closing the document in an integrated application</u>

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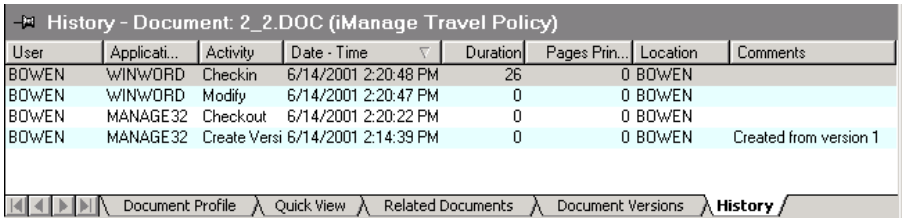
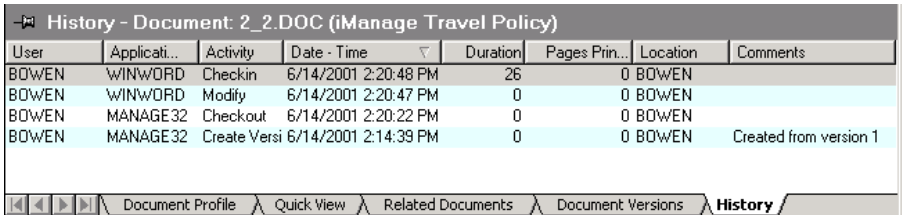
	* * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. "The *History* dialog [shown below] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).  History - Document: 2_2.DOC (iManage Travel Policy) User | Applicati... | Activity | Date - Time | Duration | Pages Prin... | Location | Comments BOWEN | WINWORD | Checkin | 6/14/2001 2:20:48 PM | 26 | 0 | BOWEN BOWEN | WINWORD | Modify | 6/14/2001 2:20:47 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Checkout | 6/14/2001 2:20:22 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Create Versi | 6/14/2001 2:14:39 PM | 0 | 0 | BOWEN | Created from version 1 Document Profile | Quick View | Related Documents | Document Versions | History *Chapter 3, Figure 3.26, p. 83.*
[b2] the metadata includes information related to the user, the data, the application, and the user environment;	*iManage discloses that the metadata includes information related to the user, the data, the application and the user environment.* *For example, the following screenshot shows that the metadata includes information related to the User, the data (Duration, Pages Printed, Comments), the application and the user environment (the Application or Location of the access, or combination of both):*  History - Document: 2_2.DOC (iManage Travel Policy) User | Applicati... | Activity | Date - Time | Duration | Pages Prin... | Location | Comments BOWEN | WINWORD | Checkin | 6/14/2001 2:20:48 PM | 26 | 0 | BOWEN BOWEN | WINWORD | Modify | 6/14/2001 2:20:47 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Checkout | 6/14/2001 2:20:22 PM | 0 | 0 | BOWEN BOWEN | MANAGE32 | Create Versi | 6/14/2001 2:14:39 PM | 0 | 0 | BOWEN | Created from version 1 Document Profile | Quick View | Related Documents | Document Versions | History *Chapter 3, Figure 3.26, p. 83.* "The *History* dialog displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).

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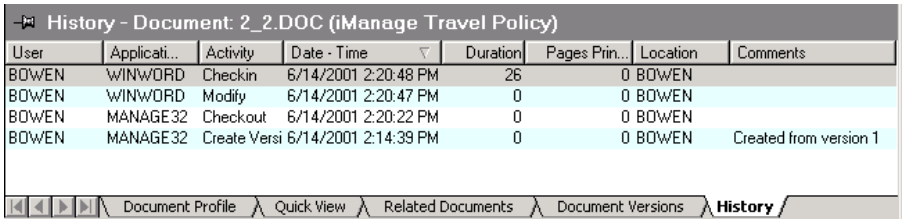
[c] tracking movement of the user from the user environment of the web-based computing platform to a second user environment of the web-based computing platform; and	*iManage discloses tracking movement of the user from the user environment of the web-based computing platform (e.g,. first application or location) to a second user environment.* *This is accomplished, for example, when a user moves to a different user environment (e.g., a second application and/or location) and accesses the data from that environment:* "The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. *For example, the following screenshot shows tracking a user (BOWEN) accessing a document (2_2.DOC) from two different contexts (applications), and updating the metadata (e.g., document history) based on the change:*  *Chapter 3, Figure 3.26, p. 83.* *The first context is "MANAGE32" at 2:14:39 PM, and the second context can be, for example, a different Application and/or Location in which the data is accessed, here "WINWORD" at 2:20:47 PM. DeskSite tracks the user's movement into either, or both, contexts.* "The *History* dialog [above] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and

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	Comments." Chapter 5, p. 141 (italics in original).
[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.	*iManage discloses updating the stored metadata with an association of the data, the application and the second user environment. This is shown, for example, in Figure 3.26, p. 83. which is reproduced in the preceding cell.* *iManage discloses that the user accesses the data from the second user environment (e.g., a second application or location):* "**Opening from an Integrated Application** If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting **Open** from the application's **File** menu." Chapter 3, pp. 50-51 (boldface in original).
Claim 10 (Dependent)	
10. The method of claim **9**, further comprising capturing context information of the user.	*See claim 9 above.* *iManage discloses capturing context information of the user:* "The *History* dialog [Figure 3.26, page 83] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).
Claim 11 (Dependent)	
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.* *iManage discloses indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.* *For example, iManage discloses that the content of a user environment is indexed through the use of the document number and can thus be located and/or accessed by a plurality of different users in different user environments:* **Profile Field** | **Description** **Number** | Unique number automatically assigned by iManage DeskSite

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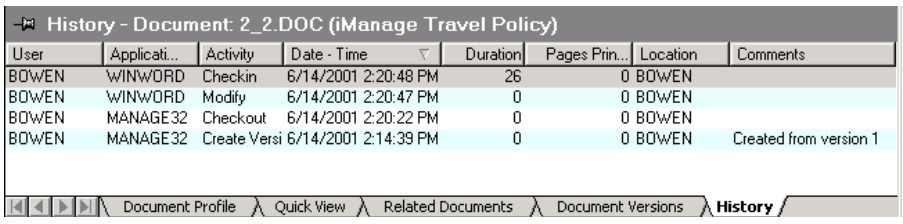
	Chapter 1, Table 1.1, p. 14. *These dynamic document numbers can be used to search for the document in a plurality of workspaces (e.g., from multiple different applications or locations).* "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125. "**Opening from an Integrated Application** If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting **Open** from the application's **File** menu." Chapter 3, pp. 50-51 (boldface in original). "**Searching by Document Numbers** One of the most direct ways to locate documents in the database is to search for specific document numbers. If you know the document number for a document, this can be an effective way of locating the document quickly, because every document in the database has a distinct document number and version number." Chapter 4, p. 106.
Claim 12 (Dependent)	
12. The method of claim **9**, <u>the least one of</u> the data and the application is associated automatically with the second user environment.	*See claim 9 above.* *iManage discloses that the data and application are associated automatically with the second user environment (e.g., the second user application or location in which the document is accessed).* *In particular, the following screenshot showing Document History shows the ability of the data to be automatically associated with a second user environment (e.g., a different Application, or a different Location, whatever the case may be) when the user accesses the document from the second user environment.*  *Chapter 3, Figure 3.26, p. 83.* "The *History* dialog displays the activity record for a

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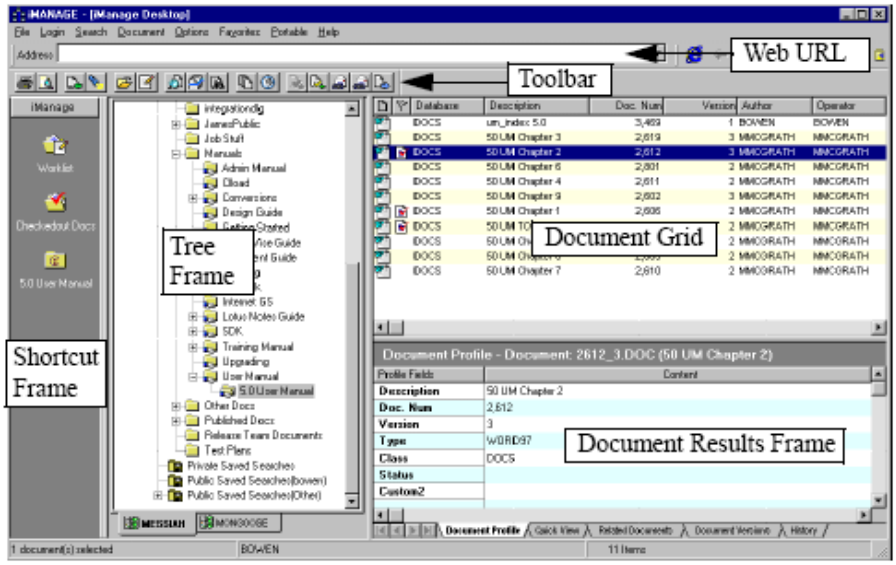
	particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).
Claim 13 (Dependent)	
13. The method of claim **9**, further comprising accessing the user environment and the second user environment using a browser.	*See claim 9 above.* *iManage discloses accessing the user environment and the second user environment using a browser (e.g., DeskSite Desktop):* *A screenshot of the workspace browser is shown below:*  *Chapter 2, Figure 2.1, p. 22.*
Claim 14 (Dependent)	
14. The method of claim **9**, further comprising communicating with the user environment using a TCP/IP communication protocol.	*See claim 9 above.* *iManage discloses communicating with the user environment using a TCP/IP communication protocol. iManage discloses locating the user environment from a remote location using a URL address.* "You can send a copy of a document, a link of a document, or a URL link of a document through e-mail from iManage DeskSite." Chapter 3, p. 74. "In the **WorkSite** box, you can enter the URL for accessing imanage [sic] WorkSite in the **Base Path** field." Chapter 6,

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	p. 157 (boldface in original). *One of ordinary skill in the art would understand that access through a Uniform Resource Locator (URL) to access the user environment through a web browser inherently discloses use of a TCP/IP communication protocol.* *This is confirmed by Microsoft Press, Microsoft Computer Dictionary (3d ed. 1997) [**Exhibit H**], which defines URL and TCP as follows:* "URL *n.* Acronym for **U**niform **R**esource **L**ocator. An address for a resource on the Internet. URLs are used by Web browsers to locate Internet resources." p. 487. "TCP/IP *n.* Acronym for **T**ransmission **C**ontrol **P**rotocol/ **I**nternet **P**rotocol. A protocol developed by the Department of Defense for communications between computers. It is built into the UNIX system and has become the de facto standard for data transmission over networks, including the Internet." p. 462. *Reference to the Microsoft Computer Dictionary 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).* *The Microsoft Computer Dictionary confirms that TCP/IP is inherent in use of URL-based systems as disclosed in iManage.*
Claim 15 (Dependent)	
15. The method of claim **9**, further comprising locating the user	*See claim 9 above.* *iManage discloses locating the user environment from a remote*

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environment from a remote location using a URL address.	*location using a URL address:* "You can send a copy of a document, a link of a document, or a URL link of a document through e-mail from iManage DeskSite." Chapter 3, p. 74. "In the **WorkSite** box, you can enter the URL for accessing imanage [sic] WorkSite in the **Base Path** field." Chapter 6, p. 157 (boldface in original).
Claim 21 (Independent)	
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 that claim 21 was written as a computer-readable medium (apparatus) 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, iManage discloses a method of managing data. See Chapter 1, pp. 12-13, 18.*
[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, iManage 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 Chapter 5, pp. 125, 130; chapter 3, p. 74 (web-based); chapter 6, p. 157.*
[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 limitations [b1] and [b2] of claim 9, iManage 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 generally Chapter 3, pp. 82-83 (including Figure 3.26); chapter 5, p. 141.*
[c] tracking movement of the user from the user workspace to a second	*As explained in connection with limitation [c] of claim 9, iManage discloses tracking movement of the user from the first to the second workspace of the web-based computing platform. See Chapter 3, pp.*

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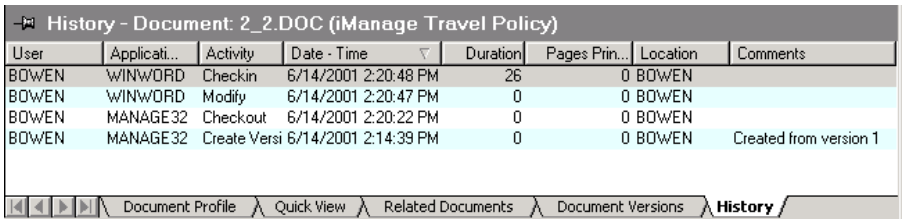
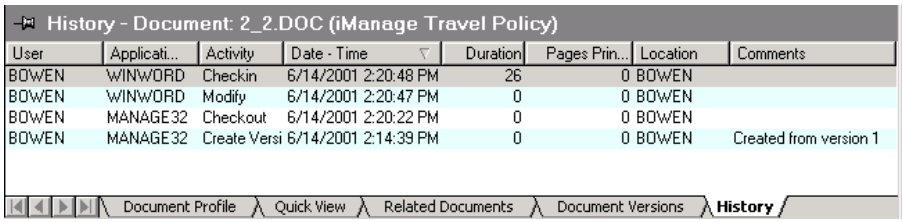
user workspace of the web-based computing platform;	*82-83 (including Fig. 3.26); chapter 5, p. 141.*
[d] dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace; and	*As explained in connection with limitation [d] of claim 9, iManage discloses dynamically associating the data and application with the second user workspace in the metadata such that the user employs the application and data from the second workspace. See Chapter 3, pp. 50-51, 87-88 (including Fig. 3.26).*
[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 limitation is substantially similar to dependent claim 11. As such, in the interests of brevity, the full explanation provided in connection with claim 11 need not be repeated here.* *As explained in connection with claim 11, supra, iManage discloses indexing the data created in the user workspace such that a plurality of users can access the data via the metadata from a corresponding plurality of different user workspaces. See Chapter 1, Table 1.1, p. 14; chapter 3, pp. 50-51; chapter 4, p. 106; chapter 5, p. 125.*
Claim 23 (Independent)	
23. A computer-implemented system that facilitates management of data, comprising:	*For purposes of this Request, the preamble of claim 23 is substantially similar to the preamble of claim 1. As such, in the interests of brevity, the full explanation provided in connection with the preamble of claim 1 will not be repeated here.* *As explained in connection with the preamble of claim 1, iManage discloses a computer-implemented system that facilitates management of data. See Chapter 1, pp. 12-13, 18.*
[a1] a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server,	*iManage discloses a computer implemented context component of a web-based server for defining a first user workspace of the web-based server.* *For purposes of this Request, the first user workspace can be the particular application used by the user, or the user's location (computer), or the combination of both. iManage discloses defining these workspaces and associated context information:*

U.S. Patent No. 7,139,761	SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)
	"The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using." Chapter 5, p. 125. "The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. "The *History* dialog [shown below] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).  *Chapter 3, Figure 3.26, p. 83.*
[a2] assigning one or more applications to the first user workspace,	*iManage discloses assigning one or more applications to the first user workspace:* "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using. This integration eliminates the need to switch to the iManage DeskSite application to perform certain iManage tasks." Chapter 5, p. 125. "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125. *See also Chapter 5, p. 125 (providing a list of multiple*

U.S. Patent No. 7,139,761	SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)
	applications that are integrated into iManage).
[a3] capturing context data associated with user interaction of a user while in the first user workspace, and for	*As explained in connection with limitation [a1] of claim 1, iManage discloses capturing context data associated with user interaction while in the first user workspace (e.g., first application and/or location). See Chapter 3, pp. 82-83; chapter 5, pp. 125, 141.*
[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	*As explained in connection with limitation [a2] of claim 1, iManage discloses dynamically storing the context data as metadata (e.g., document history information) on a storage component of the web-based server (e.g., iManage library), which is dynamically associated with data created in the first user workspace. See Chapter 3, pp. 82-83 (including Fig. 3.26).*
[b1] 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,	*As explained in connection with limitation [b1] of claim 1, iManage discloses 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 (e.g., the user moving from a first application and/or location to a second application and/or location), and dynamically storing the change information on the storage component as part of the metadata (e.g., in the document history for the document). See Chapter 3, pp. 82-83 (including Fig. 3.26); chapter 5, p. 125, 141.*
[b2] wherein the user accesses the data from the second user workspace.	*As explained in connection with limitation [b2] of claim 1, iManage discloses that the user accesses the data from the second user workspace. See Chapter 3, pp. 50-51.*
Claim 24 (Dependent)	
24. The system of claim **23**, wherein the tracking component automatically creates the	*See claim 23 above.* *iManage discloses that the tracking component automatically creates the metadata (e.g., document history) when the user accesses the first*

U.S. Patent No. 7,139,761	SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)
metadata when the user accesses the first user workspace.	*workspace (e.g., the first application and/or location).* *This is shown through the History feature of iManage, which automatically creates the metadata (e.g., document history information) when the user accesses the first user workspace:* "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using." Chapter 5, p. 125. "The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. "The *History* dialog [shown below] displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original).  *Chapter 3, Figure 3.26, p. 83.* *As shown above, the first user workspace is "MANAGE32" at 2:14:39 PM. DeskSite creates this metadata automatically when the workspace is accessed, as shown above.*
Claim 25 (Dependent)	

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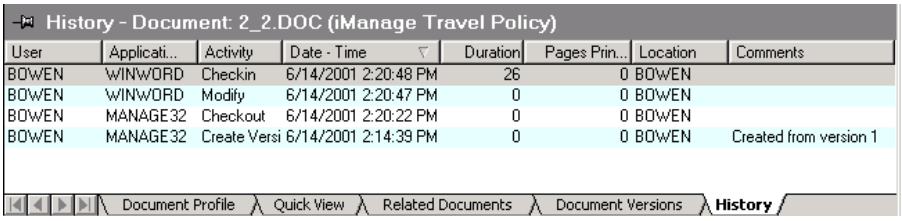
25. The system of claim **23**, wherein the context component captures relationship data associated with a relationship between the first user workspace and at least one other user workspace.	*See claim 23 above.* *For purposes of this Request, claim 25 is similar to claim 5, above. As such, in the interests of brevity, the full explanation provided in connection with claim 5 will not be repeated here. As explained in connection with claim 5, iManage discloses capturing relationship data associated with a relationship between the first user workspace and at least one other user workspace. See Chapter 5, p. 125, 141; chapter 3, pp. 82-83 (including Figure 3.26).*
Claim 26 (Dependent)	
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.* *iManage discloses that an application associated with the first user workspace (e.g., iManage Desksite Desktop) is automatically accessible via the second user workspace when the user moves from the first to the second workspace (e.g., from one application/location to another):* "The iManage Integrated Application Operation allows a user to perform iManage functions directly from the application they are using. This integration eliminates the need to switch to the iManage DeskSite application to perform certain iManage tasks" Chapter 5, p. 125. "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125.
Claim 29 (Dependent)	
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.* *iManage discloses that the data created in the first user workspace (e.g., document) are accessed from the second user workspace (e.g., a second application or location), in response to which the context component adds information to the metadata about the second user workspace.* *This is accomplished, for example, when a user moves to a different user workspace (e.g., a second, application or location) and attempts to access data from that workspace. The context component adds information to the metadata about the second workspace:* "The document history record displays all activities of the types selected for recording by your system administrator. The types of activities typically recorded in the document

U.S. Patent No. 7,139,761	SNQ No. 4: Anticipation Based on iManage DeskSite 6.0 User Reference Manual (2001)
	activity record are: • Opening and closing the document in an integrated application * * * • Checking out, copying, and/or checking in the document • Viewing the document * * * • The computer (location) where the activity took place" Chapter 3, pp. 82-83. *For example, the following screenshot shows tracking a user (BOWEN) accessing a document (2_2.DOC) from two different contexts (applications), and updating the metadata (e.g., document history) based on the change:*  History - Document: 2_2.DOC (iManage Travel Policy) User | Applicati... | Activity | Date - Time | Duration | Pages Prin... | Location | Comments BOWEN | WINWORD | Checkin | 6/14/2001 2:20:48 PM | 26 | 0 | BOWEN | BOWEN | WINWORD | Modify | 6/14/2001 2:20:47 PM | 0 | 0 | BOWEN | BOWEN | MANAGE32 | Checkout | 6/14/2001 2:20:22 PM | 0 | 0 | BOWEN | BOWEN | MANAGE32 | Create Versi | 6/14/2001 2:14:39 PM | 0 | 0 | BOWEN | Created from version 1 Document Profile | Quick View | Related Documents | Document Versions | History *Chapter 3, Figure 3.26, p. 83.* "The *History* dialog displays the activity record for a particular document in chronological order. The fields displayed in the activity table are User, Application, Activity, Date-Time, Duration, Pages Printed, Location, and Comments." Chapter 5, p. 141 (italics in original). "iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125.
Claim 32 (Dependent)	
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.* *iManage 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.* *For example, iManage discloses that the metadata allow the ability to retrieve and use documents from multiple different contexts or workspaces.*

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	"iManage DeskSite is actively integrated with most major Windows applications . . ." Chapter 5, p. 125. "**Opening from an Integrated Application** If an application is integrated with iManage DeskSite, you can also open documents that are contained in an iManage database from inside the application by selecting Open from the application's File menu." Chapter 3, pp. 50-51. "**Searching by Document Numbers** One of the most direct ways to locate documents in the database is to search for specific document numbers. If you know the document number for a document, this can be an effective way of locating the document quickly, because every document in the database has a distinct document number and version number." Chapter 4, p. 106.
Claim 33 (Dependent)	
33. The system of claim **23**, wherein the first user workspace provides access to <u>at least one</u> 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.* *iManage discloses that the first user workspace provides access to at least one communications tool, e.g., e-mail or web:* "**Web Browser** iManage DeskSite has a web browser utility to allow you to quickly access the web directly from the iManage Desktop." Chapter 2, p. 41. "**E-mailing Documents** You can send a copy of a document, a link of a document, or a URL link of a document through e-mail from iManage DeskSite." Chapter 3, p. 74.
Claim 34 (Dependent)	
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.	*iManage discloses that one or more applications include file storage pointers that are dynamic and associated with the first user workspace (e.g., the current context in which the user is operating).* *The file storage pointers take the form, for example, of document numbers associated with the user's files:*

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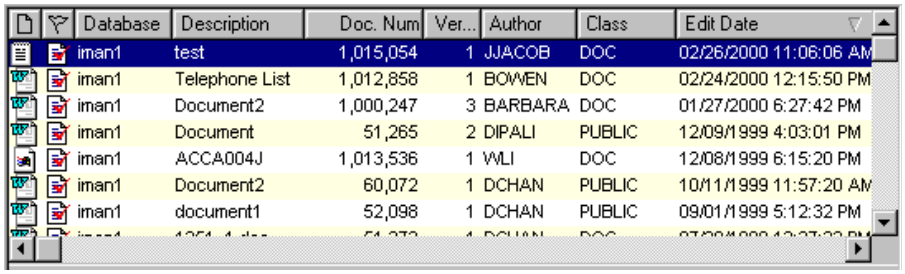
Profile Field	Description
Number	Unique number automatically assigned by iManage DeskSite

Chapter 1, Table 1.1, p. 14.

These document numbers are dynamic and associated with the first user workspace, e.g., when the user creates the document within an application. This is shown in the following figure, showing the document number (Doc. Num.) associated with the application used to create it (MS Word, MS Excel, icons on the left):



Database	Description	Doc. Num	Ver...	Author	Class	Edit Date
iman1	test	1,015,054	1	JJACOB	DOC	02/26/2000 11:06:06 AM
iman1	Telephone List	1,012,858	1	BOWEN	DOC	02/24/2000 12:15:50 PM
iman1	Document2	1,000,247	3	BARBARA	DOC	01/27/2000 6:27:42 PM
iman1	Document	51,265	2	DIPALI	PUBLIC	12/09/1999 4:03:01 PM
iman1	ACCA004J	1,013,536	1	WLI	DOC	12/08/1999 6:15:20 PM
iman1	Document2	60,072	1	DCHAN	PUBLIC	10/11/1999 11:57:20 AM
iman1	document1	52,098	1	DCHAN	PUBLIC	09/01/1999 5:12:32 PM

Chapter 2, Figure 2.6, p. 31.

These dynamic file storage pointers can be used to search for the document in a plurality of workspaces.

> "**Searching by Document Numbers**
>
> One of the most direct ways to locate documents in the database is to search for specific document numbers. If you know the document number for a document, this can be an effective way of locating the document quickly, because every document in the database has a distinct document number and version number." Chapter 4, p. 106.

E. Anticipation by Swartz (SNQ No. 5)

A claim chart showing how Swartz anticipates claim 3 of the '761 patent is set forth below. Because claim 3 depends from claim 1 – and therefore incorporates all limitations from claim 1 – the chart below also explains how claim 1 is disclosed by Swartz. Unless otherwise noted, underlining has been added by the Requester for clarity and emphasis.

U.S. Patent No. 7,139,761	**SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz**
Claim 1 (Independent)	
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 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

U.S. Patent No. 7,139,761	SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz
	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, 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.

U.S. Patent No. 7,139,761	**SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz**
[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., repository, database):* "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 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	*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

U.S. Patent No. 7,139,761	SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz
second context.	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. *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-

U.S. Patent No. 7,139,761	SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz
	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, the user accesses the data from the second context.*
Claim 3 (Dependent)	
3. The system of claim **1**, the context component is associated with a web, which web is a collection of interrelated workspaces, the web maintains a location of data of the respective interrelated workspaces	*See claim 1, above.* *The context component (e.g., DataDocket middleware) is associated with a web, which is a collection of interrelated workspaces (e.g., multiple information management applications):* "As previously described, the DataDocket system employs an API layer (not shown) to interface to and between these various information management applications in level **300** [of

U.S. Patent No. 7,139,761	SNQ No. 5: Anticipation of Claim 3 Based On U.S. Patent No. 6,236,994 to Robert M. Swartz
when one or more of the interrelated workspaces are moved into a different workspace interrelationship.	Fig. 5]. The API, and the DD-Controller component that controls the functionality of the API, are generally characterized as middleware **321—**falling into level **302**. The functionality enabled by the middleware **321**, not only enables the integration of the functionality of the various information management applications (application integration, **320**), but also provides added resources so as to monitor the flow of information into, out of, and amongst the various information management applications (knowledge integration, **322**)." Col. 17, ll. 54-64. *The web maintains a location of the data of the respective workspaces when one or more of the interrelated workspaces are moved into a different workspace interrelationship:* "For example, the 'KnowledgeLink (K-Link)' feature embeds and executes 'live' knowledge links stored in documents and analysis data. Users will be able to define and execute multiple tasks to be performed by one or more information management (data or document) applications from anywhere within the actual information content. 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. Any source document links (defined at anchors within document content; i.e., at a specific place on a page) will be preserved when the document is published into a particular format (e.g., Adobe®). The user would then have the ability to invoke a knowledge link, thereby accessing information within the knowledge repository and elicit a defined set of tasks that may initiate a set of transactions with assorted applications." Col. 18, ll. 15-31.

F. Obviousness Over Hess in View of *Computer Dictionary* (SNQ No. 6)

This Request presents a separate and narrowly-tailored SNQ directed at claims 9-15, 21, 23-26, 31-34 to the extent they recite the requirement of a "web-based computing platform," "a web-based server" or similar web-based features. Each of these claims is separately anticipated by Hess for the reasons explained in Part VII(A) beginning at page 29, above. As explained herein, however, the recitation of "web-based" functionalities in these claims is a distinction without any patentable significance. These claims are also obvious under § 103.

In particular, independent claim 9 (and hence dependent claims 10-15) and independent 21 recite a "web-based computing platform," while independent claim 23 (and hence dependent claims 24-26 and 31-34) recite a "web-based server." Dependent claims 13-15 further recite related web-based features such as "accessing the user environment and the second user environment using a browser" (claim 13), "communicating with the user environment using a TCP/IP communication protocol" (claim 14) and "locating the user environment from a remote location using a URL address" (claim 15).

Each of these claims is obvious over Hess in view of Microsoft Press, *Microsoft Computer Dictionary* (3d ed. 1997) [**Exhibit H**], which confirms that web-based systems, browsers, the TCP/IP communication protocol and URL addresses were all well-known to those or ordinary skill in the art long before the application for the '761 patent was filed. The World Wide Web, websites and web browsers have been in existence since at least 1989. *See id.* at 505 (discussing Web browsers), 506 (Web sites), 511-512 (World Wide Web, noting origins in 1989). Additionally, TCP/IP was well-known as the standard Internet protocol suite used by the World Wide Web and other Internet applications long before the application for the '761 patent was filed. *See* Microsoft at 462 ("It [TCP/IP] is built into the UNIX system and has become the de facto standard for data transmission over networks, including the Internet."). Uniform Resource Locators (URLs) were also universally-known long before the '761 patent as the way of identifying Internet resources on the World Wide Web. *See* Microsoft at 487 ("An address for a resource on the Internet. URLs are used by Web browsers to locate Internet resources.").

Accordingly, using a web-based platform or server, a web browser, the TCP/IP communications protocol and/or a URL address to access a workspace or user environment would have entailed a simple substitution of a World Wide Web-based environment in place of a

non-Internet system (such as a proprietary non-TCP/IP network. This would have predictably resulted in a method in which the user environment was accessed from via a web browser though a URL address using the TCP/IP communications protocol. One of ordinary skill in the art would be motivated to combine references in order to achieve the clear advantages of being able to access the claimed workspace or user environment over the Internet using a standard web browser. For example, by allowing a user to access a workspace or user environment over the Internet using a standard browser, the software provider is freed of the burden of deploying its own network infrastructure or developing specialized application software to enable the user to access the workspace or user environment. Therefore, claims 9-15, 21, 23-26, 31-34 of the '761 patent are obvious under § 103.

G. **Obviousness of Claim 16 in View of Ausems (SNQ No. 7)**

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 Dourish, Hubert and iManage for the reasons explained in Parts VII(B-D) beginning at page 57, 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* Col. 1, ll. 5-9, 54-58. The portable wireless device includes a CPU, runs the Microsoft Windows CE operating system and includes a web browser 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 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 Dourish, Hubert or iManage with Ausems to achieve the increased flexibility and mobility of being able to access a user environment remotely and without requiring a wired connection to a computer network. Claim 16 is therefore obvious under § 103.

H. **Obviousness of Claim 31 in View of Microsoft Dictionary (SNQ No. 8)**

Claim 31 recites: "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." This claim adds nothing of patentable significance and is obvious under § 103.

Claim 31 depends from independent claim 23, which is separately anticipated by each of Hess, Dourish, Hubert and iManage for the reasons explained in Parts VII(A-D), beginning at page 27 above, respectively. Claim 31 is obvious over any one of these anticipatory references when combined with Microsoft Press, *Microsoft Computer Dictionary* (3d ed. 1997) [**Exhibit H**], which confirms that relational database methodologies were well-known before the application for the '761 patent was filed. A relational database is simply a "database or database management system that stores information in tables—rows and columns of data—and conducts searches by using data in specified columns of one table to find additional data in another table." *Id.* at 403. Most if not all popular microcomputer database products at the time of the alleged invention of the '761 patent were relational databases. *See id.* at 403-404 ("Microcomputer database products typically are relational databases."). Using a relational database methodology would have entailed a simple substitution of a relational database in place of a non-relational database, predictably resulting in a system in which the data and metadata are stored according to a relational methodology. One of ordinary skill in the art would have been motivated to use a relational database with any one of Hess, Dourish, Hubert or iManage to achieve the increased flexibility and support offered by widely-available relational database products. *Id.* at 403.

I. Obviousness Under the Combination of Hess and Dourish (SNQ No. 9)

As explained above, Hess and Dourish are anticipatory references with respect to claims 1-16, 21, 23-26, 29, 31-34 under 35 U.S.C. § 102(b).[3] Although not required to show invalidity of these claims, the combination of Hess and Dourish also render claims 1-16, 21, 23-26, 29, 31-14 obvious under 35 U.S.C. § 103(a). Each and every limitation of these claims is disclosed by Hess and/or Dourish as explained in detail above in Parts VII.A and VII.B beginning at page 29.

It would also have been obvious to one of ordinary skill in the art to combine Hess and Dourish to provide the systems and methods claimed in claims 1-16, 21, 23-26, 29, 31-34. Both Hess and Dourish provide solutions to the same problems purportedly addressed in the '761 patent, which would lead a skilled artisan to look to both references for possible solutions to the problem. Both Hess and Dourish describe techniques for managing and organizing a user's data (including through using stored metadata), and both references disclose the ability of a user to move to a new context, workspace, or user environment in which the user accesses that data. A person of ordinary skill in the art could easily have combined the elements of both systems by known methods, with no change in their respective functions and yielding nothing more than results which would have been predictable at the time the '761 patent was filed.

J. Obviousness Under Combination of Hubert and Martizen (SNQ No. 10)

As explained above, Hubert is an anticipatory reference with respect to claims 1-15, 21, 23-26, 29, 31-34 under 35 U.S.C. § 102(b). Although not required to show invalidity of these claims, Hubert also renders these claims obvious when combined with U.S. Patent Application Pub. No. 2003/0120660 to L. Michael Maritzen entitled "Consumer-Centric Context-Aware Switching Model," filed on December 7, 2001. As explained in Part VII.C beginning on page 85, Hubert discloses a system in which a user can move to a new "source" or "environment" in which his or her documents and data can be accessed. Maritzen discloses a similar system in which context information is captured, stored and transmitted for use at multiple different websites. Martizen, ¶ 0076, 0081-83, Fig. 9. The system as disclosed involves three steps:

[3] In particular, Hess was cited as anticipatory with respect to claims 1-13, 16, 21, 23-26, 29, and 31-34, and Dourish as to claims 1-15, 21, 23-26, 29 and 31-34.

> "A user enters personal information such as name, mailing address, and age, when requesting information from website #1. The user leaves website #1 and visits website #2. Subsequently, the user visits website #3. The progression of the user from website #1 through website #3 may occur during different sessions." ¶ 0081.
>
> "The website #3 requests personal information such as name and mailing address from the user. In response to the user's preselection, context data including the user name and mailing address is automatically sent to website #3. This saves the user from re-entering this personal information." ¶ 0082.
>
> "Further, website #3 also requests the context data including the user's website visitation history. In response to the user's pre-selection of allowable context data to be distributed, the user is prompted to permit this distribution of the user's website visitation history. The user is able to decide whether to allow this context data to be distributed to website #3." ¶ 0083.

Both Hubert and Martizen provide solutions to the same problems purportedly addressed in the '761 patent, which would lead a skilled artisan to look to both references for possible solutions to the problem. Hubert discloses techniques for managing and organizing a user's data (including through using stored metadata) and the ability of a user to move to a new user environment in which the user accesses the data. Maritzen provides a specific example in which the user moves between separate Internet websites. A person of ordinary skill in the art could easily have combined the elements of both systems by known methods, with no change in their respective functions and yielding nothing more than results which would have been predictable at the time the '761 patent was filed.

VIII. LIST OF EXHIBITS

The following is a list of exhibits filed with this Request:

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

Exhibit B: Christopher K. Hess & Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments*, Department of Computer Science, University of Illinois at Urbana-Champaign, July 2002

Exhibit C: U.S. Patent No. 6,430,575 B1 to J. Paul Dourish et al.

Exhibit D: European Patent Application EP 1 087 306 A2 to Laurence Hubert et al.

Exhibit E: *iManage DeskSite 6.0 User Reference Manual*, 2001, Chapters 1-5

Exhibit F: U.S. Patent No. 6,236,994 B1 to Ronald M. Swartz et al.

Exhibit G: U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al.

Exhibit H: Microsoft Press, *Microsoft Computer Dictionary* (3d ed. 1997), pages 403-04, 462, 487, 505-506, 511-512

Exhibit I: U.S. Patent Application Pub. No. 2003/0120660 to L. Michael Maritzen

Exhibit J: Affidavit of Christopher Butler, dated October 29, 2009

IX. CONCLUSION

The claims of the '761 patent are not patentable over the prior art cited in this Request. 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 1-16, 21, 23-26, 29, 31-34. The Requester respectfully requests that the PTO grant this Request and return a first Office Action rejecting claims 1-16, 21, 23-26, 29 and 31-34 in accordance with the proposed rejections listed in Part I(D) starting at page 5 above, with special dispatch.

Dated: November 13, 2009 Respectfully submitted,

/Heidi L. Keefe/
Heidi L. Keefe
Reg. No. 40,673

X. CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 1.510(b)(5), that on November 13, 2009, I caused a true and correct copy of the foregoing REQUEST FOR *INTER PARTES* REEXAMINATION to be served via First Class U.S. Mail on the following:

KING AND SPAULDING LLP
1700 Pennsylvania Ave, NW
Suite 200
Washington DC 20006

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

/Heidi L. Keefe/
Heidi L. Keefe
Reg. No. 40,673

COOLEY GODWARD KRONISH LLP
3000 El Camino Real
5 Palo Alto Square, 4th Floor
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

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