

**EXHIBIT N**

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**From:** Kenny, Michael [mailto:mkenny@cooley.com]  
**Sent:** Tuesday, November 03, 2009 2:00 PM  
**To:** Andre, Paul; Kobialka, Lisa; Hannah, James  
**Cc:** Keyes, Melissa; Keefe, Heidi  
**Subject:** Facebook's Responses to Leader's 4th Set of Interrogatories

Counsel – Attached are Facebook's Responses to Leader's 4<sup>th</sup> Set of Interrogatories with revised pagination. The same document with incorrect pagination was served yesterday.

**Michael Kenny**

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11/9/2009

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LEADER TECHNOLOGIES, INC., a  
Delaware corporation,

Plaintiff-Counterdefendant,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant-Counterclaimant.

Civil Action No. 08-862-JJF/LPS

**DEFENDANT FACEBOOK, INC.'S  
RESPONSES TO  
PLAINTIFF LEADER TECHNOLOGIES,  
INC.'S FOURTH SET OF  
INTERROGATORIES**

**PROPOUNDING PARTY: LEADER TECHNOLOGIES, INC.**

**RESPONDING PARTY: FACEBOOK, INC.**

**SET NUMBER: FOURTH (4)**

Pursuant to Federal Rules of Civil Procedure 33, defendant and counterclaimant FACEBOOK, INC. hereby submits the following objections and responses to LEADER TECHNOLOGIES, INC.'s ("LTI") Third Set of Interrogatories (Nos. 18). The responses contained herein are based on information reasonably available to Facebook as of the date of the response. Facebook's investigation is continuing and ongoing and Facebook expressly reserves the right to revise and/or supplement these responses.

**I. GENERAL OBJECTIONS.**

The following General Objections apply to each interrogatory and are hereby incorporated by reference into the individual response to each request, and shall have the same force and effect as if fully set forth in the individual response to each interrogatory.

1. Facebook objects to each interrogatory to the extent it purports to require Facebook to do anything beyond what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, and other applicable law.

2. Facebook objects to Plaintiff's "Instructions" to the extent they seek to impose

obligations beyond those permitted by the Federal Rules of Civil Procedure, the Local Rules of Court, or other applicable law.

3. Facebook objects to each interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity.

4. Facebook objects to each interrogatory to the extent it is phrased in a manner that would render it overly broad, vague or ambiguous, or would require subjective judgment or speculation on the part of Facebook. Facebook responds to these requests by construing them in light of the scope of the issues in this action.

5. Facebook objects to each interrogatory to the extent it seeks to elicit information that is subject to a right of privacy under the relevant provisions of federal and state law.

6. Facebook objects to each request to the extent it seeks to elicit third-party confidential information.

7. Facebook objects to each interrogatory to the extent it purports to place an obligation on Facebook to obtain information that is as readily available to Plaintiff as it is to Facebook.

8. Facebook objects to each interrogatory to the extent it calls for information not in the possession, custody or control of Facebook.

9. Facebook objects to each interrogatory to the extent it seeks privileged information originating on or subsequent to the commencement of this lawsuit. Given the burden and expense to Facebook involved in creating a privilege log in accordance with Instruction C, Facebook objects to logging information originating on or subsequent to the commencement of the lawsuit.

10. Facebook objects to each interrogatory to the extent it is not properly limited in time and/or improperly attempts to capture information, if any, created prior to issuance of the '761 patent.

## **II. SPECIFIC OBJECTION AND RESPONSES.**

### **INTERROGATORY NO. 18:**

For Facebook's contention that each of Leader's asserted claims are invalid because they lack novelty and/or are obvious under 35 U.S.C. §§ 102 and 103, provide a chart or charts that specifically identify where each limitation of each asserted claim of the '761 patent is found in each and every prior art reference upon which Facebook intends to rely and a complete description of why and how each limitation of each claim is allegedly anticipated and/or rendered obvious by such prior art.

### **RESPONSE TO INTERROGATORY NO. 18:**

Facebook incorporates each of its General Objections herein by reference. Facebook further objects to this Interrogatory to the extent it calls for expert testimony or legal conclusions. Expert discovery has not commenced in this action. This Response is without prejudice to Facebook's right to designate one or more fact or expert witnesses in accordance with the Court's scheduling order, and to offer testimony from them to explain the prior art references cited in this response and further elucidate the bases of Facebook's contentions that that art renders the asserted claims of the '761 patent are invalid under 35 U.S.C. §§ 102, 103. Facebook's search for prior art is ongoing and Facebook reserves its right to supplement this response in the event additional prior art is located. Facebook further reserves its right to supplement its Response to this Interrogatory following the exchange of claim construction contentions and/or a claim construction ruling in this case.

Facebook objects to this Interrogatory to the extent it calls for information pertaining to claims of the '761 patent that have not properly been asserted in this litigation. In particular, LTI's further supplemental response to Facebook Interrogatory No. 1 (dated October 28, 2009) improperly attempted to add several claims to this litigation that were never previously asserted,

including without limitation an additional independent claim. Facebook is currently meeting and conferring with LTI regarding these additional claims and whether they will remain in this litigation. Facebook has not had an opportunity to fully analyze the invalidity of many of these new claims or to undertake a prior art search as to them. Facebook therefore reserves its right to supplement its response to this Interrogatory to address those claims in the event they are deemed to be part of this litigation.

Subject to and without waiving its objections, Facebook responds as follows:

The prior art references listed below render one or more of the asserted claims of the '761 patent invalid due to lack novelty and/or obviousness under 35 U.S.C. §§ 102 and 103:

- U.S. Patent No. 7,366,990 to Satyan G. Pitroda, entitled "Method and System for Managing User Activities and Information Using a Customized Computer Interface," filed on Jan. 19, 2001 and granted on Apr. 29, 2008 ("Pitroda '990")
- U.S. Patent No. 6,236,994 to Ronald M. Swartz et al., entitled "Method and Apparatus for the Integration of Information and Knowledge," filed on Jun. 29, 1998 and granted on May 22, 2001 ("Swartz '994")
- U.S. Patent No. 6,370,538 to John O. Lamping et al., entitled "Direct Manipulation Interface for Document Properties," filed on Nov. 22, 1999 and granted on Apr. 9, 2002 ("Lamping '538")
- U.S. Patent No. 6,308,179 to Karin Petersen et al., entitled "User Level Controlled Mechanism Inter-Positioned in a Read/Write Path of a Property-Based Document Management System," filed on Aug. 31, 1998 and granted on Oct. 23, 2001 ("Petersen '538")
- U.S. Patent No. 6,941,313 to Robert Seliger et al., entitled "Context Management with Audit Capability," filed on Dec. 11, 2001 and granted on Sep. 6, 2005 ("Seliger '313")
- U.S. Patent No. 7,346,648 to Robert Seliger, entitled "Context Management Server Appliance," filed on May 30, 2000 and granted on Mar. 18, 2008 ("Seliger '648")
- U.S. Patent No. 5,731,813 to Thomas C. O'Rourke et al., entitled "Graphical User Interface for Graphically Representing, Organizing, and Selecting Application Programs and Documents," filed on Jun. 6, 1994 and granted on Mar. 24, 1998 ("O'Rourke '813")

- U.S. Patent Application No. 10/017,181 to L. Michael Maritzen et al., entitled "Consumer-Centric Context-Aware Switching Model," filed on Dec. 7, 2001 ("Maritzen '181")
- U.S. Patent No. 6,256,032 to Harlan M. Hugh, entitled "Method and Apparatus for Organizing and Processing Information Using a Digital Computer," filed on Jan. 19, 2000 and granted on Jul. 3, 2001 ("Hugh '032")
- U.S. Patent Application No. 09/899,534 to Charles English Henderson et al., entitled "Method and System for Collaborative Knowledge Management," filed on Jul. 6, 2001 ("Henderson '534")
- U.S. Patent No. 7,275,220 to Tony Brummel et al., entitled "System and Method for a Seamless User Interface for an Integrated Electronic Health Care Information System," filed on Dec. 5, 2001 and granted on Sep. 25, 2007 ("Brummel '220")
- U.S. Patent No. 7,343,365 to Shelly D. Farnham et al., entitled "Computer System Architecture for Automatic Context Associations," filed on Jun. 28, 2002 and granted on Mar. 11, 2008 ("Farnham '365")
- U.S. Patent No. 6,691,118 to R. Scott Gongwer et al., entitled "Context Management System for Modular Software Architecture," filed on Oct. 31, 1997 and granted on Feb. 10, 2004 ("Gongwer '118")
- Eva Schroeter and Jon D. Patrick, "An Application Interface with Multiple Works: The Context Switcher," Computer-Human Interaction – Australian conference, 6<sup>th</sup> OZCHI Proceedings (1996), pp. 318-19 ("Schroeter").
- U.S. Patent No. 7,206,791 to John R. Hind et al., entitled "System and Method for Managing and Securing Meta Data," filed on Jan. 17, 2002 and granted on Apr. 17, 2007 ("Hind '791")
- U.S. Patent No. 7,483,908 to Robert Seliger et al., entitled "Context Management with Audit Capability," filed on Mar. 4, 2005 and granted on Jan. 27, 2009 ("Seliger '908")
- U.S. Patent No. 7,231,596 to Dov Koren, entitled "Collaborative, Fault-Tolerant, Scaleable, Flexible, Interactive Real-Time Display and Processing Method and Apparatus," filed on Nov. 29, 2001 and granted on Jun. 12, 2007 ("Koren '596")
- U.S. Patent No. 6,990,513 to Joseph Belifore et al., entitled "Distributed Computing Services Platform," filed on Jun. 22, 2001 and granted on Jun. 24, 2006 ("Belifore '513")

- U.S. Patent No. 6,917,938 to Gabriel O. Shea et al., entitled “Collaborative Context Information Management System,” filed on May 4, 2002 and granted on Jun. 12, 2005 (“Shea ’938”)
- U.S. Patent No. 6,873,990 to Daniel A. Oblinger, entitled “Customer Self-Service Subsystem for Context Cluster Discovery and Validation,” filed on Feb. 7, 2001 and granted on Mar. 29, 2005 (“Oblinger ’990”)
- U.S. Patent No. 7,325,032 to Sarah E. Zuberec et al., entitled “System and Method for Passing Context-Sensitive Information from a First Application to a Second Application on a Mobile Device,” filed on May 18, 2001 and granted on Jan. 29, 2008 (“Zuberec ’032”)
- U.S. Patent No. 7,590,934 B2 to Laurence Hubert et al., entitled “Meta-Document and Method of Managing,” filed on January 27, 2004 as a continuation of U.S. Patent Appl. No. 09/404,174 filed on September 24, 1999, and granted on September 15, 2009 (“Hubert ’934”).
- EP 1 087 306 A2 to Laurence Hubert et al., entitled “Meta-Documents and Method of Managing Them,” published on March 28, 2001 (“Hubert EP ’306”). Hubert EP ’306 is the European counterpart to Hubert ’934 (above), and both share substantially identical disclosures. Accordingly, citations to Hubert ’934 below should be understood as encompassing parallel portions of Hubert EP ’306.
- W.J. Johnson and O.W. Weber, *Method for Automatic Invocation to an Application Context in Correlation to Another Application Context*, IBM TECHNICAL DISCLOSURE BULLETIN, Vol. 37 No. 02B, p. 187 (Feb. 1994) (“Johnson”)
- Catherine E. Chronaki, Dimitrios G. Katehakis, Xenophone C. Zabulis, Manolis Tsiknakis and Stelios C. Orphanoudakis, *WebOnCOLL: Medical Collaboration in Regional Healthcare Networks*, IEEE Transactions on Information Technology in Biomedicine, Vol. 1 No. 4, pp. 257-69 (Dec. 1997) (“Chronaki”)
- Paul Dourish, W. Keith Edwards, Anthony LaMarca, and Michael Salisbury, *Presto: An Experimental Architecture for Fluid Interactive Document Spaces*, ACM TRANSACTIONS ON COMPUTER-HUMAN INTERACTION, Vol. 6, Issue 2, pp. 131-61 (1999) (“Dourish Presto”)
- Paul Dourish, John Lamping, Tom Rodden, *Building Bridges: Customisation and Mutual Intelligibility in Shared Category Management*, PROCEEDINGS OF THE ACM CONFERENCE ON SUPPORTING GROUP WORK GROUP ’99 (Phoenix, AZ), pages 11-20 (1999) (“Dourish Building Bridges”).
- U.S. Patent No. 6,430,575 to J. Paul Dourish, John O. Lamping and Thomas Rodden entitled “Collaborative Document Management System with



Customizable Filing Structures that are Mutually Intelligible,” filed on September 10, 1999 and granted on August 6, 2002 (“Dourish ’575”)

- U.S. Patent No. 6,493,731 to Rachel Jones, Paul Dourish, Allan MacLean and Richard Bentley entitled “Document Management System for Recording and Viewing the History of Document use,” filed on January 27, 1999 and granted on December 10, 2002 (“Jones ’731”)
- U.S. Patent No. 6,324,551 to John O. Lamping et al. entitled “Self-Contained Document Management Based on Document Properties,” filed on August 31, 1998 and granted on November 27, 2001 (“Lamping ’551”)
- Christopher K. Hess and Roy H. Campbell, *A Context File System for Ubiquitous Computing Environments*, Technical Report No. UIUCDCS-R-2002-2285/UILU-ENG-2002-1729A, University of Illinois at Urbana-Champaign, July 2002 (“Hess CFS”)
- Christopher Hess, *Context File System Users Manual*, University of Illinois at Urbana-Champaign, 2001 (“Hess Manual”)
- GaiaOS and Context-File System, discussed in Hess CFS, in public use and known in the United States no later than December 10, 2001 (“Gaia/CFS”)
- Microsoft Press Computer Dictionary (3d ed. 1997) (“Microsoft Dictionary”)
- John December et al., *World Wide Web Unleashed* 330-335 (2d ed. 1995) (“December”)
- Christopher K. Hess, *The Design and Implementation of a Context-Aware File System for Ubiquitous Computing Applications*, published Ph.D Thesis, University of Illinois at Urbana-Champaign (2003) (“Hess Thesis”)
- iManage MailSite 4.0.0 Installation and User Manual, iManage, Inc. (2002) (“iManage MailSite”)
- The iManage Document Management System, a software product for managing information and documents, which was on sale and in public use in the United States no later than December 10, 2001 (“iManage System”). The iManage System is described in the iManage MailSite 4.0.0 Installation and User Manual, and the iManage DeskSite User Reference Manual, both from iManage, Inc. (2002).<sup>1</sup>

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<sup>1</sup> Facebook is currently working with Autonomy to locate additional documentation responsive to Facebook’s subpoena relating to iManage. In the event Autonomy locates additional materials relating to iManage, Facebook will produce those materials and supplement this Response to incorporate them.

- The Documentum Document Management System, on sale and in public use in the United States prior to December 11, 2001<sup>2</sup>
- U.S. Patent No. 6,732,148 to Julio Estrada et al., entitled “System and Method for Interconnecting Secure Rooms,” filed Dec. 28, 1999 and granted on May 4, 2004 (“Estrada ’148”)
- U.S. Patent No. 5,878,258 to Anthony C. Pizi et al., entitled “Seamless Application Interface Manager,” filed on May 6, 1996 and granted on Mar. 2, 1999 (“Pizi ’258”)
- U.S. Patent No. 6,240,429 to James D. Thornton et al., entitled “Using Attached Properties to Provide Document Services,” filed on Aug. 31, 1998 and granted on May 29, 2001 (“Thornton ’429”)
- U.S. Patent No. 6,324,551 to John O. Lamping et al., entitled “Self-Contained Document Management Based on Document Properties,” filed on Aug. 31, 1998 and granted on Nov. 27, 2001 (“Lamping ’551”)
- U.S. Patent No. 6,950,982 to James P. Dourish, entitled “Active Annotation Mechanism for Document Management Systems,” filed on Nov. 19, 1999 and granted on Sep. 27, 2005 (“Dourish ’982”)
- U.S. Patent No. 6,266,670 to Anthony G. LaMarca et al., entitled “User Level Accessing of Low-Level Computer System Operations,” filed on Aug. 31, 1998 and granted on Jul. 24, 2001 (“LaMarca ’670”)
- U.S. Patent No. 6,253,217 to James P. Dourish et al., entitled “Active Properties for Dynamic Document Management System Configuration,” filed on Aug. 31, 1998 and granted on Jun. 26, 2001 (“Dourish ’217”)
- U.S. Patent Application No. 10/046,409 to Victoria M Bellotti et al., entitled “User Interface for a Message-Based System Having Embedded Information Management Capabilities,” filed on Jan. 16, 2002 (“Bellotti ’409”)
- U.S. Patent No. 5,835,758 to Kumar S. Nochur et al., entitled “Method and System for Representing and Processing Physical and Conceptual Entities,” filed on Feb. 28, 1995 and granted on Nov. 10, 1998 (“Nochur ’758”)

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<sup>2</sup> Facebook recently received a voluminous document production from EMC Corporation containing documentation for the Documentum Document Management System, which is being produced concurrently with this Response. Due to the timing and heavy volume of the EMC materials, however, Facebook was unable to provide citations in the claim chart that is a part of this Response. Facebook is continuing to review the materials from EMC’s production and will further supplement its response to this Interrogatory once that review has been completed.

- U.S. Patent No. 6,675,161 to Sean A. Suchter, entitled "Managing Changes to a Directory of Electronic Documents," filed on May 4, 1999 and granted on Jan. 6, 2004 ("Suchter '161")
- U.S. Patent No. 6,941,302 to Sean A. Suchter, entitled "Managing Changes to a Directory of Electronic Documents," filed on Aug. 14, 2003 and granted on Sep. 6, 2005 ("Suchter '302")
- U.S. Patent No. 5,666,490 to Dennis Gillings et al., entitled "Computer Network System and Method for Managing Documents," filed on May 16, 1994 and granted on Sep. 9, 1997 ("Gillings '490")
- U.S. Patent No. 6,560,655 to Roger F. Grambihler et al., entitled "Synchronization Manager for Standardized Synchronization of Separate Programs," filed on Jun. 22, 1999 and granted on May 6, 2003 ("Grambihler '655")
- U.S. Patent Application No. 10/677,297 to Michael John Sykes et al., entitled "Adaptively Interfacing with a Data Repository," filed on Oct. 3, 2003 ("Sykes '297")
- U.S. Patent No. 7,058,892 to Bruce A. MacNaughton et al., entitled "Displayed Content from Multiple Servers," filed on Feb. 20, 2002 and granted on Jun. 6, 2006 ("MacNaughton '892")
- U.S. Patent No. 5,930,801 to Brian C. Falkenhainer et al., entitled "Shared-Data Environment in Which Each File Has Independent Security Properties," filed on Oct. 30, 1997 and granted on Jul. 27, 1997 ("Falkenhainer '801")
- U.S. Patent No. 6,760,721 to Jeffrey M. Chasen et al., entitled "System and Method of Managing Metadata Data," filed on Apr. 14, 2000 and granted Jul. 6, 2004 ("Chase '721")
- U.S. Patent No. 5,008,853 to Sars A. Bly et al., entitled "Representation of Collaborative Multi-User Activities Relative to Shared Structured Data Objects in a Networked Workstation Environment," filed on Dec. 2, 1987 and Apr. 16, 1991 ("Bly '853")
- U.S. Patent No. 6,562,076 to Warren K. Edwards et al., entitled "Extending Application Behavior Through Active Properties Attached to a Document in a Document Management System," filed on Aug. 31, 1998 and granted on May 13, 2003 ("Edwards '076")
- U.S. Patent Application No. 10/465,678 to Michael Bensimmon, entitled "Process for Managing Context Data Using an Intermediate Server," filed on Jun. 19, 2003 ("Bensimmon '678")

- U.S. Patent No. 6,330,573 to Michael P. Salisbury et al., entitled “Maintaining Document Identity Across Hierarchy and Non-Hierarchy File Systems,” filed on Aug. 31, 1998 and granted on Dec. 11, 2001 (“Salisbury ’573”)
- U.S. Patent No. 6,370,553 to Warren K. Edwards et al., entitled “Atomic and Molecular Documents,” filed on Aug. 31, 1998 and granted on Apr. 9, 2002 (“Edwards ’553”)
- U.S. Patent No. 6,397,231 to Michael P. Salisbury et al., entitled “Virtual Documents Generated via Combined Documents or Portions of Documents Retrieved from Data Repositories, filed on Aug. 31, 1998 and granted on May 28, 2002 (“Salisbury ’231”)
- U.S. Patent No. 6,269,380 to Douglas B. Terry et al., entitled “Property Based Mechanism for Flexibility Supporting Front-End and Back-End Components Having Different Communication Protocols,” filed on Aug. 31, 1998 and granted on Jul. 31, 2001 (“Terry ’380”)
- U.S. Patent No. 6,434,403 to Michiel R. Ausems et al., entitled “Personal Digital Assistant with Wireless Telephone,” filed on Feb. 19, 1999 and granted on Aug. 13, 2002 (“Ausems ’403”)
- U.S. Patent Application No. 11/203,484 to Eric J. Horvitz et al., entitled “Schemas for a Notification Platform and Related Information Services,” filed on Aug. 12, 2005 (“Horvitz ’484”).

The following charts reflect the reasons the asserted claims are invalid in light of the prior art under 35 U.S.C. §§ 102, 103. The analysis contained in these charts does not necessarily reflect the construction that Facebook believes ought to be given to the asserted claims. This analysis instead reflects Facebook’s best understanding of LTI’s interpretation of the asserted claims, as reflected in LTI’s purported infringement contentions. And even under the construction that Facebook believes should be given to these claims, the claims are still invalid in light of the prior art.

The following charts indicate, for each element of each asserted claim, at least one location in a cited prior art reference at which the elements of a given claim element may be found. In many instances, the chart indicates that a element is be found separately in several different references; hence the multiple quotations for particular elements. The fact that multiple prior art references are cited for a particular element is not intended to suggest that the element is

found only through a combination. Rather, each citation fully discloses the element to which it refers. Moreover, the charts do not necessarily indicate every location within the particular prior art reference at which the given claim element may be found. Facebook reserves its right to rely on additional portions of each cited prior art reference to provide explanatory context, background or other detail for the reference or rebut arguments LTI may make regarding the content of that reference. Thus, when considering a citation provided to a particular prior art reference for a given claim element, the following points should be noted:

a. Citations to a particular structure or set of structures in a given figure should be understood as also referring to all identical, parallel, correlating, or corresponding structures or sets of structures in other figures in the reference or in the text of the reference which, in the interests of brevity, were not included.

b. Citations to a particular structure or set of structures in a given figure should be understood as also referring to the text in the reference that describes, explains, or elucidates upon the cited structure(s) or the given figure.

c. Citations to text in a reference should be understood as also referring to any figures, structures or embodiments described therein.

d. The fact that certain entries in the charts may include citations to multiple, alternative structures in a prior art reference should not be construed to mean that for the references for which only a single citation is provided, the above points do not apply. The above points are applicable to all entries in the following charts.

Claim Language of '761 Patent	Invalidating Prior Art
1. A computer-implemented network-based system that facilitates management of data, comprising:	Belifore '513 at, e.g., col. 2-3, 28; fig. 1. Bellotti '409 at, e.g., abstract; p. 3; fig. 19; claim 11. Bensimmon '678 at, e.g., pp. 1, 3; claim 14. Bly '853 at, e.g., abstract; col. 1, 15; claim 18. Brummel '220 at, e.g., abstract; col. 2, 4. Chasen '721 at, e.g., abstract; col. 6; claim 1.

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Chronaki at, e.g., abstract.</p> <p>Dourish '217 at, e.g., abstract.</p> <p>Dourish '575 at, e.g., Abstract, Fig. 1, col. 2-3 (summary), 3-4 (detailed description), <i>passim</i>.</p> <p>Dourish '982 at, e.g., abstract.</p> <p>Dourish Building Bridges at, e.g., Abstract, 14-16.</p> <p>Dourish Presto at, e.g., pp. 1, 7.</p> <p>Edwards '076 at, e.g., abstract.</p> <p>Edwards '553 at, e.g., abstract.</p> <p>Estrada '148 at, e.g., abstract; col. 8; fig. 1-6, 12-13; claim 1.</p> <p>Falkenhainer '801 at, e.g., abstract; fig. 3.</p> <p>Farnan '365 at, e.g., abstract; col. 1-2.</p> <p>Gaia/CFS, e.g., the GAIA/CFS system provided a method of managing information. See disclosures for Hess CFS.</p> <p>Gillings '490 at, e.g., abstract; col. 4.</p> <p>Gongwer '118 at, e.g., col. 1, 3; fig. 1.</p> <p>Grambihler '655 at, e.g., abstract; col. 2-4; fig. 1; claim 1.</p> <p>Henderson '534 at, e.g., abstract; pp. 1, 3-4; fig. 7; claim 1.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 5, <i>passim</i>.</p> <p>Hess Manual at, e.g., §§ 1, <i>passim</i>.</p> <p>Hess Thesis at, e.g., §§ 1.1, 1.2, 1.4, 2.1, 3.1, <i>passim</i>.</p> <p>Hind '791 at, e.g., abstract; col. 1, 3; fig. 1.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-3; fig. 1.</p> <p>Hubert '934 at, e.g., Abstract, col. 1-4.</p> <p>Hugh '032 at, e.g., abstract; col. 2, 26-27.</p> <p>iManage MailSite at, e.g., Chapter 2.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., Abstract, col. 2-3 (summary), 4-6.</p> <p>Koren '596 at, e.g., abstract; col. 5; fig. 1-2, 5A, 14.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2; claim 11.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>LaMarca '682 at, e.g., abstract.</p> <p>Lamping '538 at, e.g., col. 1.</p> <p>Lamping '551 at, e.g., Abstract, col. 7-8, 10-12, <i>passim</i>; claim 7.</p> <p>MacNaughton '892 at, e.g., abstract; claim 1.</p> <p>Maritzen '181 at, e.g., abstract; p. 5; claim 22.</p> <p>Nochur '758 at, e.g., col. 3-4, 9; claim 15.</p> <p>O'Rourke '813 at, e.g., abstract, col. 5; claims 1, 3, 5, 8, 10, 16, 20, 23, 30-32, 38-39.</p> <p>Oblinger '990 at, e.g., abstract; claim 1.</p> <p>Petersen '179 at, e.g., col. 1-2, 6.</p> <p>Pitroda '990 at, e.g., col. 1-2, 5, 7; claims 1, 12, 17, 22.</p> <p>Pizi '258 at, e.g., abstract; col. 6; claim 1.</p> <p>Salisbury '231 at, e.g., abstract; claim 16.</p> <p>Salisbury '573 at, e.g., abstract; claim 6.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 1-2, 9; fig. 7.</p> <p>Seliger '908 at, e.g., abstract; col. 3-4; claim 35.</p> <p>Shea '938 at, e.g., abstract.</p> <p>Suchter '161 at, e.g., abstract; fig. 1A-1B, 6.</p> <p>Suchter '302 at, e.g., abstract; fig. 1A-1B, 6.</p> <p>Swartz '994 at, e.g., col. 1, 3.</p> <p>Sykes '297 at, e.g., abstract.</p> <p>Terry '380 at, e.g., abstract.</p> <p>Thornton '429 at, e.g., abstract.; claim 12</p> <p>Zuberec '032 at, e.g., abstract; col. 7.</p>
<p>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</p>	<p>Belifore '513 at, e.g., col. 3-4, 10-17, 20-21, 29-32; fig. 5.</p> <p>Bellotti '409 at, e.g., pp. 2-5, 11; claims 1-3, 6-8.</p> <p>Bensimmon '678 at, e.g., abstract; pp. 1, 3, 6; fig. 1-4.</p> <p>Bly '853 at, e.g., abstract; col. 1, 8-10, 17-19, 24, 28-29; fig.</p>

Claim Language of '761 Patent	Invalidating Prior Art
<p>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.</p>	<p>2.            Brummel '220 at, e.g., col. 2-3, 6, 9-10; claim 1, 3, 8.            Chasen '721 at, e.g., abstract; col. 1-5, 11-16; fig. 2; claim 1.            Chronaki at, e.g., pp. 260-65; fig. 6-7.            Dourish '217 at, e.g., col. 7, 10, 16; fig. 1, 4.            Dourish '575 at, e.g., col. 3-9, figs. 1-7.            Dourish '982 at e.g., col. 3, 6-7.            Dourish Building Bridges at, e.g., Abstract, 14-19.            Dourish Presto at, e.g., fig. 1; pp. 4, 6-7, 10-11, 15-16, 18.            Edwards '076 at, e.g., col. 11, 13-16; fig. 1, 3.            Edwards '553 at, e.g., abstract; col. 7, 9-11; fig. 1-2, 4, 9a-9b.            Estrada '148 at, e.g., abstract; col. 5, 8, 12, 17, 21, 27-28; fig. 1-6, 10, 12-15; Table 1-2; claim 1, 4, 6.            Falkenhainer '801 at, e.g., abstract; col. 3-7, 11-12.            Farnan '365 at, e.g., abstract; col. 1-4, 11-13; fig. 4-9; Table 1A, 1C; claim 1, 2, 4, 26.            Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.            Gillings '490 at, e.g., col. 2-4, 6-7; fig. 8-10.            Gongwer '118 at, e.g., col. 3-4, 6-10; fig. 1; claims 1, 8, 14-15.            Grambihler '655 at, e.g., col. 1-2.            Henderson '534 at, e.g., abstract; pp. 1-4, 6-8; fig. 5, 7, 9; claims 1, 5, 7.            Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1 (inc. fig. 1), 2.2, 3, 3.1, 3.3, 4.1, 4.2, 4.3, 5, 6.            Hess Manual at, e.g., §§ 1, 2, 2.2, 2.2.1, 2.3.            Hess Thesis at, e.g., §§ 3.1, 3.2, 3.4, 3.4.1, 4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 5.5.            Hind '791 at, e.g., col. 3, 5-8, 12; fig. 2; claims 1, 7, 50.            Horvitz '484 at, e.g., abstract; pp. 1-2, 6-7, 9, 14, 27-28, 30-31; fig. 1-5.            Hubert '934 at, e.g., col. 2-4, Fig. 1-2, col. 5-8.</p>



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	<p>Hugh '032 at, e.g., col. 5-6, 13, 20, 24, 27-28; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3-5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 2-3 (summary), 4-12 (description), figs. 2-12. claim 1.</p> <p>Koren '596 at, e.g., col. 1-2, 10, 14-15, 21-23; fig. 32, 35-36.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2, 10-11; fig. 3.</p> <p>LaMarca '682 at, e.g., abstract; col. 7-8, 10-12; fig. 1-2.</p> <p>Lamping '538 at, e.g., col. 1-2, 6-8.</p> <p>Lamping '551 at, e.g., abstract; col. 2, 9-16; fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 6-8, 16-19; fig. 1A-1B, 3-4; claim 12.</p> <p>Maritzen '181 at, e.g., abstract; pp. 3-4, 6; fig. 7-9; claims 6, 9-12, 20.</p> <p>Nochur '758 at, e.g., col. 5-7, 10, 13-14; fig. 2, 7.</p> <p>O'Rourke '813 at, e.g., 2-9; fig. 3, 5; claim 1, 23.</p> <p>Oblinger '990 at, e.g., abstract; col. 5-10; fig. 1-3, 5, 9-10; claim 1-2, 4-5, 8, 10-11.</p> <p>Petersen '179 at, e.g., col. 1, 3, 6-7, 9-10, 15, 26; fig. 5.</p> <p>Pitroda '990 at, e.g., col. 2, 5-6, 8, 13, 19; fig. 6; claims 1, 10, 12.</p> <p>Pizi '258 at, e.g., col. 2, 4-5, 7; claim 1, 5.</p> <p>Salisbury '231 at, e.g., col. 10-11, 16; fig. 1-2; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-11, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '313 at, e.g., col. 1, 3, 9.</p> <p>Seliger '648 at, e.g., col. 2-5, 7-9, 12; fig. 7.</p> <p>Seliger '908 at, e.g., abstract; col. 2-5, 8-9; fig. 1, 4, 7; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 6, 8; fig. 1; claim 1, 4, 6, 12, 14.</p> <p>Suchter '161 at, e.g., col. 4-5, 8, 14, 17-21; fig. 1A-1B, 4B,</p>

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	<p>6.</p> <p>Suchter '302 at, e.g., col. 4-5, 8, 14, 17-21; fig. 1A-1B, 4B, 6.</p> <p>Swartz '994 at, e.g., col. 4, 6-10, 17-20.</p> <p>Sykes '297 at, e.g., abstract; p. 1; fig. 1; claim 42.</p> <p>Terry '380 at, e.g., col. 10-11, 14, , 17; fig. 1-2; claim 1, 11, 14-15.</p> <p>Thornton '429 at, e.g., abstract; col. 7-8, 13-15; fig. 1; claim 12.</p> <p>Zuberec '032 at, e.g., abstract; col. 2, 6-7; claim 1, 13.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 15-16, 29; fig.1.</p> <p>Bellotti '409 at, e.g., p. 8.</p> <p>Bensimon '678 at, e.g., p. 1; fig. 1-2.</p> <p>Bly '853 at, e.g., col. 2-3, 15.</p> <p>Brummel '220 at, e.g., col. 2-4; fig. 4.</p> <p>Chasen '721 at, e.g., claim 1.</p> <p>Chronaki at, e.g., p. 260.</p> <p>Dourish '217 at, e.g., fig. 4.</p> <p>Dourish '575 at, e.g., col. 4-8, figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3.</p> <p>Dourish Building Bridges at, e.g., 15-16, 18.</p> <p>Dourish Presto at, e.g., fig. 3; pp. 6, 9-10, 16.</p> <p>Edwards '076 at, e.g., col. 10-11; fig. 1, 4.</p> <p>Edwards '553 at, e.g., col. 11, 13; fig. 1.</p> <p>Estrada '148 at, e.g., col. 8-9; fig. 9.</p> <p>Falkenhainer '801 at, e.g., col. 4; fig. 3.</p> <p>Farnan '365 at, e.g., col. 1; fig. 2.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., fig. 2, 6.</p> <p>Gongwer '118 at, e.g., col. 3-4, 11; fig. 1.</p>

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	<p>Grambihler '655 at, e.g., abstract; fig. 1.</p> <p>Henderson '534 at, e.g., abstract; p. 3.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 3.1, 3.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 7.</p> <p>Hind '791 at, e.g., col. 3, 7; fig. 2; claims 1, 50.</p> <p>Horvitz '484 at, e.g., pp. 1, 4; fig. 2, 4.</p> <p>Hubert '934 at, e.g., fig. 2(30, 32, 34), col. 2-4, 5, 7-8.</p> <p>Hugh '032 at, e.g., col. 2, 6, 17-18, 21-22.</p> <p>iManage MailSite at, e.g., Chapter 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., figs. 3-4, 7-12, col. 4-5, 8-10 inc. fig. 8 (editing of document with application).</p> <p>Koren '596 at, e.g., col. 2; fig. 2.</p> <p>LaMarca '670 at, e.g., col. 10; fig. 5.</p> <p>LaMarca '682 at, e.g., col. 10; fig. 1.</p> <p>Lamping '538 at, e.g., col. 1, 3.</p> <p>Lamping '551 at, e.g., col. 11-13; fig. 4.</p> <p>MacNaughton '892 at, e.g., col. 7; claims 16, 18.</p> <p>Maritzen '181 at, e.g., p. 4.</p> <p>Nochur '758 at, e.g., col. 5; fig. 2.</p> <p>O'Rourke '813 at, e.g., 3, 7.</p> <p>Oblinger '990 at, e.g., col. 15; fig. 1.</p> <p>Pitroda '990 at, e.g., col. 8-9, 12, 18, 21; fig. 10AA-10AE, 11A, 12, 13A, 14A, 15A, 17A, 19A, 20A, 21A, 22A, 23, 24; claims 3, 19.</p> <p>Pizi '258 at, e.g., col. 2-3; claim 1.</p> <p>Salisbury '231 at, e.g., col. 11; fig. 1.</p> <p>Salisbury '573 at, e.g., col. 10; fig. 1.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2-3.</p>

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	<p>Seliger '908 at, e.g., col. 2; fig. 1, 4, 7; claim 35.</p> <p>Shea '938 at, e.g., col. 2-3, 9.</p> <p>Suchther '161 at, e.g., fig. 1A-1B, 3A-4A.</p> <p>Suchther '302 at, e.g., fig. 1A-1B, 3A-4A.</p> <p>Swartz '994 at, e.g., col. 20; fig. 5.</p> <p>Sykes '297 at, e.g., fig. 3-12.</p> <p>Terry '380 at, e.g., col. 11, 13; fig. 1; claim 1, 11, 15.</p> <p>Thornton '429 at, e.g., col. 10; fig. 4-5.</p> <p>Zuberec '032 at, e.g., abstract; col. 3.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 15-17, 31-32.</p> <p>Bellotti '409 at, e.g., pp. 4, 8-9, 11.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 10, 19.</p> <p>Brummel '220 at, e.g., col. 3, 7.</p> <p>Chasen '721 at, e.g., col. 1, 3, 10, 13-14; fig. 1.</p> <p>Chronaki at, e.g., pp. 261-62, 264.</p> <p>Dourish '217 at, e.g., col. 7; fig. 4.</p> <p>Dourish '575 at, e.g., col. 4-7, figs. 1-5.</p> <p>Dourish '982 at, e.g., col. 5.</p> <p>Dourish Building Bridges at, e.g., 14-16, 17 (including fig. 3), 18.</p> <p>Dourish Presto at e.g., fig. 2; pp. 4, 16.</p> <p>Edwards '076 at, e.g., fig. 1.</p> <p>Edwards '553 at, e.g., fig. 1.</p> <p>Estrada '148 at, e.g., col. 16; fig. 11; Table 2.</p> <p>Falkenhainer '801 at, e.g., col. 6; fig. 2.</p> <p>Farnan '365 at, e.g., col. 4, 11; fig. 10; Table 1A.</p>

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	<p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., fig. 8.</p> <p>Gongwer '118 at, e.g., col. 1, 7.</p> <p>Henderson '534 at, e.g., abstract; p. 3.</p> <p>Hess CFS at, e.g., §§ 1, 2, 2.1, 2.2, 2.3, 3.1, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2.</p> <p>Hind '791 at, e.g., col. 3, 7; fig. 7; claims 3-4.</p> <p>Horvitz '484 at, e.g., abstract; pp. 4, 27, 30.</p> <p>Hubert '934 at, e.g., col. 8(table), col. 4-5, 7-8.</p> <p>Hugh '032 at, e.g., fig. 2-3.</p> <p>iManage MailSite at, e.g., Chapters 3, 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 9-10, fig. 4.</p> <p>Koren '596 at, e.g., col. 15; fig. 32.</p> <p>LaMarca '670 at, e.g., col. 10; fig. 3.</p> <p>LaMarca '682 at, e.g., fig. 1.</p> <p>Lamping '551 at, e.g., col. 11-14, fig. 1, 3, 4.</p> <p>MacNaughton '892 at, e.g., col. 8, 17.</p> <p>Maritzen '181 at, e.g., pp. 4-6.</p> <p>Nochur '758 at, e.g., fig. 7.</p> <p>O'Rourke '813 at, e.g., fig. 5.</p> <p>Oblinger '990 at, e.g., abstract; col. 10.</p> <p>Petersen '179 at, e.g., col. 10; fig. 1.</p> <p>Pitroda '990 at, e.g., col. 4, 13.</p> <p>Pizi '258 at, e.g., col. 5-7.</p> <p>Salisbury '231 at, e.g., col. 16; fig. 1.</p> <p>Salisbury '573 at, e.g., fig. 1.</p> <p>Schroeter pp. 318-19.</p>

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	<p>Seliger '648 at, e.g., col. 2, 8.</p> <p>Seliger '908 at, e.g., col. 2, 8; claim 4.</p> <p>Shea '938 at, e.g., col. 2-3, 8-9.</p> <p>Suchter '161 at, e.g., col. 8, 14.</p> <p>Suchter '302 at, e.g., col. 8, 14.</p> <p>Swartz '994 at, e.g., col. 4, 6, 8.</p> <p>Terry '380 at, e.g., fig. 1.</p> <p>Thornton '429 at, e.g., col. 8, 13-14; fig. 1; claim 10.</p> <p>Zuberec '032 at, e.g., col. 3, 5-7; claim 16, 21.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 15-16.</p> <p>Bellotti '409 at, e.g., p. 5; claims 1-2.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 24, 28-29.</p> <p>Brummel '220 at, e.g., col. 3, 7.</p> <p>Chasen '721 at, e.g., col. 1-2, 11-14.</p> <p>Chronaki at, e.g., pp. 260-61; fig. 7.</p> <p>Dourish '217 at, e.g., col. 7-8; fig. 1, 3.</p> <p>Dourish '575 at, e.g., col. 4-8 (initial filing context); figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 5.</p> <p>Dourish Building Bridges at, e.g., 14-16, fig. 2, 16.</p> <p>Dourish Presto at, e.g., fig. 2; pp. 4, 9-10, 16-19.</p> <p>Edwards '076 at, e.g., col. 9, 13-14; fig. 1, 3.</p> <p>Edwards '553 at, e.g., col. 9-10; fig. 1, 2.</p> <p>Estrada '148 at, e.g., col. 17, 12; Table 2.</p> <p>Falkenhainer '801 at, e.g., col. 5, 13.</p> <p>Farnan '365 at, e.g., col. 5-6.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 3-4; fig. 1.</p>

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	<p>Gongwer '118 at, e.g., col. 9-10.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., abstract; p. 6.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 3-5, 7-8; claims 1, 50.</p> <p>Horvitz '484 at, e.g., pp. 1-2, 30-31; fig. 1, 3-5, 8.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2, fig 1(16).</p> <p>Hugh '032 at, e.g., col. 5-6, 13; fig. 1-3.</p> <p>iManage MailSite at, e.g., Chapters 3, 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 7-10, fig. 6-11, fig. 12 (showing multiple contexts).</p> <p>Koren '596 at, e.g., col. 15, 21.</p> <p>LaMarca '670 at, e.g., col. 9-10.</p> <p>LaMarca '682 at, e.g., col. 7-8, fig. 1.</p> <p>Lamping '538 at, e.g., col. 6-7.</p> <p>Lamping '551 at, e.g., col. 12-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 8, 17.</p> <p>Maritzen '181 at, e.g., pp. 5-6.</p> <p>Nochur '758 at, e.g., col. 3-4.</p> <p>O'Rourke '813 at, e.g., fig. 5.</p> <p>Oblinger '990 at, e.g., fig. 3, 5.</p> <p>Petersen '179 at, e.g., col. 6-7.</p> <p>Pitroda '990 at, e.g., col. 6, 8, 13.</p> <p>Pizi '258 at, e.g., col. 5-7.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1.</p>

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	<p>Salisbury '573 at, e.g., col. 8; fig. 1.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2, 8-9.</p> <p>Seliger '908 at, e.g., col. 3-4, 6; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 5, 8; fig. 1.</p> <p>Suchter '161 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Suchter '302 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Swartz '994 at, e.g., 4, 6, 19.</p> <p>Terry '380 at, e.g., fig. 1; claims 1, 11, 15.</p> <p>Thornton '429 at, e.g., fig. 3.</p> <p>Zuberec '032 at, e.g., col. 6-7; claim 1, 13.</p>
<p>7. The system of claim 1, wherein data created in the first context is associated with data created in the second context.</p>	<p>Belifore '513 at, e.g., col. 15-16, 43-45.</p> <p>Bellotti '409 at, e.g., p. 5; claims 1-2.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 24, 28-29.</p> <p>Brummel '220 at, e.g., col. 3, 5-6; fig. 4.</p> <p>Chasen '721 at, e.g., col. 1-2, 11-14.</p> <p>Chronaki at, e.g., pp. 260-61.</p> <p>Dourish '217 at, e.g., col. 7-8; fig. 1, 3.</p> <p>Dourish '575 at, e.g., col. 4-8; figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 5.</p> <p>Dourish Building Bridges at, e.g., 14-16, fig. 2.</p> <p>Dourish Presto at, e.g., pp. 4, 9-10, 16-19.</p> <p>Edwards '076 at, e.g., col. 9, 13-14; fig. 1, 3.</p> <p>Edwards '553 at, e.g., col. 9-10; fig. 1, 2.</p> <p>Estrada '148 at, e.g., col. 13, 17, 21; Table 2.</p> <p>Falkenhainer '801 at, e.g., col. 5, 7, 13.</p> <p>Farnan '365 at, e.g., col. 5-6; 30.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p>



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	<p>Gillings '490 at, e.g., col. 3-4; fig. 1.</p> <p>Gongwer '118 at, e.g., col. 9-11.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., pp. 2, 7.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 3-5, 7-8; claims 1, 50.</p> <p>Horvitz '484 at, e.g., pp. 1-2, 30-31; fig. 1, 3-5, 8.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2, fig 1.</p> <p>Hugh '032 at, e.g., col. 5-6, 13, 27-28; fig. 1-3.</p> <p>iManage MailSite at, e.g., Chapters 3, 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 4-12, figs. 2-12. claim 1.</p> <p>Koren '596 at, e.g., co. 2, 15, 21.</p> <p>LaMarca '670 at, e.g., col. 9-10.</p> <p>LaMarca '682 at, e.g., col. 7-8, fig. 1.</p> <p>Lamping '538 at, e.g., col. 7.</p> <p>Lamping '551 at, e.g., col. 11-16, fig. 2-5.</p> <p>MacNaughton '892 at, e.g., col. 8, 17.</p> <p>Maritzen '181 at, e.g., pp. 1, 5-6; claims 10-11, 20.</p> <p>Nochur '758 at, e.g., col. 3-4.</p> <p>O'Rourke '813 at, e.g., 2, 4-8; fig. 3, 5; claims 1, 23.</p> <p>Oblinger '990 at, e.g., col. 6; fig. 3, 5; claim 1.</p> <p>Pitroda '990 at, e.g., col. 6, 8, 13, 21-22.</p> <p>Pizi '258 at, e.g., col. 5-7.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1.</p> <p>Salisbury '573 at, e.g., col. 8; fig. 1.</p>

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	<p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2, 8-9.</p> <p>Seliger '908 at, e.g., col. 3-4, 6; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 5, 8; fig. 1.</p> <p>Suchter '161 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Suchter '302 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Swartz '994 at, e.g., col. 4, 6, 19-20.</p> <p>Terry '380 at, e.g., fig. 1; claims 1, 11, 15.</p> <p>Thornton '429 at, e.g., col. 11; fig. 3.</p> <p>Zuberec '032 at, e.g., col. 2, 5-7.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 3-4, 10-15, 29-32, 43-45.</p> <p>Bellotti '409 at, e.g., pp. 4-5, 11; claims 6-8.</p> <p>Bensimmon '678 at, e.g., abstract; p. 1, 3, 6; fig. 1-4.</p> <p>Bly '853 at, e.g., abstract; col. 8, 10, 17, 19, 24, 28-29; fig. 2.</p> <p>Brummel '220 at, e.g., col. 3, 5-6, 9; fig. 4; claim 1.</p> <p>Chasen '721 at, e.g., abstract; col. 1-2, 11-14; fig. 2.</p> <p>Chronaki at, e.g., pp. 260-64; fig. 6-7.</p> <p>Dourish '217 at, e.g., col. 7, 10; fig. 1, 4.</p> <p>Dourish '575 at, e.g., col. 4-8 (discussion of initial filing context); figs. 1-7.</p> <p>Dourish '982 at e.g., col. 3, 6-7.</p> <p>Dourish Building Bridges at, e.g., 14-16, fig. 2, 17-18 (categories, including fig. 3).</p> <p>Dourish Presto at, e.g., §§ 6.1. pp. 15-19, 7-11, 4; fig. 2, 3.</p> <p>Edwards '076 at, e.g., col. 11, 13.</p> <p>Edwards '553 at, e.g., col. 7, 9-11; fig. 1.</p> <p>Estrada '148 at, e.g., col. 8, 13, 21; fig. 10, 14-15; Table 2.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 1-2, 7; fig. 3.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Farnan '365 at, e.g., abstract; col. 1-4, 30.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 3-4; fig. 1.</p> <p>Gongwer '118 at, e.g., col. 3-4, 6-11; claims 1, 8.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., pp. 2, 7.</p> <p>Hess CFS at, e.g., §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 10.</p> <p>Horvitz '484 at, e.g., pp. 1-2, 6, 30-31; fig. 5.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2, fig 1.</p> <p>Hugh '032 at, e.g., col. 5-6, 13; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3, 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 4-6, 9-12, figs. 4(404), 6-8, 12.</p> <p>Koren '596 at, e.g., co. 2, 15, 21.</p> <p>LaMarca '670 at, e.g., col. 9-10.</p> <p>LaMarca '682 at, e.g., col. 7, 14, fig. 1.</p> <p>Lamping '551 at, e.g., abstract; col. 2, 11-16; fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 7-8, 17; claim 12.</p> <p>Maritzen '181 at, e.g., abstract; pp. 3-4, 6; fig. 9; claims 9-11, 20.</p> <p>Nochur '758 at, e.g., col. 5-7, 10; fig. 2, 7.</p> <p>O'Rourke '813 at, e.g., 6, 8-9; claim 1, 19.</p> <p>Oblinger '990 at, e.g., abstract; col. 5-6, 9-10; fig. 1-3, 5; claim 1-2, 10.</p> <p>Petersen '179 at, e.g., col. 10, 17.</p> <p>Pitroda '990 at, e.g., col. 19.</p>

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	<p>Pizi '258 at, e.g., col. 4-5, 7; claim 1, 5.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-11, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2.</p> <p>Seliger '908 at, e.g., abstract; col. 2-4; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 6.</p> <p>Suchter '161 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Suchter '302 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Swartz '994 at, e.g., col. 6, 8; fig. 14.</p> <p>Terry '380 at, e.g., fig. 1; claims 1, 11, 15.</p> <p>Thornton '429 at, e.g., col. 11; fig. 3.</p> <p>Zuberec '032 at, e.g., abstract; col. 2, 6-7; claims 1, 13.</p>
<p>9. A computer-implemented method of managing data, comprising computer-executable acts of:</p>	<p>Belifore '513 at, e.g., col. 2-3; fig. 1.</p> <p>Bellotti '409 at, e.g., abstract; p. 3; fig. 19; claim 1.</p> <p>Bensimmon '678 at, e.g., pp. 1, 3; claim 1.</p> <p>Bly '853 at, e.g., abstract; col. 1; claim 1.</p> <p>Brummel '220 at, e.g., col. 2-9; claim 1.</p> <p>Chasen '721 at, e.g., abstract; col. 6; claim 1.</p> <p>Chronaki at, e.g., abstract.</p> <p>Dourish '217 at, e.g., abstract; claim 1.</p> <p>Dourish '575 at, e.g., Abstract, Fig. 1, col. 2-3 (summary), 3-4 (detailed description), <i>passim</i>.</p> <p>Dourish '982 at, e.g., abstract; claim 1.</p> <p>Dourish Building Bridges at, e.g., Abstract, 14-19.</p> <p>Dourish Presto at, e.g., p. 1.</p> <p>Edwards '076 at, e.g., abstract; claim 1.</p> <p>Edwards '553 at, e.g., abstract; claim 1.</p> <p>Estrada '148 at, e.g., abstract; claim 6, 10, 21.</p>

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	<p>Falkenhainer '801 at, e.g., abstract; col. 1-2; claim 1.</p> <p>Farnan '365 at, e.g., abstract; col. 1-4.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., abstract; col. 4; claim 1.</p> <p>Gongwer '118 at, e.g., col. 1, 3.</p> <p>Grambibler '655 at, e.g., abstract; col. 2-4; fig. 1.</p> <p>Henderson '534 at, e.g., abstract; pp. 1, 3-4; fig. 7; claim 1.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 5, <i>passim</i>.</p> <p>Hess Manual at, e.g., §§ 1, <i>passim</i>.</p> <p>Hess Thesis at, e.g., §§ 1.1, 1.2, 1.4, 2.1, 3.1, <i>passim</i>.</p> <p>Hind '791 at, e.g., abstract; col. 1, 3; fig. 2.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-3; fig. 1.</p> <p>Hubert '934 at, e.g., Abstract, col. 1-4.</p> <p>Hugh '032 at, e.g., abstract; col. 2, 26-27.</p> <p>iManage MailSite at, e.g., Chapter 2.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., Abstract, col. 2-3 (summary), 4-6.</p> <p>Koren '596 at, e.g., abstract; col. 5; fig. 1, 2, 5A, 14.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2; claim 1.</p> <p>LaMarca '682 at, e.g., abstract; claim 1.</p> <p>Lamping '538 at, e.g., col. 1.</p> <p>Lamping '551 at, e.g., Abstract, col. 7-8, 10-12, <i>passim</i>; claim 1.</p> <p>MacNaughton '892 at, e.g., abstract; claim 1.</p> <p>Maritzen '181 at, e.g., abstract.</p> <p>Nochur '758 at, e.g., col. 3-4, 9; claim 1.</p> <p>O'Rourke '813 at, e.g., abstract, col. 5; claims 1, 3, 5, 8, 10, 16, 20, 23, 30-32, 38-39.</p> <p>Oblinger '990 at, e.g., abstract; claim 1.</p> <p>Petersen '179 at, e.g., col. 1-2, 6.</p>

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	<p>Pitroda '990 at, e.g., col. 1, 3.</p> <p>Pizi '258 at, e.g., abstract; col. 6.</p> <p>Salisbury '231 at, e.g., abstract; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; claim 8.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 1-2, 9; fig. 7.</p> <p>Seliger '908 at, e.g., abstract; col. 3-4; claim 1.</p> <p>Shea '938 at, e.g., abstract.</p> <p>Suchter '161 at, e.g., abstract; fig. 1A-1B, 6; claim 1.</p> <p>Suchter '302 at, e.g., abstract; fig. 1A-1B, 6; claim 1.</p> <p>Swartz '994 at, e.g., col. 1, 3-4.</p> <p>Sykes '297 at, e.g., abstract; claim 1.</p> <p>Terry '380 at, e.g., abstract.</p> <p>Thornton '429 at, e.g., abstract; claim 1.</p> <p>Zuberec '032 at, e.g., abstract; col. 7; claim 1.</p>
<p>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; 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; tracking movement of the user from the user environment of the web-based computing platform to a second user environment of the web-based computing platform; and dynamically updating the stored</p>	<p>Belifore '513 at, e.g., col. 2-4, 10-17, 20-21, 28-32; fig. 1, 5.</p> <p>Bellotti '409 at, e.g., pp. 2-5, 11; claims 1-3, 6-8.</p> <p>Bensimmon '678 at, e.g., abstract; pp. 1, 3, 6; fig. 1-4.</p> <p>Bly '853 at, e.g., abstract; col. 1, 8-10, 17-19, 24, 28-29; fig. 2.</p> <p>Brummel '220 at, e.g., col. 2-9; claim 1, 3, 8.</p> <p>Chasen '721 at, e.g., abstract; col. 1-5, 10-16; fig. 2; claim 1.</p> <p>Chronaki at, e.g., abstract; pp. 259-65; fig. 6-7.</p> <p>Dourish '217 at, e.g., col. 7, 10, 16; fig. 4.</p> <p>Dourish '575 at, e.g., col. 3-9, figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3, 6-7.</p> <p>Dourish Building Bridges at, e.g., 15-16, 18.</p> <p>Dourish Presto at, e.g., fig. 1; pp. 1-2, 4, 5-8, 11, 15-19.</p> <p>Edwards '076 at, e.g., col. 11, 13-16; fig. 1, 3.</p> <p>Edwards '553 at, e.g., abstract; col. 7, 9-11, 14; fig. 1-2, 4,</p>

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<p>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.</p>	<p>9a-9b.</p> <p>Estrada '148 at, e.g., abstract; col. 5-6, 8, 12, 17, 21, 27-28; fig. 1-3, 5-6, 9-10, 12-15, 22; Table 1-2; claim 1, 4, 6, 10.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 3-7, 11-12; fig. 1.</p> <p>Farnan '365 at, e.g., abstract; col. 1-4, 11-13, 26; fig. 4-10; Table 1A, 1C; claim 1, 2, 4, 37.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 6-7; fig. 8-10.</p> <p>Gongwer '118 at, e.g., col. 3-4, 6-10; claims 1, 8, 14-15, 17.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., abstract; pp. 1-4, 6-8; fig. 5, 7, 9; claims 1, 5, 7.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1 (inc. fig. 1), 2.2, 3, 3.1, 3.3, 4.1, 4.2, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 3.1, 3.2, 3.4, 3.4.1, 4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 5.5.</p> <p>Hind '791 at, e.g., col. 3, 5-8, 12; fig. 1-2; claim 1, 7.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-2, 5-7, 9, 14, 27-28, 30-31; fig. 1-5.</p> <p>Hubert '934 at, e.g., col. 2-4, Fig. 1-2, col. 5-8.</p> <p>Hugh '032 at, e.g., col. 3, 5-6, 13, 20-22, 24, 27-28; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3-5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 2-3 (summary), 4-12 (description), figs. 2-12. claim 1.</p> <p>Koren '596 at, e.g., col. 1-2, 5, 10, 14-15, 21-23; fig. 2, 5A, 24A, 32.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2, 10-11; fig. 3, 5.</p> <p>LaMarca '682 at, e.g., abstract; col. 7-8, 10-12; fig. 1; claim 1.</p> <p>Lamping '538 at, e.g., col. 1-4, 6-8.</p> <p>Lamping '551 at, e.g., abstract; cols. 2, 9-16, figs. 1-5.</p>

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	<p>MacNaughton '892 at, e.g., abstract; col. 1-3, 6-8, 16-19; fig. 1A-1B, 3-4; claim 1, 12.</p> <p>Maritzen '181 at, e.g., abstract; pp. 3-6; fig. 7, 9; claims 9-13, 20.</p> <p>Nochur '758 at, e.g., col. 5-7, 10, 13-14; fig. 2, 7.</p> <p>O'Rourke '813 at, e.g., 2-9; fig. 3, 5; claim 1, 23.</p> <p>Oblinger '990 at, e.g., abstract; col. 5-10; fig. 1-3, 5; claims 15-17, 21.</p> <p>Petersen '179 at, e.g., col. 1-3, 6-8, 10, 13, 15, 17, 26; fig. 1.</p> <p>Pitroda '990 at, e.g., col. 5-8, 13, 18-19, 21, 23, 52; fig. 6, 10, 10AA-10AE, 11A, 12, 13A, 14A, 15A, 17A, 19A, 20A, 21A, 22A, 23, 24.</p> <p>Pizi '258 at, e.g., col. 2, 4-7; claim 1, 5.</p> <p>Salisbury '231 at, e.g., col. 10-11, 16; fig. 1-2; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-12, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '313 at, e.g., col. 1, 3, 9.</p> <p>Seliger '648 at, e.g., col. 2-4, 7-9, 12, 14-15; fig. 16.</p> <p>Seliger '908 at, e.g., abstract; col. 2-5, 7-9; fig. 1, 4, 14-16; claim 1.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 6, 8; fig. 1; claim 1, 4, 6, 12, 14.</p> <p>Suchter '161 at, e.g., col. 1, 4-5, 8, 14, 17-21; fig. 1A-1B, 4B, 6.</p> <p>Suchter '302 at, e.g., col. 1, 4-5, 8, 14, 17-21; fig. 1A-1B, 4B, 6.</p> <p>Swartz '994 at, e.g., col. 6, 8-10, 18-20; fig. 3.</p> <p>Sykes '297 at, e.g., abstract; p. 1; fig. 1, 3-13.</p> <p>Terry '380 at, e.g., col. 10-12, 14, , 17; fig. 1; claim 1, 11, 14-15.</p> <p>Thornton '429 at, e.g., abstract; col. 7-8, 13-15; fig. 1, 4; claim 12.</p> <p>Zuberec '032 at, e.g., abstract; col. 2-3, 6-7; claims 1, 13.</p>



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<p>10. The method of claim 9, further comprising capturing context information of the user.</p>	<p>Belifore '513 at, e.g., col. 15-17, 31-32.  Bellotti '409 at, e.g., pp. 4, 8-9, 11.  Bensimmon '678 at, e.g., p. 1.  Bly '853 at, e.g., col. 10, 19.  Brummel '220 at, e.g., col. 3, 7.  Chronaki at, e.g., p. 262, 264.  Dourish '217 at, e.g., col. 7; fig. 4.  Dourish '575 at, e.g., col. 4-6, fig. 2 (e.g., 204), fig. 3-5 (examples).  Dourish '982 at, e.g., col. 5.  Dourish Building Bridges at, e.g., 14-16; fig. 2, 18.  Dourish Presto at, e.g., fig. 2; p. 4.  Edwards '076 at, e.g., fig. 1.  Edwards '553 at, e.g., fig. 1.  Estrada '148 at, e.g., col. 16; fig. 11; Table 2.  Falkenhainer '801 at, e.g., col. 6; fig. 2.  Farnan '365 at, e.g., fig. 10; Table 1A.  Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.  Gillings '490 at, e.g., fig. 8.  Gongwer '118 at, e.g., col. 1, 3-4, 6-10; claims 1, 8.  Grambihler '655 at, e.g., abstract; col. 4-6.  Henderson '534 at, e.g., abstract.  Hess CFS at, e.g., §§ 1, 2, 2.1, 2.2, 2.3, 3.1, 4:3, 5, 6.  Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.  Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.  Hind '791 at, e.g., col. 1, 7; claims 3-4.  Horvitz '484 at, e.g., pp. 4-5, 27, 30.  Hubert '934 at, e.g., col. 8(table), col. 4-5, 7-8.  Hugh '032 at, e.g., fig. 2-3.</p>

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	<p>iManage MailSite at, e.g., Chapters 3, 5.  iManage System, e.g., see disclosures for iManage MailSite.  Johnson at, e.g., p. 187.  Jones '731 at, e.g., fig. 4, col. 4-7.  Koren '596 at, e.g., col. 15; fig. 32.  LaMarca '670 at, e.g., col. 1, 10; fig. 3.  LaMarca '682 at, e.g., fig. 1.  Lamping '551 at, e.g., col. 10-11, 13-14, Fig. 1, 3, 4.  MacNaughton '892 at, e.g., col. 8, 17.  Maritzen '181 at, e.g., p. 6.  Nochur '758 at, e.g., fig. 7.  O'Rourke '813 at, e.g., fig. 5.  Oblinger '990 at, e.g., abstract; col. 10.  Petersen '179 at, e.g., col. 19.  Pitroda '990 at, e.g., col. 6, 8.  Pizi '258 at, e.g., col. 5, 7.  Salisbury '231 at, e.g., col. 16; fig. 1.  Salisbury '573 at, e.g., fig. 1.  Schroeter pp. 318-19.  Seliger '648 at, e.g., col. 2, 8.  Seliger '908 at, e.g., col. 2, 8.  Shea '938 at, e.g., abstract; col. 8; fig. 4-5.  Suchter '161 at, e.g., col. 8, 14.  Suchter '302 at, e.g., col. 8, 14.  Swartz '994 at, e.g., col.6; claims 5, 6.  Terry '380 at, e.g., fig. 1.  Thornton '429 at, e.g., fig. 1.  Zuberec '032 at, e.g., claims 16, 21.</p>
<p>11. The method of claim 9, further comprising indexing content of the</p>	<p>Belifore '513 at, e.g., col. 16-19, 29, 31-32, 43-45.</p>

Claim Language of '761 Patent	Invalidating Prior Art
<p>user environment such that a plurality of users can access the content from an associated plurality of user environments.</p>	<p>Bellotti '409 at, e.g., p. 11.  Bensimmon '678 at, e.g., fig. 1-2; p. 1.  Bly '853 at, e.g., abstract; col. 1, 8, 28; claim 1.  Brummel '220 at, e.g., col. 2, 6; fig. 4.  Chasen '721 at, e.g., col. 6.  Chronaki at, e.g., p. 260.  Dourish '217 at, e.g., col. 9-10.  Dourish '575 at, e.g., col. 4-8, figs. 1-7 (all discussing filing structures); claim 1(a)-(b), <i>passim</i>.  Dourish '982 at, e.g., col. 5.  Dourish Building Bridges at, e.g., 14-18, figs. 2-3.  Dourish Presto at, e.g., fig. 2; pp. 4-6, 8.  Edwards '076 at, e.g., col. 11, 13-16; fig. 1, 3.  Edwards '553 at, e.g., col. 9.  Estrada '148 at, e.g., col. 5, 16-17.  Falkenhainer '801 at, e.g., col. 3, 5; fig. 1.  Farnan '365 at, e.g., col. 10; fig. 2, 10, 12; claim 13.  Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.  Gillings '490 at, e.g., col. 3-4; fig. 1.  Gongwer '118 at, e.g., col. 1; claims 1, 4, 7, 17.  Grambuhler '655 at, e.g., abstract; fig. 1.  Henderson '534 at, e.g., abstract; pp. 2, 4-5, 7.  Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.1, 4.2, 4.3, 5, 6.  Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.  Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.  Hind '791 at, e.g., col. 3, 5, 7; fig. 1; claims 1-2, 4.  Horvitz '484 at, e.g., pp. 4, 30; fig. 3.  Hubert '934 at, e.g., fig. 2 (30, 32, 34); col. 2-3, 4-5, 7-8.  Hugh '032 at, e.g., col. 26-28.  iManage MailSite at, e.g., Chapters 3 &amp; 5.</p>

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	<p>iManage System, e.g., see disclosures for iManage MailSite.  Johnson at, e.g., p. 187.  Jones '731 at, e.g., col. 6-8, 11-12, fig. 6-10, 12.  Koren '596 at, e.g., col. 2, 9-11.  LaMarca '670 at, e.g., col. 10; fig. 5.  LaMarca '682 at, e.g., col. 9, 11.  Lamping '538 at, e.g., col. 4.  Lamping '551 at, e.g., cols. 9-16, figs. 2-5.  MacNaughton '892 at, e.g., col. 1-2, 5-6; 8; claim 6, 9.  Maritzen '181 at, e.g., pp. 4-6.  Nochur '758 at, e.g., col. 13-14; fig. 2.  O'Rourke '813 at, e.g., fig. 5.  Oblinger '990 at, e.g., abstract; col. 11-12; fig. 2.  Petersen '179 at, e.g., col. 7, 13; claims 4, 9.  Pitroda '990 at, e.g., col. 13.  Pizi '258 at, e.g., col. 2-3, 5-6; claim 1.  Salisbury '231 at, e.g., col. 12.  Salisbury '573 at, e.g., col. 11.  Schroeter pp. 318-19.  Seliger '648 at, e.g., col. 1-3, 8-9.  Seliger '908 at, e.g., col. 5-6; fig. 1, 4; claim 1, 9, 11.  Shea '938 at, e.g., abstract; col. 6; fig. 1.  Suchter '161 at, e.g., col. 5-6.  Suchter '302 at, e.g., col. 5-6.  Swartz '994 at, e.g., col. 4, 8-9, 20.  Terry '380 at, e.g., col. 8, 12; claim 5.  Thornton '429 at, e.g., col. 8, 10, 13.  Zuberec '032 at, e.g., abstract; col. 3; fig. 2; claim 19.</p>
12. The method of claim 9, the least one of the data and the	Belifore '513 at, e.g., col. 10-17, 20-21, 29-31; fig. 5.

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<p>application is associated automatically with the second user environment.</p>	<p>Bellotti '409 at, e.g., pp. 4-5, 11; claims 6-8.  Bensimmon '678 at, e.g., pp. 1, 6.  Bly '853 at, e.g., col. 1, 8-10, 17-19, 24.  Brummel '220 at, e.g., col. 3, 6, 9-10; claims 3, 8.  Chasen '721 at, e.g., abstract; col. 1-5, 14-16; fig. 2.  Chronaki at, e.g., p. 260-65; fig. 7.  Dourish '217 at, e.g., col. 16.  Dourish '575 at, e.g., col. 4-8, figs. 1-7 (translation of filing structures/contexts).  Dourish '982 at, e.g., col. 3, 6-7.  Dourish Building Bridges at, e.g., 14-18, fig. 2-3.  Dourish Presto at, e.g., fig. 2; pp. 4-8, 11.  Edwards '076 at, e.g., col. 14-16.  Edwards '553 at, e.g., col. 7, 9.  Estrada '148 at, e.g., col. 8, 21; fig. 10, 14-15; Table 2.  Falkenhainer '801 at, e.g., col. 4-6, 11-12.  Farnan '365 at, e.g., col. 5-6; claim 1, 37.  Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.  Gillings '490 at, e.g., 2-4, 7.  Gongwer '118 at, e.g., col. 7, 9, 10; claims 1, 8, 14-15, 17.  Grambihler '655 at, e.g., col. 5-8.  Henderson '534 at, e.g., pp. 1, 3, 6-8; claims 1, 5.  Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.1, 4.2, 4.3, 5, 6.  Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.  Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.  Hind '791 at, e.g., col. 8.  Horvitz '484 at, e.g., pp. 1-2, 30-31; fig. 1, 3-5, 8.  Hubert '934 at, e.g., fig. 2 (30, 32, 34); col. 2-3, 4-5, 7-8.  Hugh '032 at, e.g., col. 20, 24, 27-28.  iManage MailSite at, e.g., Chapters 3 &amp; 5.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>iManage System, e.g., see disclosures for iManage MailSite.  Johnson at, e.g., p. 187.  Jones '731 at, e.g., col. 7-9, fig. 6-10, 12.  Koren '596 at, e.g., col. 2, 10, 14-15, 21; fig. 35-36.  LaMarca '670 at, e.g., col. 10-11.  LaMarca '682 at, e.g., col. 7, 14.  Lamping '538 at, e.g., col. 2, 7.  Lamping '551 at, e.g., cols. 9-16, fig. 5.  MacNaughton '892 at, e.g., col. 6-8, 16-19; fig. 1A-1B, 3-4.  Maritzen '181 at, e.g., abstract; pp. 3-4, 6; fig. 7-9; claim 12.  Nochur '758 at, e.g., col. 6, 10, 13-14.  O'Rourke '813 at, e.g., 2-9; fig. 3, 5; claim 1, 23.  Oblinger '990 at, e.g., abstract; col. 6-9; fig. 1-2; claim 15-17, 21.  Pitroda '990 at, e.g., col. 6, 8, 13, 21-22.  Pizi '258 at, e.g., col. 2, 4-5, 7; claim 1.  Salisbury '231 at, e.g., col. 10; claim 12.  Salisbury '573 at, e.g., col. 8, 10.  Schroeter pp. 318-19.  Seliger '648 at, e.g., col. 2, 8-9.  Seliger '908 at, e.g., col. 2-5, 8-9; fig. 1, 4, 14-16; claim 1.  Shea '938 at, e.g., abstract.  Suchter '161 at, e.g., col. 5, 19-20; fig. 4B.  Suchter '302 at, e.g., col. 5, 19-20; fig. 4B.  Swartz '994 at, e.g., col. 19-20.  Terry '380 at, e.g., abstract; col. 9-10, 17.  Thornton '429 at, e.g., col. col. 14-15; claim 12.  Zuberec '032 at, e.g., abstract; col. 6-7; claims 1, 13.</p>
<p>13. The method of claim 9, further comprising accessing the user environment and the second user</p>	<p>Belifore '513 at, e.g., col. 2, 4, 20, 28; fig. 1.</p>

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environment using a browser.	<p>Bellotti '409 at, e.g., p. 2.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 15.</p> <p>Brummel '220 at, e.g., col. 4.</p> <p>Chasen '721 at, e.g., col. 10, 17.</p> <p>Chronaki at, e.g., pp. 259, 263.</p> <p>December at e.g., pp. 330-335.</p> <p>Dourish '217 at, e.g., col. 11.</p> <p>Dourish '575 at, e.g., col. 3, 5, 6, claim 12.</p> <p>Dourish '982 at, e.g., col. 6.</p> <p>Dourish Building Bridges at, e.g., fig. 3, p. 16 ("web-based prototype").</p> <p>Dourish Presto at, e.g., fig. 3; pp. 15-19.</p> <p>Edwards '076 at, e.g., col. 12.</p> <p>Edwards '553 at, e.g., col. 9, 14.</p> <p>Estrada '148 at, e.g., col. 5-6; fig. 2-3, 5-6, 9, 13-14, 16, 33, 35.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 3.</p> <p>Farnan '365 at, e.g., col. 4, 14; Table 1A.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gongwer '118 at, e.g., col. 9.</p> <p>Grambihler '655 at, e.g., col. 3-4.</p> <p>Henderson '534 at, e.g., p. 1.</p> <p>Hess CFS at, e.g., § 5 (inc. Fig. 4).</p> <p>Hess Thesis at, e.g., §§ 4.1, 7, 7.1, 7.4.</p> <p>Hind '791 at, e.g., col. 3, 5; fig. 1-2.</p> <p>Horvitz '484 at, e.g., pp. 3, 5-6; fig. 1.</p> <p>Hubert '934 at, e.g., col 7(table showing URL, reference to Web Server).</p> <p>Hugh '032 at, e.g., col. 3, 26, 31.</p> <p>iManage MailSite at, e.g., 33-34 (inc. fig. 2.1).</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p>

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	<p>Jones '731 at, e.g., col. 6, 7 (http), 11-12 (the Web), 13, passim. One of ordinary skill in the art would appreciate that references to http, the Web and accessing documents through URLs inherently disclose the existence of a web browser.</p> <p>Koren '596 at, e.g., col. 6; fig. 21-22.</p> <p>LaMarca '670 at, e.g., fig. 5.</p> <p>LaMarca '682 at, e.g., 12.</p> <p>Lamping '538 at, e.g., col. 4, 6.</p> <p>Lamping '551 at, e.g., col. 8, 11, 13; fig. 3(12a).</p> <p>MacNaughton '892 at, e.g., abstract; col. 5; fig. 1A, 6; claims 1-3, 12.</p> <p>Maritzen '181 at, e.g., p. 6.</p> <p>Microsoft Dictionary at, e.g., p. 505 (definition of web browser).</p> <p>Oblinger '990 at, e.g., col. 6.</p> <p>Petersen '179 at, e.g., col. 8, 25; fig. 7.</p> <p>Pitroda '990 at, e.g., col. 7, 23, 52.</p> <p>Pizi '258 at, e.g., col. 6.</p> <p>Salisbury '231 at, e.g., col. 16.</p> <p>Salisbury '573 at, e.g., col. 12.</p> <p>Seliger '648 at, e.g., col. 14-15; fig. 16.</p> <p>Seliger '908 at, e.g., col. 12-13.</p> <p>Suchter '161 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p> <p>Suchter '302 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p> <p>Swartz '994 at, e.g., col. 20; fig. 15-17.</p> <p>Sykes '297 at, e.g., abstract; fig. 3-12.</p> <p>Terry '380 at, e.g., col. 12.</p> <p>Thornton '429 at, e.g., fig. 4.</p> <p>Zuberec '032 at, e.g., col. 3.</p>
<p>14. The method of claim 9, further comprising communicating with the user environment using a</p>	<p><i>See disclosures for claim 13, above, which are incorporated herein by reference.</i></p>



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TCP/IP communication protocol.	<p>Belifore '513 at, e.g., col. 2, 4, 20, 28; fig. 1.</p> <p>Bellotti '409 at, e.g., p. 2.</p> <p>Bensimmon '678 at, e.g., pp. 1, 5-6.</p> <p>Bly '853 at, e.g., col. 15.</p> <p>Brummel '220 at, e.g., col. 4.</p> <p>Chasen '721 at, e.g., col. 10, 17.</p> <p>Chronaki at, e.g., pp. 263-64.</p> <p>December at e.g., pp. 330-335.</p> <p>Dourish '217 at, e.g., col. 11.</p> <p>Dourish '575 at, col. 3, 5, 6, claim 12 (web-based system), col. 7 (Internet). One of ordinary skill in the art would understand that web-based and Internet systems as disclosed in this reference inherently disclose communicating using the TCP/IP communication protocol.</p> <p>Dourish '982 at, e.g., col. 6.</p> <p>Dourish Building Bridges at, e.g., passim, p. 16 ("web-based prototype"). One of ordinary skill in the art would understand that web-based systems as disclosed in this reference inherently disclose communicating using the TCP/IP communication protocol.</p> <p>Dourish Presto at, e.g., fig. 1; pp. 7, 15.</p> <p>Edwards '076 at, e.g., col. 12.</p> <p>Edwards '553 at, e.g., col. 9, 14.</p> <p>Estrada '148 at, e.g., col. 10; fig. 3.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 3, 13; fig. 1.</p> <p>Farnan '365 at, e.g., col. 4, 14; Table 1A.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gongwer '118 at, e.g., col. 9.</p> <p>Grambihler '655 at, e.g., col. 3-4.</p> <p>Henderson '534 at, e.g., p. 1.</p> <p>Hess CFS at, e.g., § 5.</p> <p>Hind '791 at, e.g., col. 3, 5; fig. 1-2.</p> <p>Horvitz '484 at, e.g., pp. 3, 5-6; fig. 1.</p> <p>Hubert '934 at, e.g., col 7 (table showing URL, reference to</p>

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	<p>Web Server). One of ordinary skill in the art would understand that web-based systems as disclosed in this reference inherently disclose communicating using the TCP/IP communication protocol.</p> <p>Hugh '032 at, e.g., col. 3, 26, 31.</p> <p>iManage MailSite at, e.g., 15, 33-34 (inc. fig. 2.1).</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Jones '731 at, e.g., col. 6, 7 (http), 11-12 (the Web), 13, passim. One of ordinary skill in the art would appreciate that references to http, the Web and accessing documents through URLs inherently disclose communicating using the TCP/IP communication protocol.</p> <p>Koren '596 at, e.g., col. 6.</p> <p>LaMarca '670 at, e.g., fig. 5.</p> <p>LaMarca '682 at, e.g., col. 12.</p> <p>Lamping '551 at, e.g., col. 3, 11. One of ordinary skill in the art would appreciate that references to the Web inherently discloses communicating using the TCP/IP communication protocol.</p> <p>Lamping '551 at, e.g., col. 13.</p> <p>MacNaughton '892 at, e.g., abstract; col. 5; fig. 1A, 6; claims 1-3, 12.</p> <p>Maritzen '181 at, e.g., p. 6.</p> <p>Microsoft Dictionary at, e.g., p. 462 (definition of TCP/IP), p. 505 (definition of web browser).</p> <p>Oblinger '990 at, e.g., col. 6.</p> <p>Petersen '179 at, e.g., col. 1-2.</p> <p>Pitroda '990 at, e.g., cols. 7, 23, 52.</p> <p>Pizi '258 at, e.g., col. 6.</p> <p>Salisbury '231 at, e.g., col. 16.</p> <p>Salisbury '573 at, e.g., col. 12.</p> <p>Seliger '648 at, e.g., col. 4, 14-15; fig. 16.</p> <p>Seliger '908 at, e.g., col. 12-13.</p> <p>Suchter '161 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p>

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	<p>Suchter '302 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p> <p>Swartz '994 at, e.g., col. 9; fig. 3.</p> <p>Sykes '297 at, e.g., abstract; fig. 3-12.</p> <p>Terry '380 at, e.g., col. 12.</p> <p>Thornton '429 at, e.g., fig. 4.</p> <p>Zuberec '032 at, e.g., col. 3.</p>
<p>15. The method of claim 9, further comprising locating the user environment from a remote location using a URL address.</p>	<p><i>See disclosures for claims 13 and 14, above, which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 2, 4, 20, 28; fig. 1.</p> <p>Bellotti '409 at, e.g., p. 2.</p> <p>Bensimmon '678 at, e.g., pp. 5-6.</p> <p>Bly '853 at, e.g., col. 15.</p> <p>Brummel '220 at, e.g., col. 4.</p> <p>Chasen '721 at, e.g., col. 10, 17.</p> <p>Chronaki at, e.g., pp. 259-60; fig. 6.</p> <p>December at e.g., pp. 330-335.</p> <p>Dourish '217 at, e.g., col. 11.</p> <p>Dourish '575 at, e.g., col. 3, 5-7 (URLs), claim 11.</p> <p>Dourish '982 at, e.g., col. 6.</p> <p>Dourish Building Bridges at, e.g., passim, p. 16 ("web-based prototype"). One of ordinary skill in the art would understand that web-based systems inherently locate a desired resource using a URL address.</p> <p>Dourish Presto at, e.g., fig. 1; pp. 7, 15.</p> <p>Edwards '076 at, e.g., col. 12.</p> <p>Edwards '553 at, e.g., col. 9, 14.</p> <p>Estrada '148 at, e.g., col. 8; fig. 14, 25.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 3, 13; fig. 1.</p> <p>Farnan '365 at, e.g., col. 4, 14; Table 1A.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p>

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	<p>Gongwer '118 at, e.g., col. 9.</p> <p>Grambihler '655 at, e.g., col. 3-4.</p> <p>Henderson '534 at, e.g., p. 1.</p> <p>Hess CFS at, e.g., § 5.</p> <p>Hind '791 at, e.g., col. 3, 5; fig. 1-2.</p> <p>Horvitz '484 at, e.g., pp. 3, 5-6; fig. 1.</p> <p>Hubert '934 at, e.g., col 7(table showing URL, reference to Web Server).</p> <p>Hugh '032 at, e.g., col. 3, 26, 31.</p> <p>iManage MailSite at, e.g., 15, 33-34 (inc. fig. 2.1), 47, 58, 118.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Jones '731 at, e.g., fig. 4, col. 6, claim 19, passim (URLs).</p> <p>Koren '596 at, e.g., col. 6, 11.</p> <p>LaMarca '670 at, e.g., fig. 5.</p> <p>LaMarca '682 at, e.g., col. 12.</p> <p>Lamping '551 at, e.g., col. 3, 11. One of ordinary skill in the art would understand that web-based systems inherently locate a desired resource using a URL address.</p> <p>Lamping '551 at, e.g., col. 13.</p> <p>MacNaughton '892 at, e.g., abstract; col. 5; fig. 1A, 6; claims 1-3, 12.</p> <p>Maritzen '181 at, e.g., p. 6.</p> <p>Microsoft Dictionary at, e.g., p. 462 (definition of TCP/IP), p. 487 (definition of URL), p. 505 (definition of web browser).</p> <p>Oblinger '990 at, e.g., col. 6.</p> <p>Petersen '179 at, e.g., col. 1-2.</p> <p>Pitroda '990 at, e.g., col. 7, 23, 52.</p> <p>Pizi '258 at, e.g., col. 6.</p> <p>Salisbury '231 at, e.g., col. 16.</p> <p>Salisbury '573 at, e.g., col. 12.</p> <p>Seliger '648 at, e.g., col. 13-15; fig. 16.</p>

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	<p>Seliger '908 at, e.g., col. 4, 12-13; claim 1.</p> <p>Suchter '161 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p> <p>Suchter '302 at, e.g., col. 4-5, 7; fig. 1A-1B, 6.</p> <p>Swartz '994 at, e.g., col. 20; fig. 15-17.</p> <p>Sykes '297 at, e.g., abstract; fig. 3-12.</p> <p>Terry '380 at, e.g., col. 12.</p> <p>Thornton '429 at, e.g., fig. 4.</p> <p>Zuberec '032 at, e.g., col. 3.</p>
<p>16. The method of claim 9, further comprising accessing the user environment via a portable wireless device.</p>	<p>Ausems '403 at, e.g., col. 1, 7, 9.</p> <p>Belifore '513 at, e.g., col. 6, 19, 28.</p> <p>Bensimmon '678 at, e.g., pp. 1-3; fig. 1-2.</p> <p>Brummel '220 at, e.g., 14.</p> <p>Chasen '721 at, e.g., col. 6.</p> <p>Dourish '982 at, e.g., col. 2.</p> <p>Farnan '365 at, e.g., 3.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., p. 1.</p> <p>Hess CFS at, e.g., Abstract, § 3 (inc. fig. 3), § 5.</p> <p>Hess Manual at, e.g., § 7.</p> <p>Hess Thesis at, e.g., §§ 4.4, 4.6, 5.8.5, 7.4.</p> <p>Hind '791 at, e.g., col. 3, 5.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-2.</p> <p>iManage MailSite at, e.g., 103, 182-186.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Koren '596 at, e.g., col. 5, 16.</p> <p>Maritzen '181 at, e.g., p. 2-3.</p> <p>Oblinger '990 at, e.g., col. 14.</p> <p>Pitroda '990 at, e.g., cols. 6-7, 22; claims 17, 20, 22.</p>

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	<p>Pizi '258 at, e.g., col. 6.</p> <p>Seliger '908 at, e.g., claim 23.</p> <p>Sykes '297 at, e.g., p. 2.</p> <p>Zuberec '032 at, e.g., abstract; col. 1; fig. 3-5.</p>
<p>21. A computer-readable medium for storing computer-executable instructions for a method of managing data, the method comprising:</p>	<p><i>See disclosures for claim 1, supra, which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 2-3, 6, 28; fig. 1.</p> <p>Bellotti '409 at, e.g., abstract; p. 3; fig. 19.</p> <p>Bensimmon '678 at, e.g., pp. 1, 3.</p> <p>Bly '853 at, e.g., abstract; col. 1.</p> <p>Brummel '220 at, e.g., abstract; col. 2-4; claim 24.</p> <p>Chasen '721 at, e.g., abstract; col. 6; claims 22, 33.</p> <p>Chronaki at, e.g., abstract.</p> <p>Dourish '217 at, e.g., abstract.</p> <p>Dourish '575 at, e.g., Abstract, Fig. 1, col. 2-3 (summary), 3-4 (detailed description), <i>passim</i>.</p> <p>Dourish '982 at, e.g., abstract.</p> <p>Dourish Building Bridges at, e.g., Abstract, 14-16.</p> <p>Dourish Presto at, e.g., p. 1.</p> <p>Edwards '076 at, e.g., abstract.</p> <p>Edwards '553 at, e.g., abstract.</p> <p>Estrada '148 at, e.g., abstract; col. 5-6; claims 22-24.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 1-2.</p> <p>Farnan '365 at, e.g., abstract; col. 1-2; claim 1.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., abstract; col. 4.</p> <p>Gongwer '118 at, e.g., col. 1, 3; claim 31.</p> <p>Grambihler '655 at, e.g., abstract; col. 2-4; fig. 1; claim 27.</p> <p>Henderson '534 at, e.g., abstract; pp. 1, 3-4; claim 1.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 5, <i>passim</i>.</p>

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	<p>Hess Manual at, e.g., §§ 1, <i>passim</i>.</p> <p>Hess Thesis at, e.g., §§ 1.1, 1.2, 1.4, 2.1, 3.1, <i>passim</i>.</p> <p>Hind '791 at, e.g., abstract; col. 1, 3; fig. 2; claim 25.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-3; fig. 1; claims 1, 18.</p> <p>Hubert '934 at, e.g., Abstract, col. 1-4.</p> <p>Hugh '032 at, e.g., abstract; col. 2, 26-27.</p> <p>iManage MailSite at, e.g., Chapter 2.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., Abstract, col. 2-3 (summary), 4-6.</p> <p>Koren '596 at, e.g., abstract; col. 5; fig. 1, 2, 5A, 14.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2.</p> <p>LaMarca '682 at, e.g., abstract.</p> <p>Lamping '538 at, e.g., col. 1.</p> <p>Lamping '551 at, e.g., Abstract, col. 7-8, 10-12, <i>passim</i>.</p> <p>MacNaughton '892 at, e.g., abstract; claim 23.</p> <p>Maritzen '181 at, e.g., abstract; claims 1, 22.</p> <p>Nochur '758 at, e.g., col. 3-4, 9.</p> <p>O'Rourke '813 at, e.g., abstract, col. 5; claims 1, 3, 5, 8, 10, 16, 20, 23, 30-32, 38-39.</p> <p>Oblinger '990 at, e.g., claim 23.</p> <p>Petersen '179 at, e.g., col. 1-2, 6, 15.</p> <p>Pitroda '990 at, e.g., col. 1-2; claim 23.</p> <p>Pizi '258 at, e.g., abstract; col. 6.</p> <p>Salisbury '231 at, e.g., abstract; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; claim 1.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 5, 9, 16-17; fig. 7.</p> <p>Seliger '908 at, e.g., abstract; col. 3-4, 6; claim 49.</p> <p>Shea '938 at, e.g., abstract; col. 5.</p> <p>Suchter '161 at, e.g., abstract; fig. 1A-1B, 6; claim 30.</p>

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	<p>Suchter '302 at, e.g., abstract; fig. 1A-1B, 6; claim 30.</p> <p>Swartz '994 at, e.g., col. 1, 3; fig. 3, 5.</p> <p>Sykes '297 at, e.g., abstract; p. 2; claim 15, 29.</p> <p>Terry '380 at, e.g., abstract.</p> <p>Thornton '429 at, e.g., abstract.</p> <p>Zuberec '032 at, e.g., abstract; col. 7; claims 13, 19, 24.</p>
<p>creating data related to user interaction of a user within a user workspace of a web-based computing platform using an application; 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; tracking movement of the user from the user workspace to a second user workspace of the web-based computing platform; dynamically associating the data and the application with the second user workspace in the metadata such that the user employs the application and data from the second user workspace; and 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.</p>	<p><i>See disclosures for claim 1, supra, which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 2-4, 10-19, 20-21, 28-32, 43-45; fig. 1, 5.</p> <p>Bellotti '409 at, e.g., pp. 2-5, 11; claims 1-3, 6-8.</p> <p>Bensimmon '678 at, e.g., abstract; pp. 1, 3, 6; fig. 1-4.</p> <p>Bly '853 at, e.g., abstract; col. 1, 8-10, 15, 17-19, 24, 28-29; fig. 2; claim 1.</p> <p>Brummel '220 at, e.g., col. 2-10; fig. 4; claims 1, 3, 8, 24.</p> <p>Chasen '721 at, e.g., abstract; col. 1-6, 10-16; fig. 2; claim 1.</p> <p>Chronaki at, e.g., pp. 260-65; fig. 6-7.</p> <p>Dourish '217 at, e.g., col. 7, 9-10, 16; fig. 4.</p> <p>Dourish '575 at, e.g., col. 3-9, figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3, 6-7.</p> <p>Dourish Building Bridges at, e.g., Abstract, 14-19.</p> <p>Dourish Presto at, e.g., fig. 1, 2; pp. 1-2, 4-8, 11, 15-19.</p> <p>Edwards '076 at, e.g., col. 11, 13-16; fig. 1, 3.</p> <p>Edwards '553 at, e.g., abstract; col. 7, 9-11, 14; fig. 1-2, 4, 9a-9b.</p> <p>Estrada '148 at, e.g., abstract; col. 5-6, 8, 12, 16-17, 21, 27-28; fig. 1-3, 5-6, 9-10, 12-15, 22; Table 1-2; claim 1, 4, 6, 10.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 3-7, 11-12; fig. 1.</p> <p>Farnan '365 at, e.g., abstract; col. 1-4, 10-13, 26; fig. 2, 4-10; Table 1A, 1C; claim 1, 2, 4.</p>



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	<p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 6-7; fig. 1, 8-10.</p> <p>Gongwer '118 at, e.g., col. 3-4, 6-10; claim 1, 8, 14-15, 17, 31.</p> <p>Grambihler '655 at, e.g., abstract; col. 1-2; fig. 1.</p> <p>Henderson '534 at, e.g., abstract; pp. 1-8; fig. 5, 7, 9; claims 1, 5, 7.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 2.3, 3.1, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 3.1, 3.2, 3.4, 3.4.1, 4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 5.5.</p> <p>Hind '791 at, e.g., col. 3, 5-8, 12; fig. 1-2; claim 25, 31.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-2, 4-7, 9, 14, 27-28, 30-31; fig. 1-5.</p> <p>Hubert '934 at, e.g., col. 2-4, Fig. 1-2, col. 5-8.</p> <p>Hugh '032 at, e.g., col. 3, 5-6, 13, 20-22, 24, 27-28; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3-5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 2-3 (summary), 4-12 (description), figs. 2-12. claim 1.</p> <p>Koren '596 at, e.g., col. 1-2, 5, 9-11, 14-15, 21-23; fig. 2, 5A, 24A, 32.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2, 10-11; fig. 3, 5.</p> <p>LaMarca '682 at, e.g., abstract; col. 7-12; fig. 1; claim 1.</p> <p>Lamping '538 at, e.g., col. 1-4, 6-8.</p> <p>Lamping '551 at, e.g., abstract; cols. 2, 9-16, figs. 1-5.</p> <p>MacNaughton '892 at, e.g., abstract; col. 1-3, 5-8, 16-19; fig. 1A-1B, 3-4; claim 1, 6, 9, 12, 23.</p> <p>Maritzen '181 at, e.g., abstract; fig. 7-9; pp. 2-6; claims 9-13, 20, 22.</p> <p>Nochur '758 at, e.g., col. 5-7, 10, 13-14; fig. 2, 7.</p> <p>O'Rourke '813 at, e.g., 2-9; fig. 3, 5; claim 1, 23.</p>

Claim Language of '761 Patent.	Invalidating Prior Art
	<p>Oblinger '990 at, e.g., abstract; col. 5-12; fig. 1-3, 5; claims 23-24, 29.</p> <p>Petersen '179 at, e.g., col. 1-2, 6-7, 10, 13, 15, 17, 26, 28; fig. 5.</p> <p>Pitroda '990 at, e.g., col. 5-8, 13, 18-19, 21, 23, 52; fig. 6, 10, 10AA-10AE, 11A, 12, 13A, 14A, 15A, 17A, 19A, 20A, 21A, 22A, 23, 24; claim 10, 12, 13.</p> <p>Pizi '258 at, e.g., col. 2-7; claim 1, 5.</p> <p>Salisbury '231 at, e.g., col. 10-12, 16; fig. 1-2; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-12, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '313 at, e.g., claims 1, 3, 9.</p> <p>Seliger '648 at, e.g., col. 1-4, 7-9, 12, 14-15; fig. 16.</p> <p>Seliger '908 at, e.g., abstract; col. 2-9; fig. 1, 4, 14-16; claim 9, 11, 49.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 6, 8; fig. 1; claim 1, 4, 6, 12, 14.</p> <p>Suchter '161 at, e.g., col. 1, 4-6, 8, 14, 17-21, 25; fig. 1A-1B, 4B, 6.</p> <p>Suchter '302 at, e.g., col. 1, 4-6, 8, 14, 17-21, 25; fig. 1A-1B, 4B, 6.</p> <p>Swartz '994 at, e.g., 4, 6-10, 18-20; fig. 3.</p> <p>Sykes '297 at, e.g., abstract; p. 1; fig. 1, 3-13.</p> <p>Terry '380 at, e.g., col. 10-12, 14, , 17; fig. 1; claim 1, 11, 14-15.</p> <p>Thornton '429 at, e.g., abstract; col. 7-8, 10, 13-15; fig. 1, 4; claim 12.</p> <p>Zuberec '032 at, e.g., abstract; col. 2-3, 6-7; fig. 2; claim 1, 13, 19, 24.</p>
<p>23. A computer-implemented system that facilitates management of data, comprising:</p>	<p><i>See claim 1, supra, the disclosures of which are hereby incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 2-3; fig. 1.</p> <p>Bellotti '409 at, e.g., abstract; p. 3; fig. 19.</p>

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	<p>Bensimmon '678 at, e.g., pp. 1, 3.</p> <p>Bly '853 at, e.g., abstract; col. 1; claim 18.</p> <p>Brummel '220 at, e.g., abstract; col. 2, 4.</p> <p>Chasen '721 at, e.g., abstract; col. 6; claim 1.</p> <p>Chronaki at, e.g., abstract.</p> <p>Dourish '217 at, e.g., abstract.</p> <p>Dourish '575 at, e.g., Abstract, Fig. 1, col. 2-3 (summary), 3-4 (detailed description), <i>passim</i>.</p> <p>Dourish '982 at, e.g., abstract.</p> <p>Dourish Building Bridges at, e.g., Abstract, 14-16.</p> <p>Dourish Presto at, e.g., p. 1.</p> <p>Edwards '076 at, e.g., abstract.</p> <p>Edwards '553 at, e.g., abstract.</p> <p>Estrada '148 at, e.g., abstract; claim 1.</p> <p>Falkenhainer '801 at, e.g., abstract; col. 1-2.</p> <p>Farnan '365 at, e.g., abstract; col. 1-2; claim 1.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., abstract; col. 4.</p> <p>Gongwer '118 at, e.g., col. 1, 3.</p> <p>Grambihler '655 at, e.g., abstract; col. 2-4; fig. 1.</p> <p>Henderson '534 at, e.g., abstract. pp. 1, 3-4; claim 1.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 5, <i>passim</i>.</p> <p>Hess Manual at, e.g., §§ 1, <i>passim</i>.</p> <p>Hess Thesis at, e.g., §§ 1.1, 1.2, 1.4, 2.1, 3.1, <i>passim</i>.</p> <p>Hind '791 at, e.g., abstract; col. 1, 3; fig. 2; claim 50.</p> <p>Horvitz '484 at, e.g., abstract; pp. 1-3; fig. 1.</p> <p>Hubert '934 at, e.g., Abstract, col. 1-4.</p> <p>Hugh '032 at, e.g., abstract; col. 2, 26-27.</p> <p>iManage MailSite at, e.g., Chapter 2.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p>

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	<p>Jones '731 at, e.g., Abstract, col. 2-3 (summary), 4-6.</p> <p>Koren '596 at, e.g., abstract; col. 5; fig. 1-2, 5A, 14.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2.</p> <p>LaMarca '682 at, e.g., abstract.</p> <p>Lamping '538 at, e.g., col. 1.</p> <p>Lamping '551 at, e.g., Abstract, col. 7-8, 10-12, <i>passim</i>.</p> <p>MacNaughton '892 at, e.g., abstract.</p> <p>Maritzen '181 at, e.g., abstract; claim 1.</p> <p>Nochur '758 at, e.g., col. 3-4, 9.</p> <p>O'Rourke '813 at, e.g., abstract, col. 5; claims 1, 3, 5, 8, 10, 16, 20, 23, 30-32, 38-39.</p> <p>Oblinger '990 at, e.g., abstract; claim 1.</p> <p>Petersen '179 at, e.g., col. 1-2, 6.</p> <p>Pitroda '990 at, e.g., col. 1-2; claims 1, 12.</p> <p>Pizi '258 at, e.g., abstract; col. 6.</p> <p>Salisbury '231 at, e.g., abstract; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; claim 6.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., 1-2, 5, 9; fig. 7.</p> <p>Seliger '908 at, e.g., abstract, col. 3-4; claim 35.</p> <p>Shea '938 at, e.g., abstract.</p> <p>Suchter '161 at, e.g., abstract; fig. 1A-1B, 6.</p> <p>Suchter '302 at, e.g., abstract; fig. 1A-1B, 6.</p> <p>Swartz '994 at, e.g., col. 1, 3.</p> <p>Sykes '297 at, e.g., abstract.</p> <p>Terry '380 at, e.g., abstract.</p> <p>Thornton '429 at, e.g., abstract.</p> <p>Zuberec '032 at, e.g., abstract; col. 7.</p>
<p>a computer-implemented context component of a web-based server for defining a first user workspace</p>	<p><i>See claim 1, supra, the disclosures of which are hereby incorporated herein by reference.</i></p>

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<p>of the web-based server, assigning one or more applications to the first user workspace, capturing context data associated with user interaction of a user while in the first user workspace, and for dynamically storing the context data as metadata on a storage component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and a computer-implemented tracking component of the web-based server for tracking change information associated with a change in access of the user from the first user workspace to a second user workspace, and dynamically storing the change information on the storage component as part of the metadata, wherein the user accesses the data from the second user workspace.</p>	<p>Belifore '513 at, e.g., col. 2-4, 10-17, 20-21, 28-32; fig. 1.  Bellotti '409 at, e.g., pp. 2-5, 11; claims 1-3, 6-8.  Bensimmon '678 at, e.g., abstract; pp. 1, 3, 6; fig. 1-4.  Bly '853 at, e.g., abstract; col. 1, 8-10, 17-19, 24, 28-29; fig. 2.  Brummel '220 at, e.g., col. 2-10; claims 1, 3, 8.  Chasen '721 at, e.g., abstract; col. 1-5, 10-16; fig. 2; claim 1.  Chronaki at, e.g., pp. 260-65; fig. 6-7.  Dourish '217 at, e.g., col. 7, 10, 16; fig. 4.  Dourish '575 at, e.g., col. 3-9, figs. 1-7.  Dourish '982 at, e.g., col. 3, 6-7.  Dourish Building Bridges at, e.g., Abstract, 14-19.  Dourish Presto at, e.g., fig. 1, 3; pp. 4, 6-7, 10-11, 15-16, 18.  Edwards '076 at, e.g., col. 11, 13-16; fig. 1, 3.  Edwards '553 at, e.g., abstract; col. 7, 9-11, 14; fig. 1-2, 4, 9a-9b.  Estrada '148 at, e.g., abstract; col. 5-6, 8, 12, 17, 21, 27-28; fig. 1-3, 5-6, 9-10, 12-15, 22; Table 1-2; claim 1, 4, 6, 10.  Falkenhainer '801 at, e.g., abstract; col. 3-7, 11-12; fig. 1.  Farnan '365 at, e.g., abstract; col. 1-4, 11-13; fig. 2, 4-9; Table 1A, 1C; claim 1, 2, 4, 26.  Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.  Gillings '490 at, e.g., col. 2-4, 6-7; fig. 8-10.  Gongwer '118 at, e.g., col. 3-4, 6-11; claims 1, 8, 14-15.  Grambihler '655 at, e.g., col. 1-2.  Henderson '534 at, e.g., abstract; pp. 1-4, 6-8; fig. 5, 7, 9; claims 1, 5, 7.  Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 2.3, 3.1, 4.3, 5, 6.  Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.  Hess Thesis at, e.g., §§ 3.1, 3.2, 3.4, 3.4.1, 4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 5.5.  Hind '791 at, e.g., col. 3, 5-8, 12; fig. 2; claims 7, 50.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Horvitz '484 at, e.g., abstract; pp. 1-2, 5-7, 9, 14, 27-28, 30-31; fig. 1-5.</p> <p>Hubert '934 at, e.g., col. 2-4, Fig. 1-2, col. 5-8.</p> <p>Hugh '032 at, e.g., col. 5-6, 13, 20, 24, 27-28; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3-5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 2-3 (summary), 4-12 (description), figs. 2-12. claim 1.</p> <p>Koren '596 at, e.g., col. 1-2, 5, 10, 14-15, 21-23; fig. 2, 5A, 24A, 32.</p> <p>LaMarca '670 at, e.g., abstract; col. 1-2, 10-11; fig. 3, 5.</p> <p>LaMarca '682 at, e.g., abstract; col. 7-8, 10-12; fig. 1; claim 1.</p> <p>Lamping '538 at, e.g., col. 1-3, 6-8.</p> <p>Lamping '551 at, e.g., abstract; cols. 2, 9-16, figs. 1-5.</p> <p>MacNaughton '892 at, e.g., abstract; col. 1-3, 6-8, 16-19; fig. 1A-1B, 3-4; claim 1, 12.</p> <p>Maritzen '181 at, e.g., abstract; pp 3-4, 6; fig. 7-9; claims 9-13; 20.</p> <p>Nochur '758 at, e.g., col. 5-7, 10, 13-14; fig. 2, 7.</p> <p>O'Rourke '813 at, e.g., 2-9; fig. 3, 5; claim 1, 23.</p> <p>Oblinger '990 at, e.g., abstract; col. 5-10; fig. 1-3, 5; claim 1-2, 4-5, 8, 10-11.</p> <p>Petersen '179 at, e.g., col. 1-3, 6-7, 10, 15, 17, 26; fig. 5.</p> <p>Pitroda '990 at, e.g., col. 5-8, 12-13, 19, 21, 23, 52; fig. 6, 10AA-10AE, 11A, 12, 13A, 14A, 15A, 17A, 19A, 20A, 21A, 22A, 23, 24; claim 1, 10, 12.</p> <p>Pizi '258 at, e.g., col. 2, 4-7; claim 1, 5.</p> <p>Salisbury '231 at, e.g., col. 9-11, 16; fig. 1-2; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-12, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '313 at, e.g., claims 1, 3, 9.</p> <p>Seliger '648 at, e.g., col. 1-4, 5, 7-9, 12, 14-15; fig. 7, 16.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Seliger '908 at, e.g., abstract; col. 2-5, 8-9; fig. 1, 4, 7; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 6, 8; fig. 1; claims 1, 4, 6, 12, 14.</p> <p>Suchter '161 at, e.g., col. 1, 4-5, 8, 14, 17-21; fig. 1A-1B, 4B, 6.</p> <p>Suchter '302 at, e.g., col. 1, 4-5, 8, 14, 17-21; fig. 1A-1B, 4B, 6.</p> <p>Swartz '994 at, e.g., col. 4, 6-10, 17, 19-20; fig. 5.</p> <p>Sykes '297 at, e.g., abstract; p. 1; fig. 1, 3-13.</p> <p>Terry '380 at, e.g., col. 10-12, 14, , 17; fig. 1; claim 1, 11, 14-15.</p> <p>Thornton '429 at, e.g., abstract; col. 7-8, 13-15; fig. 1, 4; claim 12.</p> <p>Zuberec '032 at, e.g., abstract; col. 2-3, 6-7; claims 1, 13.</p>
<p>24. The system of claim 23, wherein the tracking component automatically creates the metadata when the user accesses the first user workspace.</p>	<p><i>See disclosures for claim 8, supra, the disclosures of which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 31-32.</p> <p>Bellotti '409 at, e.g., p. 10.</p> <p>Bensimmon '678 at, e.g., pp. 1, 6.</p> <p>Bly '853 at, e.g., col. 23-24, 26-27; fig. 13.</p> <p>Brummel '220 at, e.g., col. 6.</p> <p>Chasen '721 at, e.g., col. 4-5, 16-17.</p> <p>Chronaki at, e.g., pp. 260-64.</p> <p>Dourish '217 at, e.g., col. 4-5, 15-16.</p> <p>Dourish '575 at, e.g., col. 4-8 (discussion of initial filing context); figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3, 5-8; fig. 8.</p> <p>Dourish Building Bridges at, e.g., 14-16, fig. 2, 17-18 (categories, including fig. 3).</p> <p>Dourish Presto at, e.g., pp. 4-5, 15-19.</p> <p>Dourish Presto at, e.g., §§ 6.1. pp. 15-19, 7-11, 4; fig. 2, 3.</p>

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	<p>Edwards '076 at, e.g., col. 11.</p> <p>Edwards '553 at, e.g., col. 11-13.</p> <p>Estrada '148 at, e.g., col. 13.</p> <p>Falkenhainer '801 at, e.g., col. 3-4.</p> <p>Farnan '365 at, e.g., col. 4.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 7.</p> <p>Gongwer '118 at, e.g., col. 3.</p> <p>Grambihler '655 at, e.g., col. 4-8; fig. 1.</p> <p>Henderson '534 at, e.g., pp. 5, 9.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., 8, 10.</p> <p>Horvitz '484 at, e.g., pp. 6-7, 27-28, 30-31.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2, fig 1.</p> <p>Hugh '032 at, e.g., col. 5-6, 13; fig. 1, 3.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 4-6, 9-12, figs. 4(404), 6-8, 12.</p> <p>Koren '596 at, e.g., col. 2, 15, 21.</p> <p>LaMarca '670 at, e.g., col. 9.</p> <p>Lamping '551 at, e.g., col. 11, 14-16, fig. 5.</p> <p>MacNaughton '892 at, e.g., col. 17.</p> <p>Maritzen '181 at, e.g., p. 2.</p> <p>Nochur '758 at, e.g., col. 5.</p> <p>O'Rourke '813 at, e.g., col. 6-7; fig. 6.</p> <p>Oblinger '990 at, e.g., col. 6; claim 21.</p> <p>Petersen '179 at, e.g., col. 10, 17.</p>



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	<p>Pitroda '990 at, e.g., col. 8, 13, 19.</p> <p>Salisbury '231 at, e.g., col. 11.</p> <p>Salisbury '573 at, e.g., col. 11-12, 16-17; fig. 3, 6.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2.</p> <p>Seliger '908 at, e.g., col. 2-5, 8-9.</p> <p>Shea '938 at, e.g., col. 6.</p> <p>Suchter '161 at, e.g., col. 7.</p> <p>Suchter '302 at, e.g., col. 7.</p> <p>Swartz '994 at, e.g., col. 6-8.</p> <p>Terry '380 at, e.g., col. 11-12.</p> <p>Thornton '429 at, e.g., col. 11, 13-14; fig. 4-5.</p>
<p>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.</p>	<p><i>See claim 5, supra, the disclosures of which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 15-16.</p> <p>Bellotti '409 at, e.g., p. 5; claims 1-2.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 24, 28-29.</p> <p>Brummel '220 at, e.g., col. 3, 5-6; fig. 4.</p> <p>Chasen '721 at, e.g., col. 14-15.</p> <p>Chronaki at, e.g., pp. 260-61; fig. 7.</p> <p>Dourish '217 at, e.g., col. 7-8; fig. 1, 3.</p> <p>Dourish '575 at, e.g., col. 4-8 (discussion of initial filing context); figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 5.</p> <p>Dourish Building Bridges at, e.g., 14-16 &amp; fig. 2, 16.</p> <p>Dourish Presto at, e.g., fig. 2, 3; pp. 4, 9-10, 16-19.</p> <p>Edwards '076 at, e.g., col. 9, 13-14; fig. 1, 3.</p> <p>Edwards '553 at, e.g., col. 9-13; fig. 1, 2.</p> <p>Estrada '148 at, e.g., 17, 21; Table 2.</p>

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	<p>Falkenhainer '801 at, e.g., col. 5, 13.</p> <p>Farnan '365 at, e.g., col. 5-6.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 3-4; fig. 1.</p> <p>Gongwer '118 at, e.g., col. 9-10.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., abstract; p. 6.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 3-5, 7-8, claim 50.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2, fig 1(16).</p> <p>Hugh '032 at, e.g., col. 5-6, 13; fig. 1-3.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 7-10, fig. 6-11, fig. 12 (showing multiple contexts).</p> <p>Koren '596 at, e.g., col. 15, 21.</p> <p>LaMarca '670 at, e.g., col. 9-11.</p> <p>LaMarca '682 at, e.g., col. 7-8, fig. 1.</p> <p>Lamping '538 at, e.g., col. 6-7.</p> <p>Lamping '551 at, e.g., col. 12-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 8, 17.</p> <p>Maritzen '181 at, e.g., pp. 5-6.</p> <p>Nochur '758 at, e.g., col. 3-4.</p> <p>O'Rourke '813 at, e.g., fig. 5.</p> <p>Oblinger '990 at, e.g., fig. 3, 5.</p> <p>Petersen '179 at, e.g., col. 6-7.</p> <p>Pitroda '990 at, e.g., col. 6, 8, 13.</p>

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	<p>Pizi '258 at, e.g., col. 5-7.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1.</p> <p>Salisbury '573 at, e.g., col. 8; fig. 1.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2, 8-9.</p> <p>Seliger '908 at, e.g., col. 3-4, 6; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 5, 8; fig. 1.</p> <p>Suchter '161 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Suchter '302 at, e.g., col. 14; fig. 3A-3B, 4A.</p> <p>Swartz '994 at, e.g., col. 4, 6, 19.</p> <p>Terry '380 at, e.g., fig. 1; claims 1, 11, 15.</p> <p>Thornton '429 at, e.g., fig. 3.</p> <p>Zuberec '032 at, e.g., col. 6-7; claims 16, 21.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 16-17, 20, 29, 43-45.</p> <p>Bellotti '409 at, e.g., pp. 5-6; fig. 9-10.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 23-24, 26-27; fig. 13.</p> <p>Brummel '220 at, e.g., col. 3-6; fig. 4.</p> <p>Chasen '721 at, e.g., col. 4-5, 16-17.</p> <p>Chronaki at, e.g., pp. 260-61.</p> <p>Dourish '217 at, e.g., col. 4-5, 15-16.</p> <p>Dourish '575 at, e.g., col. 4-8; figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3, 5-8; fig. 8.</p> <p>Dourish Building Bridges at, e.g., 14-17, figs 2-3.</p> <p>Dourish Presto at fig. 3; pp. 3, 6-8, 12, 16-18; claim 1.</p> <p>Edwards '076 at, e.g., col. 7, 9.</p> <p>Edwards '553 at, e.g., col. 7, 9; fig. 1, 2.</p> <p>Estrada '148 at, e.g., col. 21.</p> <p>Falkenhainer '801 at, e.g., col. 3-4.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Farnan '365 at, e.g., col. 10.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 7.</p> <p>Gongwer '118 at, e.g., claims 14-15.</p> <p>Grambihler '655 at, e.g., col. 4-8; fig. 1.</p> <p>Henderson '534 at, e.g., p. 3.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 3, 5.</p> <p>Horvitz '484 at, e.g., p. 4.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2(30, 32, 34).</p> <p>Hugh '032 at, e.g., col. 2, 6, 17-18, 21-22.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 7-11, figs. 6-10, 12.</p> <p>Koren '596 at, e.g., col. 9-10.</p> <p>LaMarca '670 at, e.g., col. 9-11.</p> <p>LaMarca '682 at, e.g., 7, 14; fig. 1.</p> <p>Lamping '538 at, e.g., col. 7-8.</p> <p>Lamping '551 at, e.g., col. 13-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 1-2, 5-8.</p> <p>Maritzen '181 at, e.g., pp. 6.</p> <p>Nochur '758 at, e.g., col. 3-4, 12.</p> <p>O'Rourke '813 at, e.g., col. 6-7; fig. 6.</p> <p>Oblinger '990 at, e.g., col. 6-9, 14; fig. 2.</p> <p>Petersen '179 at, e.g., col. 11.</p> <p>Pitroda at figs. 10AA-10AE, 11A, 12, 13A, 14A, 15A, 17A, 19A, 20A, 21A, 22A, 23, 24; cols. 12, 18, 21.</p>

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	<p>Pizi '258 at, e.g., col. 5-6.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1.</p> <p>Salisbury '573 at, e.g., col. 8, 11-12, 16-17; fig. 1, 3, 6.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., fig. 16.</p> <p>Seliger '908 at, e.g., col. 1-2.</p> <p>Shea '938 at, e.g., abstract; fig. 2-3, 6-7.</p> <p>Suchter '161 at, e.g., col. 9-11; fig. 3A-3B.</p> <p>Suchter '302 at, e.g., col. 9-11; fig. 3A-3B.</p> <p>Swartz '994 at, e.g., col. 20.</p> <p>Terry '380 at, e.g., col. 9, 17-18.</p> <p>Thornton '429 at, e.g., col. 11, 13-14; fig. 4-5.</p> <p>Zuberec '032 at, e.g., abstract; col. 1-2, 7; fig. 5.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 10-17, 20-21, 29-31; fig. 5.</p> <p>Bellotti '409 at, e.g., pp. 4-5, 11; claims 6-8.</p> <p>Bensimmon '678 at, e.g., pp. 1, 6.</p> <p>Bly '853 at, e.g., col. 1, 8-10, 17-19, 24.</p> <p>Brummel '220 at, e.g., col. 3, 6, 9-10; claims 3, 8.</p> <p>Chasen '721 at, e.g., abstract; col. 1-5, 14-16; fig. 2.</p> <p>Chronaki at, e.g., pp. 260-65; fig. 7.</p> <p>Dourish '217 at, e.g., col. 16.</p> <p>Dourish '575 at, e.g., col. 4-8; figs. 1-7.</p> <p>Dourish '982 at, e.g., col. 3, 6-7.</p> <p>Dourish Building Bridges at, e.g., 14-19, figs. 2-3.</p> <p>Dourish Presto at figs. 2, 3; pp. 4, 7, 18.</p> <p>Edwards '076 at, e.g., col. 14-16.</p> <p>Edwards '553 at, e.g., col. 7, 9, 11-13.</p> <p>Estrada '148 at, e.g., col. 8, 21; fig. 10, 14-15; Table 2.</p> <p>Falkenhainer '801 at, e.g., col. 1-6, 11-12.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Farnan '365 at, e.g., abstract; col. 2-4, 11-13; fig. 4-9; Table 1A, 1C; claims 2, 4, 26.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 7.</p> <p>Gongwer '118 at, e.g., col. 7, 9-10; claims 1, 8, 14-15.</p> <p>Grambihler '655 at, e.g., col. 1-2.</p> <p>Henderson '534 at, e.g., pp. 1, 3, 6-8; fig. 7; claims 1, 5.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 8, 12; fig. 2; claims 1, 7, 50.</p> <p>Horvitz '484 at, e.g., pp. 1-2, 30-31; fig. 1, 3-5, 8.</p> <p>Hubert '934 at, e.g., col. 4-5, 7-8; fig. 2(30, 32, 34).</p> <p>Hugh '032 at, e.g., col. 20, 24, 27-28.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 7-11, figs. 6-10, 12.</p> <p>Koren '596 at, e.g., col. 2, 10, 14-15, 21; fig. 35-36.</p> <p>LaMarca '670 at, e.g., col. 10-11.</p> <p>LaMarca '682 at, e.g., col. 7-8, 14.</p> <p>Lamping '538 at, e.g., col. 2, 7-8.</p> <p>Lamping '551 at, e.g., col. 13-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 6-8, 16-19; fig. 1A-1B, 3-4.</p> <p>Maritzen '181 at, e.g., abstract; pp. 3-4, 6; fig. 7, 9; claim 12.</p> <p>Nochur '758 at, e.g., col. 6, 10, 13-14.</p> <p>O'Rourke '813 at, e.g., 2, 4-8; fig. 3, 5; claims 1, 23.</p> <p>Oblinger '990 at, e.g., abstract; col. 6-9; fig. 1-2; claim 1, 4-5, 8, 11.</p> <p>Pitroda at cols. 6, 8, 13, 21.</p> <p>Pizi '258 at, e.g., col. 2, 4-5, 7; claim 1.</p>

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	<p>Salisbury '231 at, e.g., col. 10; claim 12.</p> <p>Salisbury '573 at, e.g., abstract; col. 8, 10-11, 13; fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2, 8-9.</p> <p>Seliger '908 at, e.g., col. 2-5, 8-9; fig. 1, 4, 7; claim 35.</p> <p>Shea '938 at, e.g., abstract; col. 2-3, 8; fig. 1; claim 4, 6, 12, 14.</p> <p>Suchter '161 at, e.g., col. 5, 19-20; fig. 4B.</p> <p>Suchter '302 at, e.g., col. 5, 19-20; fig. 4B.</p> <p>Swartz '994 at, e.g., col. 6-9, 19.</p> <p>Terry '380 at, e.g., col. 9, 17-18.</p> <p>Thornton '429 at, abstract; col. 7-8, 13; fig. 1; claim 12.</p> <p>Zuberec '032 at, e.g., abstract; col. 6-7; claims 1, 13.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 28; fig. 7.</p> <p>Chasen '721 at, e.g., col. 10.</p> <p>Dourish '575 at, e.g., col. 2 (relational), 3-4 (databases), 8-9.</p> <p>Dourish Building Bridges at, e.g., 16 (object attributes), 18.</p> <p>Dourish Presto at, e.g., § 3.2, at 7, § 3.4 at 8, 19.</p> <p>Farnan '365 at, e.g., col. 23.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Henderson '534 at, e.g., p. 2; fig. 6.</p> <p>Hess CFS at, e.g., §§ 1, 2.1, 2.2, 3.1.</p> <p>Hess Manual at, e.g., §§ 1, 2.1, 4, 5.</p> <p>Hess Thesis at, e.g., §§ 3.4.1, 4.1.</p> <p>Hubert '934 at, e.g., col. 5-6 (DOM, RDF, XML, referring to object storage methodologies).</p> <p>iManage MailSite at, e.g., 284.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Jones '731 at, e.g., fig. 4 (showing relational rows and columns), col. 6-7, 10-12, <i>passim</i> (object storage).</p>

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	<p>Koren '596 at, e.g., col. 1.</p> <p>Lamping '551 at, e.g., col. 6 (distributed databases, SQL, are relational).</p> <p>Maritzen '181 at, e.g., p. 6.</p> <p>Microsoft Dictionary at, e.g., p. 403-404 (definition of relational database).</p> <p>Oblinger '990 at, e.g., abstract; col. 9-10.</p> <p>Petersen '179 at, e.g., col. 6, 14-15, 25.</p> <p>Pitroda at claim 19.</p> <p>Salisbury '231 at, e.g., col. 16.</p> <p>Seliger '648 at, e.g., col. 7.</p> <p>Seliger '908 at, e.g., col. 7.</p> <p>Swartz '994 at, e.g., col. 5, 18.</p>
<p>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.</p>	<p><i>See claim 9, supra, the disclosures of which are incorporated herein by reference.</i></p> <p>Belifore '513 at, e.g., col. 12-15, 28-29.</p> <p>Bellotti '409 at, e.g., p. 5; claims 1-3.</p> <p>Bensimmon '678 at, e.g., p. 1.</p> <p>Bly '853 at, e.g., col. 24, 28-29.</p> <p>Brummel '220 at, e.g., col. 2-3; fig. 4.</p> <p>Chasen '721 at, e.g., col. 11-14.</p> <p>Chronaki at, e.g., fig. 7.</p> <p>Dourish '217 at, e.g., fig. 1, 3.</p> <p>Dourish '575 at, e.g., figs. 1-7, cols. 4-9, <i>passim</i>.</p> <p>Dourish '982 at col. 3-4.</p> <p>Dourish Building Bridges at, e.g., 14-18, figs. 2-3.</p> <p>Dourish Presto at figs. 2, 3; pp. 4, 7, 18.</p> <p>Edwards '076 at, e.g., fig. 1, 3.</p> <p>Edwards '553 at, e.g., fig. 1.</p> <p>Estrada '148 at, e.g., col. 17; Table 2.</p>



Claim Language of '761 Patent	Invalidating Prior Art
	<p>Falkenhainer '801 at, e.g., col. 6.</p> <p>Farnan '365 at, e.g., col. 3-6; fig. 10, 12.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 2-4, 6-7; fig. 8-10.</p> <p>Gongwer '118 at, e.g., col. 1; claims 1, 45.</p> <p>Grambighler '655 at, e.g., col. 5-7.</p> <p>Henderson '534 at, e.g., pp. 2-6.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 11.</p> <p>Horvitz '484 at, e.g., pp. 1-2; 2-28, 30-31; fig. 1, 3-5.</p> <p>Hubert '934 at, e.g., fig. 2 (30, 32, 34); col. 2-3, 4-5, 7-8.</p> <p>Hugh '032 at, e.g., col. 20, 24, 27-28.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 6-8, 11-12, fig. 6-10, 12.</p> <p>Koren '596 at, e.g., col. 15.</p> <p>LaMarca '670 at, e.g., fig. 3.</p> <p>LaMarca '682 at, e.g., col. 7-8, 14; fig. 1.</p> <p>Lamping '538 at, e.g., col. 4, 8.</p> <p>Lamping '551 at, e.g., col. 13-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 5-8, 16-19.</p> <p>Maritzen '181 at, e.g., p. 5.</p> <p>Nochur '758 at, e.g., col. 5.</p> <p>O'Rourke '813 at, e.g., fig. 5.</p> <p>Oblinger '990 at, e.g., col. 9-10.</p> <p>Petersen '179 at, e.g., col. 13.</p> <p>Pitroda at col. 21.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Pizi '258 at, e.g., col. 7-8.</p> <p>Salisbury '231 at, e.g., col. 9-10; fig. 1, 2.</p> <p>Salisbury '573 at, e.g., fig. 1, 3.</p> <p>Schroeter pp. 318-19.</p> <p>Seliger '648 at, e.g., col. 2, 8-9.</p> <p>Seliger '908 at, e.g., col. 2, 6, 10.</p> <p>Shea '938 at, e.g., col. 5, 11-13.</p> <p>Suchter '161 at, e.g., col. 8; fig. 3A-3B.</p> <p>Suchter '302 at, e.g., col. 8; fig. 3A-3B.</p> <p>Swartz '994 at, e.g., 1, 3, 6-9, 20.</p> <p>Terry '380 at, e.g., fig. 1.</p> <p>Thornton '429 at, e.g., abstract; col. 7-8, 13-15; fig. 1; claim 12.</p> <p>Zuberec '032 at, e.g., col. 4, 6-7.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 4, 19, 33, 43-45.</p> <p>Bellotti '409 at, e.g., abstract; pp. 2, 8; fig. 1, 9, 14-15.</p> <p>Bensimmon '678 at, e.g., pp. 2-3.</p> <p>Bly '853 at, e.g., col. 15.</p> <p>Brummel '220 at, e.g., col. 13.</p> <p>Chasen '721 at, e.g., col. 17.</p> <p>Chronaki at, e.g., pp. 260-61.</p> <p>Dourish '217 at, e.g., col. 11.</p> <p>Dourish '575 at, e.g., col. 3-9, figs. 1-7, passim (shared document repository for document sharing).</p> <p>Dourish Building Bridges at, e.g., 14-16, figs. 2-3 (all discussing document sharing).</p> <p>Dourish Presto at pp. 4, 6-7, 9-11.</p> <p>Edwards '076 at, e.g., col. 11.</p> <p>Edwards '553 at, e.g., col. 11; fig. 1, 2.</p> <p>Estrada '148 at, e.g., col. 8.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Falkenhainer '801 at, e.g., col. 4.</p> <p>Farnan '365 at, e.g., abstract; col. 17-22; Table 1A.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Grambihler '655 at, e.g., col. 1, 6.</p> <p>Henderson '534 at, e.g., abstract, p. 6.</p> <p>Hess CFS at, e.g., §§ 1, 2, 2.1, 2.2, 3.1, 4.2, 4.3, 6 (document sharing between contexts).</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 7.</p> <p>Hess Thesis at, e.g., §§ 2.1, 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5 (document sharing).</p> <p>Hind '791 at, e.g., col. 5.</p> <p>Horvitz '484 at, e.g., pp. 1, 4, 13, 21, 32; fig. 6.</p> <p>Hubert '934 at, e.g., col. 3, 7(email), 6 (email and document management), <i>passim</i> (document sharing is pervasive in this reference).</p> <p>Hugh '032 at, e.g., col. 26; fig. 15.</p> <p>iManage MailSite at, e.g., Chapter 5 (e.g., Outlook).</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Johnson at, e.g., p. 187.</p> <p>Jones '731 at, e.g., col. 11-12, 6-7.</p> <p>Koren '596 at, e.g., col. 11.</p> <p>LaMarca '670 at, e.g., col. 9.</p> <p>LaMarca '682 at, e.g., col. 11.</p> <p>Lamping '538 at, e.g., col. 3.</p> <p>Lamping '551 at, e.g., col. 11, fig. 3 (10a-10n, 11a-11n).</p> <p>MacNaughton '892 at, e.g., col. 4, 7; claim 5.</p> <p>Maritzen '181 at, e.g., fig. 5.</p> <p>Nochur '758 at, e.g., col. 5, 9-10, 13.</p> <p>Pitroda at col. 8.</p> <p>Pizi '258 at, e.g., col. 5, 9.</p> <p>Salisbury '231 at, e.g., col. 11.</p> <p>Salisbury '573 at, e.g., abstract; col. 11.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Seliger '648 at, e.g., col. 11.</p> <p>Seliger '908 at, e.g., claim 23.</p> <p>Swartz '994 at, e.g., col. 9, 19.</p> <p>Terry '380 at, e.g., col. 11.</p> <p>Thornton '429 at, e.g., col. 11.</p> <p>Zuberec '032 at, e.g., abstract; col. 1, 3-4; claim 1, 11.</p>
<p>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.</p>	<p>Belifore '513 at, e.g., col. 34.</p> <p>Bellotti '409 at, e.g., p. 2.</p> <p>Bensimmon '678 at, e.g., pp. 5-6.</p> <p>Bly '853 at, e.g., col. 4, 28.</p> <p>Brummel '220 at, e.g., col. 4.</p> <p>Chasen '721 at, e.g., col. 10, 17.</p> <p>Chronaki at, e.g., pp. 260, 262; fig. 4-5.</p> <p>Dourish '217 at, e.g., col. 11, 13.</p> <p>Dourish '575 at, e.g., col. 4-8 (inc. discussion of initial filing context/filing structure mappings).</p> <p>Dourish '982 at, e.g., col. 6.</p> <p>Dourish Building Bridges at, e.g., 14-18, figs. 2-3.</p> <p>Dourish Presto at, e.g., fig. 1; pp. 7, 15.</p> <p>Dourish Presto at, e.g., § 3.3 at 7-8, Fig. 2.</p> <p>Edwards '076 at, e.g., col. 14.</p> <p>Edwards '553 at, e.g., col. 14.</p> <p>Estrada '148 at, e.g., col. 8; fig. 14, 25.</p> <p>Falkenhainer '801 at, e.g., col. 5, 13.</p> <p>Farnan '365 at, e.g., Table 1A.</p> <p>Gaia/CFS, e.g., see disclosures for Hess CFS, <i>supra</i>.</p> <p>Gillings '490 at, e.g., col. 4-5.</p> <p>Gongwer '118 at, e.g., col. 5, 9-10; claim 7.</p> <p>Grambihler '655 at, e.g., col. 3-4.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	<p>Henderson '534 at, e.g., pp. 2-3.</p> <p>Hess CFS at, e.g., Abstract, §§ 1, 2, 2.1, 2.2, 3.1, 4.1, 4.2, 4.3, 5, 6.</p> <p>Hess Manual at, e.g., §§ 1, 2.2, 2.2.1, 2.3.</p> <p>Hess Thesis at, e.g., §§ 3.1, 3.2, 4.5, 4.5.1, 4.5.2, 4.5.4, 4.5.5.</p> <p>Hind '791 at, e.g., col. 3, 5; fig. 1-2.</p> <p>Horvitz '484 at, e.g., p. 10.</p> <p>Hubert '934 at, e.g., col. 4-5; fig. 2(14, 16).</p> <p>Hugh '032 at, e.g., col. 21-22.</p> <p>iManage MailSite at, e.g., Chapters 3 &amp; 5.</p> <p>iManage System, e.g., see disclosures for iManage MailSite.</p> <p>Jones '731 at, e.g., col. 5-11, fig. 4, 6-10, 12.</p> <p>Koren '596 at, e.g., col. 6, 11.</p> <p>LaMarca '670 at, e.g., col. 9.</p> <p>LaMarca '682 at, e.g., col. 12.</p> <p>Lamping '538 at, e.g., col. 4-5; fig. 2.</p> <p>Lamping '551 at, e.g., col. 11-16, fig. 1-5.</p> <p>MacNaughton '892 at, e.g., col. 8.</p> <p>Maritzen '181 at, e.g., p. 6.</p> <p>Nochur '758 at, e.g., col. 8.</p> <p>Oblinger '990 at, e.g., col. 6.</p> <p>Petersen '179 at, e.g., col. 1-2.</p> <p>Pitroda '990 at, e.g., col. 7, 23, 52.</p> <p>Pizi '258 at, e.g., col. 6.</p> <p>Salisbury '231 at, e.g., col. 13, 16; claim 1.</p> <p>Salisbury '573 at, e.g., col. 12.</p> <p>Seliger '648 at, e.g., col. 13.</p> <p>Seliger '908 at, e.g., abstract; col. 3-4, 6; claim 49.</p> <p>Shea '938 at, e.g., col. 5-6.</p> <p>Suchter '161 at, e.g., col. 4-5.</p> <p>Suchter '302 at, e.g., col. 4-5.</p>

Claim Language of '761 Patent	Invalidating Prior Art
	Swartz '994 at, e.g., col. 20. Sykes '297 at, e.g., p. 1. Terry '380 at, e.g., col. 15; claims 2, 16. Thornton '429 at, e.g., fig. 4. Zuberec '032 at, e.g., col. 12.

Additionally, claims 13-16 are clearly obvious under 35 U.S.C. § 103(a) as they add nothing of patentable significance. Claim 13 recites "accessing the user environment and the second user environment using a browser"; claim 14 recites "communicating with the user environment using a TCP/IP communication protocol"; claim 15 recites "locating the user environment from a remote location using a URL address." These claims are clearly obvious under § 103. 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 John December et al., *World Wide Web Unleashed* 330 (2d ed. 1995); Microsoft Dictionary 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 resources on the World Wide Web. See J. December at 334; Microsoft Dictionary at 487. It goes without saying that browsers were likewise well-known before the '761 patent as a way to access the World Wide Web. See Microsoft Dictionary at 505. Accordingly, using a browser, TCP/IP and/or a URL address to access a user environment would have entailed a simple substitution of an World Wide Web-based environment in place of a non-Internet system (such as a proprietary (non TCP/IP) local area network), predictably resulting in a method in

which the user environment was accessed from via a browser through a URL address using the TCP/IP communications protocol. One of ordinary skill in the art would be clearly motivated to combine references in order to achieve the ability to access the user environment over the Internet using a web browser. As to dependent claim 16, it reads in its entirety: "The method of claim 9, further comprising accessing the user environment via a portable wireless device." Claim 16 is obvious over any of the anticipatory references identified above when combined with U.S. Patent No. 6,434,403 B1 to Michael R. Ausems et al. entitled "Personal Digital Assistant with Wireless Telephone." Ausems discloses a handheld wireless communications device that combines a personal digital assistant (PDA) and wireless telephone into a single portable device. *See* Ausems, Col. 1, ll. 5-9, 54-58. The portable wireless device in Ausems includes a CPU, runs the Microsoft Windows CE operating system, and includes a web browser in order to facilitate wireless Internet access. *See* Ausems, Col. 7, ln. 63-col. 8, ln. 4. Ausems further discloses that the device "may remotely communicate with a computer system." Ausems, Col. 9, ln. 17-18. Moreover, Hess CFS specifically discloses the use of a mobile handheld device to access a user environment. *See* Hess CFS, Abstract, §§ 3, 5, Fig. 3. Portable handheld wireless devices such as those disclosed in Ausems and Hess CFS were well-known long before the application for the '761 patent was filed. Using a portable wireless device to access a user environment would have entailed a simple substitution of a portable wireless device in place of a fixed-location or non-wireless device (such as a conventional desktop computer with a wired network connection), 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 to achieve the increased flexibility and mobility of being able to access a user environment from different locations. Claim 16 is therefore obvious under § 103.

Claim 31 similarly recites the non-patentable feature that “the storage component stores the data and the metadata according to at least one of a relational and an object storage methodology.” Such methodologies were well-known long before the application for the ’761 patent was filed. In fact, most if not all popular computer database products in existence at the time of the alleged invention of the ’761 patent (e.g., Oracle) were relational databases. *See* Microsoft Dictionary at 403-404 (“Microcomputer database products typically are relational databases.”). Using a relational methodology would have entailed a simple substitution of a relational database in place of a non-relational database, predictably resulting in a method in which the data and metadata were stored according to a relational methodology. One of ordinary skill in the art would be motivated to combine to achieve the increased flexibility and offered by widely-available relational database tools. Microsoft Dictionary, at 403.

Pursuant to Fed. R. Civ. P. 33(d), information regarding the lack of novelty and non-obviousness of the asserted claims of the ’761 patent is also located in (1) Parts IV, V and VI of the Request for *Ex Parte* Reexamination submitted to the U.S. Patent and Trademark Office on July 2, 2009, which has been served on LTI and is incorporated herein by reference, and (2) the prior art references cited above, which is being produced concurrently with this Response. Also pursuant to Rule 33(d), Facebook is producing today documents with Bates numbers FB00114078 to FB00119604.

Facebook reserves its right to supplement its response to this Interrogatory in accordance with Fed. R. Civ. P. 26(e).

Each prior art reference cited above not only individually anticipates each asserted claim of the ’761 patent under 35 U.S.C. 102, but also renders each asserted claim obvious when combined with any other cited reference. All of the references cited above relate generally to



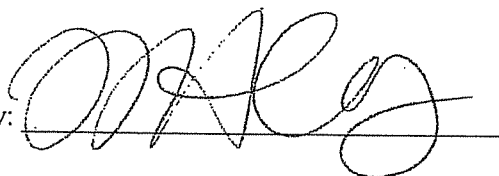
systems and methods for managing information across network environments. It would have been obvious to one of ordinary skill in the art to combine any of these references with any other reference to provide the systems and methods claims in the asserted claims. The motion to combine would come, for example, from the nature of the problem to be solved and the fact that the cited prior art references provide solutions to the same problems purportedly addressed in the '761 patent, which would lead a skilled artisan to look to those references for possible solutions to the problem. Moreover, all of the elements claimed in the '761 patent were well-known in the field and a person of ordinary skill in the art could easily combined the elements 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.

Dated: November 2, 2009

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**CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action. My business address is 3000 El Camino Real, Five Palo Alto Square, Palo Alto, CA 94306.

On November 2, 2009, I served the following documents:

**DEFENDANT FACEBOOK, INC.'S RESPONSES TO PLAINTIFF LEADER TECHNOLOGIES, INC.'S FOURTH SET OF INTERROGATORIES**

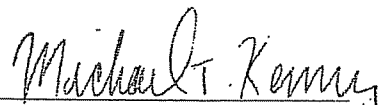
on the interested parties in this action by placing true and correct copies thereof enclosed in a sealed envelope addressed as follows (or as otherwise noted):

<u>BY PERSONAL SERVICE:</u>	<u>BY MAIL:</u>
Paul J. Andre, Esq. Lisa Kobialka, Esq. James Hannah, Esq. King & Spalding 333 Twin Dolphin Drive, Suite 400 Redwood Shores, CA 94065  pandre@kslaw.com lkobialka@kslaw.com jhannah@kslaw.com	Philip A. Rovner, Esq. Potter Anderson & Corroon LLP P.O. Box 951 Wilmington, DE 19899-0951  provner@potteranderson.com

**[XX] BY PERSONAL SERVICE:** I caused the above-mentioned document to be personally served on the offices of the addressee(s) as indicated above.

**[XX] BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Palo Alto, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this Court at whose directions the service was made. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 2, 2009 at Palo Alto, California.

  
\_\_\_\_\_  
Michael Kenny

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## Patent Law Blog (Patently-O)

### Patent Law Analysis by Dennis Crouch

Nov 01, 2009

#### Stays Pending Reexamination

The following guest post is by [Matthew Smith](#)

The grant rate of motions to stay is highly judge-dependent and (somewhat less obviously) district-dependent. The table below shows the approximate grant rate of contested motions to stay in major patent litigation districts since about the beginning of 2008. These data included around 150 motions, after excluding follow-on or duplicate motions on the same facts (e.g., in parallel cases against different defendants), stipulated motions, patent-owner-initiated motions, and motions initiated by declaratory judgment plaintiffs. The districts below are listed in order of decreasing frequency of the occurrence of such motions.

District	Approx. grant %
E.D. Tex.	20%
N.D. Ill.	85%
N.D. Cal.	65%
C.D. Cal.	35%
N.D. Ga.	85%
D. Del.	35%
S.D. Cal.	85%
S.D. Fla.	70%
S.D. N.Y.	40%

The Eastern District of Virginia, Western District of Wisconsin, and Northern and Middle Districts of Florida had relatively few orders, and were excluded.

A review of the orders confirms a relatively clean division into favorable and unfavorable judges for stays. This division is often flawlessly mirrored in the reasoning of written orders. Courts usually analyze three factors when considering stays: prejudice, timing and simplification. Where stays are disfavored, courts focus on the prejudice that delay may cause to the patent owner, find excessive delay in filing the request a few months after service of the complaint, and identify a plethora of issues that will be left unresolved by reexamination. Courts where stays are favored search in vain for particularized prejudice to the plaintiff (e.g. deteriorating evidence), find that requests submitted on the eve of trial are timely, and focus on the possibility that the claims could be canceled by the PTO when analyzing simplification.

Despite this division, some courts are breaking out of the paradigm of binary yes-or-no orders. The relatively few stays granted in East Texas pending *ex parte* reexamination, for example, have usually required the defendant to forego defenses on the merits of prior art considered in reexamination (see *QPSX Dev. v. Ciena Corp.*, Case No. 2:07-CV-118-CE (E.D. Tex. Aug. 27, 2009) or submitted to reexamination unless combined with new art (see *Premier Int'l Assoc. LLC v. Hewlett Packard Co.*, Case No. 2:07-CV-395 (DF)(E.D. Tex. May 18, 2009). One court has required non-requesting defendants to agree to be bound by inter partes estoppel (see *Riparius Ventures LLC v. Skype Technologies, S.A.*, Case No. 07-cv-00812 (N.D. Ill. June 6, 2009). Some courts are also more flexible with timing, granting stays even prior to the PTO's decision on the request for reexamination, (see, e.g. *CTC Cable Corp. v. Mercury Cable & Energy, LLC*, Case No. SACV 09-261 DOC (C.D. Cal. Aug. 3, 2009), or pending some specific event in reexamination (see, e.g. *HTC Corp. v. Technology Properties Ltd.*, Case Nos. C 08-00882 JF and C 08-00877 JF (N.D. Cal. June 16, 2009)).

There also appears to be a recent trend favoring stays pending *inter partes* reexamination, as opposed to *ex parte* reexamination. The estoppel associated with *inter partes* reexamination is sometimes viewed as a simplifying factor for issues in litigation. See, e.g., *Anascape Ltd. v. Microsoft Corp.*, Case No. 9:06-CV-158 (E.D. Tex. Feb. 23, 2007); see also *Ceiva Logic Inc. v. Frame Media Inc.*, Case No. SACV 08-00636-JVS (C.D. Cal. June 9, 2009); *Wall Corp. v. Bonddesk Group LLC*, Case No. 07-844 GMS (D. Del. Feb. 24, 2009).

The data for this study were helpfully provided by the [Docket Navigator](#).

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#### Comments

Seagate held that without a preliminary injunction, there can be no willful infringement during litigation. A quid pro quo for a stay pending a reexamination could be the entry of a preliminary injunction if the claims were confirmed in reexamination, or if the defendant infringed reexamined claims.

I find it interesting that courts "focus on prejudice that delays cause patent holders" while ignoring the prejudice caused by reexamination itself: the loss of two constitutional rights (trial by jury on fact issues and the right to have validity decided by an Art. III court), the loss of the statutory presumption of validity, and the loss of a proper claim construction standard.

Anyone who has compared district court proceedings to the kangaroo court (primarily due to BRI and the lack of presumption of validity) that exists in the patent office knows just how valuable the rights lost really are. Most of the time, claim construction is half the case, but this is exactly where reexamination is weakest. The idiocy of the claim construction of the examiners is mind boggling, until one understands that this stupidity is actually a feature, not a flaw, of a reexamination system that fully intends that patent owners unnecessarily amend their claims to combat the Office's claim construction.

So sayeth the almighty Federal Circuit.

Posted by: Ned Heller | Nov 02, 2009 at 03:38 AM

Ned, I don't understand how a PTO Exr with zero "real life" experience of claim construction can do pre-issue examination competently.

Suppose there was a world in which ordinary PTO Examiners spent 25% of their time hearing inter partes post-issue cases, in which the validity of the claim can be disputed on grounds of prior art or insufficiency or whether subject matter was added during prosecution but NOT on the clarity of the issued claims. Those Examiners have to decide who "wins", the patent owner or the Opponent.

The remaining 75% of their time, they do pre-issue examination on the merits, free to object to any and all points where the app fails to attain the statutory requirements.

Suppose there were thousands of such post-issue inter-partes re-examinations (called "oppositions" in the EPO) each year so that, when one has to be done fast, because of co-pending litigation in the courts, it can be done fast.

How else is the PTO to acquire those essential claim construction skills?

Posted by: MaxDrei | [Nov 02, 2009 at 07:46 AM](#)

The QQ is strong in Ned today.

Posted by: [G](#) | [Nov 02, 2009 at 09:09 AM](#)

Kudos to Ned Heller for so cogently framing the issues. Reexamination has become the preferred "second bullet" of infringers because they know that the reexamination unit is so flooded with requests/reexams that it takes years and years to get a patent out of the CRU.

Don't take my word for it. Take a look at the Sedona Conference Report which notes that ex parte reexaminations can take 4-6 years to get through an appeal at the BPAI (and then add another 18-24 months if the appeal goes to the CAFC). So much for "special disptach" of reexaminations.

Bemused

Posted by: Bemused | [Nov 02, 2009 at 10:57 AM](#)

MaxDrei, AFAIK, the claim construction standard in European patent offices is equivalent to our claim construction standard in court. Reasonable. Until you fully understand the difference between this and BRI as it is conducted in the USPTO, you really will not fully understand the issues.

It would be nice if a reexamination was conducted by a court using the USPTO as a special master.

Posted by: Ned Heller | [Nov 02, 2009 at 11:36 AM](#)

Thanks for these useful statistics. In defense of some of the judges who refuse stays of patent litigation for reexaminations, some of them do so expressly in view of, with experience of, the inexcusable PTO delays of reexaminations in violation of the express statutory requirement of "special dispatch", lawyers or clients who delay filing reexaminations, and faster trials in their courts.

The above comment that "Seagate held that without a preliminary injunction, there can be no willful infringement during litigation" is overstated. It can be a factor, but there is not such an absolute rule.

Posted by: Paul F. Morgan | [Nov 02, 2009 at 12:16 PM](#)

Mr Heller, I concede immediately that I don't fully understand the issues. I'm not making myself clear either.

I was suggesting that the reasonable EPO "reasonable" claim construction standard is the direct result of all that inter partes post-issue stuff that the EPO ordinary foot soldiers are doing, all the time. I was wondering whether ordinary USPTO Examiners would benefit in the same way, if they were to be given responsibility for such high level professional tasks, with such momentous consequences for the patent owner and the petitioner for revocation. Pointless dreaming, I suppose. Pie in the sky, I guess. But is it thinking outside the box?

What's "AFAIK" BTW? Sorry, that's another thing I don't know.

Posted by: MaxDrei | [Nov 02, 2009 at 12:29 PM](#)

Max, the vastly more expensive search and examination FEES in the EPO, as compared to those in the U.S., are the main reason for less prior art being missed in the EPO to begin with, as compared to the U.S. where that prior art is thus more likely to be cited for the first time in reexaminations or litigation.

However, the practical and political question is whether or not imposing such a huge cost burden for all patent applications is economically justified when only a very small percentage of patents are ever asserted against anyone? Even patent academics have come down on the "no" side of that question. However, some of these academics seem to think that those applications which WILL be asserted later can somehow be identified while still pending and subject to much more costly and thorough ("gold plated") searches and examinations. Most experienced practitioners do not think such technological and commercial future "crystal ball projections" of future usages, alternatives, obsolescence, consumer fads, etc, is possible for most patent applications. Furthermore, the vast majority of U.S. patents in suit are only sued on years after their issuances, often to the surprise of the defendants.

Posted by: Paul F. Morgan | [Nov 02, 2009 at 12:56 PM](#)

AFAIK = "As Far As I Know"

Posted by: Ned Heller | [Nov 02, 2009 at 01:03 PM](#)

Thanks Ned. Of course, I think that the PTO should concentrate its resources on top quality searching and let users decide whether any given claim is valid. But, with the Presumption of Validity, the idea is to concentrate on examination, and offload the searching task to the Applicant. Horses for courses.

Posted by: MaxDrei | [Nov 02, 2009 at 01:49 PM](#)

Presumption is one heck of a bur under your saddle MaxDrei.

Not sure what you mean by "horses for courses".

What are you referring to with "concentrate on examination and offload the searching task to the Applicant?"

Posted by: Noise above Law | [Nov 02, 2009 at 02:01 PM](#)

Considering the widespread panel [and inter-panel dissents] differences in claim construction views at the CAFC itself in recent years, and in many District Courts, that would hardly be a great role model for PTO clarity even IF the legal tests WERE the same for claims back IN the PTO for reexamination or reissue [for which corrective amendments and/or much lower cost Board and CAFC appeals are available].

Posted by: Paul F. Morgan | [Nov 02, 2009 at 02:05 PM](#)

Paul, what you say is true. But wasn't Phillips supposed to solve all that?

Posted by: Ned Heller | [Nov 02, 2009 at 02:22 PM](#)

PTO claim construction, including re-exam claim construction and litigation claim construction are necessarily different. The BRI is the guide at the PTO (this ensures that the broadest net is cast over the prior art). The claim construction in litigation is necessarily narrower and held to a different standard. PTO examination is NOT litigation.

Posted by: TwoCents | [Nov 02, 2009 at 03:00 PM](#)

Note to the shrill anti-patent types: Both broad interpretation at the PTO (BRI) and narrow interpretation in the courts is actually biased slightly against patentees.

Posted by: TwoCents | [Nov 02, 2009 at 03:03 PM](#)

A confident patentee would not seek a stay during ex partes re-exam, even if precipitated by a third party. A less confident patentee who was afraid of re-exam shouldn't be in court in the first place.

I believe this is the wisdom of the ED Texas regarding rules for stays in ex partes cases. It keeps uncertain patentees from using the re-exam process as a test range, and settling the suit (which perhaps should not have been brought in the first place) if the re-exam does not go well.

Makes sense to me.

Posted by: TwoCents | [Nov 02, 2009 at 03:08 PM](#)

The "less confident patentee" may not be aware of the new prior art when he files his lawsuit.

Posted by: fish bones | [Nov 02, 2009 at 03:41 PM](#)

That may be true, but if he is that worried about it, he should settle.

Posted by: TwoCents | [Nov 02, 2009 at 04:30 PM](#)

...and for the record, I doubt the alleged infringer would not have brought the prior art to the attention of the patentee prior to filing suit.

Posted by: TwoCents | [Nov 02, 2009 at 04:31 PM](#)

if the alleged infringer thinks that the prior art is invalidating prior art but the patentee does not, why not use the much cheaper reexamination venue to fight it out

Posted by: bbbb | [Nov 02, 2009 at 08:23 PM](#)

Re: "Paul, what you say is true. But wasn't Phillips supposed to solve all that?"

Sadly, yes, but all the en banc Phillips decision really decided was to make less use of dictionaries.

In spite of its [ignored] actual holding [a broader, not narrower, claim interpretation] Phillips provided a loophole big enough to drive a Mack Truck through for any CAFC judges who want to either continue to read limitations from the spec into the claims to narrow them, or, now, even to hold claims invalid under 112 as overbroad compared to the spec [and no longer just in chemical cases].

Re: "If the alleged infringer thinks that the prior art is invalidating prior art but the patentee does not, why not use the much cheaper reexamination venue to fight it out?"

A good question for all the clients and lawyers who regularly avoid making that decision [sometimes not even considering it] until well into costly and dangerous jury trial reality [i.e., too late].

Posted by: Paul F. Morgan | [Nov 02, 2009 at 09:42 PM](#)

Noise:

1. Yes, you're right about the hurr.

2. By "Horses for Courses" I was meaning that one chooses the tools that fit with the underlying legal system. With English common law there is equity. So, use the "inequitable conduct" tool to bring the art forward, from the Applicant to the PTO. With Roman civil law there is no equity, so the PTO has to do a high quality search and publish it with the application, so the public can form a view, which claims are valid.

3. See (2) above.

Thanks for inviting me to elucidate. nobody else did.

Posted by: MaxDrei | [Nov 03, 2009 at 02:11 AM](#)

Thanks and you are welcome MaxDrei,

Some further clarification, if you don't mind:

2. Does the public form the view which claims are valid? - I think not.

3. I'm still at a loss by your use of "offloading". In the US, the applicant is not required to do ANY searching - that's simply not the applicant's role.

The welcome death of the claims and continuation rules witnessed the illegality of the movement of responsibility from the Office to the applicant for a de facto examination (search and analysis per the Office standards). As Tafas has stuck by his position, the vacatur sought by the Office is not likely to happen and the Office will be enjoined from making such a switch, unless and until Congress changes the rules.

Posted by: Noise above Law | [Nov 03, 2009 at 07:57 AM](#)

So, NAL, further:

When I wrote "the public" I had in mind my client, who looks at the published app and the EPO search report, and then must perforce form a view, what product to make and what process to run in order to preserve or increase market share rather than fade away. For me, this process of A publication, followed by "design around" activity is what "Promotes the Progress". I think it promotes it better than submarine patents do.

As to Applicants acquainting themselves with knowledge of the state of the art, I had supposed that this is one of the things that an intelligent corporation must do. Don't they scrutinise emerging A publications in your country? And if they do, well then they know the art. And if they don't tell the Examiner about that art they take a big risk, no? In that sense, I see equity as achieving an "offloading" onto the Applicant of the task of putting the best art on the PTO file, which "the public" can then use, in the context of making investment decisions about promoting the progress.

I wonder what you will write next. I'm curious.

Posted by: MaxDrei | [Nov 03, 2009 at 08:50 AM](#)

Thanks MaxDrei,

I wanted to make sure I didn't needlessly "assail" you on point 2. As your lead-in touched on presumption, I thought perhaps you were going to make a case for validity to be decided by the public, rather than decided (as in the US) as a matter of Law. (I will resist the attempt to bite on the "submarine" hook, as the Law has eliminated the true submarine patent, and I will chide you for misunderstanding the legal right of preserving the quid pro quo choice of non-publication - that is a basic of US Law).

We are in agreement that one aspect of promotion is the necessity of design around prompted by the monopoly right. If you don't have the right, and you don't want to pay your competitor for a license, the prompting for you to find a better way is often overlooked by the anti-patent crowd. For some reason, they think that merely giving up is the only option.

As to searching, I want to make sure you understand the difference between good practice and legal requirement. The issue of equity is NOT to be placed on the practice side. Equity is a legal concept, not one grounded in best practices. In the US, by Law, the equity portion of what you are looking at rests with the Office. Plain and simple, they are the designated experts in the arts and experts in the searching of those arts. It is their legal duty, not the applicants, to examine, which includes search. It is a job that the applicants pay the Office to do. The biggest complaint from the patent bar is that the Office is failing to do its job (I could through in my thought about the job is NOT to rubber stamp either reject or accept without the hard work of examination - but I think you get my view on that). I am not sure why you don't understand the furor over the now defeated rules

package, and the illegal attempt to shift that burden. Surely, you must have a view, or at least a semblance of understanding on the patent bar view on that topic.

As to the best practice portion of the discussion, I highly recommend to my clients that a thorough search be undertaken. In my mind it is a best practice to understand what you are up against at the beginning and to be able to start strong. However, there are multiple issues and distinctions between Law and practice.

First is that a client's search may have absolutely no relation to what an examiner will use in the legal process. An applicant must respond to what the examiner finds and uses and has no right to dictate which art the application is judged against. An applicant can only provide art to the Office (and is required by law to provide art that is known).

Another issue is that my clients are not required by law to spend the extra money up front for a SECOND search -- a first search is paid for as part of the US process. Since, in truth (and much to the annoyance of the anti-patent crowd), litigation actually only happens to a small percentage of patents, the better payback edges in favor of reduced search activity. It is more cost effective, on average and in total process costs, to not search - at least that is what my clients tell me.

Some of my smaller clients, by necessity take the minimalist approach, and paying for a search twice (since they must pay the Office for a search anyway) is viewed as a redundancy they cannot afford.

Personally, I think it insane not to take advantage of what is out there. Not only in your particular field, but like the omni-knowledgeable PHOSITA, it makes sense to explore other fields where the question you are engaged in may have presented itself in tangential ways. So, not only in regards to the application at hand, but as a general business practice, I recommend staying abreast of the patent landscape. I do have clients that tell me that the risk involved in treble damages outweighs this apparent value.

To summarize, equity is a matter of law, and the law is well established just who has what responsibility. Various factors (such as cost and actual or theoretical expertise) affect the options of the applicant, and the fact that an applicant HAS options is supported by the Law and simply outweighs the benefit of changing the Law.

Posted by: Noise above Law | [Nov 03, 2009 at 10:15 AM](#)

\*\*\*\*\*The welcome death of the claims and continuation rules witnessed the illegality of the movement of responsibility from the Office to the applicant for a de facto examination (search and analysis per the Office standards). As Tafas has stuck by his position, the vacatur sought by the Office is not likely to happen and the Office will be enjoined from making such a switch, unless and until Congress changes the rules.\*\*\*\*\*

I don't think that's right. I seem to recall that the Court struck down the limit on Continuations, but affirmed the right of the Patent Office to require ESDs for claims over x number or references over x number.

I'm told that it used to be required that Applicants provide ESDs for submitted references, but the USPTO voluntarily stopped requiring ESDs. What, then, is to stop the Office from requiring ESDs, either conditionally or in every case?

I'm not clear on whether the Office ever required that Applicants perform a search, or if Tafas v Dudas addressed whether the Office can require that Applicants perform a search. Does anyone know the answer to that question?

Posted by: broje | [Nov 03, 2009 at 10:37 AM](#)

broje,

The standing Law is the district level (Cacheris) which struck down everything. That's why the Office needs vacatur. Without vacatur, and as losing party, the Office is dead in the water.

The CAFC level was eliminated when it went en banc. The Office lost whatever it had gained in that first CAFC decision.

Posted by: Noise above Law | [Nov 03, 2009 at 11:04 AM](#)

NAL, my perspective is that of an agent who drafts for a corporate client who pushes the envelope of protection steadily forward and monitors how its competitors are pushing their respective envelopes. I thought it axiomatic that each corporation monitors the A publications of its competitors and drafts with that knowledge of the state of the art. What the PTO search finds should be stuff we know about already, with no surprises. I can see that not everybody has my perspective.

On the failed new Rules, I observe, but I don't really have a view. Not my business really, is it?

I had supposed that one could still keep a pending app from being published until after issue, by relinquishing the thought of filing foreign.

As for the rest of your missive, I am lost for words.

Posted by: MaxDrei | [Nov 03, 2009 at 11:17 AM](#)

I see. And I also see that it was the requirement for Applicants to perform a search that made the ESD "substantive" in the eyes of the Court. But I doubt that there is anything to prevent the PTO from requiring ESDs for references submitted "voluntarily." I place "voluntarily" in quotes because of the Duty of Candor. In any Continuation Application filed after Examination of the Parent case, there will have to be an IDS submitting the art cited in the parent. I think it possible that simply requiring ESDs for "voluntarily" submitted references could have a big impact on Continuation filings. What do you think are the odds that the USPTO will include this or a similar requirement in the new rules package that is rumored to be under development?

Posted by: bröje | [Nov 03, 2009 at 11:21 AM](#)

broje,

As you pointed out, the status of whether something is truly voluntary may impact a requirement that otherwise has been ruled illegal. Watch the patent bar jump if the Office tries to repackage anything related to its illegal powergrab.

Without vacatur, the rules fiasco is a complete and utter loss for the Office. Even 6 and malcolm in their absence of comments seem to recognize just how bad a beat the Office has taken.

I am still expecting sanctions against the Office GC for his pursuit after the critical point and neglect to share critical developments (the "Boundy Point", if I may coin a phrase) with the courts and opposing counsel.

Posted by: Noise above Law | [Nov 03, 2009 at 11:47 AM](#)

"Even 6 and malcolm in their absence of comments seem to recognize just how bad a beat the Office has taken."

The Office took a beating because the rules were drafted and promulgated with breathtaking incompetency, not because the Office can't make rules or even rules with sweeping impact on current prosecution strategies.

So I don't see this as a "New Coke" moment for the Office. A very similar set of rules could be properly and professionally drafted and promulgated to achieve the result sought by the previous administrators.

Posted by: Malcolm Mooney | [Nov 03, 2009 at 12:58 PM](#)

Unfortunately, I think the "very similar set of rules" is forthcoming. That's what someone allegedly inside the PTO posted here recently in the comments. And just because the Appellate decision is no longer precedent does not mean that it is not persuasive to the District Court. What District Court judge wants to make a ruling that he or she knows is likely to be overturned on appeal? I think mandatory ESDs may be in our future in one form or another.

Posted by: broje | [Nov 03, 2009 at 05:31 PM](#)

"A very similar set of rules could be properly and professionally drafted and promulgated to achieve the result sought by the previous administrators."

Mooney's comment demonstrates an unsurprisingly poor understanding of why the rules failed. Hint: it had nothing to do with draftsmanship.

Posted by: TwoCents | [Nov 03, 2009 at 05:59 PM](#)

"Even 6 and malcolm in their absence of comments seem to recognize just how bad a beat the Office has taken."

LOL WUT? I've heard a variety of opinions on the impact of the withdrawal of the rules that resulted from the lack of balls on Kappos. My relative silence is simply because I don't really know what happens in this kind of situation. This is my first foray into the realm of cases where one party's balls simply drop off mid-suit. The very idea of it is revolting and to think that my place of employ would be involved in such a deplorable action is to my deepest chagrin.

Posted by: 6 | [Nov 03, 2009 at 06:13 PM](#)

"The Office took a beating because the rules were drafted and promulgated with breathtaking incompetency"

On the contrary the office only took any "beating" at all because it did not have the balls to simply stand up for itself, it curled up into a little ball and cried for its mommy so to speak.

Congratulations Tafas/GSK, you just pulled off the equivalent of beating up a shy, introverted and pacifist 5 yr old.

Posted by: 6 | [Nov 03, 2009 at 06:16 PM](#)

"broje,

The standing Law is the district level (Cacheris) which struck down everything. That's why the Office needs vacatur. Without vacatur, and as losing party, the Office is dead in the water.

The CAFC level was eliminated when it went en banc. The Office lost whatever it had gained in that first CAFC decision."

Unfortunately for you "standing" law that results from something like this situation is going to be about as persuasive to a court as my flipping them my middle finger.

While you might have "precedent" on your side, that will hardly persuade another CAFC panel, or en banc court.

Posted by: 6 | [Nov 03, 2009 at 06:20 PM](#)

Re: "I thought it axiomatic that each corporation monitors the A publications of its competitors and drafts with that knowledge of the state of the art."

That used to be more common years ago, before the exponential increases in prior art in so many fields, the ubiquity of electronics, software and business methods [and their patents] used in so many different and increasingly complex products, etc., made effective art searching much more difficult and/or excessively expensive. It is certainly less common now. Look at how many patent suits are not even brought by competitors these days.

Posted by: Paul F. Morgan | [Nov 03, 2009 at 09:01 PM](#)

Broje and 6,

It doesn't have to be persuasive - the USPTO as losing party is enjoined by Res Judicata. You can't double dip.

Now, the persuasive may be important for a different federal agency...

6,

"My relative silence is simply because I don't really know what happens in this kind of situation."

- never stopped you before.

"it curled up into a little ball and cried for its mommy so to speak."

- much like 6 responding to one of my challenges

"Congratulations Tafas/GSK, you just pulled off the equivalent of beating up a shy, introverted and pacifist 5 yr old."

- the same five year old that swaggered and bragged and produced the minions of 6 and Malcolm. The same five year old that wouldn't listen to the patent bar. The same five year old that got smacked down, yet again. The same five year old that spent how much (?) on pushing the ill-fated rules?

Keep bringing the rope 6.

Posted by: Noise above Law | [Nov 03, 2009 at 10:03 PM](#)

"Res Judicata"

I've looked into the matter, and there appears to be quite a few exceptions.

But, all of those aside, Res Judicata may not apply to a totally new rules package, especially one which takes into account the panel's decision.

"- never stopped you before."

Actually that stops me all the time.

"- much like 6 responding to one of my challenges"

LOLOLOLOL, I think you got the actors transposed there Noise.

"- the same five year old that swaggered and bragged and produced the minions of 6 and Malcolm. The same five year old that wouldn't listen to the patent bar. The same five year old that got smacked down, yet again. The same five year old that spent how much (?) on pushing the ill-fated rules?"

You're saying Kappos produced the minions of mine and bragged, and wouldn't listen to the patent bar, and got smacked down, yet again, and spent how much on pushing the ill-fated rules?

Let's be clear NAL, the rules were not ill-fated but for the appointment of an Reifenstein syndrome sufferer to the post of undersec.

Posted by: 6 | [Nov 03, 2009 at 10:25 PM](#)

Paul Morgan helpfully writes above:

"Re: "I thought it axiomatic that each corporation monitors the A publications of its competitors and drafts with that knowledge of the state of the art."

That used to be more common years ago, before the exponential increases in prior art in so many fields, the ubiquity of electronics, software and business methods [and their patents] used in so many different and increasingly complex products, etc., made effective art searching much more difficult and/or excessively expensive. It is certainly less common now. Look at how many patent suits are not even brought by competitors these days."

to which I reply:



Paul, I can grasp the point that monitoring the PTO output (WO and A publns) of business method apps is futile and excessively expensive. True there is also a lot of stuff these days to monitor in, say, medical devices, but it's all correctly classified by the EPO and (with modern electronic information handling) relatively cheap and easy to monitor.

You write of the costs of monitoring what your competitors are up to, but isn't it more expensive in the long run NOT to keep an eye on where your competitors are going?

I put it to you: leading edge Asian and European companies do continue to monitor the WO publns of their competitors. If Americans don't, then here are three suggestions why:

- i) fear of being caught infringing willfully (but I know. Seagate)
- ii) Asians think long term. American CEO's think about the accounts for the next quarter year
- iii) Europeans copy. Americans don't.

Readers, I'm happy to be disabused, if I'm wrong.

Finally, Paul, I don't understand your last sentence. You write as if an A publication is an infringement. What am I not getting?

Posted by: MaxDrei | [Nov 04, 2009 at 02:22 AM](#)

"saying PRE-Kappos produced the minions of mine and braggad, and wouldn't listen to the patent bar, and got smacked down, yet again, and spent how much on pushing the ill-fated rules."

- fixed it for you 6. New day - new program, better keep in step with your new leader and get to serving your customers. And yes, that would be the patent bar.

Posted by: Noise above Law | [Nov 04, 2009 at 05:58 AM](#)

"Let's be clear NAL, the rules were not ill-fated but for the appointment of an Reifenstein syndrome sufferer to the post of undersec."

Hmmm... Do you think Mr. Kappos is aware that this kind of stuff is being posted online by his own employees?

And to think I've lived almost fifty years blissfully unaware of "Reifenstein syndrome." Man, you've got to love teh interwebz.

Posted by: BigGuy | [Nov 04, 2009 at 07:53 AM](#)

None of it is true! Stop saying those things.

Posted by: Reifenstein | [Nov 04, 2009 at 08:18 AM](#)

6,

Care to add anything Reifensteinesque about the "Boundy Point"? Do you understand the significance of the "Boundy Point"?

Posted by: Noise above Law | [Nov 04, 2009 at 08:32 AM](#)

One day I'll have something named after me, too. I can see it now... The Jules Theory. I'd also settle for a plaque in dedication of Anonymous.

Posted by: Jules | [Nov 04, 2009 at 08:44 AM](#)

Nal,

"It doesn't have to be persuasive - the USPTO as losing party is enjoined by Res Judicata. You can't double dip."

I'm just a patent prosecutor, but I don't see why Res Judicata would prevent the PTO from trying to implement a different rules package that has even slightly different rules. What is the result if they change one rule, add a rule, leave out a rule, etc.? What if they slightly change each rule in the package?

Posted by: broje | [Nov 04, 2009 at 11:12 AM](#)

I was thinking of something more apt, like I just puked up a hairball in accordance with the Jules Effect...

Posted by: TwoCents | [Nov 04, 2009 at 11:13 AM](#)

Max,

I believe Paul is concluding that because so many suits are being brought by noncompetitors these days, simply searching the published applications of your competitors will not yield the state of the art.

Posted by: Lionel Hutz | [Nov 04, 2009 at 11:15 AM](#)

"Hmmm... Do you think Mr. Kappos is aware that this kind of stuff is being posted online by his own employees?"

Who says I'm an "employee" of Kappos?

Besides that, if me and him were to be discussing his past behavior I might sugar coat it a little, but I would say the same thing.

"Do you understand the significance of the "Boundy Point"?"

Yes, it has none. Don't hold your breath waiting for "sanctions".

Posted by: 6 | [Nov 04, 2009 at 11:25 AM](#)

6,

Do you understand the significance of "vacatur", and why it is important whether or not the Office obtains it?

Perhaps broje could look into it and help you out.

Posted by: Noise above Law | [Nov 04, 2009 at 11:52 AM](#)

"Do you understand the significance of "vacatur", and why it is important whether or not the Office obtains it?"

Yes, and yes. The later reason is because with it, res judicata has no power, and the DC opinion counts for absolutely nothing. In other words, it makes it a lot simpler to pass more new rules.

Pretty much it?

Posted by: 6 | [Nov 04, 2009 at 12:58 PM](#)

Mr Hutz, thanks. Interesting. When I go on about monitoring I meant by reference to IPC classes, not Applicant names. Your competitors create new filing entities faster than you can keep up with, these days. Search by name and you might miss some particularly significant, even ground-breaking, development.

Posted by: MaxDrei | [Nov 04, 2009 at 01:15 PM](#)

Connect the dots 6. As vacatur is NOT obtained, the DC opinion counts for absolutely everything. As losing party, it is immaterial what jurisdiction a new challenge to rules put forth by the Office comes under. The Office must abide by the Cacheris Ruling.

(The CAFC panel opinion is no longer on the books - it was wiped out at the decision to go en banc).

The Content of any rules put forth, no matter how dressed up the Office makes them, will be compared to the rules deemed, and held by Law, to be illegal. A pig in a dress is still a pig.

Posted by: Noise above Law | [Nov 04, 2009 at 01:16 PM](#)

TwoCents, undoubtedly a sockpuppet of one of the regular patent-worshipping PTO-abusing trolls who lurk here, is unsurprisingly confused about what I said and thus finds itself unintentionally beating a strawman.

Posted by: Malcolm Mooney | [Nov 04, 2009 at 02:06 PM](#)

There may be differences between Europe and the United States with respect to monitoring competitor patents, but in the United States large companies typically do not sue each other for patent infringement. Instead they resolve their differences by cross licenses in one form or another. The real problem major corporations have are from failed or failing businesses in their technological area with whom they have no cross licenses, particularly when the reason for failing has something to do with the major corporation. Some major companies seem to have a significant number of problems in this area, because they seemingly ignore, at least according to publicly available information, the intellectual property rights of third parties as a business practice even while implementing into their operating systems or other products the core functionality of these third-parties flagship products.

There are exceptions to these rules of course. If a company actually uses its patents to differentiate itself from its competition, there will be lawsuits with its competitors. With these companies, it would be foolhardy not to carefully monitor the patents of its competitors as they are published.

Posted by: Ned Heller | [Nov 04, 2009 at 02:11 PM](#)

I'm not completely sold on your assumptions NAL. Federal rulemaking has been demonstrably outside of your grasp on a number of occasions and I'm not 100% sure I have the whole story just yet.

Furthermore, the ol' rumormill, that is fairly reliable, says that new rules are on the way. Your man Kappos is the one attempting to put them in place. Are you telling me that you believe that your beloved and exalted Kappos himself would make this blunder? Certainly you do not believe that about your beloved.

"A pig in a dress is still a pig."

Did you connect those dots this morning when you saw yourself in the mirror after putting on your dress this morning?

Posted by: 6 | [Nov 04, 2009 at 02:12 PM](#)

Posted by: Malcolm Mooney | Nov 04, 2009 at 02:06 PM: "TwoCents, undoubtedly a sockpuppet of one of the regular patent-worshipping PTO-abusing trolls who lurk here, is unsurprisingly confused about what I said and thus finds itself unintentionally beating a strawman."

You said the Office could accomplish the same objectives using new rules drafted in a more competent way. Two cents disagreed, and you say he misunderstood you. I side here with Two Cents.

Personally, I think the Office could have limited the number of claims in an application by jacking the fees on excess claims through the roof. The central problem with the requirement for an applicant search and its continuation rules was statutory. The Office rules were substantive and beyond its power.

Given the unpopularity of the junked rules package, I think it will be a cold day in Hades before Congress grants the PTO substantive power in this area. But, as I have said before, a limitation on the number of claims is in reality occurring now because the examiners liberally use their power of restriction.

Posted by: Ned Heller | [Nov 04, 2009 at 02:40 PM](#)

Ned: "You said the Office could accomplish the same objectives using new rules drafted in a more competent way. Two cents disagreed, and you say he misunderstood you. I side here with Two Cents."

First, I said "very similar" not "same." More specifically, I said "A very similar set of rules could be properly and professionally drafted and promulgated to achieve the result sought by the previous administrators."

The "result" I was referring to was a decrease in continuation application filings and a decrease in the number of claims that applicants present for examination.

The biggest problem with the rules was not the statutory issue. The biggest problem was the implementation. They were rushed and they were incompetently drafted such that they were incomprehensible or internally contradictory. Had the rules been drafted competently and had the implementation been more gradual, the uproar generated by the rules would have been minimized and the so-called "statutory issue" would have seemed like much less of a big deal.

Posted by: Malcolm Mooney | [Nov 04, 2009 at 03:54 PM](#)

"I said 'A very similar set of rules could be properly and professionally drafted and promulgated to achieve the result sought by the previous administrators.'"

So that's your position now?

It may be fun to review your initial reactions.

When the final rules were published in August, 2007, you posted (and I'm paraphrasing here, because, like I said, we're having fun), "Face it folks, these rules are going into effect whether we like it or not."

On October 31, 2007, after J. Cacheris entered the PI, you posted (again, paraprasing), "I knew all along these rules were DOA."

Still want to be thought of as one of the serious commenters on this site?

BWWWWAAAAAHHHHHHHAAAAAAHHHHHHHAAAAA

Posted by: JohnDarling | [Nov 04, 2009 at 04:28 PM](#)

Malcolm,

Over-parsing and over-pretentious and just simply wrong. You and 6 do have the same instructors don't you?

Ned: "...accomplish the same objectives"

Malcolm: I said "very similar", not "same"

Except, Malcolm, Ned was talking about objectives with the adjective same, not "set of rules". Since you said "the result sought...", the use of "same" by Ned would be correct.

Putting aside from the smokescreen you fabricated, you sidestepped the issue that Ned brings up "Two cents disagreed, and you say he misunderstood you. I side here with Two Cents."

So quick you are to disparage anyone who speaks against your views. "...not the statutory issue[s]" You should re-read the Law (the Cacheris decision).

6, Kappos is not my beloved. He IS your Lord and Master. Chop chop - get in step, you have customers waiting.

Posted by: Noise above Law | [Nov 04, 2009 at 04:41 PM](#)

"6, Kappos is not my beloved. He IS your Lord and Master. "

I follow no man without balls.

Posted by: [6](#) | [Nov 04, 2009 at 04:47 PM](#)

JD, I've previously admitted that my August 2007 comment was premature insofar as it referred to \*the actual rules\* because I hadn't read them myself but only read \*about\* them.

As for the rest, I stand by my comments upthread. If anyone thinks that the failing of the rules had nothing to do with their incomprehensibility or their internal contradictions or the rushed timeline in which the rules were to be implemented, that person is naive.

Posted by: [Malcolm Mooney](#) | [Nov 04, 2009 at 06:41 PM](#)

"I follow no man without balls."

Is that going to be your epitaph, 6?

Posted by: [fish bones](#) | [Nov 04, 2009 at 11:35 PM](#)

...just make sure that's on the exit interview.

Posted by: [Noise above Law](#) | [Nov 05, 2009 at 05:54 AM](#)

Malcolm,

I agree 100% that the rules were a mess. If there's anything that demonstrates the utter incompetence of the lifer (mis)management at the PTO over the past, oh say 5 years, I can't think of it.

I also agree that the timeline was a mess. Again, if anything demonstrates the utter contempt the lifer (mis)management of the PTO had (has?) for the law, I can't think of it.

The PTO received HUNDREDS of comments on the rules. Practitioners far, far, far, far, far, far, more knowledgeable on the law told those tin eared hacks over there that the rules were contrary to law. And what did the hacks over there do? They told the applicants, the patent bar, and everybody else, "We don't care."

Go review the statements from Toupin and Whelan et al. Hardly proper. Hardly professional.

Just so we're clear, here's your post:

"A very similar set of rules could be properly and professionally drafted and promulgated to achieve the result sought by the previous administrators."

You know as well as I do that any rule that imposes any requirements on the filing of a continuation beyond those specified by section 120 (i.e. co-pendency and making the priority claim) is going to be struck down by any court that hears the challenge. You also know that without the limits on continuations, the rest of the rules are useless. Applicants will circumvent them with no problem.

So how is the PTO going to "achieve the result" sought by the previous administrators without limits on continuations? Any specificity you can provide would be greatly appreciated.

And if you have time, please give me the name of one, just one, current "administrator" at the PTO who could possibly draft these new rules.

Posted by: [JohnDarling](#) | [Nov 05, 2009 at 06:40 AM](#)

"Is that going to be your epitaph, 6?"

It might be on my inaugural address to the nation. But we'll have to see won't we?

"So how is the PTO going to "achieve the result" sought by the previous administrators without limits on continuations? "

An even better question is "how is the PTO going to "achieve way better results than the previous administration ever dreamed possible" without fee setting authority?"

And I'll tell you right now that while some people actually expect Kappos to pull a magic trick this is one that has no chance of happening. Never the less, it appears that mgmt is confident they have something up their sleeve. What ever this secret weapon is, I cannot even take a guess at what it might be.

Posted by: [6](#) | [Nov 05, 2009 at 12:01 PM](#)

6,

Please explain what you mean by "fee setting authority." I hear this term thrown about quite a bit, but I'm not sure anybody has ever fully explained it. Are you, and they, referring to a statutory amendment to 35 USC 41(d)(1) and (2), or something else?

Posted by: [JohnDarling](#) | [Nov 05, 2009 at 02:46 PM](#)

JD: "You know as well as I do that any rule that imposes any requirements on the filing of a continuation beyond those specified by section 120 (i.e. co-pendency and making the priority claim) is going to be struck down by any court that hears the challenge."

Why do "we" know that, JD? Was there a case that addressed this and issued a holding stating that "any rule that imposes any requirements on the filing of a continuation beyond those specified by section 120 (i.e. co-pendency and making the priority claim)" is invalid? I don't recall reading anything quite that plain.

Posted by: [Malcolm Mooney](#) | [Nov 05, 2009 at 02:52 PM](#)

Malcolm,

Thanks. That's about what I expected from you.

But to answer your question with slightly less deliberate obtuseness than which you answered mine, feel free to peruse any of the comments submitted in response to the original proposed rules.

And anytime you want to provide what I asked for, feel free to post your version of whatever rule limiting continuations you think could be implemented by the PTO that would not run afoul of 35 USC 2(whatever subsections), the APA, and the relevant precedent. Some specificity, heck any specificity, would be appreciated.

Posted by: [JohnDarling](#) | [Nov 05, 2009 at 03:54 PM](#)

From J. Cacheris's opinion:

As the Court described in Part I of this Opinion, under the existing patent system an applicant may file an unlimited number of continuation or continuation-in-part applications, RCEs, and claims. As to continuation and continuation-in-part applications, Section 120 provides that such applications "shall have" the benefit of the priority date of the initial application. 35 U.S.C. §120. The CCPA has interpreted this language to mean that "there is no statutory basis for fixing an arbitrary limit to the number of [continuing] applications" that may be filed and that retain the benefit of the priority date. In re Henriksen, 399 F.2d 253, 254 [158 USPQ 224] (C.C.P.A. 1968); see also In re Hogan, 559 F.2d 595, 604 n.13 [194 USPQ 527] (C.C.P.A. 1977) (finding that "a limit upon continuing applications is a matter of policy for the Congress"). Though Final Rule 78 does not completely prohibit applicants from filing more than two continuation or continuation-in-part applications, because the USPTO intends to deny additional applications in almost all circumstances, see 72 Fed. Reg. at 46769-77, 5 the "could not have been submitted" standard of the petition and showing requirement effectively imposes a hard limit on additional applications. Moreover, while the USPTO may presently wield the doctrine of prosecution laches to prohibit the use of dilatory tactics in the prosecution of applications,

see *In re Bogese II*, 303 F.3d at 1368 & n.6; *Symbol Techs., Inc. v. Lemelson Med., Educ. & Research Found.*, 277 F.3d 1361, 1364-66 [61 USPQ2d 1515] (Fed. Cir. 2002) ("Symbol II"), the mechanical rule adopted here goes far beyond simply prohibiting unreasonable delays. Instead, Final Rule 78 and the hard limit it imposes changes existing law and deprives applicants of their valuable rights under 35 U.S.C. §120 to an unlimited number of continuation and continuation-in-part applications as a matter of right. By so doing, it may also impact applicants' rights under Sections 102 and 103 and result in the denial of otherwise meritorious patents. For these reasons, the Court finds that Final Rule 78 is a substantive rule.

Posted by: JohnDarling | [Nov 05, 2009 at 04:31 PM](#)

JD — good posting.

Posted by: curious | [Nov 05, 2009 at 05:01 PM](#)

"6,

Please explain what you mean by "fee setting authority." I hear this term thrown about quite a bit, but I'm not sure anybody has ever fully explained it. Are you, and they, referring to a statutory amendment to 35 USC 41(d)(1) and (2), or something else?"

It has been so long since I first looked into the matter I cannot remember the specifics. It is completely beyond my power, and will probably remain beyond the power of the director so I don't particularly concern myself with it.

If I had to take a wild guess, I would suppose that they would probably like changes to 35 USC 41(a-d)

And JD, the DC ruling on that particular portion is horribly untenable, by any court, even the DC itself, when someone simply points out the horrible out of context quoting from *Henrikson*. It damn near makes my eyes bleed to see a court of law pull something so completely out of context (indeed an opposite context to that which they are applying it to). Even if you don't believe me, you should at least believe a couple of CAFC judges that held, for all practical purposes, thus.

Decisions that bad can be overturned. Winning one case does not necessarily win the war. Heck, we've got Ned plotting to overturn *Benson* as hilarious as an attempt to do so would be.

Posted by: 6 | [Nov 05, 2009 at 06:02 PM](#)

"Even if you don't believe me, you should at least believe a couple of CAFC judges that held, for all practical purposes, thus."

If I remember correctly, all three judges, Prost, Bryson, and Rader, found proposed Rule 78 to be beyond the PTO's rule making authority.

The reason I ask about "fee setting authority" is because I hear/see that term thrown around a lot, for example by academics, as some sort of panacea (sp?) to the PTO's problems. Unless 35 USC 41(d)(1) and (2) are amended to remove the requirement that the fees be set to only recover the PTO's costs, I don't see how giving the PTO fee setting authority is going to solve anything.

That was one, of many, problems with several of the rule packages proposed by the PTO (e.g. the IDS rules, the Markush rules, the appeal rules, the claims and continuation rules). The PTO had no data to support the rule changes they wanted to make. It was all made up. Good folks like David Boundy and Ron Katznelson very clearly showed that, for example in their opposition to the appeal rules.

The PTO can't even justify its current fee structure. How on earth are they going to justify a fee structure they would cook up out of thin air?

Posted by: JohnDarling | [Nov 05, 2009 at 06:10 PM](#)

"If I remember correctly, all three judges, Prost, Bryson, and Rader, found proposed Rule 78 to be beyond the PTO's rule making authority."

For a different reason, I'm pretty sure you will recall.

"I don't see how giving the PTO fee setting authority is going to solve anything."

I'm pretty sure I have nothing to tell you that you don't already know about this subject. If you don't see it by now then I doubt I can help you see it any better. And to be 100% honest with you, I don't necessarily think it will solve anything either. I simply think it is the only hope. And to be clear, even if it is done then it isn't the only thing that must be done in order to really solve most of the big issues.

In any event, we'll just have to wait and see the secret weapon.

Posted by: 6 | [Nov 05, 2009 at 07:14 PM](#)

"In any event, we'll just have to wait and see the secret weapon."

I thought I caught a glimpse when Kappos and Locke sent that letter to Congress in support of the patent reform bill. Or is that standard operating procedure for every administration?

Posted by: Jules | [Nov 05, 2009 at 09:54 PM](#)

"I'm pretty sure I have nothing to tell you that you don't already know about this subject."

I agree.

"If you don't see it by now then I doubt I can help you see it any better."

I agree.

"And to be 100% honest with you, I don't necessarily think it will solve anything either. I simply think it is the only hope."

If I could possibly entertain the notion of understanding this mass of self contradictory gibberish, I would agree.

I think it's pretty clear that you have no idea what "fee setting authority" is and what it would entail. I also think you have no idea how "fee setting authority" would in any way help the PTO to reduce the backlog and pendency.

I most definitely think that "fee setting authority" is just another buzz phrase you've picked up from this site and others and throw into a post every now and then to give yourself the appearance of somebody who knows what he's talking about.

That strategy is not working.

Posted by: JohnDarling | [Nov 06, 2009 at 09:34 AM](#)

**Verify your Comment**

**Previewing your Comment**

Posted by: |

This is only a preview. Your comment has not yet been posted.



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As a final step before posting your comment, enter the letters and numbers you see in the image below. This prevents automated programs from posting comments.

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**EXHIBIT P**

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**

**EXHIBIT Q**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LEADER TECHNOLOGIES, INC., a	)	
Delaware corporation,	)	
	)	Civil Action No. 08-862-JJF/LPS
Plaintiff-Counterdefendant,	)	
	)	
v.	)	
	)	
FACEBOOK, INC.,	)	
a Delaware corporation,	)	
	)	
Defendant-Counterclaimant.	)	

**LEADER TECHNOLOGIES, INC.'S OBJECTIONS  
AND RESPONSES TO FACEBOOK INC.'S  
REQUEST FOR ADMISSIONS (1-20), SET ONE**

Pursuant to Fed. R. Civ. P. 36, plaintiff and counterdefendant Leader Technologies, Inc. ("Leader") hereby submits the following objections and responses to defendant and counterclaimant Facebook, Inc.'s ("Facebook") First Set of Requests for Admissions to Leader Technologies, Inc. (Nos. 1-20).

**PRELIMINARY STATEMENT**

The specific responses set forth below are for the purposes of discovery only and Leader neither waives nor intends to waive, but expressly reserves, any and all objections it may have to the relevance, competence, materiality, admissibility or use at trial of any information, documents or writings produced, identified or referred to herein, or to the introduction of any evidence at trial relating to the subjects covered by such responses. All such objections may be made at any time up to and including the time of trial.

A. Leader's investigation is ongoing. Pursuant to Fed. R. Civ. P. 26(e), Leader specifically reserves the right to supplement and amend these responses and, if necessary, to assert additional objections arising from further investigation.

B. Leader expressly reserves its right to rely, at any time including trial, upon subsequently discovered information or information omitted from the specific responses set forth below as a result of mistake, oversight or inadvertence.

C. The specific responses set forth below are based upon Leader's interpretation of the language used in the requests, and Leader reserves its right to amend or supplement further responses in the event that Defendant asserts an interpretation that differs from Leader's interpretation.

D. Leader's response to a particular request shall not be interpreted as implying that responsive documents and things exist or that Leader acknowledges the appropriateness of the request.

E. The following responses are based on information reasonably available to Leader as of the date of this response. Leader's investigation is continuing and ongoing and Leader expressly reserves the right to revise and/or supplement its responses.

#### **GENERAL OBJECTIONS**

The following General Objections apply to each request and are hereby incorporated by reference into the individual response to each request, and shall have the same force and effect as if fully set forth in the individual response to each request.

1. Leader objects to each request to the extent it purports to require Leader to do anything beyond what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, and other applicable law.

2. Leader objects to Defendant's "Instructions" to the extent they seek to impose obligations beyond those permitted by the Federal Rules of Civil Procedure, the Local Rules of this Court, or other applicable law.

3. Leader objects to each request to the extent it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity.

4. Leader objects to each request to the extent it is phrased in a manner that would render it overly broad, vague or ambiguous, or would require subjective judgment or speculation on the part of Leader. Leader responds to these requests by construing them in light of the scope of the issues in this action.

5. Leader objects to each request to the extent it seeks to elicit information that is subject to a right of privacy under the relevant provisions of federal and state law.

6. Leader objects to each request to the extent it seeks to elicit third-party confidential information.

7. Leader objects to each request to the extent it purports to place an obligation on Leader to obtain information that is as readily available to Defendant as it is to Leader.

8. Leader objects to each request to the extent it calls for information not in the possession, custody or control of Leader.

9. Leader objects to each request to the extent it is not properly limited in time and/or improperly attempts to capture information, if any, created prior to issuance of U.S. Patent No. 7,139,761 ("the '761 Patent").

**OBJECTIONS TO DEFINITIONS**

A. Leader objects to Defendants' definition of "you," "your," "Leader," and "Plaintiff" as overly broad. Leader shall construe the terms to mean Leader Technologies, Inc., and their employees, agents and attorneys.

B. Leader objects to Defendants' definition of "Document" to the extent it seeks to define that term more broadly than allowed under the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence. Leader shall construe the term in a manner consistent with said Rules.

**LEADER TECHNOLOGIES' OBJECTIONS  
AND RESPONSES TO FACEBOOK'S  
REQUEST FOR ADMISSIONS (NOS. 1-20)**

**REQUEST FOR ADMISSION NO. 1**

Admit that LTI never accused Facebook of infringement of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1**

Leader objects to this Request as vague and ambiguous, particularly as to the term "accused." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it did not send written notification to Facebook asserting that Facebook infringes U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 2**

Admit that LTI never brought U.S. Patent No. 7, 139,761 to Facebook's attention prior to

the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2**

Leader objects to this Request as vague and ambiguous, particularly as to the terms “brought” and “attention.” Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it did not send written notification to Facebook asserting that Facebook infringes U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008. Leader further admits that it provided constructive notice of U.S. Patent No. 7,139,761. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 3**

Admit that LTI never contacted Facebook prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3**

Leader objects to this Request as vague and ambiguous, particularly as to the phrase “contacted Facebook.” Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it did not send written notification to Facebook asserting that Facebook infringes U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008. Otherwise, this

Request is denied.

**REQUEST FOR ADMISSION NO. 4**

Admit that LTI has no evidence as to whether or not any person or entity ever brought U.S. Patent No. 7,139,761 to Facebook's attention prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4**

Leader objects to this Request as vague and ambiguous, particularly as to the terms "brought" and "attention." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it is not aware of any person or entity that sent written notification of Facebook's infringement of U.S. Patent No. 7,139,761 to Facebook prior to the filing of the Complaint in this action on November 19, 2008. Leader further admits that it provided constructive notice of U.S. Patent No. 7,139,761. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 5**

Admit that LTI has no evidence as to whether or not Facebook became aware of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5**

Leader objects to this Request as vague and ambiguous, particularly as to the phrase "became aware." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other

applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it is not aware of any person or entity that sent written notification of Facebook's infringement of U.S. Patent No. 7,139,761 to Facebook prior to the filing of the Complaint in this action on November 19, 2008.

Leader further admits that it provided constructive notice of U.S. Patent No. 7,139,761.

Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 6**

Admit that LTI has identified no witnesses who have personal knowledge as to whether or not Facebook was aware of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6**

Leader objects to this Request as vague and ambiguous, particularly as to the terms "identified", "personal knowledge" and "aware." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it has not been asked to identify witnesses with personal knowledge as to whether or not Facebook was aware of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008. Leader further admits that it provided constructive notice of U.S. Patent No. 7,139,761. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 7**

Admit that LTI does not know of any witnesses who have personal knowledge as to whether or not Facebook was aware of U.S. Patent No.7, 139,761 prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7**

Leader objects to this Request as vague and ambiguous, particularly as to the terms “identified”, “personal knowledge” and “aware.” Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that it has not been asked to identify witnesses with personal knowledge as to whether or not Facebook was aware of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008. Leader further admits that it provided constructive notice of U.S. Patent No. 7,139,761. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 8**

Admit that LTI has produced no Documents that demonstrate whether or not Facebook was aware of U.S. Patent No. 7,139,761 prior to the filing of the Complaint in this action on November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8**

Leader objects to this Request as vague and ambiguous, particularly as to the terms “demonstrate” and “aware.” Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or



any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader denies this Request.

**REQUEST FOR ADMISSION NO. 9**

Admit that LTI was aware of the website at facebook.com on November 21, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 9**

Leader objects to this Request as vague and ambiguous, particularly as to the phrase “aware of the website.”

Subject to this objection and its General Objections, Leader admits Leader was aware of the website at facebook.com on November 21, 2006.

**REQUEST FOR ADMISSION NO. 10**

Admit that LTI does not offer social networking services.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10**

Leader objects to this Request as vague and ambiguous, particularly as to the term “social networking services.” Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader denies this Request.

**REQUEST FOR ADMISSION NO. 11**

Admit that LTI did not offer social networking services prior to November 19, 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11**

Leader objects to this Request as vague and ambiguous, particularly as to the term “social networking services.” Leader further objects to this request to the extent it calls for information

protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader denies this Request.

**REQUEST FOR ADMISSION NO. 12**

Admit that LTI was aware of a product or products, or a service or services, that practiced the invention claimed in U.S. Patent No. 7,139,761 during prosecution of U.S. Patent Application No. 10/732,744.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12**

Leader objects to this Request as vague and ambiguous, particularly as to the terms "aware," "the invention," "practiced" and "during prosecution of." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits this Request.

**REQUEST FOR ADMISSION NO. 13**

Admit that no third party has taken a license to U.S. Patent No. 7,139,761.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13**

Leader objects to this Request as vague and ambiguous, particularly as to what is meant by the phrase "taken a license." Leader further objects to this request to the extent it calls for information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Leader objects to the extent it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits this Request.

**REQUEST FOR ADMISSION NO. 14**

Admit that no infringement of U.S. Patent No. 7,139,761 could occur prior to November 21, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14**

Leader objects to this Request on the ground that it calls for a legal conclusion.

Subject to this objection and its General Objections, Leader admits that infringement of a patent cannot occur until the patent issues.

**REQUEST FOR ADMISSION NO. 15**

Admit that, other than Facebook, LTI has never accused any person or entity of infringing U.S. Patent No. 7,139,761.

**RESPONSE TO REQUEST FOR ADMISSION NO. 15**

Leader objects to this Request as vague and ambiguous, particularly as to the term "accused." Leader further objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader admits that it did not send written notification of infringement of U.S. Patent No. 7,139,761 to any other company other than Facebook. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 16**

Admit that, other than Facebook, LTI has never accused any person or entity of infringing any patent.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16**

Leader objects to this Request as vague and ambiguous, particularly as to the term

“accused.” Leader further objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader further objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader admits that it did not send written notification of infringement of any patent owned by Leader to any other company other than Facebook. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 17**

Admit that, other than Facebook, LTI has never accused any person or entity of infringing any rights in any LTI technology.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17**

Leader objects to this Request as vague and ambiguous, particularly as to the term “accused” and “LTI technology.” Leader further objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader admits that it did not send written notification of infringement of any patent or technology owned by Leader to any other company other than Facebook. Otherwise, this Request is denied.

**REQUEST FOR ADMISSION NO. 18**

Admit that neither LTI, Michael McKibben nor Jeffrey Lamb performed a search for prior art prior to the filing of U.S. Provisional Patent Application Ser. No. 60/432,255 on December 11, 2002.

**RESPONSE TO REQUEST FOR ADMISSION NO. 18**

Leader objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader denies this Request.

**REQUEST FOR ADMISSION NO. 19**

Admit that neither LTI, Michael McKibben nor Jeffrey Lamb performed a search for prior art prior to the filing of U.S. Patent Application Ser. No. 10/732,744 on December 10, 2003.

**RESPONSE TO REQUEST FOR ADMISSION NO. 19**

Leader objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader denies this Request.

**REQUEST FOR ADMISSION NO. 20**

Admit that neither LTI, Michael McKibben nor Jeffrey Lamb performed a search for prior art prior to the issuance of U.S. Patent No. 7,139,761.

**RESPONSE TO REQUEST FOR ADMISSION NO. 20**

Leader objects to this Request on the grounds that it seeks information protected by attorney client privilege and the work product doctrine. Leader objects to this request to the extent it calls for a legal conclusion.

Subject to these objections and its General Objections, Leader denies this Request.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

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Dated: September 4, 2009  
931997

By: \_\_\_\_\_



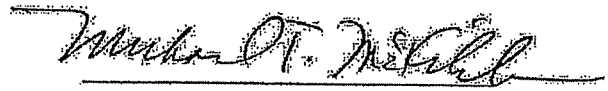
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*Attorneys for Plaintiff  
Leader Technologies, Inc.*

**VERIFICATION**

I, Michael T. McKibben, Chairman, and Founder of Leader Technologies, Inc., being duly sworn, deposes and says that I am authorized to sign this Verification and that I am informed and believe that the factual statements in Plaintiff Leader Technologies, Inc.'s Responses to Facebook, Inc.'s First Set of Requests for Admissions are true and correct to the best of my knowledge, information and belief. I declare under penalty of perjury under the laws of the State of Ohio and the United States that the above statement is true and correct.

September 3, 2009  
Date

  
Michael T. McKibben

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on September 4, 2009, true and correct copies of the within document were served on the following counsel of record, at the addresses and in the manner indicated:

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on November 17, 2009, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY CM-ECF, E-MAIL AND HAND DELIVERY**

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I hereby certify that on November 17, 2009 I have sent by E-mail the foregoing document to the following non-registered participants:

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