

**APPENDIX A
TO
MEMORANDUM IN
SUPPORT OF DEFENDANT
FACEBOOK, INC'S
RENEWED MOTION FOR
JUDGMENT AS A MATTER
OF LAW OF INVALIDITY
(NO. 4 OF 4)**

I. SWARTZ ANTICIPATES CLAIM 1

’761 Patent Claim 1	Evidence Presented at Trial
<p>A computer-implemented network-based system that facilitates management of data, comprising:</p>	<p>“Here he talks about a computer-implemented system, and again Swartz is talking about a computer system, so it’s a computer-implemented system.” Stameshkin Decl. Ex. 1 at 1485:9-12.</p> <p>“In accordance with the present invention, there is provided a knowledge integration system for providing application interoperability and synchronization between heterogeneous document and data sources, comprising . . . a document source, including a document database memory, for . . . making the captured knowledge available across a network. . . .” Stameshkin Decl. Ex. 22 at col. 3:61-4:5.</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 context of the network-based system, the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and</p>	<p>“We see at the top this thing called the knowledge repository, and this is the stuff that the system is keeping track of.</p> <p>If we look at the left, we see the top three things, and maybe we can highlight those where it says record of transactions. It keeps a record of the transactions. It keeps a record of the context information from users and their applications, and it has this information, metadata catalog, so we see the metadata is there as well.” Stameshkin Decl. Ex. 1 at 1457:10-20.</p> <div data-bbox="565 1087 1349 1822" data-label="Diagram"> </div> <p>See Stameshkin Decl. Ex. 22 at Fig. 5.</p>

'761 Patent Claim 1	Evidence Presented at Trial
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“Q. Did you prepare some graphics to show how the Swartz patent could operate?

A. Yes. So this is -- what I've done is I've taken Figure 2 and which shows the data docket software and in this case two different contexts or two different systems on the left an [sic] right. And I've added the bottom part of Figure 5, which is essentially the knowledge.

Sorry. This is the top part of Figure 5. It's essentially the knowledge repository.

Now, if we abstract a little and the data docket software, that's doing the context monitoring. And the tracking is shown in the middle of Figure 2A.

So if we abstract this a little bit, we have our two contexts in this case, the customer data analysis software and enterprise document management system.

And at the bottom, if we abstract that, we have our knowledge repository. This is where stuff gets stored.

So what Swartz does, if we continue on from here, is essentially we're -- well, this quote kind of captures it. We're watching what people do as they do their work in a particular system.

And here he says such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data. And again, so as to characterize the context in which the information is being used.

So this is all -- you know, clearly this is what's happened. You are capturing the context. There's software that captures the context information and that's being stored in this knowledge repository.”
Stameshkin Decl. Ex. 1 at 1461:1-1462:14.

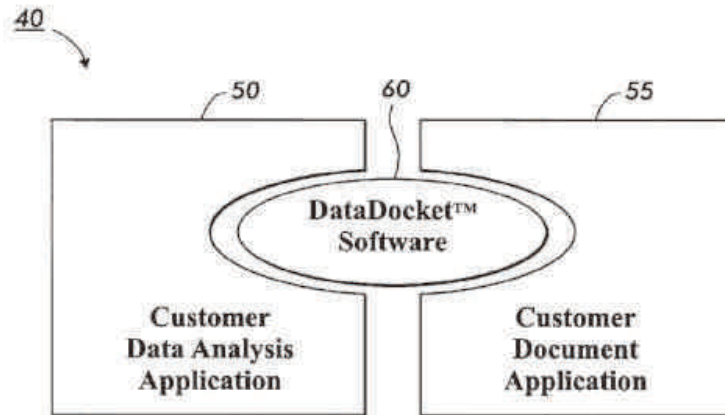


FIG. 2A

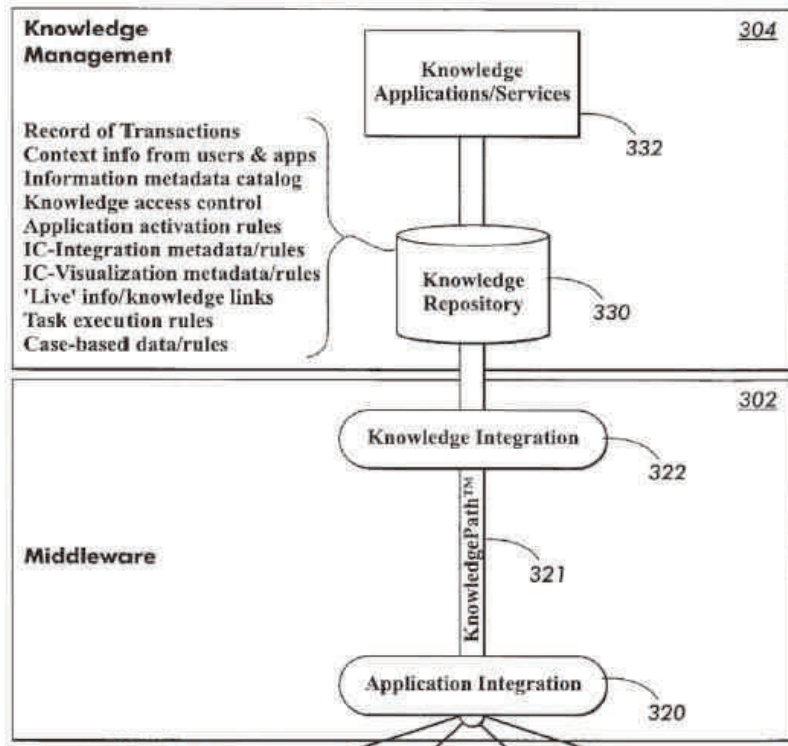
See Stameshkin Decl. Ex. 22 at Fig. 2A.

'761 Patent Claim 1	Evidence Presented at Trial
	<p>“I'm talking about the data docket software is kind of watching what's going on, and the data docket software actually has software that's equivalent to the -- what we'll see here is a context component and also the tracking component. So now we can move through that.</p> <p>Later I'll talk about it being a network-based system. But here we have the data docket context software is a context component and it captures the context information associated with the user-defined data.</p> <p>So if we step through this, again we see here at the bottom, it's talking about a captured metadata associated with the information. So it's characterized in context.</p> <p>....</p> <p>Q. So which portions of Claim 1 are you saying map to the quote that we have here on the screen?</p> <p>A. Okay. Right now I'm looking at the first element of Claim 1.</p> <p>Q. So is that 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 the first context of the network-based system?</p> <p>A. That's correct.</p> <p>Q. Okay.</p> <p>A. And then I went on to talk about the context component dynamically storing the context information metadata. And we see the metadata over there.</p> <p>Q. And which -- which portion of this language -- seems a little obvious, but which portion of this language tells you that?</p> <p>A. Well, captures metadata associated with the information shared, stored and accessed by the users of the data.</p> <p>Q. So is that just generic metadata or is that a specific type of metadata?</p> <p>A. No, this is -- well, it's very specific, because it says below, so as to characterize the contents. Right.</p> <p>This is all about what are people doing in a context? What exactly is happening? As in this case, they're using that customer data analysis software system.” Stameshkin Decl. Ex. 1 at 1464:10-1466:18.</p> <p>“Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the ‘context’ in which the information is being used.” Stameshkin Decl. Ex. 22 at col. 8:55-59.</p> <p>“More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the</p>

'761 Patent Claim 1	Evidence Presented at Trial
	<p>context in which information is employed so as to enable the use of such context in the management of knowledge.” Stameshkin Decl. Ex. 22 at col. 6:22-26.</p> <p>“Q. Dr. Greenberg, what is your opinion as to whether or not Swartz discloses each and every element of Claim 1 of the '761 patent?</p> <p>A. My opinion is that it does disclose each and every element of the – of Claim 1 of the '761 patent.</p> <p>Q. And what does that mean?</p> <p>A. Well, what it means is essentially -- well, what it means is that the ideas that are presented in the '761 patent appear in the Swartz patent. So -- so and I should be more specific.</p> <p>The ideas that are present in each and every element of Claim 1 are presented in Swartz. Swartz actually had these ideas well before that and published it.</p> <p>Q. And do you have an opinion as to whether or not that affects the validity of the '761 patent, Claim 1?</p> <p>A. Yes. My understanding of patent law is that prior art essentially discloses each and every element in the claim and that that claim would be invalid.” Stameshkin Decl. Ex. 1 at 1469:14-1470:13.</p>
<p>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,</p>	<p>“We see at the top this thing called the knowledge repository, and this is the stuff that the system is keeping track of.</p> <p>If we look at the left, we see the top three things, and maybe we can highlight those where it says record of transactions. It keeps a record of the transactions. It keeps a record of the context information from users and their applications, and it has this information, metadata catalog, so we see the metadata is there as well.</p> <p>More importantly than that, if you look at the bottom of the picture, there's a bubble that says "knowledge integration," and below that, vertical text called "knowledge path." And this is the aspect of the system that says, let's capture this as a sequence of events that occurs as people do their work over time.</p> <p>We're not just talking about within a system, here's what people are doing, but also as they flow from system to system to system, and this is the essence of tracking movement.” Stameshkin Decl. Ex. 1 at 1457:10-1458:9.</p>

'761 Patent Claim 1

Evidence Presented at Trial



See Stameshkin Decl. Ex. 22 at Fig. 5.

“Now, if we keep on going, so this is also -- now, we get to the tracking. So here's another quote, which you've actually seen before where it says knowledge integration middleware is preferably employed to identify -- and here we see the including tracking, monitoring and analyzing the context in which information is employed.

So here we have a person moving across context and that's also tracking and captured and put in the knowledge repository.

If we go on. And, in fact, even in the claims of Swartz, Swartz actually says that his system generates this audit trail to represent the flow of data. So, again, we have this notion of tracking in one of the claims.

And in Claim 5, he actually says that all this is dy -- that the system dynamically stores information about these transactions. So this is all happening as people are doing their work.” Stameshkin Decl. Ex. 1 at 1462:15-1463:11.

“Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the ‘context’ in which the information is being used.”

'761 Patent Claim 1	Evidence Presented at Trial
	<p>Stameshkin Decl. Ex. 22 at col. 8:55-59.</p> <p>“More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge.” Stameshkin Decl. Ex. 22 at col. 6:22-26.</p> <p>“The knowledge integration system of claim 1, wherein the knowledge integration application generates an audit trail to represent the flow of data.” Stameshkin Decl. Ex. 22 at col. 21:18-20.</p> <p>“The knowledge integration system of claim 1, further comprising a knowledge base that dynamically stores information about integration transactions.” Stameshkin Decl. Ex. 22 at col. 21:27-29.</p> <p>“So we have in the second claim, we have 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 system and then dynamically updating the stored metadata based on the change.</p> <p>Now, here in this quote, he says we have this knowledge integration middleware, so that does some of the tracking that's preferably employed to identify, including tracking, monitoring and analyzing the context in which information is employed.</p> <p>So, again, we have the tracking coming into play, which is what that claim is all about. And if we keep on going.</p> <p>And here we see in the claim, it generates an audit trail. And that's part of the storage functionality. Right.</p> <p>As people are doing what they're doing, it's being stored. And we see that in Claim 5 as well. That is the dynamically stored. Right.</p> <p>So we're dynamically storing information about these transactions as people are doing them.</p> <p>Q. How do we know that it's the same metadata that's being updated?</p> <p>A. Well, this is a whole point of the system. Right. It's about capturing this knowledge path, which I mentioned before. It's about what is it that people are doing and can we actually create that as a knowledge path.</p> <p>So it's all related. It's not just different stuff. It's related from what happens within a context. How do we track what people are doing as they move from one context to the other? How do we store what happens in the second context? How do we store all that as metadata? So it presents this knowledge path.” Stameshkin Decl. Ex. 1 at 1466:22-1468:17.</p>

'761 Patent Claim 1	Evidence Presented at Trial
	<p>“Q. Dr. Greenberg, what is your opinion as to whether or not Swartz discloses each and every element of Claim 1 of the '761 patent?</p> <p>A. My opinion is that it does disclose each and every element of the – of Claim 1 of the '761 patent.</p> <p>Q. And what does that mean?</p> <p>A. Well, what it means is essentially -- well, what it means is that the ideas that are presented in the '761 patent appear in the Swartz patent. So -- so and I should be more specific.</p> <p>The ideas that are present in each and every element of Claim 1 are presented in Swartz. Swartz actually had these ideas well before that and published it.</p> <p>Q. And do you have an opinion as to whether or not that affects the validity of the '761 patent, Claim 1?</p> <p>A. Yes. My understanding of patent law is that prior art essentially discloses each and every element in the claim and that that claim would be invalid.” Stameshkin Decl. Ex. 1 at 1469:14-1470:13.</p>
<p>wherein the user accesses the data from the second context.</p>	<p>“So this is an example from the Swartz patent, and we can see some - - in fact, we can see some of the words he uses here. He says, ‘Such a system also preferably captures metadata associated with the information shared, stored, and <u>accessed by the users of the data</u> so as to characterize the context in which the information is being used.’” Stameshkin Decl. Ex. 1 at 1453:19-1454:3 (quoting DTX 919 at col. 8:55-59) (emphasis added).</p> <p>“Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the ‘context’ in which the information is being used.” Stameshkin Decl. Ex. 22 at col. 8:55-59.</p>

II. SWARTZ ANTICIPATES DEPENDENT CLAIMS

'761 Patent	Evidence Presented at Trial
<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>“Q. Here's claim four. Are you familiar with claim four?</p> <p>A. Yes.</p> <p>Q. And do you have an opinion as to whether or not the Swartz patent discloses as prior art the information claimed in claim four?</p> <p>A. Yes, they do, and my opinion is that it does disclose it.</p> <p>Q. Why is that?</p> <p>A. Well, claim four adds that the context information includes a relationship between the users and at least one of an application, application data user, and environment.</p>

'761 Patent	Evidence Presented at Trial
	<p>I've already spoken about how Swartz defines a knowledge path. That captures everything that's going on. We showed a quote that says this is the user information and the application data. That's satisfied here.” Stameshkin Decl. Ex. 1 at 1473:24-1474:18.</p> <p>“Such a system also preferably captures metadata associated with the information shared, stored and accessed by the users of the data so as to characterize the ‘context’ in which the information is being used.” Stameshkin Decl. Ex. 22 at col. 8:55-59.</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>“Claim seven adds that data created in the first context is associated with data created in the second context.</p> <p>I addressed this with the tracking and by Swartz's use of language like "knowledge path," that essentially it's not just recapturing what happens here, and they're disconnected.</p> <p>He really is interested in the whole path of knowledge as a sequence over time. We already saw terms like audit trails. All these things are to take the data and relate them together across all these contexts.</p> <p>Q. What is your opinion regarding Swartz and claim seven? A. Swartz anticipates claim seven. Q. When you say anticipate, what do you mean? A. It means it discloses the idea in claim seven.” Stameshkin Decl. Ex. 1 at 1475:8-1476:3.</p> <p>“More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge.” Stameshkin Decl. Ex. 22 at col. 6:22-26.</p> <p>“The knowledge integration system of claim 1, wherein the knowledge integration application generates an audit trail to represent the flow of data.” Stameshkin Decl. Ex. 22 at col. 21:18-20.</p> <p>“The knowledge integration system of claim 1, further comprising a knowledge base that dynamically stores information about integration transactions.” Stameshkin Decl. Ex. 22 at col. 21:27-29.</p>
<p>11. The method of claim 9, further comprising indexing content of the user</p>	<p>“Claim eleven adds the method of claim nine further comprising indexing content of the user environment subset of plurality of users can access the content from an associated plurality of user</p>

'761 Patent	Evidence Presented at Trial
<p>environment such that a plurality of users can access the content from an associated plurality of user environments.</p>	<p>environments.</p> <p>Q. From a plurality of user –</p> <p>A. Plurality of users can access the content from an associated plurality of user environments.</p> <p>Q. What does that mean?</p> <p>A. Essentially this means that the content is indexed, so an index is created so that one or more people can access it from one or more user environments.</p> <p>Q. Is that disclosed in the Swartz patent?</p> <p>A. Yes, it is. I believe I identified the part. Here it is.</p> <p>Here's an example. This is something that's fairly familiar to most people, is part of searching. So the ability to initiate and retrieve information that indexes documents across the enterprise by accessing industry standard databases and presenting the results ins an easy-to-use and read format.</p> <p>Q. What is your opinion regarding claim eleven and the Swartz patent as it relates to the 761 patent?</p> <p>A. My opinion is that Swartz anticipates or discloses claim eleven of the 761 patent.” Stameshkin Decl. Ex. 1 at 1480:23-1482:5.</p> <p>“Searching – the ability to initiate and retrieve information that ‘indexes’ documents across the enterprise by accessing industry standard databases and presenting the results in an easy to use and read format.” Stameshkin Decl. Ex. 22 at col. 3:5-9.</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>“So claim twenty-five adds on to claim twenty-three where he says the context component captures relationship data associated with the relationship between the first user workspace and at least one other workspace.</p> <p>I spoke about this earlier when I talked about the knowledge path. It's capturing the relationship within a context or system or user workspace and how they move to the next one over the knowledge path, what happens over time.” Stameshkin Decl. Ex. 1 at 1487:14-23.</p> <p>“With respect to claim twenty-five, do you have an opinion?</p> <p>A. Yes, Swartz anticipates or discloses claim twenty-five of the 761 patent.” Stameshkin Decl. Ex. 1 at 1488:5-8.</p>

'761 Patent	Evidence Presented at Trial
	<p>See Stameshkin Decl. Ex. 22 at Fig. 5.</p> <p>“More specifically, knowledge integration middleware is preferably employed to identify (including tracking, monitoring, analyzing) the context in which information is employed so as to enable the use of such context in the management of knowledge.” Stameshkin Decl. Ex. 22 at col. 6:22-26.</p> <p>“The knowledge integration system of claim 1, wherein the knowledge integration application generates an audit trail to represent the flow of data.” Stameshkin Decl. Ex. 22 at col. 21:18-20.</p> <p>“The knowledge integration system of claim 1, further comprising a knowledge base that dynamically stores information about integration transactions.” Stameshkin Decl. Ex. 22 at col. 21:27-29.</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</p>	<p>“Claim thirty-one . . . Takes claim twenty-three and adds that the storage component stores the data and the metadata according to at least one other relational and object storage methodology, so it has to do at least one or the other.</p> <p>Q. What is a relational storage methodology?</p>

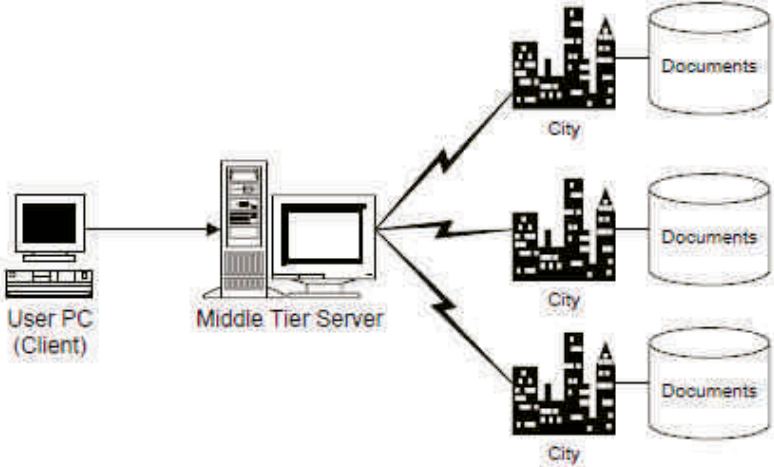
'761 Patent	Evidence Presented at Trial
<p>and an object storage methodology.</p>	<p>A. Well, a relational storage method is a relational database. It's a method used for many decades in the industry to store data on tables for later retrieval.</p> <p>Q. Does Swartz disclose this?</p> <p>A. Yes, I believe what he discloses specifically is the second part of that, where there's an object.</p> <p>Can we go back to the claim. Just go back one.</p> <p>So what he disclosed specifically is an object storage methodology, although relational storage would be known to one skilled in the art as well.</p> <p>If we go back, we see Swartz says another aspect of the present invention visualizes objects and linkages maintained in the integration knowledge base, so here he talks about objects being maintained in the knowledge base.</p> <p>Q. Do you have an opinion regarding thirty-one?</p> <p>A. Yes.</p> <p>Q. What is that?</p> <p>A. That Swartz anticipates or discloses the claim.</p> <p>Q. Thirty-one?</p> <p>A. Thirty-one.”</p> <p>Stameshkin Decl. Ex. 1 at 1488:11- 1489:24.</p> <p>“Another aspect of the present invention visualizes objects and linkages maintained in the integration knowledge base, preferably using a 3D interface and conceptual schema for access and manipulation of the enterprise information.” Stameshkin Decl. Ex. 22 at col. 5:18-22.</p> <p>“The knowledge integration system of claim 1, wherein the knowledge integration application provides live linkages between data source objects and documents associated therewith.” Stameshkin Decl. Ex. 22 at col. 21:24-27.</p> <p>“The method of claim 10 further comprising visualizing objects and linkages maintained in said first database and said document database, using a 3D interface and conceptual schema for access and manipulation of the enterprise information.” Stameshkin Decl. Ex. 22 at col. 21:63-67.</p>
<p>32. The system of claim 23, wherein storing of the metadata in the storage component in association with data facilitates many-</p>	<p>“So Claim 32 adds onto Claim 23 where it says 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>Q. What does that mean?</p>

'761 Patent	Evidence Presented at Trial
<p>to-many functionality of the data via the metadata.</p>	<p>A. Well, what the Court has construed is that many to many means that essentially two or more people can access -- I'm trying to remember what the Court's construction was.</p> <p>Q. You used –</p> <p>A. Two or more people. I used the Court's. Essentially it means that two or more people can access two or more things in here.</p> <p>And what we're really getting at is that this isn't just a system for one person to access one thing. It's for many people to access many things from many different places.</p> <p>I think that's the essence of it. Now, just to remind you what Swartz is all about is about this knowledge path.</p> <p>Right. He's talked about this big system where people from a whole bunch of different places can query to find out what is it that people did? What is it that they did in this context and that context? Where were decisions made? How can I understand what's happened over time?</p> <p>So -- so this is exactly what Swartz is about. This isn't a single user system. It's an enterprise-wide system that allows multiple people to access data from multiple places.</p> <p>Q. So what is your opinion regarding Claim 32?</p> <p>A. That Swartz anticipates Claim 32 of the '761 patent.”</p> <p>Stameshkin Decl. Ex. 1 at 1490:3-1491:15.</p> <p>“As used herein, the term ‘knowledge integration middleware’ represents any software used to assist in the integration of disparate information sources and their corresponding applications for purposes of recording, distributing, and activating knowledge, knowledge applications, or knowledge services.” Stameshkin Decl. Ex. 22 at col. 6:17-22.</p>

'761 Patent	Evidence Presented at Trial
	<p>Stameshkin Decl. Ex. 22 at Fig. 5.</p>

III. IMANAGE ANTICIPATES CLAIM 1

'761 Patent Claim 1	Evidence Presented at Trial
<p>A computer-implemented network-based system that facilitates management of data, comprising:</p>	<p>“We see a client-server relationship which is vernacular for – for one application talking to another kind of – sorry, one system using – usually on a PC talking to another system called the server or the network.</p> <p>And we see that – that we have all – all these things are networked together. Essentially, these little lightening bolts that says that we can access those stored across different cities or places. So the network-based system.</p> <p>Q. Just so the record is clear, where is this in the document?</p> <p>A. Well, this is Figure 1.1.” Stameshkin Decl. Ex. 1 at 1506:10-23.</p>

'761 Patent Claim 1	Evidence Presented at Trial
	 <p>Stameshkin Decl. Ex. 23 at Fig. 1.1.</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 context of the network-based system, the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and</p>	<p>“iManage actually has many different contexts that you could use. It talks about the location the computer’s using it on and the things you’re doing on that computer is one possible context. It talks about here’s the application. You’re using the document. You’re using it in an application and the stuff you’re doing with in that. And that’s another example of a context.” Stameshkin Decl. Ex. 1 at 1507:21-1508:6.</p> <p>“And we actually see here some of the things that are attached to documents. And again, this is something – some of the information captured by the system.</p> <p>We see that every document has a document profile record that includes things like the author of the document, the operator who or the user had entered into the library, the date it was created, the version number, the user who last edited it. So these are being tracked by the system.</p> <p>Q. And what would – is there a word in the ’761 patent that would apply to what you just described?</p> <p>A. Yeah, so this is metadata. We’re talking about capturing and storing metadata here.” Stameshkin Decl. Ex. 1 at 1503:20-1504:12.</p> <p>“Each document in an iManage library has its own document profile record. The information included in a document’s profile record can include:</p> <ul style="list-style-type: none"> • The author • The operator who entered it into the library • The date of creation • The version number • The user who last edited it. . . .” Stameshkin Decl. Ex. 23

'761 Patent Claim 1	Evidence Presented at Trial
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at 14.

“Then if we go on, it says the context component dynamically storing context information in metadata associated with user-defined data.

Now, we saw that in the history list, the history list says here’s the data. That is the name of the file that we’re working on and here’s all the activities that people are doing on it.” Stameshkin Decl. Ex. 1 at 1508:7-15.

“[T]his is dynamic, because this history list – this history record is created on the fly.

As people do things, the system will actually record all the events that they’re doing.” Stameshkin Decl. Ex. 1 at 1512:24-1513:5.

User	Applicati...	Activity	Date - Time	Duration	Pages Prin...	Location	Comments
BOWEN	WINWORD	Checkin	6/14/2001 2:20:48 PM	26	0	BOWEN	
BOWEN	WINWORD	Modify	6/14/2001 2:20:47 PM	0	0	BOWEN	
BOWEN	MANAGE32	Checkout	6/14/2001 2:20:22 PM	0	0	BOWEN	
BOWEN	MANAGE32	Create Versi	6/14/2001 2:14:39 PM	0	0	BOWEN	Created from version 1

Stameshkin Decl. Ex. 23 at Fig. 3.26.

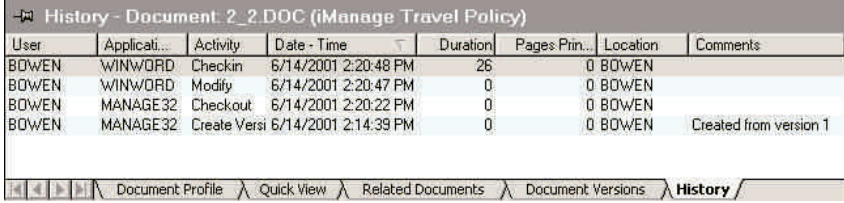
“And here’s a quote from Page 19 of the manual, that phrase that, What is an iManage library? And at the bottom, it says, Each iManage library is actually composed of these three parts a file server that stores the actual documents, a set of information tables or database that stores information about the documents, that’s the metadata, and a set of index collections of the full text of documents in the library, which is used for searching.

So this is . . . that’s the storage component. So all the activity that a person does in their first context – in this case, they’re using Microsoft Word creating a document – in a certain location is captured by the iManage history system. . . .

It’s stored in the library as part of that.” Stameshkin Decl. Ex. 1 at 1502:23-1503:18.

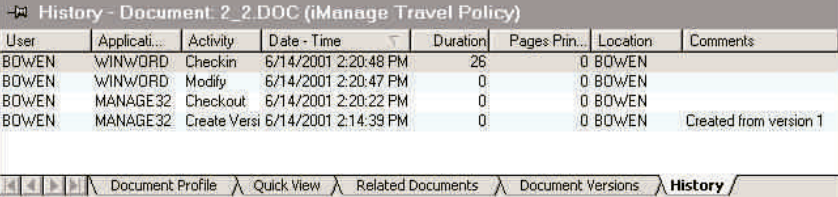
a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-based system and

“The second element talks about a computer-implemented tracking component of the network-based system. And this is software that’s also party of the history system, because we saw how it could track what people are doing across computer locations, across applications and, in fact, across many activities for tracking a change of the user from the first context to a second context.

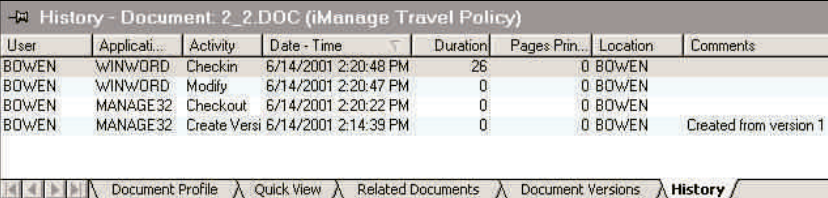
'761 Patent Claim 1	Evidence Presented at Trial
<p>dynamically updating the stored metadata based on the change,</p>	<p>And we saw that in the history window where you could see the sequence of events, how people would do things in one place and then they would actually do things in a different or separate context.” Stameshkin Decl. Ex. 1 at 1512:9-22.</p>  <p>Stameshkin Decl. Ex. 23 at Fig. 3.26.</p> <p>“Okay. So this is the – kind of the after the fact. This is a user viewing some of the things that the system has tracked.</p> <p>So we see that in the first line that the system has tracked that there was a user named Bowen by their log-in name, using an application WinWord, which is likely Microsoft Word, has checked in a document at a certain time and has had that for a certain duration. . . .</p> <p>And it’s at the location Bowen, which because it’s the same as the name, I would assume is the user’s computer; that they named their computer the same as their log-in name.” Stameshkin Decl. Ex. 1 at 1499:8-21.</p> <p>“So we – here we see at the bottom Bowen user. Bowen using the Manage 32 system has created a new version of the document.</p> <p>Q. And what is a Manage 32 system? A. This would probably be an iManage document, the repository system itself.</p> <p>So it’s a different context. They are using simply a different application. They’re going to the iManage system and saying, I want to use – I want to create a version. . . .</p> <p>And the next thing that they did is that they checked out that version from the Manage 32 system and then using WinWord or Microsoft Windows. They modified that version. . . .</p> <p>So what we have here is a history of what’s happened to the document as people move between applications as they work over time, and also, although we see only one location here, it’s also as they move across different computers or different locations.” Stameshkin Decl. Ex. 1 at 1500:13-1502:1.</p>
<p>wherein the user accesses the data from the second</p>	<p>“So it’s a different context. They are using simply a different application. They’re going to the iManage system and saying, I</p>

'761 Patent Claim 1	Evidence Presented at Trial
context.	<p>want to use – I want to create a new version. . . .</p> <p>And the next thing that they did is that they checked out that version from the Manage 32 system and then using WinWord or Microsoft Windows. They modified that version. . . .” Stameshkin Decl. Ex. 1 at 1500:20-1501:5.</p> <p>“And then finally, it says, Wherein the user can access the data from the second context. . . .</p> <p>So we’re on Chapter 3, Page 3, Figure 3.26.</p> <p>So if we expand that. This is the figure we’ve seen before, but now if you look at the very bottom, we’re in the history tab. But if you look over one, two three left, we see something called Quick View.</p> <p>And Quick View is an ability to look at the document and read a read-only version of that document. So here we have that last part of that claim element where users can access the data.</p> <p>I should add that you can also that – iManage lets you do more. You can also manage the document version. And there’s a tab for that or even related documents or the profile of that document you can access.” Stameshkin Decl. Ex. 1 at 1513:5-1514:4.</p>

IV. IMANAGE ANTICIPATES DEPENDENT CLAIMS

'761 Patent	Evidence Presented at Trial
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>Stameshkin Decl. Ex. 23 at Fig. 3.26.</p> <p>“So we see at the top that this window is referring to a particular document underscored which is title <u>2_2</u>. Document. . . .</p> <p>So starting at the first row, we see that initially we had a user whose name was Bowen. . . .</p> <p>So we see that in the first line that the system has tracked that there is a user named Bowen by their log-in name, using an application WinWord, which is likely Microsoft Word. . . .</p> <p>And it’s at the location Bowen, which because it’s the same as the name, I would assume is the user’s computer. . . .”</p>

'761 Patent	Evidence Presented at Trial
	<p>Stameshkin Decl. Ex. 1 at 1497:22-1499:20.</p> <p>“Q. What is your opinion regarding claim four of the iManage reference manual? A. That the iManage reference manual discloses claim four.” Stameshkin Decl. Ex. 1 at 1515:5-8.</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>See Stameshkin Decl. Ex. 23 at Fig. 3.26.</p> <p>“We saw that again in the history system, where it was shown as a record of here’s what happened at one step versus another versus another. So it shows a movement between these and thus the relationship. Q. What is your opinion regarding the iManage reference manual and claim seven? A. That the iManage reference manual discloses claim seven.” Stameshkin Decl. Ex. 1 at 1515:16-1516:1.</p>
<p>11. The method of claim 9, further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.</p>	<p>“When the iManage system describes itself, it describes itself as having three distinct entities: A file server, a set of information tables, or database. And these, by the way, have indexes to them and then it also says a set of index collections to the full-text documents in the library. Q. Where is this in the iManage Reference Manual? A. This is chapter one, page nineteen. If you look at the bottom, it says these three components work together to organize and index your documents, so for emphasis of that. Q. With that, what is your opinion regarding how the iManage Reference Manual applies to claim eleven? A. My opinion is that iManage discloses what’s in claim eleven.” Stameshkin Decl. Ex. 1 at 1524:11-1525:5.</p> <p>“When we refer to an iManage Database, or Library, we are actually talking about a library that includes three distinct entities. Each iManage library is actually composed of these three parts:</p> <ul style="list-style-type: none"> • a files server, which stores the actual documents • a set of information tables, or database, that stores information about the documents • a set of index collections of the full text of documents in the library, which is used for searching <p>These three components – the files server, the information tables, and the full text index – work together to organize and index your documents.” Stameshkin Decl. Ex. 23 at 19.</p>
<p>16. The method of claim 9, further comprising accessing</p>	<p>“Q. What is your opinion regarding claim sixteen? A. That iManage discloses claim sixteen.</p>

'761 Patent	Evidence Presented at Trial																																								
<p>the user environment via a portable wireless device.</p>	<p>Q. How does it do that?</p> <p>A. I brought an identified part in the reference manual that talks about iManage portable, and if we look at the first paragraph, it says a portable mode of operation allows you to take an iManage desk site document management system on the road with you, and it helps you synchronize your work with the network.</p> <p>So this is around the year 2000 and – sorry. 1999. I can't recall the exact date, but at that time there was a lot of stuff about what we called road warriors. These are people who would work in the office and then would take their stuff on the road and access their materials from computers elsewhere, a portable computer, or wireless laptop computer.</p> <p>And what iManage has in this disclosure, it says that you can take your stuff on the road with you, and you can access – not only will we let you work disconnected, but if you're connected at any time – and that could be through your wireless device – you would be able to access all the information as you were wired.</p> <p>Q. And where in the iManage Reference Manual are we looking at?</p> <p>A. We're on the first page of chapter eight.” Stameshkin Decl. Ex. 1 at 1525:19-1527:2.</p> <p>“A portable mode of operation allows you take the iManage DeskSite document management system on the road with you and helps you synchronize your work with the network when you get back to the office. The process works like this:</p> <ol style="list-style-type: none"> 1. A user checks out the desired iManage DeskSite documents, individually or en masse. 2. Once disconnected from the network, you can access portable documents through the iManage Portable application or through the standard commands (open, save, etc.) of an integrated application. 3. When the user re-attaches to an iManage DeskSite database, you can automatically check in the checked out documents and synchronize them with iManage DeskSite.” Stameshkin Decl. Ex. 23 at 173. 																																								
<p>25. The system of claim 23, wherein the context component captures relationship data associated with a relationship between the first user workspace and</p>	 <table border="1"> <thead> <tr> <th>User</th> <th>Applicati...</th> <th>Activity</th> <th>Date - Time</th> <th>Duration</th> <th>Pages Prin...</th> <th>Location</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>BOWEN</td> <td>WINWORD</td> <td>Checkin</td> <td>6/14/2001 2:20:48 PM</td> <td>26</td> <td>0</td> <td>BOWEN</td> <td></td> </tr> <tr> <td>BOWEN</td> <td>WINWORD</td> <td>Modify</td> <td>6/14/2001 2:20:47 PM</td> <td>0</td> <td>0</td> <td>BOWEN</td> <td></td> </tr> <tr> <td>BOWEN</td> <td>MANAGE32</td> <td>Checkout</td> <td>6/14/2001 2:20:22 PM</td> <td>0</td> <td>0</td> <td>BOWEN</td> <td></td> </tr> <tr> <td>BOWEN</td> <td>MANAGE32</td> <td>Create Versi</td> <td>6/14/2001 2:14:39 PM</td> <td>0</td> <td>0</td> <td>BOWEN</td> <td>Created from version 1</td> </tr> </tbody> </table>	User	Applicati...	Activity	Date - Time	Duration	Pages Prin...	Location	Comments	BOWEN	WINWORD	Checkin	6/14/2001 2:20:48 PM	26	0	BOWEN		BOWEN	WINWORD	Modify	6/14/2001 2:20:47 PM	0	0	BOWEN		BOWEN	MANAGE32	Checkout	6/14/2001 2:20:22 PM	0	0	BOWEN		BOWEN	MANAGE32	Create Versi	6/14/2001 2:14:39 PM	0	0	BOWEN	Created from version 1
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'761 Patent	Evidence Presented at Trial
<p>at least one other user workspace.</p>	<p>Stameshkin Decl. Ex. 23 at Fig. 3.26.</p> <p>“We saw that again in the history system, where it was shown as a record of here’s what happened at one step versus another versus another.</p> <p>So it shows a movement between these and thus the relationship.” Stameshkin Decl. Ex. 1 at 1515:16-21.</p> <p>“I’ve already described that, in that people are working, user workspace, and this is shown as part of the history system. . . .</p> <p>Q. Where is that? Here?</p> <p>A. Yes.</p> <p>Q. And here, for the record, would be in figure 3.26, is that correct?</p> <p>A. That’s correct. We see that as part of the user’s view of the history.</p> <p>Q. What is your opinion regarding claim twenty-five?</p> <p>A. That the iManage Reference Manual discloses claim twenty-five.” Stameshkin Decl. Ex. 1 at 1532:15-1533:3.</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>“ Q. With respect to claim thirty-one, do you have an opinion?</p> <p>A. Yes, this claim says that the storage component stores the data and the metadata according to at least one of a relational or object storage methodology, and we’ve seen that before in the description of what iManage does. It actually talks about databases. It talks about tables and things like this.</p> <p>Q. Where is that in the reference manual?</p> <p>A. I believe I identified it.</p> <p>If we look at this here, we see the second one talks about information tables or databases. We talked about the file server and source of file. Files are objects, so all that’s covered.</p> <p>Q. If we go back to the claim language, and why does the mention simply of tables tell us that we have a relational and/or object storage methodology?</p> <p>A. It said databases before, and it said a table, so that’s a relational database.</p> <p>Q. What’s your opinion regarding claim thirty-one?</p> <p>A. That iManage discloses claim thirty-one.” Stameshkin Decl. Ex. 1 at 1533:4-1534:6.</p> <p>“When we refer to an iManage Database, or Library, we are actually talking about a library that includes three distinct entities. Each iManage library is actually composed of these three parts:</p> <ul style="list-style-type: none"> • a fileserver, which stores the actual documents • a set of information tables, or database, that stores

'761 Patent	Evidence Presented at Trial
	<p>information about the documents</p> <ul style="list-style-type: none"> • a set of index collections of the full text of documents in the library, which is used for searching.” Stameshkin Decl. Ex. 23 at 19.
<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>“As I mentioned at the beginning, it says so thousands of users can access millions of documents and all the information within them. This is for multiple people to access multiple things.</p> <p>Q. What is your opinion regarding claim thirty-two vis-à-vis the iManage Reference Manual?</p> <p>A. That the iManage Reference Manual discloses what is found in claim thirty-two.” Stameshkin Decl. Ex. 1 at 1534:19-1535:4.</p> <p>“What is iManage Desksite?</p> <p>iManage DeskSite is an enterprise-wide, mission-critical DMS. With iManage DeskSite, you can greatly simplify the task of managing repositories of millions of documents and making them available to thousands of users.” Stameshkin Decl. Ex. 23 at 13.</p>

V. HUBERT ANTICIPATES CLAIM 1

'761 Patent Claim 1	Evidence Presented at Trial
<p>A computer-implemented network-based system that facilitates management of data, comprising:</p>	<p>“So we see a computer-implemented, network-based system. That’s what Hubert is describing, that it’s network based. Well, it’s running over the internet. . . .” Stameshkin Decl. Ex. 1 at 1546:5-9.</p> <p><i>See, e.g.</i>, Stameshkin Decl. Ex. 24, ¶ 0023 (“Meta-document 20 is then transmitted over the Internet 36 to source (or environment) 32).”)</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 context of the network-based system, the context component dynamically storing the context information in metadata associated with the user-</p>	<p>“[A]nd we see the first element, a computer-implemented context component of the network-based system for capturing context information. . . . [T]ool eighteen is an embedded software program which generates and stores processing information for this, and associated metadata for indexing and retrieving the processing information, it follows by saying whenever the metadocument is accessed or processed, the tool generates a piece of processing information and metadata to record that fact. And this is exactly what a context component is supposed to do.” Stameshkin Decl. Ex. 1 at 1546:9-1547:6.</p> <p>“ Q. We’re at dynamically storing the context information. A. That claim essentially says the same thing, that</p>

'761 Patent Claim 1	Evidence Presented at Trial
defined data, the user-defined data and metadata stored on a storage component of the network-based system; and	<p>information is captured and stored as it happens.” Stameshkin Decl. Ex. 1 at 1547:15-19.</p> <p><i>See, e.g.</i>, Stameshkin Decl. Ex. 24, ¶ 0006 (“In order to store documents in a document management repository, certain additional data called metadata is stored with the document.”)</p>
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,	<p>“Hubert says there is also a need for a system and method managing documents which tracks all of the information about what happened to a document during its whole lifetime. . . . [T]here is a further need for a system and method of managing documents that can track a document’s path of distribution, so by path we’re talking about its movement from environment to environment, context to context.” Stameshkin Decl. Ex. 1 at 1545:14-24.</p> <p>“And it says a record of the fact that the meta-document 20 was received at Source 32 is stored as processing information and processing information is part of the metadata. So this is tracking the movement.” Stameshkin Decl. Ex. 1 at 1548:12-16.</p> <p><i>See, e.g.</i>, Stameshkin Decl. Ex. 24, ¶ 0009 (“There is also a need for a system and method of managing documents that can track document distribution data. There is a further need for a system and method of managing documents that can track a document’s path of distribution a document’s changes. There is also a need for a method and a system of managing documents that can transfer information about or contained in the document to other sources and environments.”).</p>
wherein the user accesses the data from the second context.	<p>“Q. And what about the final portion wherein the user accesses the data from the second context?</p> <p>A. Well, again, Hubert is all about we have documents, and people should be able to access that document and all the information at any time. This is precisely what Hubert was trying to do.” Stameshkin Decl. Ex. 1 at 1549:4-11.</p> <p><i>See, e.g.</i>, Stameshkin Decl. Ex. 24 at Fig. 2.</p>

VI. HUBERT ANTICIPATES DEPENDENT CLAIMS

'761 Patent	Evidence Presented at Trial
4. The system of claim 1, the context information includes a relationship between the	<p>“It says clearly, part of the value of the metadata model depends on namespaces and some of the namespaces are associated to an application or domain.</p>

’761 Patent	Evidence Presented at Trial
<p>user and at least one of an application, application data, and user environment.</p>	<p>Q. Dr. Greenberg, was is a namespace? A. A namespace is a way to essentially uniquely identify a set of data. So in this case, the name space would say, Here are things that happen within this application or within this domain. So later on it’s the last – the second to last line. It says suppose we want to encode the identity of the reader, the rating he or she gives an associated comment. So we – here we see that the system also will capture the user and that’s enough to satisfy that claim element. Q. So what is your opinion regarding claims regarding this Claim 4? A. That Hubert discloses Claim 4.” Stameshkin Decl. Ex. 1 at 1550:10-1551:6.</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>“Now, remember, we talked about the meta for – of the bee carrying pollen from place to place. So there’s the association. It’s capturing – the meta-document is capturing not only what happens in one environment, but also what’s happening between environments as things are moved around between these contexts. Q. So what is your opinion regarding Claim 7 vis-à-vis the Hubert prior art reference? A. That Hubert discloses everything in Claim 7.” Stameshkin Decl. Ex. 1 at 1551:12-22. “When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen.” Stameshkin Decl. Ex. 24, ¶ 0026.</p>
<p>11. The method of claim 9, further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.</p>	<p>“So here we see in – if you look at the end of the second line or it’s – well there it says information pertaining to each processing step is stored with the document along with metadata for indexing and retrieving the processing information. Q. So do you have an opinion regarding Claim 11 vis-à-vis the Hubert patent? A. Yes I do. Q. And what is that opinion? A. That Hubert discloses Claim 11.” Stameshkin Decl. Ex. 1 at 1554:19-1555:5. “Metadata 16 is used to index and retrieve its associated processing information.” Stameshkin Decl. Ex. 24, ¶ 0020. “Information pertaining to each processing step is stored with the document along with metadata for indexing and retrieving</p>

’761 Patent	Evidence Presented at Trial
	<p>the processing information. By storing a record of all the various processing and the results of the processing performed on a particular document, and making that information retrievable, users in an organization have the opportunity to come back to some piece of information about a document that later turned out to be of great importance.” Stameshkin Decl. Ex. 24, ¶ 0010.</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>“But remember that bee with the pollen. This is essentially – it is capturing their relationship, in this case, in the meta-document itself.”</p> <p>Q. And so what is your opinion regarding Claim 25? A. That Hubert discloses Claim 25.” Stameshkin Decl. Ex. 1 at 1559:22-1560:4.</p> <p>“When meta-document is transmitted from source to source and processing information is created (stored in the meta-document) this is similar to a bee travelling to a flower and picking up pollen.” Stameshkin Decl. Ex. 24, ¶ 0026.</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>“Here we see emerging technology such as RDF metadata and DOM, document object model, will readily enable implementation of meta-documents. . . .</p> <p>Q. So what is your opinion regarding Claim 31? A. That Hubert discloses Claim 31.” Stameshkin Decl. Ex. 1 at 1560:14-1561:1.</p> <p>“The Resource Description Framework (RDF) is an abstract model for defining metadata. The basic data model consists of three object types: Resources, Properties and Statements which correspond to a resource associated with a property.” Stameshkin Decl. Ex. 24, ¶ 0031.</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>“So this goes back to the many-to-many functionality. And again, Hubert was all about how can people access information about these documents?</p> <p>And this is – you know, goes to the heart of the Hubert system. It’s all about multiple people accessing information. He even uses the example of people trying to access ratings that people may give on documents. So it’s all about finding what’s happened.</p> <p>Q. And so what is your opinion regarding Claim 32 vis-à-vis the prior art Hubert patent? A. That Hubert discloses what’s in Claim 32.” Stameshkin Decl. Ex. 1 at 1561:8-23.</p> <p>“Information pertaining to each processing step is stored with the document along with metadata for indexing and retrieving</p>

'761 Patent	Evidence Presented at Trial
	the processing information. By storing a record of all the various processing and the results of the processing performed on a particular document, and making that information retrievable, users in an organization have the opportunity to come back to some piece of information about a document that later turned out to be of great importance.” Stameshkin Decl. Ex. 24, ¶ 0010.