

Appendix G – Part 1

Defendants' Supplemental Prior Art Statement
'228 Patent
(TC1695-TC1719)

to

TimeBase's Memorandum in Support of Its Motion
for Summary Judgment of No Invalidity

TimeBase Pty Ltd. v. The Thomson Corp. et al.

DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO COMBINE '228
PATENT – APPENDIX G

APPENDIX G

DEFENDANTS' SUPPLEMENTAL

PRIOR ART STATEMENT

MOTIVATION TO COMBINE

'228 PATENT

Based on the information that is currently available to defendants, defendants contend that each of the asserted claims in the '228 patent is anticipated by at least one of the references discussed in Appendix F. Defendants further contend that each of the asserted claims in the '228 patent would have been obvious to one of ordinary skill in the art of the '228 patent (with the knowledge and common sense of one of ordinary skill in the art) in view of the references discussed above in Appendix F, either alone or in combination with other references mentioned above in Appendix F or the references mentioned in Appendix B or Appendix C. For example, the claims are anticipated and/or rendered obvious in the following manner:

Claim 1

The following references disclose (explicitly or inherently) all of the limitations of claim 1 of the '228 patent, and therefore, each of the following references (“The Claim 1 References”) anticipates claim 1:

- Agosti 1991
- Arnold-Moore 1994
- Arnold-Moore 1994-2
- Arnold-Moore 1997-2
- Arnold-Moore Thesis
- Campbell 1988
- Horne 1997
- Lo 1996
- Sacks-Davis 1995
- Wilkinson 1998
- Wilson 1990
- Wilson 1992
- The Premise System
- The Pre-1997 Westlaw/Westmate System

- The EnAct System
- The SCALEplus System¹
- The Documentum/Interleaf System
- The Astoria System
- CD-ROM-based Legal Publications

In addition, claim 1 of the '228 patent would have been obvious to one of ordinary skill in the art of the '228 patent (with the knowledge and common sense of one of ordinary skill in the art) in view of those same references, either alone, or in combination with one another, or in combination with other references. For example, the following combinations of references render claim 1 obvious:

- One or more of The Claim 1 References in combination with one or more of the following references: Essential Guide 1996, Anwar 1996, Arnold-Moore 1995, Arnold-Moore 1997, Bachman 1973, Bentley 1979, Elmasri 1990, Fay 1996, Haake 1992, Hansen 1993, Kim 1996, Kimball 1996, Larson 1988, Lo 1995, Osterbye 1992, Promenschenkel 1995, Sacks-Davis 1994, Sciore 1991, Sciore 1994, Stonebraker 1990, Stonebraker 1994, Taylor 1994, Travis & Waldt, Wilson 1988
- Arnold-Moore 1994 in view of Sciore 1994
- Arnold-Moore 1994 in view of Kimball 1996
- Arnold-Moore 1994 in view of Larson 1988
- Arnold-Moore 1997-2 in view of Sciore 1994
- Arnold-Moore 1997-2 in view of Kimball 1996
- Arnold-Moore 1997-2 in view of Larson 1988
- Arnold-Moore Thesis in view of Sciore 1994
- Arnold-Moore Thesis in view of Kimball 1996
- Arnold-Moore Thesis in view of Larson 1988
- Lo 1996 in view of Sciore 1994
- Lo 1996 in view of Kimball 1996

¹ By relying on any "System," defendants reserve the right to rely on one or more publications describing the pertinent features of such system.

DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

- Lo 1996 in view of Larson 1988
- Arnold-Moore 1994 in view of Sciore 1994 in further view of Sacks-Davis 1995
- Arnold-Moore 1994 in view of Sciore 1994 in further view of Osterbye 1992
- Arnold-Moore 1994 in view of Kimball 1996 in further view of Sacks-Davis 1995
- Arnold-Moore 1994 in view of Larson 1988 in further view of Sacks-Davis 1995
- Arnold-Moore 1994 in view of Kimball 1996 in further view of Osterbye 1992
- Arnold-Moore 1994 in view of Larson 1988 in further view of Osterbye 1992
- Arnold-Moore 1997-2 in view of Sciore 1994 in further view of Sacks-Davis 1995
- Arnold-Moore 1997-2 in view of Sciore 1994 in further view of Osterbye 1992
- Arnold-Moore 1997-2 in view of Kimball 1996 in further view of Sacks-Davis 1995
- Arnold-Moore 1997-2 in view of Kimball 1996 in further view of Osterbye 1992
- Arnold-Moore 1997-2 in view of Larson 1988 in further view of Sacks-Davis 1995
- Arnold-Moore 1997-2 in view of Larson 1988 in further view of Osterbye 1992
- Arnold-Moore Thesis in view of Sciore 1994 in further view of Sacks-Davis 1995
- Arnold-Moore Thesis in view of Sciore 1994 in further view of Osterbye 1992
- Arnold-Moore Thesis in view of Kimball 1996 in further view of Sacks-Davis 1995
- Arnold-Moore Thesis in view of Kimball 1996 in further view of Osterbye 1992
- Arnold-Moore Thesis in view of Larson 1988 in further view of Sacks-Davis 1995
- Arnold-Moore Thesis in view of Larson 1988 in further view of Osterbye 1992
- Lo 1996 in view of Sciore 1994 in further view of Sacks-Davis 1995
- Lo 1996 in view of Sciore 1994 in further view of Osterbye 1992

DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

- Lo 1996 in view of Kimball 1996 in further view of Sacks-Davis 1995
- Lo 1996 in view of Kimball 1996 in further view of Osterbye 1992
- Lo 1996 in view of Larson 1988 in further view of Sacks-Davis 1995
- Lo 1996 in view of Larson 1988 in further view of Osterbye 1992
- The Essential Guide 1996 in view of Sciore 1994
- The Essential Guide 1996 in view of Kimball 1996
- The Essential Guide 1996 in view of Larson 1988
- The Pre-1997 Westlaw/Westmate System in view of Sciore 1994
- The Pre-1997 Westlaw/Westmate System in view of Kimball 1996
- The Pre-1997 Westlaw/Westmate System in view of Larson 1988
- The Premise System in view of Sciore 1994
- The Premise System in view of Kimball 1996
- The Premise System in view of Larson 1988
- Wilson 1992 in view of Sciore 1994
- Wilson 1992 in view of Kimball 1996
- Wilson 1992 in view of Larson 1988
- SCALEplus in view of Sciore 1994
- SCALEplus in view of Kimball 1996
- SCALEplus in view of Larson 1988
- The Essential Guide 1996 in view of Arnold-Moore 1994
- The Essential Guide 1996 in view of Arnold-Moore 1997-2
- The Essential Guide 1996 in view of Arnold-Moore Thesis
- The Essential Guide 1996 in view of Lo 1996
- The Pre-1997 Westlaw/Westmate System in view of Arnold-Moore 1994
- The Pre-1997 Westlaw/Westmate System in view of Arnold-Moore 1997-2
- The Pre-1997 Westlaw/Westmate System in view of Arnold-Moore Thesis
- The Pre-1997 Westlaw/Westmate System in view of Lo 1996
- The Premise System in view of Arnold-Moore 1994
- The Premise System in view of Arnold-Moore 1997-2

DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

- The Premise System in view of Arnold-Moore Thesis
- The Premise System in view of Lo 1996
- Wilson 1992 in view of Arnold-Moore 1994
- Wilson 1992 in view of Arnold-Moore 1997-2
- Wilson 1992 in view of Arnold-Moore Thesis
- Wilson 1992 in view of Lo 1996
- SCALEplus in view of Arnold-Moore 1994
- SCALEplus in view of Arnold-Moore 1997-2
- SCALEplus in view of Arnold-Moore Thesis
- SCALEplus in view of Lo 1996
- The Essential Guide 1996 in view of Arnold-Moore 1994 in further view of Kimball 1996
- The Essential Guide 1996 in view of Arnold-Moore 1994 in further view of Larson 1988
- The Essential Guide 1996 in view of Arnold-Moore 1994 in further view of Sciore 1994
- The Essential Guide 1996 in view of Arnold-Moore 1997-2 in further view of Kimball 1996
- The Essential Guide 1996 in view of Arnold-Moore 1997-2 in further view of Larson 1988
- The Essential Guide 1996 in view of Arnold-Moore 1997-2 in further view of Sciore 1994
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- The Essential Guide 1996 in view of Arnold-Moore Thesis in further view of Sciore 1994
- The Essential Guide 1996 in view of Lo 1996 in further view of Kimball 1996
- The Essential Guide 1996 in view of Lo 1996 in further view of Larson 1988
- The Essential Guide 1996 in view of Lo 1996 in further view of Sciore 1994

DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

- The Pre-1997 Westlaw/Westmate System in view of Arnold-Moore 1994 in further view of Kimball 1996
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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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DEFENDANTS' SUPPLEMENTAL PRIOR ART STATEMENT MOTIVATION TO
COMBINE '228 PATENT – APPENDIX G

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- SCALEplus in view of Lo 1996 in further view of Larson 1988 in further view of Osterbye 1992
- SCALEplus in view of Lo 1996 in further view of Sciore 1994 in further view of Osterbye 1992
- Any of The Claim 1 References in combination with Travis & Waldt
- Any of The Claim 1 References in combination with one or more of the following: Anwar 1996, Bachman 1973, Bentley 1979, Elmasri 1990, Hansen 1993, Kimball 1996, Larson 1988, Lo 1995, Sciore 1991, Sciore 1994, Stonebraker 1994, Wilson 1988

The motivation to combine the prior art references comes from express or implied teachings or suggestions in the prior art, from the nature of the general problems to be solved by the '228 patent, and from the knowledge and common sense of one of ordinary skill in the art of the '228 patent.

At the time of the invention of the '228 patent, those of ordinary skill in the art of database or publishing systems were intimately familiar with numerous tools, methods, technologies, devices, and systems for storing, organizing, versioning, indexing, connecting, linking, searching, retrieving, and displaying portions and versions of text-based information electronically. For example, those skilled in the art knew that mark-up languages had been used in the publication of text-based information for over a decade, and also knew that these mark-ups languages, including standardized mark-up languages such as SGML or XML, could be used with Document Type Definitions (DTDs) or Style Sheet Mechanisms (SSMs) to portion, divide, mark up, tag, link, describe, and display documents or portions of

documents. Such persons also knew that attributes that identified, described or modified could be associated with documents, or particular characteristics of documents or document types could be used for purposes of storing, organizing, indexing, connecting, linking, searching, retrieving, and displaying portions and versions of text-based information, including through the use of markup language, relational databases, object oriented databases, or other means. Such persons also knew about means for connecting and linking attributes and portions of text-based information, using identification codes, hypertext links, embedded markup links, external links, static and dynamic links, indexes, and pointers. Such persons also knew about using dimensions and attributes in a multidimensional space as a means for organizing, displaying, and linking portions or versions of text-based information. And such persons knew of the advantages associated with breaking texts into smaller portions, including using embedded markup languages to divide documents into logical sections. Such persons also knew how to perform versioning of these portions of text-based information by storing only the versions that changed, rather than either re-storing the entire document, or storing only the deltas or individual words that changed. Persons of ordinary skill in the art also knew of techniques for using computers to search, link, and display data, including text-based data. These techniques included allowing users to search the data on attributes or content, displaying the data, allowing users to link to related data, displaying lists of data responsive to a users' request, allowing a user to select data from a list, and displaying the relevant data in a variety of formats. Those formats include graphical formats, such as graphical user interfaces and geometric displays on computer monitors. One of

ordinary skill in the art would also know how to create computer systems and how to organize, store, and retrieve complex data to allow a user to navigate through the data either sequentially, or in any way the user desired, or that the purpose of the system warranted. For example, such persons knew how to display text-based information or portions of text-based information using multiple windows or viewing screens, graphics, icons, buttons, and other means of display, including through the use of well-known products such as Folio Views, Dynatext, and Premise.

The fact that those skilled in the art were aware of these tools, methods, technologies, devices, and systems for storing, organizing, versioning, indexing, connecting, linking, searching, retrieving, and displaying portions and versions of text-based information electronically is evidenced by the disclosures and descriptions in the references and systems cited in Appendices A, B, and C, attached to Defendants' Supplemental Prior Art Statement.

Those of ordinary skill in the art knew that they could choose from any of these tools, methods, technologies, devices, and systems for storing, organizing, versioning, indexing, connecting, linking, searching, retrieving, and displaying portions and versions of text-based information electronically to address particular problems with conventional electronic information publishing systems with known and predictable results. For example, the references and systems described above disclose choices made by the authors using these tools, methods, technologies, devices, and systems to arrive at known and predictable solutions for storing, organizing, indexing, connecting, linking, searching, retrieving, and displaying hypermedia, data sets, structured documents, versions of documents, dynamic

records, and particular texts such as journals, legislation, and other information. The ability to choose from these available tools, methods, technologies, devices, and systems to tailor a solution to a particular problem was well known to persons of ordinary skill in the art as of the date of the invention.

Many of the references and systems described in Appendices A, B, and C, attached to Defendants' Supplemental Prior Art Statement, use these tools, methods, technologies, devices, and systems to come up with solutions to problems that are the same as or similar to the problems addressed by the '228 patent. For example, persons of ordinary skill interested in creating connectivity between related pieces of information knew how to use mark-up languages such as SGML or XML to mark up and tag documents or portions of documents, add attributes to the documents or portions of documents, and connect the documents or portions of documents using identification codes, hypertext links, embedded markup links, external links, static and dynamic links, indexes, and pointers based on the attributes or particular characteristics of the documents or portions of documents. Similarly, persons of ordinary skill interested in providing further analysis about the type and subject of text-based information knew how to: divide documents into portions; store the portions using conventional storage systems such as a file system or relational database; mark up these portions of documents with mark-up languages such as SGML or XML; add attributes to the portions of documents; create links between related portions of documents; and provide a user interface for searching and viewing the portions of documents. Such a person also would have been familiar with the concept of a multidimensional space, and the technique of

viewing and navigating electronic information within that multidimensional space according to the attributes of the information. Persons of ordinary skill interested in finding information related to a particular point in time knew how to create and store versions of documents or portions of documents, and knew how to create computer systems that would search the information based on its text and its attributes, including the effective date of the information, and display the results of the search to the user in a graphical format. Persons of ordinary skill interested in displaying text-based information knew how to use existing tools such as Folio Views and Dynatext to provide customizable searching and display capabilities for text-based documents and portions of documents. Therefore, persons of ordinary skill concerned with each of these issues would have found it obvious to combine each of these tools, methods, technologies, devices, and systems to create overall systems for storing, organizing, indexing, connecting, linking, searching, retrieving, and displaying multiple versions of portions of text-based information for particular groups of documents or data sets, including predefining, encoding, and storing multiple versions of portions of text-based information using mark-up languages, and then linking these multiple versions in a multidimensional space where the attributes can be used to link, search, retrieve, and display such versions. For example, such systems were used by persons of ordinary skill with historical databases, including legal publishing systems (e.g., Westlaw, Westmate, Premise), maintenance manuals, inventory systems for replaceable parts, airline reservations systems, employee records, and medical records. They also were used in systems for the development and maintenance of software programs and with CAD systems for engineering designs.

Additional motivation to combine comes from the express or implied teachings of these references and systems, including the fact that many of the authors of these references cite to one another's works. For example: Arnold-Moore 1994 cites to the work of Agosti, Elmasri, Haake, Osterbye, Stonebraker, and Wilson; Kim 1996 cites to the work of Campbell, Osterbye, and Stonebraker; Lo 1996 cites to the work of Elmasri, Haake, Sacks-Davis, Wilkinson, and Wilson; Wilkinson 1998's co-authors include Arnold-Moore and Sacks-Davis, and the reference cites to the work of Agosti, Elmasri, Haake, Lo, Osterbye, and Stonebraker; Sciore 1991 cites to the work of Stonebraker; and Haake 1992 cites to the work of Campbell. Further, many of the references expressly state that their teachings can be combined with other knowledge in the field. For example:

- Arnold-Moore 1994 states that “a combination of such technologies can be promising in the development of future intelligent information systems.” Arnold-Moore 1994, at viii. This article also notes that “[t]here are still a number of problems to solve in order to obtain the ideal legislative database However the technology exists to make substantial improvements on currently available tools for CALR.” Arnold-Moore 1994, at xxiii.
- Travis & Waldt 1995 expressly notes that its teachings may be taken as a whole, or as a group of tips to improve other existing systems, stating that: “This book provides a set of guidelines for the following groups of users: . . . 2. Systems analysts who are in charge of providing a plan towards implementing SGML, 3. Developers actively involved in implementing an SGML system, and 4. Programmers and other technical people who are

looking for a few tips.” Travis & Waldt 1995, at XXI-XXII. This book also acknowledges that “[t]here might be circumstances when your implementation requires more in-depth knowledge about a particular subject. In that case, we have compiled a bibliography of works that you might find helpful to go further into depth on these subjects,” and in doing so encourages the combination of various references. Travis & Waldt, at XXIII.

- Eve Wilson expressly states that her “underlying principles are of general application.” Wilson 1990, at 128.
- Edward Sciore projects further work to combine his teachings with those of others in the field, stating “we need to understand better when a given storage strategy is useful and the extent to which different strategies can be combined.” Sciore 1994, at 104. Sciore also teaches what he calls “a unifying framework” which can be applied to other known document storage systems. Sciore 1991, at 357.
- Charles Bachman expressly suggests refining existing storage systems to incorporate a multidimensional space, stating “it is time for the application programmer to abandon the memory-centered view, and to accept the challenge and opportunity of navigation with an n-dimensional data space. The software systems needed to support such capabilities exist today and are becoming increasingly available.” Bachman 1973, at 657-658.
- Ron Sacks-Davis suggests that tools were available to solve a variety of problems, stating “For a range of problems where the data can be represented in a similar tabular form, these database systems are an excellent tool. Implementation issues for relational

databases have largely been solved: solutions to problems such as indexing, query optimization, transaction processing, and physical representation are well understood.” Sacks-Davis 1995, at 454.

- Ray Larson discusses the combination of hypertext and other searching facilities, stating that “Techniques developed in information retrieval research are seen as useful complements to hypertext that may remedy some of these problems,” Larson 1988, at 195, and further noting that “[t]he marriage of hypertext and information retrieval techniques can provide a powerful environment for scholars and ‘knowledge workers’ . This union appears to be inevitable.” Larson 1988, at 198.
- Ralph Kimball expressly states that his work should be viewed as a collection of tools available to those skilled in the art, summarizing his goal as to “collect and catalog the techniques that these pioneer data warehouse environments have used to implement successful systems.” Kimball 1996, at 18.
- Finally, Michael Caplinger notes that his idea to graphically represent information can be applied with virtually any database of information, stating “we discuss the possibility of performing database browsing with a graphical representation of the database called an information space.”

The above quotations are representative and are not intended as a list of all express statements of a motivation to combine. Indeed, additional similar statements can be found in the references listed in Appendices A, B, and C to Defendants’ Supplemental Prior Art Statement. But these example quotations do make clear that the authors of the prior art relied

on by the defendants generally intended their concepts to be combined with the work of others to solve problems inherent in the storage and management of large data sets.

Based on all of these motivations, one of ordinary skill in the art would have been motivated to combine any of the references and systems listed above to arrive at the invention claimed in claim 1 of the '228 patent.

Claim 24

The following references (“The Claim 24 References”) disclose (explicitly or inherently) all of the limitations of claim 24 of the '228 patent, and therefore, each of the following references anticipates claim 24:

- Agosti 1991
- Arnold-Moore 1994
- Arnold-Moore 1994-2
- Arnold-Moore 1997-2
- Arnold-Moore Thesis
- Campbell 1988
- Horne 1997
- Lo 1996
- Sacks-Davis 1995
- Wilkinson 1998
- Wilson 1990
- Wilson 1992
- The Premise System
- The Pre-1997 Westlaw/Westmate System
- The EnAct System
- The SCALEplus System
- The Documentum/Interleaf System
- The Astoria System
- CD-ROM-based Legal Publications

In addition, claim 24 of the '228 patent would have been obvious to one of ordinary skill in the art of the '228 patent (with the knowledge and common sense of one of ordinary

skill in the art) in view of those same references, either alone, or in combination with one another, or in combination with other references. For example, the following combinations of references render claim 24 obvious:

- One or more of The Claim 24 References in combination with one or more of the following references: Essential Guide 1996, Anwar 1996, Arnold-Moore 1995, Arnold-Moore 1997, Bachman 1973, Bentley 1979, Elmasri 1990, Fay 1996, Haake 1992, Hansen 1993, Kim 1996, Kimball 1996, Larson 1988, Lo 1995, Osterbye 1992, Promenschenkel 1995, Sacks-Davis 1994, Sciore 1991, Sciore 1994, Stonebraker 1990, Stonebraker 1994, Taylor 1994, Travis & Waldt, Wilson 1988
- Any of the combinations of references listed above with respect to claim 1
- Any of the combinations of references listed above with respect to claim 1 in further view of Caplinger 1986

One of ordinary skill in the art would have had the same motivations for combining or modifying these references and systems described above with respect to claim 1. In addition, one of ordinary skill in the art would have known how to create a computer system that allowed a user to search portions and amended portions of text-based data by using attributes of that data. One of ordinary skill in the art would also know how to further implement the system so that it displayed one or more portions of text-based data that matched the user's search request. One of ordinary skill in the art would further know how to provide a computer user with a link so that the user could retrieve related portions of text-based data, and to provide a computer user with the option of selecting one of the portions or amended predefined portions of text-based data. In addition, one of ordinary skill in the art would have known how to create a computer system that would graphically display one or more related portions of text-based data to the user, including in such a way as to depict a