

Filed on behalf of Dr. Lakshmi Arunachalam

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PATENT OWNER'S REQUEST FOR RE-HEARING

In

Covered Business Method Review of U.S. Patent No. 8,037,158

SAP America, Inc.

Petitioner

v.

Dr. Lakshmi Arunachalam

Patent Owner

CASE CBM2013-00013

Patent 8,037,158

Patent Owner (“PO”) and inventor, Dr. Arunachalam files this Request for Re-Hearing in a timely manner from PTAB’s Final Written Decision (“FWD”). PTAB overlooked many key points in its incorrect arguments against: the ‘158 as a technological invention in its Institution Decision (“ID”) pp. 18-19 and FWD pp. 13-15; Lawlor, ComputerWorld, SFCU, Electronic Banking in ID pp. 24-32 and FWD pp. 20-27; 101, 112 2nd paragraph issues in FWD pp. 15-20; its incorrect claim constructions in FWD pp. 9-13. PO incorporates by reference all papers submitted in this case previously, the file history and the record. PTAB was fraudulently misled by SAP’s counsel and their expert witness’s false statements on basic technical issues. Neither Lawlor nor Computerworld, not SFCU nor Electronic Banking by Lipis disclose nor teach any of the claim elements of the challenged claims in the subject patent. PTAB overlooked key disclosures in the patent specification in its severely flawed claim construction not including what the specification has disclosed. For example, (1) In its Institution Decision (“ID”) and FWD pp.10-11, PTAB misapprehended the enormity of the problem that the invention solved: applications were local to the back office and did not exist at the front-end on a Web page or Web browser in 1995 prior to PO’s invention. Web browsing/hyperlinking/Web forms were the norm of the day (‘158: Cols 1, 2, 5).

“If user 100 is a Web user, however, there is no current mechanism for performing a robust, real-time transaction with the bank, as illustrated in FIG. 4A. CGI scripts provide only limited two-way capabilities, as described above. Thus, due to this

lack of a robust mechanism by which real-time Web transactions can be performed, the bank is unable to be a true "Web merchant," namely a merchant capable of providing complete transactional services on the Web." ('158: Col 5)

There were *no* POSvc applications displayed on a Web page or Web browser.

“Each Web merchant may choose the types of services that it would like to offer its clients. In this example, if Bank decided to include in their POSvc application access to checking and savings accounts, user 100 will be able to perform real-time transactions against his checking and savings accounts. Thus, if user 100 moves \$500 from his checking account into his savings account, the transaction will be performed in real-time, in the same manner the transaction would have been performed by a live teller at the bank or an ATM machine. Therefore, unlike his prior access to his account, user 100 now has the capability to do more than browse his bank account. The ability to perform these types of robust, **real-time transactions from a Web client is a significant aspect of the present invention.**” ('158: Col 7)

The POSvc application displayed on a Web page or Web browser, also called a VAN service or value-added network service or VAN service **704.**

(2) In ID pp.13-14, FWD p. 9, PTAB missed the disclosure in '158:Col 6 that a POSvc application is a transactional application, from which a Web user **100**

transacts and that this POSvc application is a transactional application that *must* be displayed on a Web page or Web browser.

“POSvc applications 510 are transactional applications, namely applications that are designed to incorporate and take advantage of the capabilities provided by the present invention... A POSvc application is an application that can execute the type of transaction that the user may be interested in performing. The POSvc list is displayed via the graphical user interface component.” ('158: Col 6)

PTAB construed POSvc application in FWD p. 9 as “a software program that facilitates execution of transactions requested by a user.” While ‘158: Col. 6 describes the term “POSvc application” as “an application that can execute the type of transaction that the user may be interested in performing,” PTAB’s construction fails to reflect even this aspect of the Patent. For example, there is no discussion of ‘facilitation.’ PTAB also fails to give credence to the very next sentence in the Patent, which characterizes the application as “displayed via the graphical user interface component.” Nor does PTAB address the fact that such an application is a “transactional application[] . . . designed to incorporate and take advantage of the capabilities provided by the present invention,” including “switching, object routing, application and service management functions.” (‘158: Col 6). PTAB’s construction also disregards the fact that the ability of a POSvc application to “perform . . . robust, real-time transactions from a Web client is a significant aspect of the present invention.” (‘158: Col 7). Such functionality is better captured in the PO’s proposed construction. PTAB does not offer the broadest reasonable construction in light of the specification as would be read by a person of ordinary skill in the relevant art. Figs 4B, 5B, 5C, 5D, and 6A all illustrate a POSvc application being displayed on a Web page. Col. 9 of the specification, too, clearly states that “[a]pplication service 704 includes POSvc applications such as Bank POSvc described above, and illustrated in Fig. 6A,”

which corresponds to VAN service 704. Fig.5D shows the POSvc application displayed on a Web page including the object identity with information entries and attributes (“NAME,” “PASSWORD”) displayed on the Web page. ‘158: Col 7 also details information entries as user **100**, checking account #, savings account #, \$500 for attributes, name of user, checking and savings accounts, amount transferred, in checking account object identity, which is an individual networked object that uniquely identifies a specific instantiation of the object. (‘158: Col 8)

(3) In FWD p.9, PTAB construed “Web application” as “a computer program to perform a certain type of work using the Web,” not in accord with any intrinsic or extrinsic record. Illustrative are these excerpts from the ‘158: Col 7:

“Thus, unlike his prior access to his account, **user 100** now has the capability to do more than browse his bank account. The ability to perform these types of robust, real-time transactions from a Web client is a significant aspect of the present invention... the transactions are not merely two-way, between the user and Bank, but three-way, amongst the consumer, Bank and Car dealership. According to one aspect of the present invention, this three-way transaction can be expanded to n-way transactions, where n represents a predetermined number of merchants or other service providers who have agreed to cooperate to provide services to users. (‘158:Col 7)

“The present invention is independent of the Web browser being utilized and the user can use any Web browser, without modifications to the Web browser.”(‘158:Col 3)

“Web browsers are software interfaces that run on Web clients to allow access to Web servers via a simple user interface. A Web user's capabilities today from a

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