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UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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PATENT OWNER'S REQUEST FOR RE-HEARING

In

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

Petitioner

v.

Dr. Lakshmi Arunachalam

Patent Owner

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CASE CBM2014-00018

Patent 8,037,158

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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 FWD pp. 12-15; incorrect claim constructions pp. 10-12, not in accord with specification or prosecution history or inventor-coined terms; claims 4-6 as obvious over cited art pp. 19-40; claims 9-10 as unpatentable under 101 in pp. 12-19. PO incorporates by reference all papers submitted in this case previously, the file history of this patent and its parent patents in the priority chain, and the record

PTAB failed to construe claim terms in the context of the whole claim. PTAB overlooked key disclosures in specification, prosecution history and prosecution history estoppel, in its incorrect claim construction of "POSvc application," an inventor-coined term, "VAN Switch," "object routing" and "Web application.". PTAB ignored that the inventor, as her own lexicographer, coined certain terms and set out certain definitions, "POSvc application," "VAN service,", "service network," "VAN switch" and provided clear, unmistakable prosecution disclaimer or disavowal.

Sirbu has not addressed fundamental issues relevant to this patent, namely that CORBA in 1995, (PTAB need look no further, but just read the CORBA specification of July 1995 that confirms that **CORBA simply did not have a**

Web interface in 1995, much less did CORBA have an interface to any application on a Web page or Web browser or Web server, <u>**CORBA did not have POSvc applications on a Web page or Web browser in 1995, same is true of SNMP.   CORBA was completely a back-office function**</u>. PTAB's reliance on Sirbu's discussion on <u>Web objects</u> failed to note that it <u>used CGI</u>, that was disclaimed by the inventor in specification. Sirbu failed to analyze SNMP in the context of the claims, that SNMP object is different from the "individual networked object with information entries and attributes" specific to a POSvc application that must be displayed on a Web page of the subject patent. Sirbu's arguments for non-obviousness <u>relied on features not embodied in the claims</u>, testimony did not conduct an element-by-element comparison of the claims to the prior art, apply claim construction, or review the prosecution history of the patents. Each of the cited art belongs in the categories of prior art already disclaimed by the inventor in columns 1, 2 and 5 of the patent by PO. PTAB failed to note that Sirbu' statements are irrelevant to the claimed inventions, while obfuscating the true issues that had to be addressed.

PO's Pioneering Invention: Exchange of Structured Data from Web Applications Displayed on a Web browser

'158 patent derives priority from 1995 provisional application S/N 60/006,634.   In 1995, applications were local to a Back-office, not connecting to the Web. The norm was one-way Web browsing, hyperlinking, HTML

forms, CGI ('158: cols 1, 2 and 5). Dr. Arunachalam ("DrA") solved a complex

technological problem meeting a universal need to draw Back-office

information systems and applications to the Web. Its ubiquitous use achieved

huge commercial success. Inventor, as her own lexicographer, set out certain

definitions and provided clear, unmistakable prosecution disclaimer or

disavowal. PTAB makes conclusory statements with no basis in fact or the law

in FWD pp. 14-15, 26-40: "…a method of performing a transaction by carrying

out certain non-technical steps… directed to a non-technical invention, i.e,

simply transferring funds using known technologies Claim 1 is not drawn to the

Web application or the network..." The inventions in the subject patent have

everything to do with POSvc applications and Web applications, or why would

the PO have coined the term "POSvc application," "VAN service," "object

routing," "service network," "VAN switch?" Judge Rich, an author of the

Patent Act of 1952, stated: "… a presumption of administrative correctness

attaches to the decision by the PTO to issue a patent." *Candela Laser v.*

Cynosure, 862 F.Supp. 632,639 (D. Mass. 1994). "…heightened deference to

fact finding of examiner, as stated in the prosecution history of the patent

application." Dickenson v. Zurko, 527 U.S. 150 (1999).

   . In **Mississippi Chem**, **v. Swift Agricultural Chem. Corp**., 717 F.2d 1374

(Fed. Cir. 1983) Federal Circuit… "red flag warning" for court to more

carefully consider whether patentee had a full and fair opportunity … if court adequately comprehended and applied the appropriate substantive standards. This equally well applies to the PTAB.

"**VAN SERVICE**" "**VAN Service**" is a "**POSvc Application displayed on a Web page, that provides a value-add to the network**," supported by specification: '158: col. 9, Figs.5C, 5B, 5D, 6A: "VAN service **704**" or "application service **704**" is disclosed as a point-of-service application (POSvc Application) displayed on a Web page. "POSvc Application" is the "value-add" to the network (eg. Web banking).

"**SERVICE NETWORK**" Consistent with above,

"**Service**" is "**VAN Service**," or "POSvc Application" displayed on a Web page. This is consistent '158: cols. 1and 2 , which discloses "application or service."

"**Service network**" is "**an OSI application layer network running on top of a facilities network and that provides value-added network (VAN) services**." "VAN Services" are "POSvc Applications displayed on a Web page, that provide value-add to the network," (eg, Web banking POSvc Application is an example of a value-add to the network.) A "**facilities network**" is "**an IP-based network with physical hardware components**

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