

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAS INSTITUTE, INC.,
Petitioner,

v.

COMPLEMENTSOFT, LLC,
Patent Owner.

Case IPR2013-00226
Patent 7,110,936 B2

Before KEVIN F. TURNER, JUSTIN T. ARBES, and JENNIFER S. BISK,
Administrative Patent Judges.

BISK, *Administrative Patent Judge.*

FINAL WRITTEN DECISION

35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. Background

Petitioner, SAS Institute, Inc., filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1-16 (“the challenged claims”) of U.S. Patent 7,110,936 B2 (Exhibit 1001, “the ’936 patent”). 35 U.S.C. §§ 311-319. Patent Owner, ComplementSoft, LLC, filed a Preliminary Response. Paper 8. On August 12, 2013, we instituted trial (Paper 9, “Dec.”), concluding that Petitioner had shown a reasonable likelihood of showing that claims 1 and 3-10 were unpatentable based on the following grounds:

References ¹	Claims Challenged
Coad, Oracle Primer, and Oracle8 Primer	1
Antis and Coad	1, 3, 5, 6, 8, and 10
Antis, Coad, and Burkwald	4
Antis, Coad, and Eick	7
Antis, Coad, and Building Applications	9

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

¹ U.S. Patent No. 5,572,650 (Ex. 1005) (“Antis”); U.S. Patent No. 6,851,107 (Ex. 1006) (“Coad”); U.S. Patent No. 6,356,285 (Ex. 1007) (“Burkwald”); U.S. Patent No. 5,937,064 (Ex. 1008) (“Eick”); Microsoft Corporation, BUILDING APPLICATIONS WITH MICROSOFT ACCESS 97 (1996) (Ex. 1011) (“Building Applications”); Rajshekhar Sunderraman, ORACLE PROGRAMMING: A PRIMER (1999) (Ex. 1012) (“Oracle Primer”); and Rajshekhar Sunderraman, ORACLE8 PROGRAMMING: A PRIMER (2000) (Ex. 1013) (“Oracle8 Primer”).

Petitioner has shown, by a preponderance of evidence, that claims 1, 3, and 5-10 are unpatentable. Petitioner has not met its burden to show that claim 4 is unpatentable.

Patent Owner's motion to amend claims is *denied*.

B. Related Proceedings

Patent Owner asserted the '936 patent against Petitioner in *ComplementSoft, LLC v. SAS Institute, Inc.*, No. 1:12-cv-07372 (N.D. Ill. Sept. 14, 2012). *See* Pet. 58; Paper 6 at 2. The related case is currently stayed pending this *inter partes* review. Transcript of Proceedings, *ComplementSoft*, No. 1:12-cv-07372, ECF No. 44 (granting stay), 54 (denying motion to lift stay).

C. The '936 Patent

The '936 patent describes a language independent software development tool having a graphical user interface, also referred to as an Integrated Development Environment or IDE. Ex. 1001, 1:15-19. In particular, the patent describes an IDE for exchanging, editing, debugging, visualizing, and developing software code for “data manipulation centric languages.” *Id.* at 1:64-2:3.

The Summary of the Invention describes the IDE as including, among other features, a visualizer that generates a graphical representation of the program flow, data flow, or logic of the code. *Id.* at 2:34-49. In other words, the visualizer allows for displaying code in ways other than a typical text editor. A detailed description of a preferred embodiment uses a series of drawings, and corresponding text, to describe an exemplary IDE with a visualizer that can display source code using several different graphical formats. *Id.* at 3:24-26. For instance, Figure 9, reproduced below, depicts

“a program flow for a selected file, along with arrows that indicate the flow of data within the program flow.” *Id.* at 3:49-51.

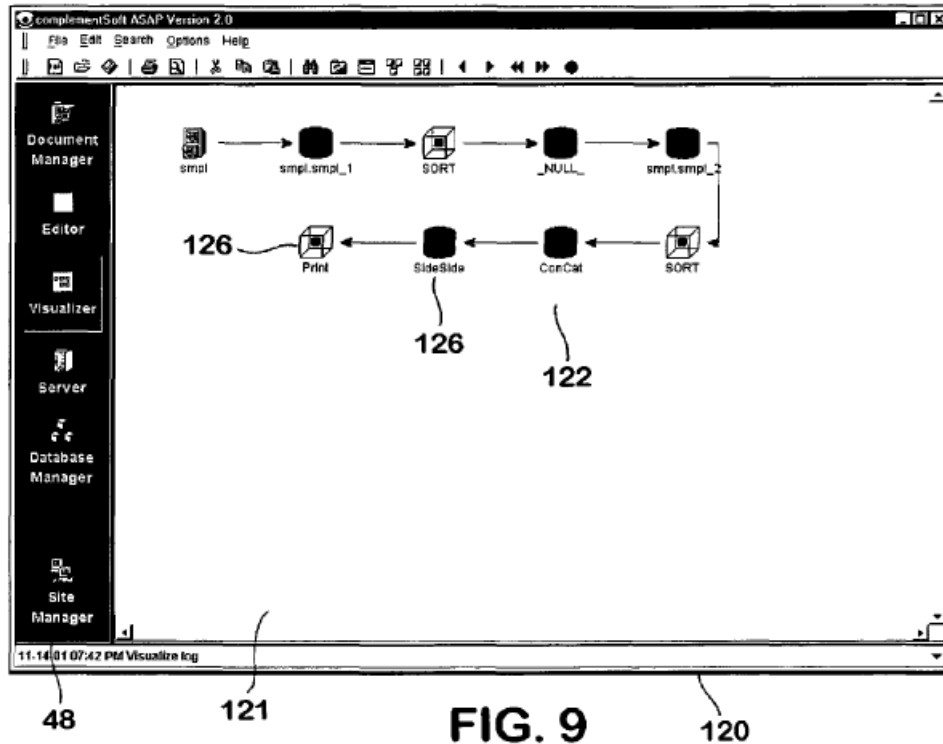


Figure 9, above, shows visualizer 120 displaying source code. *Id.* Each program and data block of a code section is represented by an icon, program flow icon 126. *Id.* at 8:8-14. Program flow icons 126 are displayed in the order that they occur in the source code (*id.* at 15:56-59) and are connected by arrows that illustrate the flow of data (*id.* at 8:8-14).

Visualizer 120 also is shown in Figure 17, reproduced below, showing “a data flow” for the selected program. *Id.* at 4:12-13.

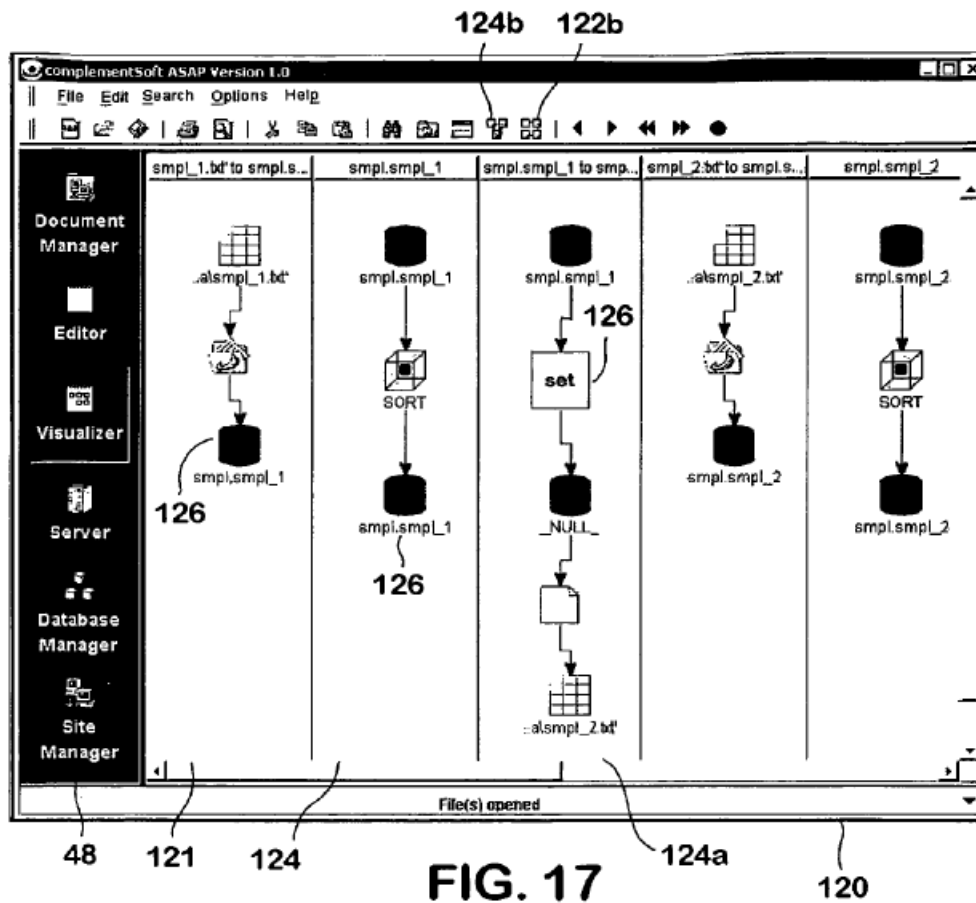


FIG. 17

Figure 17, above, shows visualizer 120 displaying individual processes and data blocks, represented by program flow icons 126, in separate columns. *Id.* at 16:6-12. The arrows that connect program flow icons 126 indicate the direction of the data flow. *Id.*

D. Illustrative Claim

Claim 1, reproduced below, is the '936 patent's only independent claim:

1. An integrated development environment, comprising:
 - a document manager for retrieving source code programmed using one of a plurality of types of data manipulation languages;
 - an editor for displaying the retrieved source code and providing a means for a user to edit the retrieved source code;

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