

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNCRO SOFT SRL
Petitioner,

v.

ALTOVA GMBH
Patent Owner.

Case IPR2018-00660
Patent 9,501,456 B2

Before KALYAN K. DESHPANDE, DANIEL J. GALLIGAN and
JULIA HEANEY, *Administrative Patent Judges*.

HEANEY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes Review*
35 U.S.C. § 314(a)

I. INTRODUCTION

Syncro Soft SRL (“Petitioner”) filed a Petition (“Pet.”) to institute an *inter partes* review of claims 1–12 of U.S. Patent No. 9,501,456 (“the ’456 patent,” Ex. 1001). Paper 1. Altova GmbH (“Patent Owner”) waived its Preliminary Response. Paper 6.

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon consideration of the Petition and the evidence of record, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing the unpatentability of at least one claim challenged in the Petition. Accordingly, we institute an *inter partes* review of all claims and all grounds asserted in the Petition.¹

A. *Related Proceedings*

The parties identify a patent infringement action brought by Plaintiffs Altova GmbH and Altova Inc. (collectively “Altova”) against Defendant Syncro Soft SRL on August 31, 2017 as a related matter. *See Altova GmbH et al. v. Syncro Soft SRL*, No. 1:17-cv-11642-PBS (D. Mass); Ex. 1002 (complaint); Pet. 1.

B. *The ’456 Patent*

The ’456 patent, titled “Automatic Fix for Extensible Markup Language Errors,” is directed to a method for automatically fixing extensible

¹ *Guidance on the Impact of SAS on AIA Trial Proceedings*” (Apr. 26, 2018), <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>; *see also SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

markup language (XML) errors. Ex. 1001, Title. The method comprises detecting and displaying information such as the location, analysis, underlying causes, and possible remedies of XML errors. *Id.* at 1:31–43. According to the Specification, most XML editors report on two types of errors: well-formedness errors and validation errors. *Id.* at 1:9–11. A well-formed XML document is a document that conforms to the XML syntax rules, such as tagging and nesting of all XML elements. *Id.* at 4:21–30. A valid XML document is a well-formed XML document that also conforms to the rules of a schema that defines the legal elements and document structure of an XML document. *Id.* at 4:31–40. “Typically, a line with a well-formedness/validation error or warning is marked in an editor panel by underlining an error region with a color. However, it is up to the developer to decipher the errors and correct the errors, wasting precious development time.” *Id.* at 4:41–45.

The ’456 patent describes an XML editor including a “smart fix process” that “reduces the time spent troubleshooting and testing considerably” by reporting comprehensive information about errors and presenting options for fixing them, which developers can apply automatically with a single click. *Id.* at 4:46–56, 6:47–53. Information about the errors may include a link to an error in the working XML file, a link to the corresponding definition(s) in an associated schema file, and links to relevant information in an applicable W3C² specification. *Id.* at 6:38–42, 6:53–57. Possible corrections for fixing each error are enumerated in a “smart fix pane” so that a user can select which fix is implemented, and the smart fix process makes the selected change automatically. *Id.* at 6:63–7:5.

² W3C is an abbreviation for the World Wide Web Consortium. *Id.* at 5:2–3.

C. Challenged Claims

Petitioner challenges claims 1–12 of the '456 patent. Claim 1, the only independent claim, is illustrative of the challenged claims, and is reproduced below:

1. A method comprising:

in a computing system having at least a processor, a memory and a display unit, detecting a location causing an error in a markup language document;

displaying the location and the error in the markup language document on the display unit;

analyzing the error in the markup language document and underlying causes of the error in the markup language document;

computing a set of possible actions to remedy the error in the markup language document;

displaying information about the error in the markup language document and its underlying causes on the display unit;

displaying the set of possible actions to remedy the error in the markup language document on the display unit;

receiving a user input selecting one of the possible actions to remedy the error in the markup language document; and

replacing the location causing the error in the markup language document with the selected one of the possible actions to remedy the error in the markup language document,

wherein the information about the error in the markup language document and its underlying causes comprises:

a link to the error in the working XML file;

a link to the corresponding definition(s) in an associated schema file;

and

links to relevant information in an applicable W3C specification.

Ex. 1001, 7:13–42.

D. *The Prior Art*

Petitioner relies on the following prior art references:

Reference	Description	Date	Exhibit No.
XMLSpy2011	Altova GmbH, <i>Altova XMLSpy 2011 User Manual and Programmers' Reference</i>	2011	1004
Maivald	James J. Maivald et al., <i>A Designer's Guide to Adobe InDesign and XML: Harness the Power of XML to Automate your Print and Web Workflows</i>	2008	1008
Hoskins	Dorothy J. Hoskins, <i>XML Publishing with Adobe InDesign</i>	Oct. 1, 2010	1009
Lin	U.S. Patent No. 7,657,832 to Lin	Feb. 2, 2010	1010
Adobe	Adobe Systems Inc., <i>Adobe InDesign CS3: User Guide</i>	2007	1011
Cucerzan	U.S. Patent Pub No. 2005/0210383 to Cucerzan et al.	Sept. 22, 2005	1013

E. *The Asserted Grounds of Unpatentability*

Petitioner challenges the patentability of claims 1–12 on the following grounds:

Ground	References	Basis	Challenged Claims
1(A)	XMLSpy2011 and Maivald	§ 103	1, 2, 5, 8
1(B)	XMLSpy2011, Maivald, and Hoskins	§ 103	3, 6, 7

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