

VASUDEVAN SOFTWARE, INC. v. MICROSTRATEGY, INC., Appeal No. 2014-1094.
(Fed. Cir. April 3, 2015). Before Linn, Chen and Hughes. Appealed from N.D. Cal.
(Judge Seeborg).

Background:

Vasudevan ("VSi") sued MicroStrategy and TIBCO Software, alleging infringement of various patents directed to an online analytical processing cube capable of collecting and processing data from multiple incompatible databases. The district court interpreted the claim terms "disparate... databases" and "incompatible databases of different types" based on statements made during prosecution. Based on that interpretation, the parties stipulated to non-infringement. The district court also granted a motion of summary judgment of invalidity finding that the specification lacked written description support of, and failed to enable, the "disparate databases" limitation. VSi appealed.

Issues/Holdings:

1) Did the district court err in its claim interpretation? No, affirmed. 2) Did the district court err in finding invalidity due to lack of written description and non-enablement? Yes, reversed and remanded.

Discussion:

The Federal Circuit found that while "disparate databases" may be considered "incompatible databases" under a plain and ordinary meaning, the question of how different or disparate the databases must be remains open. VSi's expert also conceded that the meaning of "disparate databases" depends on the context. The Federal Circuit agreed with the district court that VSi's statements in the prosecution history defined the terms and indicated the definition was used to distinguish the prior art.

The Federal Circuit found that, drawing all reasonable inferences in favor of VSi as the non-movant, there are genuine issues of material fact regarding whether the specification shows possession of the claimed "disparate databases." The specification describes dynamically accessing a plurality of incompatible source databases. Contrary to the district court, the Federal Circuit found VSi's expert to have at least raised a genuine issue of material fact as to whether the specification shows how to achieve the functionality of accessing disparate databases. The expert testimony points to specific portions of the specification that are alleged to show how to access disparate databases, was not challenged by contrary expert testimony, and thus raises a genuine issue of material fact.