

gkraft Brief on ePlus VS SciQuest Patent

(After 81 hrs of research):



Review of the Patents 583,516, and 172 define a Integrated Sales Order Purchase Order invention based on the IBM CICS Platform using OS/2.

My initial review of these Patents shows a high probability that over 66% of the code is IBM intellectual property. Develop the Catalog Control System on other platforms such as Tandem, Condor, SQL and the code would be a smaller, less complicated, and "little or none" Data Exchange or DDE since the application data would be significantly different than the invention Patent under question. Yet still from the application viewpoint (Process) possibly infringe on the Patents. The real issue is the actual design basis, and the previous experience of the original application development team.

The issue is to prove via experienced forensics (Gordon Kraft Expert Witness) the true derivative path that this Patent is really based on. And even more importantly, the design when removed from the confusion of the IBM intellectual property will show the simplicity of the remaining Application design with significant needed Shell Scripts the Data Exchange or DDE effort to pass the non integrated core applications such as the **Fisher RIMS** software forward into non-homogenous systems.

And that results in "When you **SELL** something, you need to make an **ORDER** and then **SHIP** the item, **BILL** for the item, and then you would need to refill the **INVENTORY** item. This design is the BASIS of Computer based Accounting... and if the Platform of CICS and OS/2 is not present, then the uniqueness of the Patent is a generic **Data Processing Integrated Management Information System**. And is therefore a invalid Patent.

Also, if you cannot show duplication of the process methodology, you can't show infringement. The actual code data flow cannot be patented because there are far too many similar applications... The ability to develop in less than a month a system that uses this process, demonstrates the evolution of DP into MIS and B2B on the Internet is not complicated. Look at the very old website www.cnet.com which has existed prior to this Patent. Their B2B Catalog Comparison of Best Price by Retail Store is an example of the application evolution overrunning the Patent.

This is all this system does, DDE the data between different software systems, resulting in a transaction... Book, Ship, Collect, Reorder

The IBM code portion is outdated, OS/2 is gone, CICS has been completely rewritten and now lives in a Java Eclipse world that is Internet centric.

Gordon H Kraft has had an extensive career experience in the bleeding edge of technology created within the boundaries of Silicon Valley and similar locations including Rt.128.

WESTERN ELECTRIC & FAIRCHILD SEMICONDUCTOR & CAELUS

I have enjoyed the rapid career growth in my early years, from a Computer Operator of an IBM 1410 System with 10 Tape Drives, and a 1403 Line Printer to feed, to becoming the Lead Computer Operator at Fairchild Semiconductor, to being sent to ALL IBM courses in the SF IBM building, and eventually becoming the IBM DOS SYSTEM PROGRAMMER of the Mainframes in the Fairchild Computer Center. Then going to work for Rene Vishney former coworker at Fairchild Semiconductor, as the Caelus Memories Data Center Manager and IBM System Programmer. Caelus Memories was developing a IBM BOMP Data Base Integrated Manufacturing System... And Kraft did the technical review of Cincom's new Total Data Base with Jack Gishelli Gordon's former boss at Fairchild as the expert from Total. I also developed the Caelus Memories Disk Drive Diags for Manufacturing Test and Burn-in for the Caelus Disk Packs.

ARTHUR YOUNG & COMPANY

Arthur Young & Company SF, as a Contract IBM System Programmer, I was responsible for the Computing resources used in the development of CHAS County Hospital Accounting System based on the IBM SHAS Shared Hospital Accounting System. Custom Integrated Hospital System by AY.

MICROFORM DATA SYSTEMS

Microform Data Systems, Mt. View, Ca., as a Contract IBM System Programmer, I was responsible for the IBM S/360 and various custom applications. Hired as the Manager of Software Development, Telco, Banking, Public Utility, Government Divisions. Managed 50 (Microdata Mini Computer, IBM S/360, Intel 4040-8080) software Developers.

Designed DAS/CM "Advanced Pagenation" increasing amount of Ultrastrips and reducing Average Wait Time by over 2 seconds which extended the lifecycle of the

MDS Telco productline by 5 additional years...

Designed the PBOS Paperless Office System for Telco Business Office's.

Designed the CARMS Computer Assisted Records Management System to provide the ease of the Tandem Natural Language Query from the Tandem Data Base in a Non-Stop architecture connected to hundreds of MDS Ultrastrip Readers. A MDS Ultrastrip Reader and a MDS CRT in a dual position workstation layout. With the MDS Reader containing the Massive Document Library, the Tandem containing the INDEXes and Digital Information of the Component, and a MDS CRT to display the ADDENDUM or changes of the Massive Document Library contained on Ultrastrips. A "FRAME" referenced INDEX retrieval system. The CARMS system was designed to store and retrieve static and dynamic information.

ARTELONICS (SHELL OIL) OFFICE AUTOMATION 8086 WORKSTATIONS

The Artelonics 8086 Office Automation Workstation was designed to be used in Office Automation and Paperless Offices. The workstation was developed by Bill O'Dell and Dick Haney with a Pascal OS and Pascal Compiler by Bob Stillman (Award Software) and was a Industry state of the art PC before there was a IBM PC...

With my extensive Mini and Micro Computer experience, I was asked to select the alternative software, I chose CP/M86, MSDOS was still in its infancy, and the applications that would run on the Artelonics Workstation using CP/M86. This is how I became involved with Condor Computer rDBMS, SuperCalc, and Select and WordStar WP.

The Artelonics workstation was aimed at Office Automation, but when Exxon dropped out of the OA market, so did Shell Oil. Artelonics was erased.

GKE SOFTWARE

GKE Gordon Kraft Enterprises was my first software publishing company. I began operation selling the Condor rDBMS out of my car trunk, and sold the DOS Condor Data Base to all kinds of people, from a famous SF Cook Book author to OnLine Insurance, to Catalog Sales, to Accounting and Manufacturing Applications.

Knowledgeman

Pearl

Select WP

WordStar WP

SuperCalc

TDS

CIS COBOL

I was selling so much Condor that they asked me to "Publish Condor" for everything west of the Mississippi. I did so, and closed BusinessLand and soon was doing consulting for BusinessLand customers wanting a Condor VAR to turnkey their custom application. Jim Morgan was a contractor often used. I have located Jim Morgan and am in contact at this time, I need to go to Northern California asap to discuss having Jim do the ePlus application in DOS Condor in less than a month as a method to prove that in the early PC era, Data Base software products were aimed at the ePlus Application under patent as evolutionary proof that the ePlus App had SIGNIFICANT Prior Art.

Every Data Base product from Condor to Oracle including MY/SQL... exist to be used to develop apps like the ePlus App and are therefore Prior Art.

The original ePlus software developers:

1. James M. Johnson
2. Robert P. Kinross
3. Francis J. Kelly
4. Douglas A. Momyer

Certainly did not INVENT this application in a fox hole (clean room) and their previous experience had everything to do with them getting to work on this project (invention).

The timeframe of 1994 forward was well after the Data Base software companies, Sybase, Informix, Condor, dBase, Codebase, Pearl, SQL, Oracle, etc. were well formed, and in fact advertising the ePlus App all the time.

Therefore if the original developers of the Software Patent were reading any PC or Computer mag, they would be buried alive with advertising of same.

TRANSPARENT DATA SYSTEMS

I was not an employee of Transparent Data Systems, but rather a good friend of Skip Barkis. Skip owned a struggling software company, develop, retail store, contract, small company close to GKE.

I, using Skips Whiteboard, drew the concept that I had for him to do a product that was badly needed in the PCDOS industry. A program that could read, translate, and reformat into ALL other PC computer programs. This how Transparent Data got its name. Me.

Later when I was selling more Condor than Condor HQ, I introduced Skip Barkis to Phil Ingebo the CEO of Condor and Phil offered to acquire Transparent Data Systems, since Transparent could act as a DDE between most popular PC and Mainframe apps.

And you could Plot or Graph multiple data sources, like a graph of Condor "Purchase Requisitions" Data Base Selections, SuperCalc or VisaCalc, and dBase II/III in one "Integrated Chart" using multiple incompatible data sources.

Skip Barkis several years later was my VP Engineering when I owned DiagSoft, Inc.

HANDLE TECHNOLOGIES, INC.

Handle Technologies was a UNIX SYSTEM V Office Automation Software Company with R&D in Tahoe City, Ca. (Lake Tahoe)

David Wertzberger was the VP Sales and Marketing, and David was my DEC Account Rep for Microform Data.

I joined Handle Tech in Lake Tahoe as the new VP Product Management.

The Handle Office Automation Integrated Suite was similar to the Microsoft Office Suite for PC's. Handle OA was for UNIX System V.

The key issue with the Handle OA productline was the Data Base group was a failed effort, so alternative Data Base options were reviewed by me.

The evolution of DP Applications from 1968 to present.

The work done during a ten year period ending 1982 on Massive Data Base Applications, such as Microforms CARMS and PBOS and SYSTEMS/C were based on Microdata Reality and Tandem Non Stop computers.

Both of these computer systems were Data Base machines, built to support multiple users in Integrated Applications.

The derivative work evolution in almost all Computer Applications from many years back to our present is clear and obvious when sufficient forensic research has been done to prove the point of the parentage of the invention.

I have found many documents in PDF format pertaining to the works above.

TandemJournal is one such publication that contains articles pertinent to the above.

The basis of Applications considered by Microform were those that had massive files on paper, the ability to enter a digital INDEX for each document, along with any information pertaining to the retrieval of these documents.

Remaining Effort:

I need to go to Cal. to meet with:

Eric Kraft - CARMS
Jim Morgan - Condor Apps
Rene Vishney - Fairchild, Caelus, Award
Ralph Manefredo - Microform Data

I need to go to Ohio to meet with:

Don Harris - GKE, DiagSoft

Continue research effort on CARMS, Analysis of ePlus and SciQuest applications.

Hours to date: 86 (including this Brief)

Trip expenses to DC: **Date:** July 19, 2009 1:38:43 PM EDT

To: Gordon Kraft <gkraft@bigkahuna.net>

Subject: Wash. DC

7/15 - Dinner - 15.00

7/15 - Taxi Regan Hotel - 15.00

7/16 - Taxi Hotel Regan - 15.00

7/19 - Lunch Regan Airport - 20.00

7/19 - Ft Meyers Park - 36.00

7/19 - W Hotel - 478.26

Total (USD) = 579.26

Sent from my iPhone