

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MASTERMINE SOFTWARE, INC.,

Court File No. 0:13-CV-00971-PJS-TNL

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

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**ORDER ENTERING FINAL JUDGMENT**

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Pursuant to the Stipulation and Joint Motion for Entry of Final Judgment (“Stipulation”), the Court hereby orders as follows:

1. This is a patent infringement action brought by Plaintiff MasterMine Software, Inc. (“MasterMine”) against Defendant Microsoft Corporation (“Microsoft”). Microsoft has asserted defenses of non-infringement and invalidity.

2. This court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

3. The patents-in-suit are U.S. Patent No. 7,945,850 (the “850 patent”) and U.S. Patent No. 8,429,518 (the “518 patent”) (collectively “Asserted Patents”).

MasterMine alleges that it is the owner by assignment of all right, title and interest in the Asserted Patents with all substantive rights in and to the Asserted Patents.

4. MasterMine has alleged that Microsoft infringes one or more claims of the Asserted Patents by performing, using, selling, and/or offering to sell Microsoft Dynamics CRM for use with Microsoft Excel, and that Microsoft has induced or contributed to the infringement of one or more claims of the Asserted Patents by others through the use of the Dynamic PivotTable feature of Microsoft Dynamics CRM. In particular, MasterMine alleges that Microsoft has directly or indirectly infringed claims 1, 8, 10 and 12 of the '850 patent and claims 1, 2 and 3 of the '518 patent.

5. In an Order dated May 6, 2016 (Dkt. No. 211) ("Claim Construction Order"), this Court construed numerous disputed terms found in all claims of the '850 and '518 patents and also held claims 8 and 10 of the '850 patent and claims 1, 2, and 3 of the '518 patent invalid for indefiniteness under 35 U.S.C. section 112, paragraph 2.

6. All of the asserted claims require that a reporting module in the CRM software invoke a spreadsheet application to "automatically generate a pivot table within the electronic worksheet." In the Claim Construction Order, this Court construed the phrase "pivot table" in the '850 and '518 patents as "an interactive set of data displayed in rows and columns that can be rotated and filtered to summarize or view the data in different ways." Also this Court construed "automatically generate a pivot table" as "to create a pivot table within an electronic worksheet without any user interaction with the spreadsheet application."

7. In the Stipulation, MasterMine and Microsoft have stipulated and agreed that under the Court's Claim Construction Order MasterMine cannot prove infringement of the Asserted Patents for at least the following reason: the accused Microsoft software

does not automatically generate pivot tables within electronic worksheets because it does not generate an interactive set of data displayed in rows and columns that can be rotated and filtered to view the data in different ways without any user interaction with the spreadsheet application. MasterMine therefore cannot sustain its burden of proof to establish infringement of the '850 or '518 patents against Microsoft under the Court's construction of the phrases "pivot table" and "automatically generate a pivot table within the electronic worksheet."

8. For the reasons set forth above, Microsoft is awarded a judgment of noninfringement in its favor and against MasterMine on each of MasterMine's claims that Microsoft has infringed the '850 and '518 patents.

9. For the reasons set forth above, Microsoft is awarded a judgment of indefiniteness in its favor and against MasterMine with respect to claims 8 and 10 of the '850 patent and claims 1, 2, and 3 of the '518 patent.

10. Microsoft's defenses against MasterMine are hereby dismissed without prejudice as moot. For the avoidance of doubt, such dismissal is without prejudice to Microsoft's right to reassert such defenses if MasterMine's infringement claims with respect to the Asserted Patents are revived for any reason including but not limited to modification of the Court's claim constructions on appeal.

11. The deadline for filing any fee motion or other papers seeking recovery of attorney's fees shall be set by the Court, upon application by the parties, after a final decision by the appellate court that is not subject to further appeal.

Dated: July 11, 2016

s/Patrick J. Schiltz

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Patrick J. Schiltz

United States District Judge