

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC. and
SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

SMARTFLASH LLC,
Patent Owner

Case CBM2014-00190
Patent 7,334,720

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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II. The Board acted within its authority when it instituted trial on the ground that claims 13 and 14 are directed to patent-ineligible subject matter (POR § VII)	1
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A. The Challenged Claims fail to recite an “inventive concept” sufficient to transform the claimed abstract idea into patent-eligible subject matter (POR §§ V.A-B).....	11
a. The POR describes the claims as rooted in computer technology, yet the claimed computer elements are entirely generic (POR § V.B).....	12
b. The POR emphasizes functions performed by the claimed computer elements yet, whether viewed individually or as an ordered combination, these functions are nothing more than purely conventional (POR § V.B)	14
c. The POR describes the claims as providing technological solutions to technological problems, yet the claims do nothing more than apply	

generic computer technology toward the solution of a business problem
(POR § V.B)16

B. Preemption of the claimed abstract idea by the Challenged Claims is
conclusively established through application of the Supreme Court’s two-
step analysis, regardless of non-infringing alternatives (POR § V.C)21

EXHIBIT LIST

- SAMSUNG-1001 U.S. Patent No. 7,334,720 to Hulst et al. (“the ‘720 Patent”)
- SAMSUNG-1002 Excerpts from the Prosecution History of the ‘720 Patent (“the Prosecution History”)
- SAMSUNG-1003 Declaration of Dr. Jeffrey Bloom re the ‘720 Patent (“Bloom”)
- SAMSUNG-1004 U.S. Patent No. 5,530,235 (“Stefik ‘235”)
- SAMSUNG-1005 U.S. Patent No. 5,629,980 (“Stefik ‘980”)
- SAMSUNG-1006 PCT Publication No. WO 00/08909 (“Gruse”)
- SAMSUNG-1007 PCT Application PCT/GB00/04110 (“the ‘110 Appln.” or “‘110”)
- SAMSUNG-1008 United Kingdom Patent Application GB9925227.2 (“the ‘227.2 Appln.” or “‘227.2”)
- SAMSUNG-1009 Transitional Program for Covered Business Method Patents—Definitions of Covered Business Method Patent and Technological Invention, 77 Fed. Reg. 157 (Aug. 14, 2012)
- SAMSUNG-1010 A Guide to the Legislative History of the America Invents Act; Part II of II, 21 Fed. Cir. Bar J. No. 4
- SAMSUNG-1011 Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *Bilski v. Kappos* (Jul. 27, 2010)
- SAMSUNG-1012 *Apple Inc. v. Sightsound Technologies, LLC*, CBM2013-00019 Paper No. 17 (entered Oct. 8, 2013) at 11-13
- SAMSUNG-1013 *Volusion, Inc. v. Versata Software, Inc. and Versata Development Group, Inc.*, CBM2013-00017 Paper No. 8 (entered Oct. 24, 2013)

SAMSUNG-1014 *Salesforce.com, Inc. v. VirtualAgility, Inc.*, CBM2013-00024
Paper No. 16 (entered Nov. 19, 2013)

SAMSUNG-1015 RESERVED

SAMSUNG-1016 RESERVED

SAMSUNG-1017 RESERVED

SAMSUNG-1018 RESERVED

SAMSUNG-1019 RESERVED

SAMSUNG-1020 RESERVED

SAMSUNG-1021 RESERVED

SAMSUNG-1022 RESERVED

SAMSUNG-1023 RESERVED

SAMSUNG-1024 RESERVED

SAMSUNG-1025 RESERVED

SAMSUNG-1026 RESERVED

SAMSUNG-1027 RESERVED

SAMSUNG-1028 Weinstein “MasterCard Plans Point-of-Sale Product for
Merchants Leery of Bank Cards”

SAMSUNG-1029 *Mayo Collaborative Serv v. Prometheus Labs., Inc.*, 132 S. Ct.
1289 (2012)

SAMSUNG-1030 *Gottschalk v. Benson*, 409 U.S. 63 (1972)

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