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 CBM2014-00192
Patent 8,033,458

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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IV. Testimony from Dr. Bloom deserves full credit (POR §§ III, V.D) 3

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B. The POR's allegation of bias by Dr. Bloom is unfounded and purely speculative (POR § III) 6

C. Dr. Bloom cites relevant evidence that corroborates his expert opinions (POR § V.D) 8

V. Claim 11 is directed to patent-ineligible subject matter (POR §§ V.A-C) 9

A. Claim 11 fails to incorporate or 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 a function performed by the claimed computer elements yet, whether viewed individually or as an ordered combination with other claimed functions, it is 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

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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) 20

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EXHIBIT LIST

SAMSUNG-1001	U.S. Patent No. 8,033,458 to Hulst et al. ("the '458 Patent" or "'458")
SAMSUNG-1002	Excerpts from the Prosecution History of the '458 Patent ("the Prosecution History")
SAMSUNG-1003	Declaration of Dr. Jeffrey Bloom re the '458 Patent ("Bloom")
SAMSUNG-1004	U.S. Patent No. 5,530,235 ("Stefik '235" or "Stefik")
SAMSUNG-1005	U.S. Patent No. 5,629,980 ("Stefik '980") (incorporated by 5,530,235)
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 Pa-tents—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 Devel-opment Group, Inc., CBM2013-00017 Paper No. 8 (entered Oct. 24, 2013)

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SAMSUNG-1014	Salesforce.com, Inc. v. VirtualAgility, Inc., CBM2013-00024 Paper No. 16 (entered Nov. 19, 2013)
SAMSUNG-1015	U.S. Patent No. 8,336,772 ("the '772 Patent" or "'772")
SAMSUNG-1016	U.S. Patent No. 8,118,221 ("the '458 Patent" or "'458)
SAMSUNG-1017	U.S. Patent No. 8,061,598 ("the '598 Patent" or "'598")
SAMSUNG-1018	RESERVED
SAMSUNG-1019	U.S. Patent No. 7,942,317 ("the '317 Patent" or "'317")
SAMSUNG-1020	U.S. Patent Application No. 12/014,558 ("the '558 Appln." or "'558")
SAMSUNG-1021	U.S. Patent No. 7,334,720 ("the '720 Patent" or "'720")
SAMSUNG-1022	RESERVED
SAMSUNG-1023	RESERVED
SAMSUNG-1024	U.S. Patent Application No. 12/943,847 ("the '847 Appln." or "'847")
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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