

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 CBM2014-00193
Patent 8,061,598

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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A. Claim 7 fails to recite an “inventive concept” sufficient to transform the claimed abstract idea into patent-eligible subject matter (POR §§ V.A-B).....	11
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B. Preemption of the claimed abstract idea by claim 7 is conclusively established through application of the Supreme Court’s two-step analysis, regardless of non-infringing alternatives (POR § V.C).....19

EXHIBIT LIST

- SAMSUNG 1001 U.S. Patent No. 8,061,598 (“the ‘598 Patent” or “‘598”)
- SAMSUNG 1002 File history of U.S. Patent No. 8,061,598
- SAMSUNG 1003 Declaration of Dr. Jeffrey Bloom (“Bloom”)
- SAMSUNG 1004 U.S. Patent No. 5,530,235 (incorporating 5,629,980) (“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”), which is the application as filed for U.S. Patent Application No. 11/336,758 (“the ‘758 Appln.” or “‘758”) and U.S. Patent Application No. 10/111,716 (“the ‘716 Appln.” or “‘716”)
- 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 (August 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* (July 27, 2010)
- SAMSUNG 1012 *Apple Inc. v. Sightsound Technologies, LLC*, CBM2013-00019 Paper No. 17 (entered October 8, 2013) at 11-13
- SAMSUNG 1013 *Volusion, Inc. v. Versata Software, Inc. and Versata Development Group, Inc.*, CBM2013-00017 Paper No. 8 (entered October 24, 2013)

- SAMSUNG 1014 Salesforce.com, Inc. v. VirtualAgility, Inc., CBM2013-00024
Paper No. 16 (entered November 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 ‘221 Patent” or “‘221”)
- SAMSUNG 1017 RESERVED
- SAMSUNG 1018 U.S. Patent No. 8,033,458 (“the ‘458 Patent” or “‘458”)
- 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 RESERVED
- SAMSUNG 1025 U.S. Patent Application No. 13/012,541 (“the ‘541 Appln.” or
“‘541”)
- 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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