

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 CBM2014-00194
Patent 8,118,221

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I. Introduction.....	1
II. The Board acted within its authority when it instituted trial on the ground that claims 2, 11, and 32 are directed to patent-ineligible subject matter (POR § VII) ...	1
III. Despite suggestions to the contrary, in co-pending litigation, challenges on patent eligibility remain pending and unresolved (POR § VI).....	2
IV. Testimony from Dr. Bloom deserves full credit (POR §§ III, V.D).....	3
A. Dr. Bloom’s testimony is grounded in underlying facts and data, and worthy of weight, despite Patent Owner’s unsupported suggestion that his declaration must state the evidentiary standard used in formulating his opinions (POR § III).....	3
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. Independent claims 2, 11, and 32 are directed to patent-ineligible subject matter (POR §§ V.A-C)	9
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. 8,118,221 to Racz et al. (“the ‘221 Patent” or “‘221”)
- SAMSUNG-1002 Excerpts from the Prosecution History of the ‘221 Patent (“the Prosecution History”)
- SAMSUNG-1003 Declaration of Dr. Jeffrey Bloom re the ‘221 Patent (“Bloom”)
- SAMSUNG-1004 U.S. Patent No. 5,530,235 (“Stefik ‘235”)
- 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 No. 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 (August14, 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 RESERVED

SAMSUNG-1017 U.S. Patent No. 8,061,598 (“the ‘598 Patent” or “‘598”)

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 RESERVED

SAMSUNG-1021 U.S. Patent No. 7,334,720 (“the ‘720 Patent” or “‘720”)

SAMSUNG-1022 U.S. Patent Application No. 12/943,872 (“the ‘872 Appln.” or
“‘872”)

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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