

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 CBM2014-00199
Patent 8,118,221

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I. Introduction.....	1
II. Testimony from Dr. Bloom Deserves Full Credit (POR §§ II & III).....	1
A. Dr. Bloom’s testimony is grounded in underlying facts and data, and worthy of weight, despite PO’s unsupported suggestion that his declaration must state the evidentiary standard used in formulating his opinions (POR § II & III)	1
B. The POR’s allegation of bias of Dr. Bloom is unfounded and purely speculative (POR § III).....	3
III.Claim Construction (POR § IV)	6
A. Petitioner’s proposed construction of “payment data” comports with ordinary and customary meaning, as imparted by the specification of the ‘221 Patent.	6
IV. Claims 2 and 11 are anticipated by Ginter (POR § V).....	8
A. Ginter teaches claim 1, from which claims 2 and 11 depend.....	9
B. Ginter teaches claim 2: A data access terminal as claimed in claim 1, further comprising code to transmit at least a portion of the payment validation data to the data supplier or to a destination received from the data supplier.....	20
C. Ginter teaches claim 11	25

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 RESERVED
- SAMSUNG-1005 RESERVED
- SAMSUNG-1006 RESERVED
- 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 RESERVED

SAMSUNG-1016 RESERVED

SAMSUNG-1017 RESERVED

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

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 U.S. Patent No. 5,915,019

SAMSUNG-1024 Affidavit in Support of Petitioner's Motion for Pro Hac Vice
Admission of Ralph A. Phillips

SAMSUNG-1025 RESERVED

SAMSUNG-1026 RESERVED

SAMSUNG-1027 RESERVED

SAMSUNG-1028 RESERVED

SAMSUNG-1029 RESERVED

SAMSUNG-1030 RESERVED

SAMSUNG-1031 RESERVED

SAMSUNG-1032 RESERVED

SAMSUNG-1033 RESERVED

SAMSUNG-1034 RESERVED

SAMSUNG-1035 RESERVED

SAMSUNG-1036 RESERVED

SAMSUNG-1037 RESERVED

SAMSUNG-1038 RESERVED

SAMSUNG-1039 RESERVED

SAMSUNG-1040 RESERVED

SAMSUNG-1041 RESERVED

SAMSUNG-1042 RESERVED

SAMSUNG-1043 *Kennametal, Inc. v. Ingersoll Cutting Tool Co.*, 780 F.3d 1376, 1381 (Fed. Cir. 2015)

SAMSUNG-1044 RESERVED

SAMSUNG-1045 *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S. Ct. 2120 (2014)

SAMSUNG-1046 *Markman v. Westview Instruments, Inc.*, 517 U.S.370 (1996)

SAMSUNG-1047 *In re Am. Acad. Sci.*, 367 F.3d 1359, 1364 (Fed.Cir.2004)

SAMSUNG-1048 *Microstrategy, Inc. v. Zillow, Inc*, IPR2013-00034, Paper 42

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.