

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SONY MOBILE COMMUNICATIONS (USA) INC.,  
Petitioner,

v.

B.E. TECHNOLOGY, L.L.C.,  
Patent Owner.

---

Case IPR2014-00029  
Patent 6,771,290 B1

---

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and  
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, Petitioner has shown by a preponderance of the evidence that claims 2 and 3 of U.S. Patent No. 6,771,290 B1 (Ex. 1001, “the ’290 patent”) are unpatentable.

### A. Procedural History

Petitioner, Sony Mobile Communications (USA) Inc., filed a Petition for *inter partes* review of claims 2 and 3 of the '290 patent. Paper 2 (“Pet.”). Patent Owner, B.E. Technology, L.L.C., did not file a Preliminary Response. On April 9, 2014, pursuant to 35 U.S.C. § 314, we instituted an *inter partes* review for claims 2 and 3 of the '290 patent on the ground of anticipation by Kikinis<sup>1</sup> under 35 U.S.C. § 102(b). Paper 7.

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 21, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 24, “Reply”). On December 11, 2014, we held a consolidated hearing for five *inter partes* reviews involving the '290 patent.<sup>2</sup> A transcript of the oral hearing is included in the record. Paper 30 (“Tr.”).

### B. Related Proceedings

The parties indicate that the '290 patent is at issue in *B.E. Technology, L.L.C. v. Sony Mobile Communications (USA), Inc.*, No. 2:12-cv-02827 (W.D. Tenn.), and numerous other district court cases filed by Patent Owner against other defendants. Pet. 1–2; Paper 4, 1–2 (Patent Owner’s Mandatory Notices). As noted, the '290 patent is the subject of four other *inter partes* reviews: IPR2014-00031, IPR2014-00033, IPR2014-00040, and IPR2014-00044.

---

<sup>1</sup> PCT International Publication Number WO 97/09682, published Mar. 13, 1997 (Ex. 1008) (“Kikinis”).

<sup>2</sup> *Sony Mobile Commc’ns (USA) Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00029; *Google Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00031; *Google Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00033; *Microsoft Corp. v. B.E. Tech., L.L.C.*, Case IPR2014-00040; *Samsung Elecs. Am., Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00044.

### *C. The '290 Patent*

The '290 patent describes a system that provides remote storage of user-specific files and resources that can be accessed over a network, such as the Internet. Ex. 1001, 5:43–50, 12:45–50. The disclosed system includes client computers, each running a client software application that provides access via a network to an advertising and data management (ADM) server. *Id.* at 11:42–49. The server includes a user database that stores a user profile and a user library for each user. *Id.* at 12:45–13:12. The user profile is accessed by the client software application using a unique identifier for the user via a login. *Id.* at 12:52–56. The user profile may contain user-specific customized settings for the operating system used by the client computer. *Id.* at 12:56–58. Additionally, the user profile may contain “bookmarks, shortcuts, and other such links to files and information resources accessible via” the network. *Id.* at 12:67–13:3. The user library “enables the user to store files (documents, executable programs, email messages, audio clips, video clip, or other files) that can then be accessed from any client computer.” *Id.* at 13:4–7. By storing user profiles and user libraries on the server, users “can have world-wide access to their preferences, addresses, bookmarks, email, and files without having to physically transport them from one place to another.” *Id.* at 13:9–12.

The '290 patent further describes a user interface on a client computer, provided by a graphical user interface (GUI) module. *Id.* at 13:41–43. The user interface comprises an application window with selectable items such as icons. *Id.* at 13:43–53. As shown in Figure 5b, the application window may include “icons that represent various files and links to information resources.” *Id.* at 15:48–53.

Figure 5b of the '290 patent is reproduced below:

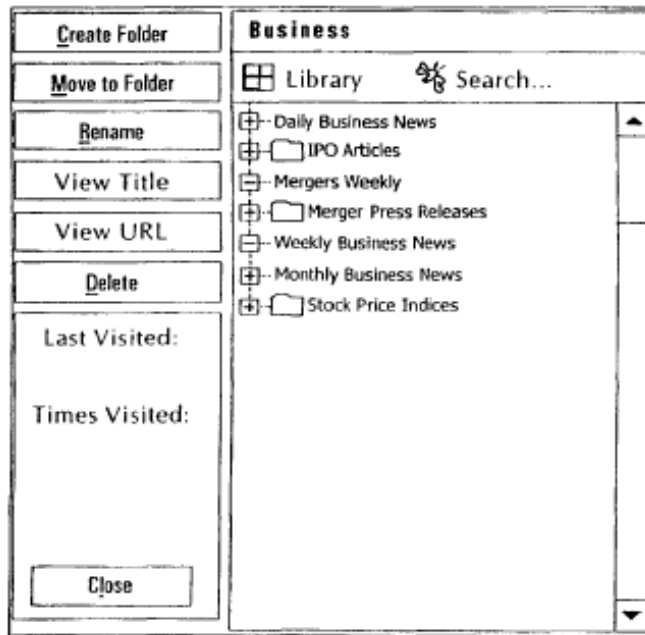


FIG. 5b

Figure 5b illustrates an application window with icons representing files and links to information resources.

The application window in Figure 5b includes a library icon, which, when selected, provides a display as shown in Figure 5c, reproduced below.

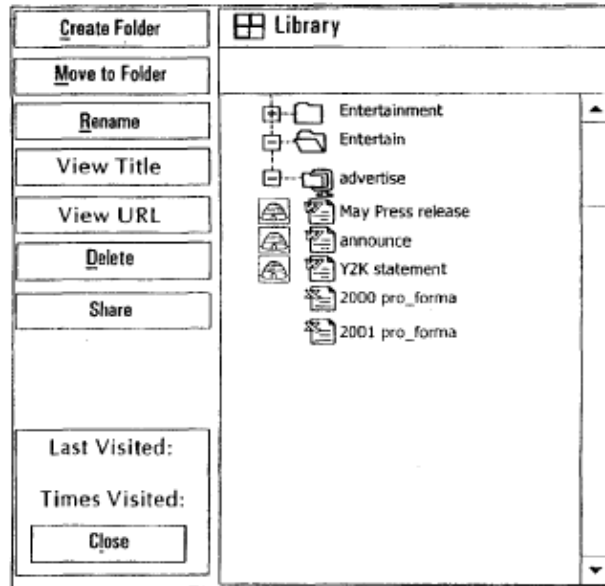


FIG. 5c

Figure 5c illustrates an application window displaying files in a user library.

The display in Figure 5c provides a list of all files contained in a user library. *Id.* at 15:55–56. From this window, “the user can access any of the files contained in his or her user library.” *Id.* at 15:56–57.

#### D. Claims

Petitioner challenges claims 2 and 3, which read:

2. A computer-readable memory for use by a client computer in conjunction with a server that is accessible by the client computer via a network, the server storing a user profile and user library for each of a number of different users, with the user library containing one or more files and the user profile containing at least one user link that provides a[] link to one of the files in the user library, the computer-readable memory comprising:

# 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.