

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

Patent No. 6,771,290

Issue Date: Aug. 3, 2004

Title: COMPUTER INTERFACE METHOD AND APPARATUS WITH
PORTABLE NETWORK ORGANIZATION SYSTEM AND TARGETED
ADVERTISING

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE TO
PETITION UNDER 37 C.F.R. § 42.23**

No. IPR2014-00029

List of Exhibits

| Ex. No. | Exhibit Name |
|----------------|--|
| Sony-1001 | U.S. Patent No. 6,771,290 (“the ’290 Patent”) |
| Sony-1002 | Public PAIR Transaction History for U.S. Pat. App. 09/744,033 |
| Sony-1003 | U.S. Patent App. 09/744,033, Notice of Allowability (Mar. 19, 2004) |
| Sony-1004 | U.S. Patent No. 6,141,010 (“the ’010 Patent”) |
| Sony-1005 | Comparison of ’290 Patent and ’010 Patent Specifications |
| Sony-1006 | Expert Declaration of Eric Burger |
| Sony-1007 | Curriculum Vitae of Eric Burger |
| Sony-1008 | International PCT App. Pub. WO 97/09682 to Kikinis (“Kikinis”) |
| Sony-1009 | U.S. Patent No. 6,049,831 to Gardell et al. (“Gardell”) |
| Sony-1010 | Excerpt from B.E. Technology, L.L.C.’s Initial Infringement Contentions to Sony Mobile Communications (USA) Inc. |

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I. Introduction

Patent Owner B.E. Technology, LLC (“BET”) attempts to distinguish claims 2 and 3 of U.S. Pat. No. 6,771,290 (the “’290 Patent”) over the prior art publication WO 97/09682 (“Kikinis”) on three bases: (1) that Kikinis does not disclose a client computer program that performs the functions recited in claim 2, *see* Patent Owner’s Response, No. 21 at 8-15 (July 9, 2014) (the “Response”); (2) that Kikinis only discloses “indirect access” to electronic documents and does not disclose “a ‘one-click’ system,” *id.* at 15-21; and (3) that Kikinis does not disclose a user profile, *id.* at 21-23.

BET’s arguments are meritless because they mischaracterize Kikinis, the ’290 Patent, and the requirements of the challenged claims. BET’s argument that the PTO has exceeded its rulemaking authority is also without merit.

II. Kikinis Discloses a Program on a Client Computer that Performs the Functionality Recited in Claim 2.

BET’s first argument is that Kikinis does not disclose a “program stored on said non-volatile data storage device . . . [that is] operable in response to selection by a user of one of the user links to access the file associated with the selected user link from the user library associated with the received user profile.”¹ Response at 8-9 (internal

¹ BET also seems to imply that the program of Kikinis is not “operable upon execution to receive from [sic] server one of the user profiles and to display a user-

citations omitted). BET argues that, in Kikinis, the programs which access the files “are not stored on the client computers,” but rather, “[t]he client computers are connected to remote [sic] servers storing the additional programs.” *Id.* at 11; *see also* Expert Dec. of Cory Plock (“Ex. 2001”) at ¶ 20.

First, BET is attempting to improperly import negative limitations into the claims, and its argument is incorrect as a matter of law. BET does not dispute that Kikinis discloses a web-browser (*i.e.*, a program) on a user station (*i.e.*, on a non-volatile memory on a client computer) that accesses the files stored in the databases on the server. *See e.g.*, Response at 11 (“Thus in order to access the document databases from the home page, a user must initiate the [programs on the server].”); 14 (“The browser does not access the electronic document data bases without additional software programs stored on remote servers”). BET merely argues that because the web browser of Kikinis does not access the files solely by itself, the web browser does not meet the “program” limitation of claim 2. This argument is incorrect because claim 2 uses “comprising” language. *See* ’290 Patent, claim 2. Where a claim utilizes

selectable item for user links contained within the user profile.” Response at 8-9.

However, BET then admits that “[t]he web browser of Kikinis provides access to the user’s home page.” Response at 14. As explained in Sony’s Petition (at 18-21, 34-38) and *infra* at 8, the user’s home page of Kikinis is the “user profile” of claim 2.

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