UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS (USA) INC. Petitioner

Patent No. 6,771,290
Issue Date: Aug. 3, 2004
Title: COMPUTER INTERFACE METHOD AND APPARATUS WITH PORTABLE NETWORK ORGANIZATION SYSTEM AND TARGETED ADVERTISING

PETITION FOR INTER PARTES REVIEW

OF U.S. PATENT NO. 6,771,290

No. IPR2014-00029



Table of Contents

I. Mandatory Notices (37 C.F.R. § 42.8)	1
II. Grounds for Standing (37 C.F.R. § 42.104(a))	2
III. Identification of Challenge (37 C.F.R. § 42.104(b)(1)-(3)) and Relic Requested (37 C.F.R. § 42.22(a)(1))	
A. Background of the '290 Patent	3
B. Prosecution History of the '290 Patent	5
C. Priority Date of the '290 Patent	5
D. Patents and Printed Publications Relied On	8
E. Statutory Grounds for Challenge	13
F. Claim Construction	13
IV. How the Challenged Claims Are Unpatentable (37 C.F.R. § 42.104	. , . ,
(5))	
A. Kikinis Anticipates Claims 2 and 3	17
B. Kikinis Renders Claims 2 and 3 Obvious Under 35 U.S.C. § 103(a)	23
C. Gardell Anticipates Claims 2 and 3	24
D. Gardell Renders Claims 2 and 3 Obvious Under 35 U.S.C. § 103(a)	30
E. The Grounds Related to Kikinis and Gardell Are Not Redundant	31
V. Conclusion	32
VI. Appendix: Abridged Claim Charts	33
A. Kikinis	33
B. Gardell	40



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.

I. Mandatory Notices (37 C.F.R. § 42.8)

<u>Real Party-in-Interest</u>: Sony Mobile Communications (USA) Inc. ("Sony" or "Petitioner").

Related Matters: B.E. Technology, L.L.C. initiated lawsuits against nineteen companies in the United States District Court for the Western District of Tennessee, alleging infringement of U.S. Patent No. 6,771,290 and/or two related patents in the same patent family. Eighteen cases remain pending. Accordingly, the following pending matters may affect or be affected by the decision in this proceeding:

B.E. Technology, L.L.C. v. Amazon Digital Services, Inc., 12-cv-02767 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Apple Inc., 12-cv-02831 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Barnes & Noble, Inc., 12-cv-02823 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Facebook, Inc., 12-cv-02769 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Google Inc., 12-cv-02830 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Groupon, Inc., 12-cv-02781 (W.D.Tenn.);

B.E. Technology, L.L.C. v. LinkedIn Corp., 12-cv-02772 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Match.com L.L.C., 12-cv-02834 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Microsoft Corp., 12-cv-02829 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Motorola Mobility Holdings LLC, 12-cv-02866 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Pandora Media, Inc., 12-cv-02782 (W.D.Tenn.);

B.E. Technology, L.L.C. v. People Media, Inc., 12-cv-02833 (W.D.Tenn.);



B.E. Technology, L.L.C. v. Samsung Electronics America, Inc., 12-cv-02825 (W.D.Tenn.);

B.E. Technology, L.L.C. v. Samsung Telecommunications America, LLC, 12-cv-02824

(W.D.Tenn.);

B.E. Technology, L.L.C. v. Sony Computer Entertainment America LLC, 12-cv-02826

(W.D.Tenn.);

B.E. Technology, L.L.C. v. Sony Mobile Communications (USA) Inc., 12-cv-02827

(W.D.Tenn.);

B.E. Technology, L.L.C. v. Sony Electronics Inc., 12-cv-02828 (W.D.Tenn.); and

B.E. Technology, L.L.C. v. Twitter, Inc., 12-cv-02783 (W.D.Tenn.).

<u>Lead Counsel</u>: John Flock, Reg. No. 39,670.

Backup Counsel: Paul Qualey, Reg. No. 45,027.

Electronic Service: SonyBETech@kenyon.com.

Post and Delivery: Kenyon & Kenyon LLP, One Broadway, New York, NY 10004.

<u>Telephone</u>: 212-425-7200 <u>Facsimile</u>: 212-425-5288

II. Grounds for Standing (37 C.F.R. § 42.104(a))

Petitioner certifies that the patent for which review is sought, U.S. Patent No. 6,771,290 ("the '290 Patent," Sony-1001), is available for *inter partes* review and that Petitioner is not estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition. Petitioner submits that, pursuant to 35 U.S.C. § 315(b), it is not barred from filing this Petition because Petitioner



DOCKET

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.

