UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE, INC.,
Petitioner,

v.

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

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Case IPR2014-00031
Case IPR2014-00033
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 these *inter partes* reviews 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 are unpatentable.

A. Procedural History

Petitioner, Google, Inc., filed two Petitions[1] for *inter partes* review of claims 2 and 3 of U.S. Patent No. 6,771,290 B1 (31 Ex. 1001, "the '290 patent").[2] 31 Paper 1 ("31 Pet."); 33 Paper 1 ("33 Pet."). Patent Owner, B.E. Technology, L.L.C., did not file a Preliminary Response to either Petition. On April 9, 2014, pursuant to 35 U.S.C. § 314, we instituted *inter partes* reviews for claims 2 and 3 of the '290 patent on the grounds of anticipation by Kikinis[3] under 35 U.S.C. § 102(b) and obviousness over Foley[4] under 35 U.S.C. § 103(a). 31 Paper 9; 33 Paper 9.

In each proceeding, subsequent to institution, Patent Owner filed a Patent Owner Response (31 Paper 23, "31 PO Resp."; 33 Paper 23, "33 PO Resp."), and Petitioner filed a Reply to the Patent Owner Response (31 Paper 25, "31 Reply"; 33 Paper 25, "33 Reply"). On December 11, 2014, we held a consolidated hearing for five *inter partes* reviews involving

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[1] Citations may be preceded by "31" to designate IPR2014-00031 or "33" to designate IPR2014-00033.

[2] In IPR2014-00033, the '290 patent also is entered in the record as Exhibit 1001.

[3] PCT International Publication Number WO 97/09682, published Mar. 13, 1997 (31 Ex. 1002) ("Kikinis").

[4] U.S. Patent No. 5,706,502, issued Jan. 6, 1998 (33 Ex. 1002) ("Foley").

the '290 patent.[5] A transcript of the oral hearing is included in the record.
31 Paper 32 ("31 Tr."); 33 Paper 32 ("33 Tr.").

B. Related Proceedings

The parties indicate that the '290 patent is at issue in *B.E. Technology, L.L.C. v. Google, Inc.*, No. 2:12-cv-02830 (W.D. Tenn.), and numerous other district court cases filed by Patent Owner against other defendants. 31 Pet. 1; 31 Paper 4, 1–3 (Patent Owner's Mandatory Notices). As noted, the '290 patent is the subject of three other *inter partes* reviews: IPR2014-00029, IPR2014-00040, and 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. 31 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

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[5] *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.

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.

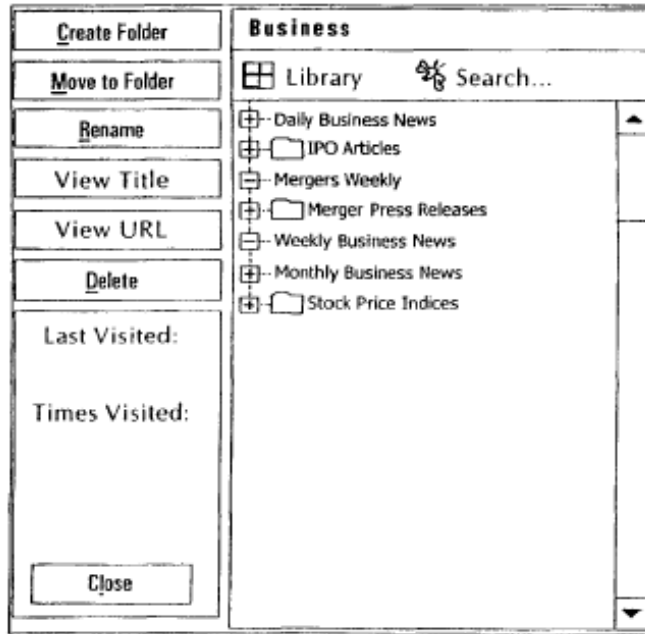Figure 5b of the '290 patent is reproduced below:

FIG. 5b

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

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