

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
MATCH.COM LLC, and PEOPLE MEDIA, INC.
Petitioner

v.

B.E. TECHNOLOGY, LLC
Patent Owner

Case IPR2014-00038¹
Patent 6,628,314 B1

**PETITIONER GOOGLE INC.'S REPLY TO PATENT OWNER'S
RESPONSE TO PETITION
(*INTER PARTES* REVIEW OF U.S. PATENT NO. 6,628,314 B1)**

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

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Case IPR2014-00699 has been joined with this proceeding.

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35 U.S.C. § 3132
77 Fed. Reg. 1572, 7, 15
35 U.S.C. § 316.....7, 15
37 C.F.R. § 1.6814
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OTHER AUTHORITIES

SuperGuide Corp. v. DirecTV Enterprises, Inc.,
358 F.3d 870 (Fed. Cir. 2004)7

I. Introduction

In its Institution Decision of April 9, 2014, the Board correctly found that Petitioner Google is likely to prevail in showing that *Logan* anticipates claims 11-13, 18, 20, and that *Logan* in view of *Robinson* render obvious claim 15 of the '314 Patent. Paper 9, at 14, 16-17. In response, Patent Owner BE Tech advances three primary arguments that *Logan* does not disclose (1) a “unique identifier,” (2) “providing a unique identifier to the computer,” and (3) “selection of advertising content for transfer to the computer in accordance with the demographic information” as recited in claim 11 of the '314 Patent. Because BE Tech misreads Google's Petition and *Logan*, and misstates the scope of the '314 Patent's claims, the Board should cancel claims 11-13, 15, 18, and 20 of the '314 Patent.

II. *Logan's* “AccountNo” Reads on the Claimed “Unique Identifier”

A. *Google and the Board's Construction of “Unique Identifier” is Proper*

BE Tech argues that the construction of “unique identifier” set forth by Google and adopted by the Board “incompletely cit[es] the specification and completely ignor[es] the actual claim language in which the term appear[.]” Response at 6. Curiously, BE Tech does **not** proffer any alternative construction of the term.² BE Tech instead points to disclosures in the '314 Patent that reference

² Because BE Tech did not file a preliminary response nor set forth any alternative construction of the claimed features in its response, it cannot later argue or advance

the “user ID” as being assigned to the software application downloaded by the user (Response at 7), stored in a cookie and sent to the computer (*id.* at 8), and received from the server (*id.* at 8) to conclude that “the idea of a ‘unique identifier’ discussed in the specification is not limited to ‘information that uniquely identifies a user.’” *Id.* at 9.³ BE Tech fails to recognize that these disclosures occur after the server assigns the unique “user ID” to the user.

The '314 specification discloses that once a user completes a form requesting demographic information, “flow moves to block 140 where server 22

alternative constructions. *See, e.g.*, 35 U.S.C. §§ 313, 316(a)(8); 77 Fed. Reg. 157 (August 14, 2012) at 48766 (“The [patent owner] response should identify all the involved claims that are believed to be patentable and state the basis for that belief.”)

³ Somewhat strangely, it appears that BE Tech is arguing that “user ID” disclosed in the '314 Patent does **not** correspond to the “unique identifier” claimed in the '314 Patent. Notwithstanding that BE Tech failed to point out what in the specification supports the claimed “unique identifier”³ or offer an alternative construction for the term, the '314 specification clearly supports Google and the Board's construction of “unique identifier” to mean “any unique information that can be used to identify a user” as discussed herein.

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