UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner

v.

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

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Case IPR2014-00044
Patent 6,771,290 B1

_____

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

PETTIGREW, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Samsung Electronics America, Inc., filed a petition requesting an *inter partes* review of claims 2 and 3 of U.S. Patent No. 6,771,290 B1 (Ex. 1001, "the '290 patent"). Paper 2 ("Pet."). Patent Owner, B.E. Technology, L.L.C., did not file a preliminary response. We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

Upon consideration of the petition, we conclude that there is a reasonable likelihood that Petitioner would prevail in challenging claims 2 and 3 as unpatentable. Accordingly, under 35 U.S.C. § 314(a), we authorize an *inter partes* review to be instituted as to claims 2 and 3 of the '290 patent.

A. Related Proceedings

Petitioner states that the '290 patent is involved in *B.E. Technology, L.L.C. v. Samsung Electronics America, Inc.*, No. 2:12-cv-02824 (W.D. Tenn.), *B.E. Technology, L.L.C. v. Samsung Electronics America, Inc.*, No. 2:12-cv-02825 (W.D. Tenn.), and numerous district court cases filed by Patent Owner against other defendants. Pet. 2-3. The '290 patent is also the subject of these *inter partes* reviews: IPR2014-00029, IPR2014-00031, IPR2014-00033, and IPR2014-00040.

B. The '290 Patent (Ex. 1001)

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,

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reproduced below, the application window may include "icons that represent various files and links to information resources." *Id.* at 15:48-53.

Create Folder

Move to Folder

Rename

View Title

View URL

Delete

Last Visited:

Times Visited:

Close

Business

Library   Search...

Daily Business News
IPO Articles
Mergers Weekly
Merger Press Releases
Weekly Business News
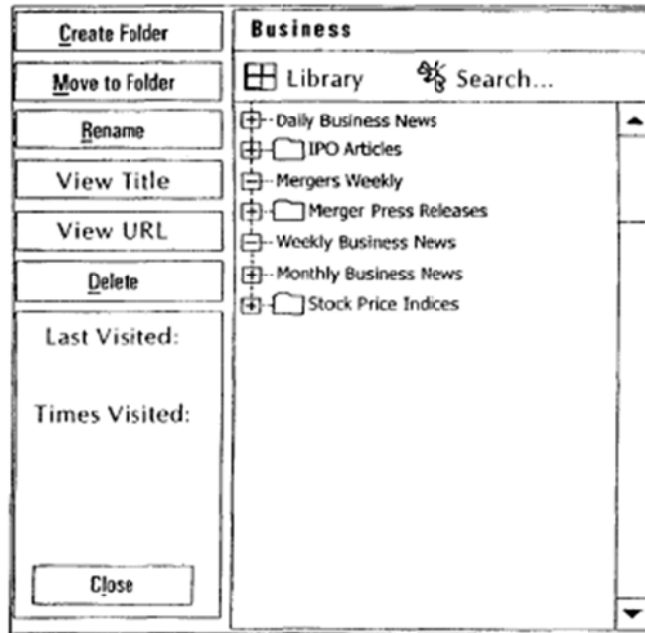Monthly Business News
Stock Price Indices

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.
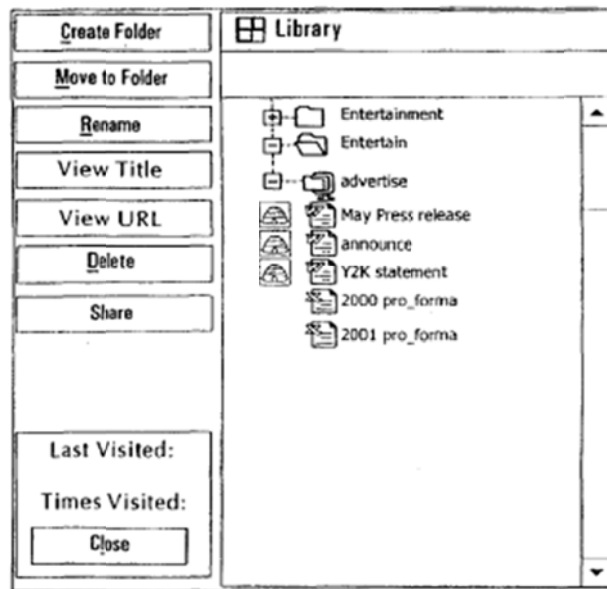
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FIG. 5c

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.

C. 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:

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