UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FACEBOOK, INC. and GOOGLE INC.

Petitioner

v.

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

Case IPR2014-00052[1]
Patent 6,628,314
_____

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

DESHPANDE, *Administrative Patent Judge*.

PATENT OWNER'S CONTINGENT MOTION TO AMEND
(37 C.F.R. § 42.121)

Mail Stop Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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[1] Case IPR2014-00743 has been joined with this proceeding.

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TABLE OF AUTHORITIES

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Federal Statutes

Regulations

Other Authorities

LIST OF EXHIBITS

2004   U.S. Utility Patent Application Serial No. 09/699,705

2005   U.S. Patent No. 5,768,508 (Eikeland)

2006   U.S. Patent No. 5,848,396 (Gerace)

2007   U.S. Patent No. 5,796,952 (Davis et al.)

2008   U.S. Patent No. 5,823,879 (Goldberg et al.)

2009   U.S. Patent No. 6,714,975 (Aggarwal et al.)

2010   U.S. Patent No. 6,285,987 (Roth et al.)

2011   U.S. Patent No. 6,892,226 (Tso et al.)

2012   U.S. Patent No. 7,225,142 (Apte et al.)

2013   Declaration of Neal Goldstein

I. SUMMARY OF MOTION TO AMEND.

This contingent motion to amend is submitted in compliance with 37 C.F.R. § 42.121. The Patent Owner requests that substitute claims 23-34 be entered in the event that original claim 11 is found to be not patentable.

The proposed substitute claims include a single independent claim and eleven dependent claims (i.e. the exact number of original claims). The proposed substitute claim set presents one substitute claim for each original claim, satisfying the general presumption that "only one substitute claim would be needed to replace each challenged claim." 37 C.F.R. § 42.121(a)(3).

Proposed substitute claim 23 corresponds to original independent claim 11 with the limitation that advertising content be selected for transfer to the computer in accordance with real-time and other computer usage information and demographic information associated with said unique identifier, and that the computer usage information comprise information about the user's interactions with said computer software displaying advertising content and at least one other program.

Proposed substitute claims 24-34 correspond to original dependent claims 12-22. Substitute claims 24-34 do not include any amendments to original claims 12-22, other than being renumbered to depend from proposed substitute claim 23.

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