UNITED STATES PATENT AND TRADEMARK OFFICE
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PATENT TRIAL AND APPEAL BOARD
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FACEBOOK, INC.,
Petitioner

v.

B. E. TECHNOLOGY LLC
Patent Owner

_____

Case No. IPR2014-00052
Patent No. 6,628,314

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PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I.   INTRODUCTION

The Board instituted *inter partes* review of claims 11-13, 15, 18 and 20 based obviousness over Shaw **[Ex. 1103]** in view of W3C **[Ex. 1105]**. The patent owner's response ("Response") does not dispute key elements of the Petition. The patent owner does not dispute that Shaw and W3C qualify as prior art to the '314 patent and does not challenge the Board's claim constructions in the Decision instituting *inter partes* review. The patent owner also <u>does not dispute</u> <u>that Shaw and W3C disclose every limitation of claims 11-13, 15, 18 and 20</u>.

The patent owner instead rests its entire response on two meritless arguments. First, the patent owner contends that Shaw does not disclose the step of "providing a unique identifier to the computer," as recited in independent claim 11. But in making this argument, the patent owner seeks to improperly import limitations that do not appear in the claim language. Shaw plainly discloses this limitation.

Second, although the patent owner does not dispute that W3C discloses the unique identifier allegedly missing from Shaw, the patent owner asserts that Shaw and W3C cannot properly be combined under 35 U.S.C. § 103(a). The patent owner offers no evidence or meaningful analysis to support this undeveloped argument. Because the patent owner has offered no serious

rebuttal to the obviousness of claims 11-13, 15, 18 and 20 over Shaw in view of

W3C, the Board should find them unpatentable.

II.   SHAW DISCLOSES EVERY LIMITATION OF CLAIM 11.

The patent owner identifies only one limitation allegedly missing from

Shaw – the step of "providing a unique identifier to the computer, wherein said

identifier uniquely identifies information sent over said computer network from

the computer to said server," as recited in claim 11f. (Response at 5.)[1]

As explained in the Petition, and not disputed by the patent owner, Shaw

discloses an identifier in the form of an e-mail address (also referred to as a user

name) that is unique to each member. (Petition at 16 (citing Shaw, Ex. 1103, Col.

1:47-48, 12:6-13).) The system in Shaw uses this e-mail address to authenticate

the user with the server and to uniquely identify information sent by the user's

computer to the server. (*Id.* (citing Shaw, Ex. 1103, Col. 18:39-56).)

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[1] As noted in the text, the patent owner does not dispute that this limitation is

disclosed in the W3C Submission, and does not dispute that the combination of

Shaw and the W3C Submission discloses all limitations of claims 11-13, 15, 18 and

20. Accordingly, even if the Board were to conclude that this limitation was

missing from Shaw, the challenged claims should still be found unpatentable.

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