UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SONY MOBILE COMMUNICATIONS (USA) INC., SONY MOBILE COMMUNICATIONS AB & SONY MOBILE COMMUNICATIONS INC.
Petitioners

v.

CREATIVE TECHNOLOGY LIMITED
Patent Owner

Case No. IPR2016-01407
Patent No. 6,928,433

REPLY DECLARATION OF BENJAMIN B. BEDERSON, PH.D.

SONY Exhibit 1020
SONY v. Creative
IPR2016-01407

I, Benjamin B. Bederson, Ph.D., declare as follows:

Patent Owner Response Argument #1

1. I have reviewed the argument set out in the Patent Owner Response ("POR") at pages 28-32. I understand that the POR criticizes my analysis in my original declaration (Ex. 1006) for not identifying that the '433 patent "solved" a "problem" in the art. POR at 28-32.

2. I understand the POR to assert that the "problem" solved by the '433 patent is how to "navigate and select among hundreds of songs" using a "compact user interface," and that this problem "arose from specific issues relating to a portable media player." POR at 28-30, 1-2. I further understand that the POR asserts that a "key solution" presented by the '433 patent is that "a series of three screens is used to efficiently sub-divide the library of tracks stored on the media player such that the user can find and access content without scrolling through an excessive number of items in any one screen." POR at 30, 2-3.

My Response to POR Argument #1

3. Paragraphs 3–9 set out my response to the argument identified above at ¶¶1–2. In sum, I disagree with Patent Owner's argument and its

assertions regarding a "problem" that is allegedly "solved" by the '433 patent. I do not understand the '433 patent to have presented any new solution to any problem, and instead understand the '433 patent to have merely recycled existing functionality according to known uses of that functionality. In fact, contrary to Patent Owner's assertions, I understand both the "problem" and the "solution" identified by Patent Owner to have been in the prior art at the time of the alleged invention of the '433 patent.

4. I believe that my understanding in this respect is confirmed, and Patent Owner's arguments are rebutted, by prior art standards released by the International Organization for Standardization (ISO) that were cited by Patent Owner's expert Mr. Bear in his declaration, Ex. 2014 at ¶28, and which I reviewed following their citation by Mr. Bear. For example, a portion of ISO 9241 titled "Ergonomic requirements for office work with visual display terminals (VDTs) – Part 14: Menu dialogues" ("ISO9241-14", Ex. 1023) confirms my understanding. ISO9241-14 was published June 1, 1997, ISO9241-14 at i, Ex. 1024, and is referenced in ISO 13407, which was published in 1999 and which Mr. Bear cites in his declaration, Ex. 1022 at i, Ex. 2014 at ¶28, Ex. 1021 at 47:21-48:20, 53:20-54:20. Petitioners' counsel has informed me ISO9241-14 qualifies as prior art to the '433 patent under 35 U.S.C. §102(b).

5. ISO9241-14 sets out a number of recommendations regarding the design of menu dialogues, including for design of hierarchical menus. A person of ordinary skill in the art ("POSA") would have understood ISO9241-14 to explain potential difficulties with displaying a large number of menu options, as well-known solutions to those potential difficulties.

6. For example, a POSA would have understood ISO9241-14 to recommend "not using" interfaces with long "scrollable lists (sometimes called 'scrollable menus')" when rapid search time is important because scrollable lists "would increase search time." *Id.* at 7. A POSA would have understood the term "search time," in ISO9241-14 to mean the time to navigate and select an option from among a menu of options.

7. As another example, a POSA would have understood ISO9241-14 to explain that when there is a large number of menu options, presenting those options in a single menu panel may be difficult. *Id.* at 6. A POSA further would have understood ISO9241-14 to explain that "hierarchical" and "network" menu structures were as of 1997 a known solution to this difficulty. *Id.* ISO9241-14 explains "hierarchical" and "network" menus in its Section 3, "Definitions," which explains that a hierarchical menu may organize options in a tree-like manner into different levels and a network option would be a hierarchical menu that includes redundant pathways to menu options. *Id.* at 2-5. ISO9241-14 also

includes recommendations on how to organize menu options within menus, including that "if options can be arranged into conventional or natural groups known to users, options should be organized into levels and menus consistent with that order." *Id.* at 7.

8. Accordingly, at the time of the invention, a POSA would have understood from ISO9241-14 that if a large number of menu options were to be displayed, a long scrollable list should not be used when rapid search time is important, and instead a "hierarchical" or "network" menu structure should be used, which would organize menu options into conventional groups known to users. It is my opinion that at the time of the invention, if a POSA were faced with displaying a large library of music for a user to navigate and select a song for playback, a POSA would have known not to use a long scrollable list, but instead would have used a hierarchical or network menu structure with tracks organized by genre, artist, and/or album, since those were conventional music groups that would have been known to users, for example, from a record store's organization of albums.

9. It is therefore my understanding (confirmed by ISO9241-14) that, at the time of the invention, both the "problem" Patent Owner alleges was solved by the '433 patent, and the "key solution" Patent Owner argues is presented by the '433 patent, were known in the art.

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