

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,
Petitioner

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner

Case IPR2020-01393
U.S. Patent 9,239,686

SynKloud Technologies, LLC's Patent Owner Response

TABLE OF CONTENTS

I. INTRODUCTION 1

II. TECHNOLOGY BACKGROUND 2

 A. Prior Art Storage Systems..... 2

 B. The '686 Patent: Mr. Sheng Tai Tsao Invents An Approach For Downloading Data From A Web Site To A Remote Storage Server Using Download Information Stored In The Cache Of A Wireless Device. 3

III. SUMMARY OF THE INSTITUTED GROUNDS FOR REVIEW 5

IV. CLAIM CONSTRUCTION. 6

 a. download a file from a remote server across a network into the first one of the storage spaces through utilizing download information for the file cached in the first wireless device (dependent claim 13). 7

 b. Allocating exclusively a first one of the storage spaces of a predefined capacity to a user of a first wireless device (independent claim 12 and dependent claim 20). 12

V. THE PETITIONER FAILED TO DEMONSTRATE IT IS REASONABLY LIKELY TO PREVAIL ON ANY OF ITS PROPOSED OBVIOUSNESS GROUNDS. 14

 A. Independent Claim 12 As Well As The Claims Dependent Therefrom Would Not Have Been Obvious Over Prust In Combination With The Secondary References. 15

 1. Prust, Alone or In Combination With Jewett Would Not Have Taught “allocating exclusively a first one of the storage spaces of a predefined capacity to a user of a first wireless device,” As Recited in Independent Claim 12. 17

 i. Responses to Board’s Institution Decision Regarding the “predefined capacity” Claim Limitations 17

 ii. Prust’s Disclosure of RAID Would Not Have Taught The “predefined capacity” Of The '686 Patent..... 21

 iii. Prust’s Disclosure Of A Billing Address Would Not Have Taught The “predefined capacity” Of The '686 Patent..... 25

 iv. Prust Would Not Have Taught Or Suggested The “predefined capacity” Of The '686 Patent..... 26

v. Jewett Does Not Compensate For Prust’s Deficiencies; It Would Not Have Taught Or Suggested The “predefined capacity” Of The ’686 Patent.....27

vi. A POSITA Would Not Have Been Motivated To Combine Jewett With Prust And Reasonably Expect Success.....31

2. Prust Alone Or In Combination With Jewett And Either Major or Kraft Would Not Have Taught “download[ing] a file from a remote server across a network into the first one of the storage spaces through utilizing download information for the file cached in the first wireless device,” As Recited in Dependent Claim 13.32

3. The Petitioner Failed To Show That A POSITA Would Have Been Motivated To Modify Prust With Either Major or Kraft To Achieve The Particular Device Recited In Dependent Claim 13 Of The ’686 Patent With A Reasonable Expectation Of Success.43

B. Independent Claim 12 As Well As The Claims Dependent Therefrom Would Not Have Been Obvious Over Nomoto In Combination With The Secondary References.....49

1. Nomoto, Alone or In Combination With Jewett Would Not Have Taught “allocating exclusively a first one of the storage spaces of a predefined capacity to a user of a first wireless device,” As Recited in Independent Claim 12.....49

2. The Combination Of Nomoto with Jewett and Either Major or Kraft Would Not Have Taught “download[ing] a file from a remote server across a network into the first one of the storage spaces through utilizing download information for the file cached in the first wireless device,” As Recited in Dependent Claim 13.51

3. The Petitioner Failed To Show That A POSITA Would Have Been Motivated To Modify Nomoto With Jewett and Either Major or Kraft To Achieve The Particular Device Recited In Dependent Claim 13 Of The ’686 Patent With A Reasonable Expectation Of Success.52

C. Objective Indicia Of Non-Obviousness Support The Patentability Of The Claims Of The ’686 Patent.54

VI. CONCLUSION.....78

TABLE OF AUTHORITIES

PAGE NO.

CASES

<i>Harmonic Inc. v. Avid Tech., Inc.</i> , 815 F.3d 1356 (Fed. Cir. 2016)	15, 33
<i>In re Magnum Oil Tools Int'l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016)	42
<i>Kolbe & Kolbe Millwork Co., Inc. v. Sierra Pacific Industries</i> , 2019 WL 5070454 (PTAB 2019)	4, 16
<i>K/S Himpp v. Hear-Wear Techs., LLC</i> , 751 F.3d 1362 (Fed. Cir. 2014)	16, 41, 42
<i>Teleflex, Inc. v. Ficosa N Am. Corp.</i> , 299 F.3d 1313, 63 USPQ2d 1374 (Fed. Cir. 2002)	14, 42
<i>Texas Digital Systems, Inc. v. Telegenix, Inc.</i> , 308 F.3d 1193 (Fed. Cir. 2002)	6

STATUTES

37 C.F.R. §42.107	80i
-------------------	-----

PATENT OWNER’S EXHIBIT LIST

<u>Exhibit Number</u>	<u>Description</u>
2001	Declaration of Zaydoon Jawadi
2002	Curriculum Vitae of Zaydoon Jawadi
2003	Hypertext Transfer Protocol -- HTTP/1.1, rfc2616, June 1999.
2004	Microsoft Computer Dictionary - 5th Edition – 2002
2005	Dictionary Definitions of Predefine, Merriam-Webster Dictionary, Oxford Dictionary, Cambridge Dictionary.
2006	Patrick-Turner's Industrial Automation Dictionary; Clarence T. Jones, S. Percy Jones; 1996
2007	Macmillan Dictionary of Information Technology; Dennis Longley, Michael Shain; 1988
2008	Claim Chart of wireless devices with Microsoft OneDrive
2009	Claim Chart of wireless devices with Adobe cloud services
2010	Claim Chart of wireless devices with Dropbox cloud services
2011	Claim Chart of wireless devices with Microsoft OneDrive
2012	Claim Chart of wireless devices with Microsoft OneDrive for the '686 Patent
2013	Reserved
2014	Second Declaration of Jaydoon Jawadi
2015	Claim Chart of the HP Laptop computers with Microsoft OneDrive
2016	Claim Chart of wireless devices with Microsoft OneDrive
2017	Microsoft Securities and Exchange Commission Form 10K filing for the fiscal year ending June 30, 2019
2018	https://blog.goptg.com/microsoft-office-365-statistics , last viewed September 15, 2020
2019	https://www.microsoft.com/en-us/microsoft-365/onedrive/compare-onedrive-plans?activetab=tab:primaryr2 , last viewed September 15, 2020.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.