### UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_\_

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

RFCYBER CORP.,

Patent Owner.

Patent No. 9,189,787 Filing Date: May 28, 2013 Issue Date: November 17, 2015

Inventors: Liang Seng Koh, Futong Cho, Hsin Pan, and Fuliang Cho Title: METHOD AND APPARATUS FOR CONDUCTING E-COMMENCE AND M-COMMENCE

### PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2021-00955



Page(s)

# TABLE OF CONTENTS



	C. Significant Investment By The Time Of Institution Favors Discretionary  Denial	21
	D. The District Court Litigation Involves Each Of the Challenged Claims (and Other Claims) and the Same Arguments	
	E. The Parallel District Court Litigation and the Petition Involve the Same Parties	24
	F. Other Circumstances Favor Denial Of Institution	24
I	X. CONCLUSION	25



## **TABLE OF AUTHORITIES**

Page(s) Cases AGIS Software Dev. LLC v. Google LLC, No. 2:19-cv-00361-JRG, 2021 WL 465424 (E.D. Tex. Feb. 9, In re Apple Inc., 979 F.3d 1332 (Fed. Cir. 2020) ......21 Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)......passim Cisco Sys., Inc. v. Ramot at Tel Aviv Univ. Ltd., IPR2020-00122, Paper 15 (P.T.A.B. May 15, 2020) ......20 Graham v. John Deere Co. of Kansas City, KSR Intern. Co. v. Telefex Inc., 550 U.S. 398 (2007).......11 Next Caller Inc. v. TrustID, Inc., IPR2019-00961, -00962......20 NHK Spring Co. v. Intri-Plex Techs., Inc., IPR2018-00752, Paper 8 (P.T.A.B. Sept. 12, 2018)......19 RFCyber Corp. v. Google LLC and Google Payment Corp., Samsung Elecs. Am., Inc. v. Uniloc 2017 LLC, Supercell Oy v. Gree, Inc., 



## IPR2021-00955 PATENT NO. 9,189,787

## **Statutes**

35 U.S.C. § 103	10
35 U.S.C. § 103(a)	1
35 U.S.C. § 314(a)	2, 17, 19, 24
35 U.S.C. § 314(b)	21
35 U.S.C. § 316(a)(11)	20



# DOCKET

# 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.

