

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS AMERICA, INC. and  
SAMSUNG ELECTRONICS CO., LTD.,

Petitioners,

v.

RFCYBER CORP.,  
Patent Owner.

Patent No. 9,240,009  
Filing Date: January 16, 2012  
Issue Date: January 19, 2016

Inventors: Liang Seng Koh, Hsin Pan, and Xiangzhen Xie  
Title: MOBILE DEVICES FOR COMMERCE OVER UNSECURED  
NETWORKS

---

**RFCYBER CORP.'S  
PRELIMINARY RESPONSE**

Case No. IPR2021-00981

---

**TABLE OF CONTENTS**

	<b><u>Page(s)</u></b>
I. INTRODUCTION .....	1
II. THE '009 PATENT .....	1
III. THE ALLEGED PRIOR ART .....	5
A. Dua (U.S. Patent App. Pub. No. 2006/0165060) .....	5
B. GlobalPlatform .....	6
IV. CLAIM CONSTRUCTION.....	7
V. LEVEL OF ORDINARY SKILL IN THE ART .....	7
VI. PETITIONER HAS NOT SHOWN A REASONABLE LIKELIHOOD OF SUCCESS AS TO ANY CHALLENGED CLAIM.....	7
A. Requirements for Showing Obviousness Under 35 U.S.C. § 103 .....	7
B. Samsung’s Combination Fails to Disclose or Render Obvious “wherein the server is configured to prepare data necessary for the application to function as designed on the mobile device” / “wherein the server is configured to prepare data necessary for the each of the modules to function as designed on the mobile device” as Required by All Challenged Claims .....	8
C. A POSITA Would Not Combine Dua with Global Platform .....	12
VII. THE PETITION SHOULD BE DENIED IN THE DISCRETION OF THE DIRECTOR UNDER 35 U.S.C. § 314(A) .....	15
A. No Stay of the Parallel District Court Litigation .....	17
B. The Board’s Written Decision Deadline Will Come Long After the Trial Date .....	17
C. Significant Investment by the Time of Institution Favors Discretionary Denial.....	18

D. The District Court Litigation Involves the Same Claims and  
the Same Arguments .....20

E. The Parallel District Court Litigation and the Petition Involve  
the Same Parties .....21

F. Other Circumstances Favor Denial of Institution .....22

VIII. CONCLUSION.....23

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>AGIS Software Dev. LLC v. Google LLC</i> , No. 2:19-cv-00361-JRG, 2021 WL 465424 (E.D. Tex. Feb. 9, 2021) .....	16
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) .....	15, 20
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015) .....	14
<i>Cisco Sys., Inc. v. Ramot at Tel Aviv Univ. Ltd.</i> , IPR2020-00122, Paper 15 (P.T.A.B. May 15, 2020) .....	17
<i>Gen. Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 (P.T.A.B. Sept. 6, 2017).....	16
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966).....	8
<i>KSR Intern. Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	8
<i>Lyft, Inc. v. Quartz Auto Techs., LLC</i> , IPR2020-01450, Paper 7 (P.T.A.B. Mar. 4, 2021) .....	12
<i>Next Caller Inc. v. TrustID, Inc.</i> , IPR2019-00961, -00962, Paper 10, at 8-16 (P.T.A.B. Oct. 16, 2019) .....	17
<i>NHK Spring Co. v. Intri-Plex Techs., Inc.</i> , IPR2018-00752, Paper 8 (P.T.A.B. Sept. 12, 2018).....	16
<i>Personal Web Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017) .....	14
<i>Samsung Elecs. Am., Inc. v. Uniloc 2017 LLC</i> , IPR2019-01218, Paper 7 (P.T.A.B. Jan. 7, 2020) .....	17

*Sotera Wireless, Inc. v. Masimo Corp.*,  
IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020) .....21

*Supercell Oy v. Gree, Inc.*,  
IPR2020-00513, Paper 11 (P.T.A.B. June 24, 2020) .....19

*Trivascular, Inc. v. Samuels*,  
812 F.3d 1056 (Fed. Cir. 2016) .....13

**Statutes**

35 U.S.C. § 103 .....7, 8

35 U.S.C. § 314(A) .....14, 16, 22

35 U.S.C. § 314(b) .....18

35 U.S.C. § 316(a)(11).....17

# 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.