

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

UNIFIED PATENTS, LLC  
Petitioner

v.

MEMORYWEB, LLC  
Patent Owner

---

Case no. IPR2021-01413  
Patent 10,621,228

---

**PETITIONER'S AUTHORIZED SUR-SUR REPLY TO PATENT  
OWNER'S SUR-REPLY<sup>1</sup>**

---

<sup>1</sup> The Board authorized this sur-sur reply in its October 27, 2022 email. *See* EX1040.

**I. PATENT OWNER’S SUR-REPLY (PAPER 35), PAGE 7: LINES 9-11**

Regarding limitations [1n], [1p],<sup>2</sup> and claim 5, Patent Owner (“PO”) argues “[i]ncluding the first name and second name at separate times would [] conflict with the ‘responsive’ relationship between the ‘second input’ and ‘causing’ the display of the ‘people view’” and quotes Dr. Bederson’s second deposition (EX2046) at 72:21-73:9 as support, stating “Dr. Bederson agreed ‘claim limitation [1n] and [1p] are...two elements of a whole claim including a people view, which has to be displayed and responsive to a second input.’” Patent Owner’s Sur-Reply (“POSR”) (Paper 35), 7:4-6, 7:9-11. But the inferences PO draws from Dr. Bederson’s testimony take it out of context.<sup>3</sup>

---

<sup>2</sup> Limitations [1n] and 1[p] recite *the people view including: . . . (ii) a first name associated with the first person, the first name being displayed adjacent to the first person selectable thumbnail image [and]. . . (iv) a second name associated with the second person, the second name being displayed adjacent to the second person selectable thumbnail image.* EX1001, claim 1; Petition (Paper 2), 55, 60. Claim language is italicized herein.

<sup>3</sup> The quote from Dr. Bederson’s testimony is based on questioning regarding Exhibit 2044, which was introduced in this proceeding for the first-time during Dr.

That claim limitations [1n] and [1p] are two “elements of a whole claim” does not require that the *first name* and *second name* must be displayed simultaneously, as PO suggests. Under the plain meaning of the claims, the *people view* that includes the *first name* and *second name* of limitations [1n] and [1p] is displayed *responsive* to a *second input* regardless of whether the *first name* and *second name* are displayed simultaneously or at different times. EX1001, claim 1; EX2046, 68:4-24, 73:3-9, 73:15-24, 74:10-18, 75:8-22, 78:2-11, 78:23-79:11. The *first name* and *second name* are displayed in response to the *second input* because they are displayed as part of the *people view*, as a result of the *people view* being selected by the *second input*, and the Petition explains how the prior art shows this. EX1001, claim 1; Petition, 47-52, 55-57, 60-61. Specifically, the Petition explains that when Okamura’s FACE tab 412 is depressed (*responsive to a second input*), face cluster display area 431 showing thumbnail images of faces included in contents is displayed (*causing a*

---

Bederson’s second deposition and appears to have been created by PO. EX2046, 70:5-16. Dr. Bederson testified multiple times that he had not seen this exhibit before, was not familiar with it, and that the exhibit lacked context in relation to the Challenged Claims. *Id.*, 72:9-12, 73:10-14, 73:23-24, 75:5-7, 75:19-22, 77:14-25, 190:3-12.

*people view to be displayed*), where face cluster display area 431 (*the people view*) includes information 433 having a first person's name (*first name*) displayed for the first person's thumbnail image and information 433 having a second person's name (*second name*) displayed for the second person's thumbnail image. *Id.*

Dr. Bederson explained how the *first name* and *second name* of the *people view* would be displayed consistent with the proper plain meaning interpretation during his second deposition, in relation to the various "views" shown by Exhibit 2044; specifically, when asked whether "View No. 2 could be encompassed by limitations [1n] and [1p]," he stated "View No. 2 is not complete...I would guess probably a better answer would be to say that you see View 2 and View 3 together worked in a similar way to Okamura[], perhaps they could be...part of a teaching of claim limitations 1[n] and 1[p]." EX2046, 75:1-19. Dr. Bederson further explained "to the extent that view 2 and view 3 represent a system that works in a comparable way to Okamura, then, it perhaps could read on limitations [1n] and [1p]." EX2046, 78:7-10. Thus, Dr. Bederson explained the plain meaning encompasses displaying what is shown in view 2 and view 3 of Exhibit 2044 at different times in the *people view*. *Id.*; EX2044.

## II. POSR (PAPER 35), PAGE 7: FOOTNOTE 2

PO further argues “[c]laim 1 recites a (i) a single ‘second input’ and (ii) ‘causing’ the display of the ‘people view’ (that includes a first name and second name) ‘responsive to’ that same ‘second input.’” POSR, 7. As a footnote to this sentence (footnote 2), PO states “Dr. Bederson refused to identify a POSITA’s understanding of ‘causing,’” citing to his deposition transcript at 58:4-59:6 and 61:15-64:3. POSR, Footnote 2.<sup>4</sup> Notably, PO never objected to Dr. Bederson’s testimony as being non-responsive. EX2046, 58:4-59:6, 61:15-64:3. Regardless, PO mischaracterizes Dr. Bederson’s testimony. During Dr. Bederson’s second deposition, PO questioned Dr. Bederson about the meaning of *causing* in view of Exhibit 2043, which appears to be dictionary definitions of “cause.”<sup>5</sup> EX2046, 61:15-64:3; EX2043. In response, Dr. Bederson did not simply “refuse” to identify a POSITA understanding of the term. Instead, Dr. Bederson confirmed that he did not have “any particular cause for concern” when reviewing the definitions in light of the Petition and the prior art. *Id.*, 63:11-64:3. The Petition explained how

---

<sup>4</sup> The POSR improperly raises the interpretation of *causing* for the first time.

<sup>5</sup> Dr. Bederson testified that he had not seen Exhibit 2043 before his second deposition and was not familiar with it. EX2046, 61:18-21, 63:11-64:3, 190:3-12.

# 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.