

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

Case No. IPR2022-00294
Patent No. 10,492,038

DECLARATION OF PROFESSOR
GEORGE N. ROUSKAS, PH.D.

Exhibit 2005~~PATENT OWNER'S RESPONSE~~
~~UNDER 37 C.F.R. § 42.120~~

~~Mail Stop PATENT BOARD, PT AB Commissioner for Patents~~
~~P.O. Box 1450~~
~~Alexandria, VA 22313-1450~~

|

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. TERMINOLOGY	1
<u>INTRODUCTION</u>	<u>1</u>
<u>QUALIFICATIONS</u>	<u>1</u>
<u>BASES OF OPINIONS</u>	<u>6</u>
<u>APPLICABLE LEGAL STANDARDS</u>	<u>6</u>
<u>A. Ordinary Skill in the Art</u>	<u>6</u>
<u>B. Claim Construction</u>	<u>8</u>
<u>C. Obviousness (35 U.S.C. § 103)</u>	<u>9</u>
<u>TERMINOLOGY</u>	<u>12</u>
III. GROUND I - DIACAKIS DOES NOT OBVIATE CLAIMS 7, 10-12, 22-24, 33-36, 38-41, 46, 49, 7, 51-53, 55, 57-58, OR 64-66	12
A. Diacakis (Exhibit 1007)	1
1. Diacakis Does Not Provide Or Support Messages	8
B. [7.0] "Network Based Portal"	9
<u>A. Diacakis (Exhibit 1007)</u>	<u>12</u>
<u>1. Diacakis Does Not Provide Or Support Messages</u>	<u>18</u>

B.	<u>[7.0] “Network-Based Portal”</u>	<u>19</u>
1.	A “Portal” Is <i>Not</i> A User Terminal Or A “Client Communication Device”	11
	<u>A “Client Communication Device”</u>	<u>21</u>
2.	The ’038 Specification Defines “Portal” As A “Gateway” And Defines A “Gateway” As A “Networked Server”	11
	<u>As A “Gateway” And Defines A “Gateway” As A “Networked Server”</u>	<u>21</u>
3.	The Functionality Of A “Portal” Is Different Than That Of A Client Communication Device	12
1.	The Claims Also Distinguish A “Portal” From A Client Communication Device	13
2.	The User Interface Of Diacakis Is Not A “Portal”	15
3.	Petitioner’s Construction Of A Network-Based Portal Impermissibly Requires “A Plurality Of Users” To Have Access To The First User’s Device	16
	<u>Than That Of A Client Communication Device</u>	<u>22</u>

4.	Dr. Almeroth’s Testimony Is Not Supported	
<u>4.</u>	<u>The Claims Also Distinguish A “Portal”</u>	
	By The Specification	17
	<u>From A Client Communication Device</u>	<u>23</u>
<u>5.</u>	<u>The User Interface Of Diacakis Is Not A</u>	
	<u>“Portal”</u>	<u>25</u>
<u>6.</u>	<u>Petitioner’s Construction Of A Network-</u>	
	<u>Based Portal Impermissibly Requires “A Plurality Of Users” To</u>	
	<u>Have Access To The First User’s Device</u>	<u>26</u>
<u>7.</u>	<u>Dr. Almeroth’s Testimony Is Not Supported</u>	
	<u>By The Specification</u>	<u>27</u>
4.8.	Patent Owner’s Construction Of A NBP	
	Does Not Exclude A Preferred Embodiment	19
5.	[7.0] Summary	21
	[7.1] Is Not Obviated By Diacakis	21
	<u>Does Not Exclude A Preferred Embodiment</u>	<u>28</u>
<u>9.</u>	<u>[7.0] Summary</u>	<u>30</u>
	<u>[7.1] Is Not Obviated By Diacakis</u>	<u>31</u>
	[7.3] “Messages Are Eligible To Be Received ...	
	All Depending On An Identifier” Is Not Rendered	
	Obvious By Diacakis	22 <u>31</u>
	[7.5] Is Not Obviated By Diacakis	25 <u>34</u>
	[7.7] Is Not Rendered Obvious By Diacakis	26
	<u>[7.7] Is Not Rendered Obvious By Diacakis</u>	<u>35</u>
	[7.7] <u>[7.8]</u> “Even When The Message Is Received” “The	
	Contact Information” “Is Not Provided” Is	

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.