

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION and HP INC.,  
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2020-00316  
Patent 9,098,526 B1

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Before SALLY C. MEDLEY, JESSICA C. KAISER, and  
SCOTT RAEVSKY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining All Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

## I. INTRODUCTION

Microsoft Corporation and HP Inc. (collectively “Petitioner”) filed a Petition for *inter partes* review of claims 1–20 of U.S. Patent No. 9,098,526 B1 (Ex. 1001, “the ’526 patent”). Paper 1 (“Pet.”). Syncloud Technologies, LLC (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted *inter partes* review, pursuant to 35 U.S.C. § 314, as to claims 1–20 based on the challenges set forth in the Petition. Paper 21 (“Decision to Institute” or “Dec.”).

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 28, “PO Resp.”), Petitioner filed a Reply to Patent Owner’s Response (Paper 33, “Pet. Reply”<sup>1</sup>), and Patent Owner filed a Sur-reply (Paper 35, “Sur-reply”). On April 7, 2020, we held an oral hearing. A transcript of the hearing is of record. Paper 41 (“Tr.”).

For the reasons that follow, we conclude that Petitioner has proven by a preponderance of the evidence that claims 1–20 of the ’526 patent are unpatentable.

### *A. Related Matters*

Petitioner indicates that the ’526 patent is the subject of the following court proceeding: *Syncloud Technologies, LLC v. HP Inc.*, No. 1-19-cv-01360 (D. Del. filed July 22, 2019). Pet. 3 (Mandatory Notices).<sup>2</sup> The ’526 patent also is the subject of IPR2019-01655, where we held that “claims 1–

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<sup>1</sup> This Decision refers to the non-confidential version of Petitioner’s Reply (Paper 33).

<sup>2</sup> Petitioner also lists *Syncloud Technologies, LLC v. BLU Products, Inc.*, No. 1-19-cv-00553 (D. Del. filed Mar. 22, 2019), which we understand is no longer pending. Paper 23.

20 of the '526 patent have been shown to be unpatentable” based on prior art not asserted in the instant proceeding. *Unified Patents, LLC v. Syncloud Techs., LLC*, IPR2019-01655, Paper 42, 42 (PTAB March 5, 2021).

*B. The '526 Patent*

The Specification of the '526 patent describes how a wireless device may use external storage provided by a storage server. Ex. 1001, 1:23–24. The '526 patent aims to address the lack of storage capacity faced by users on their wireless devices by allowing a wireless device to use an external server for storing and retrieving data. *Id.* at 2:29–37, 5:1–41. The external storage system of the server may be partitioned by dividing it into multiple small volumes of storage space, each of which may be exclusively assigned to and used by a user of a specific wireless device. *Id.* at 4:1–31.

One embodiment describes a “wireless out-band download” approach for downloading data from a remote location to an assigned storage volume. *Id.* at 2:8–10, 2:50–53, 5:1–30, Fig. 3.

Figure 3 is illustrative and is reproduced below.

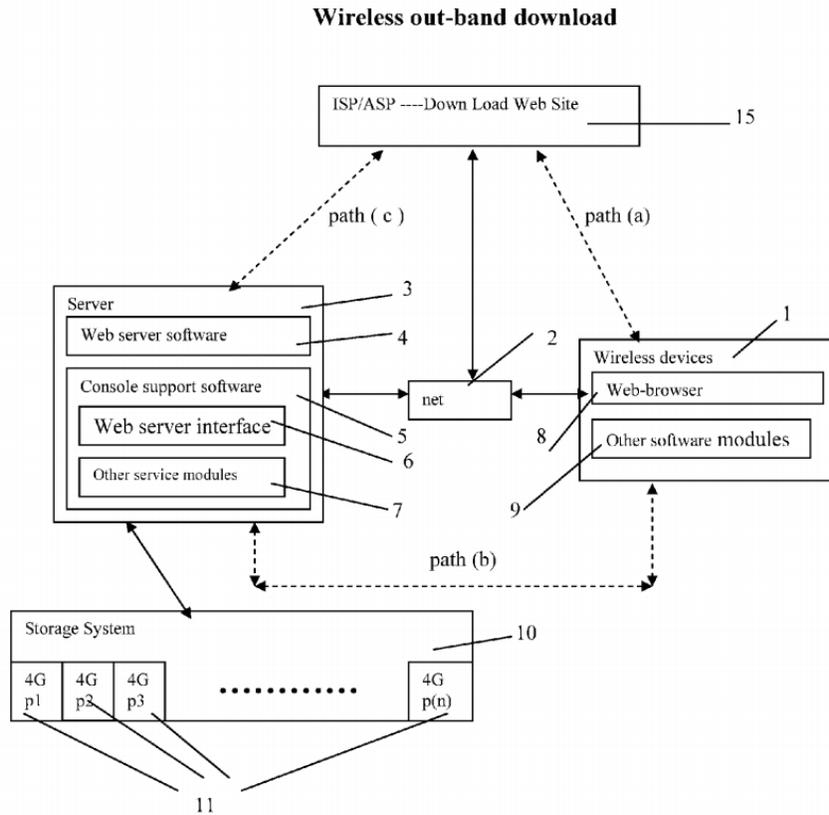


Fig. 3

Figure 3 shows a “wireless out-band download” approach, which includes a sequence of steps for downloading data from a remote web site server 15 into an assigned storage volume 11 of external storage system 10 on server 3. *See id.* at 2:8–10, 2:50–53, 5:1–30. First, the user of wireless device 1 may access remote web server site 15 via web-browser 8 to obtain information about the data for downloading (e.g., data name) via path (a). *Id.* at 5:8–12. Second, other software modules 9 of wireless device 1 may obtain the download information for the data, which becomes available in cached web-pages on wireless device 1. *Id.* at 5:13–17. Third, the other software modules 9 of wireless device 1 may send obtained download

information to other service modules 7 of storage server 3 via path (b). *Id.* at 5:18–20. Fourth, other service modules 7 may send a web download request to remote web site server 15 via path (c) based on the obtained download information and receive the downloaded data streams from remote web site server 15. *Id.* at 5:21–26. Lastly, other service modules 7 may write (i.e., store) the data streams to assigned storage volume 11 in server 3 for wireless device 1. *Id.* at 5:27–30.

The '526 patent also describes retrieving data from an assigned storage volume. *Id.* at 5:31–41. In one embodiment, the user may use the wireless device's web-browser (with embedded video or music functionality) to retrieve and play multimedia data files already stored in the assigned storage volume on the server. *Id.* at 5:33–37. In another embodiment, the wireless device may retrieve data from the file system of the assigned storage volume on the server. *Id.* at 5:38–41.

### *C. Illustrative Claim*

Petitioner challenges claims 1–20 of the '526 patent. Claims 1 and 11 are independent claims, and claims 2–10 and 12–20 depend therefrom, respectively. Claim 1 is reproduced below, which includes changes made per a Certificate of Correction.

1. A wireless device comprising:  
at least one cache storage, one wireless interface, and program code configured to cause the wireless device to:  
establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server, and  
couple with the storage server across the wireless link to carry out a requested operation for remote access to the assigned

storage space in response to the user from the wireless device performing the operation,

wherein the operation for the remote access to the assigned storage space comprises storing a data object therein or retrieving a data object therefrom, the storing of a data object including to download a file from a remote server across a network into the assigned storage space through utilizing download information for the file stored in said cache storage in response to the user from the wireless device performing the operation for downloading the file from the remote server into the assigned storage space.

Ex. 1001, 5:61–6:15, p.11.

#### *D. Instituted Grounds of Unpatentability*

We instituted *inter partes* review based on the following grounds of unpatentability under 35 U.S.C. § 103(a)<sup>3</sup> as follows (Dec. 7, 31):

<b>Claims Challenged</b>	<b>35 U.S.C §</b>	<b>Reference(s)/Basis</b>
1–5, 9, 11, 12, 16, 18–20	103(a)	McCown, <sup>4</sup> Dutta <sup>5</sup>
6–8, 10, 13–15, 17	103(a)	McCown, Dutta, Coates <sup>6</sup>

## II. DISCUSSION

### *A. Principles of Law*

To prevail in its challenges to Patent Owner’s claims, Petitioner must demonstrate by a preponderance of the evidence that the claims are

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<sup>3</sup> The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended several provisions of 35 U.S.C., including § 103. Because the ’526 patent has an effective filing date before the effective date of the applicable AIA amendments, we refer to the pre-AIA version of 35 U.S.C. § 103.

<sup>4</sup> WO 01/67233 A2, published Sept. 13, 2001 (Ex. 1005, “McCown”).

<sup>5</sup> U.S. Pat. Appl. Pub. No. US 2002/0078102 A1, published June 20, 2002 (Ex. 1006, “Dutta”).

<sup>6</sup> U.S. Pat. No. 7,266,555 B1, issued Sept. 4, 2007 (Ex. 1007, “Coates”).

unpatentable. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d) (2019). A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

*B. Level of Ordinary Skill*

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (citation omitted). Petitioner relies on the testimony of Dr. Henry Houh, who testifies that a person having ordinary skill in the art “would have been someone with a bachelor’s degree in electrical, computer engineering, computer science, or related field with two years of experience in a relevant technical field, such as remote storage systems with related experience in wireless technologies and wireless devices.” Pet. 6 (citing Ex. 1003 ¶ 47). Patent Owner does not propose an alternative assessment. *See generally* PO Resp.; Ex. 2014 ¶ 21.

We accept the assessment offered by Petitioner as it is consistent with the '526 patent and the asserted prior art. We further note that the prior art of record in the instant proceeding reflects the appropriate level of ordinary skill in the art. *Cf. Okajima v. Bourdeau*, 261 F.3d 1350, 1354–55 (Fed. Cir. 2001) (holding the Board may omit specific findings as to the level of ordinary skill in the art “where the prior art itself reflects an appropriate level and a need for testimony is not shown”).

### *C. Claim Construction*

In an *inter partes* review for a petition filed on or after November 13, 2018, “[claims] of a patent . . . shall be construed using the same claim construction standard that would be used to construe the [claims] in a civil action under 35 U.S.C. 282(b), including construing the [claims] in accordance with the ordinary and customary meaning of such [claims] as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” *See* 37 C.F.R. § 42.100(b) (2019); *see also Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

#### *“cache storage”*

Petitioner proposes a construction for “cache storage.” Pet. 13 (citing Ex. 1003 ¶ 77); *see id.* at 11–13 (citing Ex. 1003 ¶¶ 70, 71, 73–75, 77). In our Decision to Institute, we interpreted “cache storage” to mean “storage that is more readily accessible by the user or user application than the original storage location” consistent with Petitioner’s proposed construction. Dec. 9–10. Neither party has indicated that our interpretation was improper, and we do not perceive any reason or evidence that now compels any deviation from our initial interpretation. Accordingly, we determine that

cache storage means “storage that is more readily accessible by the user or user application than the original storage location.”

*“utilizing download information”*

Petitioner proposes a construction for “utilizing download information for the file stored in said cache storage” to mean “using information stored in the cache storage of the wireless device to download a file from a remote server.” Pet. 13–14 (citing Ex. 1003 ¶¶ 78–82). In our Decision to Institute, we agreed with Petitioner’s proposed construction. Dec. 10–11.

Patent Owner does not specifically contest Petitioner’s proposed construction or our adoption of Petitioner’s construction for “utilizing download information.” Patent Owner argues, however, that the longer phrase, “download a file from a remote server across a network into the assigned storage space through utilizing download information for the file stored in said cache storage,” requires “information *needed* to download a file from a remote server to be (i) stored in a cache storage of a wireless device and (ii) utilized to download the file across a network into an assigned storage space for the user of the wireless device.” PO Resp. 10 (emphasis added). Patent Owner asserts that its proposed construction is consistent with the claim language and the Specification of the ’526 patent. *Id.* at 10–11. That is so, Patent Owner argues, because both the claim language and the Specification make clear that “the claimed ‘download information’ is for the file at the remote server and this ‘download information’ is stored in the cache storage” in the wireless device. *Id.*

Patent Owner further argues that the Specification of the ’526 patent also makes clear that the “download information in the wireless device’s cache is, in fact, utilized to download the file.” *Id.* at 11 (citing Ex. 1001,

5:18–26). Importantly, however, Patent Owner fails to explain why the phrase must also include “information *needed* to download a file.” Patent Owner fails to explain what information is needed to download a file such that we can ascertain the scope of the proposed construction associated with the claim phrase. *Id.* at 10–11. Accordingly, we decline to adopt Patent Owner’s proposed construction. We instead construe “utilizing download information” like we did in the Decision to Institute to mean “using information stored in the cache storage of the wireless device to download a file from a remote server.” Dec. 10–11. This construction clarifies that it is the download information that is stored in cache storage, not the file itself.

*“predefined capacity”*

Claim 1 recites “a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server.” Ex. 1001, 5:64–67. Independent claim 11 recites a similar phrase. *Id.* at 6:61–63. Patent Owner argues that the phrase means “deciding or setting in advance by a storage server an amount of storage space exclusively to a user of a wireless device.” PO Resp. 12. Patent Owner further argues that its proposed construction is “consistent with the Specification of the ’526 Patent, which repeatedly states that an amount of storage space is defined in advance to a user of a wireless device.” *Id.* at 12–13 (citing Ex. 1001, 2:40–48). Patent Owner contends that “a POSITA<sup>7</sup> would have understood the predefining capacity to mean defining (*i.e.*, deciding or setting in advance) the amount of storage **before** the storage is allocated or assigned to the

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<sup>7</sup> A person of ordinary skill in the art.

user.” *Id.* at 13 (citing Ex. 2014 ¶ 102<sup>8</sup>). Patent Owner further contends that “the claims explicitly recite that ‘a storage space of a predefined capacity,’ is ‘assigned exclusively to the user . . . by a storage server,’ not by the user.” Sur-reply 3–4 (citing Ex. 1001, 5:65–66). Patent Owner further contends that the phrase means “that (i) capacity is predefined exclusively for each user (ii) by the storage server, (iii) before any interaction between the user and storage server.” *Id.* at 13.

It is necessary for us to resolve this issue because there is a dispute about whether the prior art (McCown in combination with Dutta) describes “a predefined capacity” as claimed. PO Resp. 32–34. For the following reasons, we determine that the claim phrase does not require “deciding or setting in advance by a storage server an amount of storage space exclusively to a user of a wireless device” or that the capacity must be predefined by the storage server.

We begin our analysis with the claim language. Claim 1 recites “program code configured to cause the wireless device to . . . establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server.” Claim 11 recites a similar phrase. Patent Owner focuses on the language of claim 1 as representative, as do we. *See, e.g., id.* at 12–13. First, the plain language of claim 1 requires that a storage space be *assigned by the server* (“assigned exclusively to a user of the wireless device by a storage server”), but the claim does not require that the server be the entity that defines the capacity of the storage space. Further, the claim language

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<sup>8</sup> We understand Patent Owner’s citation to Exhibit 2104 to be a typographical error and intended to be Exhibit 2014, as there is no Exhibit 2104 in the record.

requires that a storage space be assigned exclusively to a user, but it does not require that the capacity of the storage space be defined in advance to a user, or that the space be defined before any interaction between the user and storage server.

Patent Owner directs attention to the second declaration of Mr. Jawadi in support of its proposed construction. *Id.* (citing Ex. 2014 ¶¶ 100–102). Mr. Jawadi testifies that “a POSITA would have understood the predefining capacity to mean defining (i.e., deciding or setting in advance) the amount of storage before the storage is allocated or assigned to the user.” Ex. 2014 ¶ 102. But Mr. Jawadi’s testimony does not support Patent Owner’s claim construction. Mr. Jawadi does not contend that claim 1 requires only the server to perform the predefining or that the “capacity” be defined in advance to a particular user. Moreover, Mr. Jawadi fails to explain in any way why the claim requires defining the amount of storage before the storage is allocated or assigned to the user. Allocation is not claimed. In addition, Mr. Jawadi fails to explain why the claim requires that the amount of storage must be defined before the storage is assigned to the user and not defined before the user accesses the storage space. *See, e.g.*, Pet. Reply 19 (explaining that Dutta’s storage capacity is predefined because it is defined before the user stores data into it).

We next turn to the Specification of the ’526 patent. Patent Owner argues that its proposed construction is consistent with the Specification of the ’526 patent, which “repeatedly states that an amount of storage space is defined in advance to a user of a wireless device.” PO Resp. 12. We are not persuaded that the Specification of the ’526 patent requires the claim language to be interpreted as Patent Owner proposes. The disclosure cited

by Patent Owner provides that “each server unit . . . partitions its storage system into volume[s] and each of the volumes will have multiple GB in size.” Ex. 1001, 2:40–43; *see* PO Resp. 12–13. But elsewhere, the ’526 patent describes an administrator partitioning volumes of storage on the server. Ex. 1001, 3:31–41, 4:13–18. Accordingly, we are not persuaded that the ’526 patent requires the capacity of a storage space to be predefined only by the server. Further, the additional disclosure cited by Patent Owner in support of its proposed construction merely provides an example of how storage on a server could be partitioned among a number of users; it does not state that the capacity is “defined in advance to a user of a wireless device,” as Patent Owner contends. *See* PO Resp. 12; Ex. 1001, 2:45–47 (“For example, if we need to provide each user a 4 GB storage space, then a 160 GB disk drive can support 40 users.”).

In any event, even if the disclosure relied on by Patent Owner were as restrictive as Patent Owner urges, which we find that it is not, our reviewing court has explained, “each claim does not necessarily cover every feature disclosed in the specification,” and “it is improper to limit the claim to other, unclaimed features.” *Ventana Med. Sys., Inc. v. BioGenex Labs., Inc.*, 473 F.3d 1173, 1181 (Fed. Cir. 2006). Furthermore, our reviewing court “has repeatedly cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification.” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1346–47 (Fed. Cir. 2015); *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004) (noting that “it is important not to import into a claim limitations that are not a part of the claim”). “[I]t is the *claims*, not the written description, which define the scope of the patent right.” *Williamson*, 792 F.3d at 1346–47; *see also*

*Phillips*, 415 F.3d at 1312 (noting that “[i]t is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude”). We decline Patent Owner’s invitation to limit the claims to unclaimed features.

For all of the above reasons, we decline to adopt Patent Owner’s construction of the phrase “a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server” to mean “deciding or setting in advance by a storage server an amount of storage space exclusively to a user of a wireless device.” We need not otherwise construe this phrase or any other terms in the claims. *See Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (holding that “only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy”); *see also Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs.* in the context of an *inter partes* review).

*D. Asserted Obviousness of Claims 1–5, 9, 11, 12, 16, and 18–20 over McCown and Dutta*

*1. McCown (Ex. 1005)*

McCown describes a method for downloading files across a network from a remote site into a client’s storage space account within a storage site. Ex. 1005, 3:26–28, 8:12–13. The method may include the use of a user site, a remote site that has a web server, and a storage site. *See, e.g., id.* at 3:26–4:7, 7:17–25.

The user site may be a machine capable of digital network communications with input and output devices for sending and receiving information, and a browser for Internet connectivity. *Id.* at 7:27–8:1, 8:5–6.

Examples of a user site include a personal computer, laptop, palmtop, or a cell phone. *Id.* at 7:27–29.

The remote site may be a web site on the Internet with one or more files available for downloading. *Id.* at 6:17–18. The remote site may include a storage medium for storing files as well as file lists used to identify each file, for example, by URL. *Id.* at 6:23, 7:8–14. The remote site may also include a web server for interfacing the remote storage medium to the Internet, and the web server may be capable of sending and receiving information over the Internet, the information sent including webpages, file lists, and files. *Id.* at 7:17–25.

The storage site may include a storage medium with storage space accounts implemented thereon for clients to access on the Internet. *Id.* at 8:11–13, 8:17–18. To access its storage space account, a client must provide a user identification and password, which may be authenticated by an account manager. *Id.* at 8:27–9:6. The storage space account may appear as a mounted drive to the user site and client. *Id.* at 9:14–16. The storage site may also include a web server for sending and receiving information over the Internet and may communicate with the remote site's web server. *Id.* at 9:9–13.

In one embodiment, the user site may generate a request for a web page containing a file list and send the request to the remote site. *Id.* at 10:19–23. Having received the request, the remote site may send the requested web page to the user site. *Id.* at 10:24–25. The user site may then display the file list to the client through an output device. *Id.* at 10:25–29. Using an input device, the client may select files from the file list for downloading. *Id.* at 11:4–7. The user site's software application may accept

and use the URL of a selected file to generate a data request and send it over the Internet to the storage site's software application. *Id.* at 11:17–22. The data request may be used to generate a download request, which is sent to the storage site's web server. *Id.* at 12:23–26. The web server may then send the download request to the remote site, which may download the files identified by the URLs to the storage site. *Id.* at 12:26–29. The storage site may receive the downloaded files and store them into the client's storage space account. *Id.* at 12:29–13:2.

## 2. Dutta (Ex. 1006)

Dutta describes a method and system for customizing the storage of captured Web content. Ex. 1006 ¶ 10.

A client may receive a Web page displayed by a browser application in response to a user's request to browse the Web page. *Id.* The user may use a control within a toolbar of the browser application to capture content being displayed, and the captured data and user parameters may be pushed over a wired or wireless network to a server for customized processing. *Id.* ¶¶ 10, 21, 35, 37.

The server may receive the pushed information from the client and automatically store captured data. *Id.* ¶ 11. In addition, the server may automatically modify a user Web page or file that was previously stored in the server's storage, for example, by inserting a hyperlink to the captured data. *Id.* ¶¶ 11, 53. Such a modification may be accomplished by executing a server-side script (e.g., a user-specified script contained in the information the server received from the client). *Id.* ¶¶ 11, 44, 52.

Dutta also describes that the client may maintain a local storage for use by the browser and other applications. *Id.* ¶ 29. The browser may store

a bookmark file, a browser cache, and other types of files such as user-saved Web pages. *Id.* A user of the client may also register to create a personal account for gaining authorization and access to the server and its services. *Id.* ¶ 38. After the user has been registered, the user may be allocated a certain amount of online storage space within the server's storage for storing various types of data. *Id.*

### 3. Discussion

Petitioner contends that claims 1–5, 9, 11, 12, 16, and 18–20 are unpatentable under 35 U.S.C. § 103(a) as obvious over McCown and Dutta. Pet. 26–62. In support of its showing, Petitioner relies upon the declaration of Dr. Henry Houh. *Id.* (citing Ex. 1003). Patent Owner relies upon the Second Declaration of Mr. Zaydoon Jawadi (Ex. 2014). PO Resp.<sup>9</sup> Patent Owner argues that several limitations are not taught by the prior art and that it would not have been obvious to combine McCown and Dutta. Patent Owner also presents evidence of nonobviousness.

For our analysis, we first focus on the terms of each of the claims. Then, we evaluate Petitioner's reasons to combine McCown and Dutta, and Patent Owner's arguments to that end, along with Patent Owner's

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<sup>9</sup> Any arguments for patentability not raised in the Patent Owner Response are deemed waived. *See* Paper 22, 8; *In re NuVasive*, 842 F.3d 1376, 1381 (Fed. Cir. 2016) (explaining that a patent owner waives an argument presented in the preliminary response if it fails to renew that argument in the patent owner response during the instituted trial). Thus, we only consider those specific exhibit citations referenced in Patent Owner's Response and Sur-reply in support of the arguments made. *See also* Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), <https://www.uspto.gov/TrialPracticeGuideConsolidated>, 66 (“[T]he response should include any affidavits or additional factual evidence sought to be relied upon and explain the relevance of such evidence.”).

nonobviousness contentions. For the reasons that follow, weighing the totality of the evidence of record and the strength of the parties' showings on the inquiries underlying the question of obviousness, we conclude that Petitioner has met its burden of proving by a preponderance of the evidence that each of the challenged claims 1–5, 9, 11, 12, 16, and 18–20 would have been obvious in view of the asserted prior art.

*a. Claim 1: “a wireless device” (preamble)<sup>10</sup>*

Petitioner contends, and we agree, that McCown teaches “[a] wireless device,” with its disclosure of a user site through which a client may access a remote site, wherein the user site may be a palmtop device or an enhanced cellular phone. Pet. 27 (citing Ex. 1005, 7:26–29); *see also id.* at 27–28 (citing Ex. 1003 ¶¶ 116–17; Ex. 1005, 2:13–16, 9:14–17, 9:23–26). Patent Owner does not dispute Petitioner’s showing with respect to the preamble. *See generally* PO Resp.

*b. Claim 1: “at least one cache storage, one wireless interface, and program code configured to cause the wireless device to”*

Petitioner next contends that McCown, alone or in view of Dutta, satisfies “at least one cache storage.” *Id.* at 28–33. In particular, Petitioner argues that McCown discloses the use of a browser, such as Microsoft Internet Explorer or Netscape Communicator, and “[a] Skilled Artisan would understand [that] each of these browsers on McCown’s wireless devices included ‘at least one cache storage.’” *Id.* at 28 (citing Ex. 1003 ¶ 121; Ex. 1005, 8:5–10; Ex. 1024, 7:8–10 (“Both Netscape Navigator and Microsoft Internet Explorer have cache memories.”); Ex. 1025, 3:3–8).

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<sup>10</sup> We need not determine whether the preamble is limiting because, regardless, Petitioner shows that McCown meets the preamble.

Petitioner alternatively argues that

[t]o the extent one might argue that McCown does not sufficiently disclose ‘*at least one cache storage*,’ . . . . [a] Skilled Artisan would understand that the use of a browser cache in wireless devices was well-known in the art by 2003 and would have been motivated to use one in the browser of McCown in order to provide for the faster retrieval of information.

*Id.* at 29 (citing Ex. 1003 ¶¶ 122–24; Ex. 1005, 9:22–23, Fig. 1; Ex. 1010 ¶ 2; Ex. 1011, 1:66–2:1). For example, Exhibit 1010 explains that “caching is a process that web browsers typically use that provides for faster retrieval of web page content.” Ex. 1010 ¶ 2. Exhibit 1010 further describes how a visited web page is cached locally, and that later when the same web page is accessed, content for the web page is retrieved from memory rather than from over the network, improving download time and reducing bandwidth usage. *Id.* Additionally, the reference explains that browser caching for wireless devices was known. *Id.* ¶¶ 4–5, 14. Thus, we agree with Petitioner that a person having ordinary skill in the art would have understood that the use of a browser cache in a wireless device was well-known at the time of the invention because the record evidence supports that contention. Pet. 29 (citing Ex. 1003 ¶¶ 122–24; Ex. 1005, 9:22–23, Fig. 1; Ex. 1010 ¶ 2; Ex. 1011, 1:66–2:1).

Petitioner alternatively relies on Dutta for teaching a “browser cache” in local storage, i.e., “at least one cache storage.” *Id.* at 30 (citing Ex. 1003 ¶ 126; Ex. 1006 ¶ 29); *see also id.* at 31 (citing Ex. 1003 ¶¶ 127–28; Ex. 1006, Fig. 3; Ex. 1008, 114; Ex. 1030, 72). We agree with Petitioner, and further find, that Dutta’s “browser cache” meets the “at least one cache storage” limitation of claim 1.

Although Patent Owner argues that the combination of McCown and Dutta fails to teach “storing download information in cache storage or utilizing download information from cache storage” (PO Resp. 17) in connection with the wherein phrase, which we address below, Patent Owner does not dispute that McCown with or without Dutta teaches “at least one cache storage” as claimed. *See generally* PO Resp.; Pet. Reply 8–9.

As to the claimed “one wireless interface,” Petitioner contends that McCown’s user site—such as a palmtop device or an enhanced cellular phone—may access a storage site via the Internet. Pet. 34 (citing Ex. 1003 ¶ 137; Ex. 1005, 7:27–29, 8:11–12). Petitioner cites Dr. Houh’s explanation that “such wireless devices necessarily include a ‘*wireless interface*,’ such as a mechanism to interface with other devices wirelessly”—“[o]therwise, they could not communicate wirelessly and would therefore not be a wireless device.” *Id.* (citing Ex. 1003 ¶ 138). We agree with Petitioner that McCown teaches a wireless interface.

Petitioner contends, and we agree, that McCown discloses “program code” for implementing operations relating to the user site (wireless device) as claimed. Pet. 35–36, 43–44 (citing Ex. 1003 ¶¶ 144–145, 174; Ex. 1005, 3:26–27, 5:1–6, 9:14–30; Ex. 1030, 450). Patent Owner does not dispute Petitioner’s showing that McCown teaches the “one wireless interface” and the “program code configured to cause” limitations. *See generally* PO Resp.

*c. Claim 1: “establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server”*

Petitioner contends that McCown, alone or in view of Dutta, satisfies this limitation. Pet. 35–43. As explained above, Petitioner argues, and we agree, that “McCown discloses the use of ‘information storage media

recording computer programs’ (*program code*) executed at the user site (*a wireless device*), . . . which would implement the remote access techniques described” therein. *Id.* at 35–36 (citing Ex. 1003 ¶ 144; Ex. 1005, 3:26–27, 5:1–6; Ex. 1030, 450). Petitioner also argues that “McCown discloses that the storage site software application and the user site software application are capable of communicating via the Internet (*cause the wireless device to establish a wireless link*) with a remote storage server, which is part of the storage site (*access to a storage space*).” *Id.* at 37 (citing Ex. 1003 ¶ 146; Ex. 1005, 8:12–13; Ex. 1015, 1:29–32).

Petitioner further argues that McCown teaches a “storage space . . . assigned exclusively to a user of the wireless device by a storage server” because McCown describes “authentication measures required by the account manager in the storage server to gain access to the client’s account a user having exclusive access to a storage space.” *Id.* at 43 (citing Ex. 1005, 8:27–9:6). We give substantial weight to Dr. Houh’s testimony that because McCown describes that authentication information must be entered to unlock the client’s storage space account, the storage space of the account is assigned exclusively to the particular user who owns the account, and access to the storage space account is managed by an account manager that is “provided in the storage site.” Ex. 1003 ¶ 169 (citing Ex. 1005, 8:27–9:6).

With respect to “a storage space of a predefined capacity,” Petitioner makes three contentions as to how that limitation is met. Pet. 38–42. First, Petitioner contends that McCown’s “disclosure of the storage space provisioned into accounts assigned to respective users would be understood by a Skilled Artisan to include the partitioning and subsequent allocation of storage volumes with ‘predefined capacities.’” *Id.* at 39 (citing Ex. 1031

¶ 10); *see also id.* at 38–39 (citing Ex. 1003 ¶ 152; Ex. 1005, 8:14–24, 8:27–9:6). Second, Petitioner contends that to the extent McCown does not disclose “a storage space of a predefined capacity,” “it would have been obvious to modify the system of McCown to include that functionality.” *Id.* at 39–40 (citing Ex. 1003 ¶¶ 155–156; Ex. 1017, 4:38–43; Ex. 1018 ¶¶ 7–8). Third, Petitioner contends that to the extent it would not have been obvious to include a memory partitioning and allocation technique in McCown, it would have been obvious to combine McCown with the storage allocation techniques of Dutta. *Id.* at 40. For purposes of this Decision, we focus on Petitioner’s third contention.

In particular, Petitioner argues, and we agree, that Dutta in combination with McCown teaches “a storage space of a predefined capacity” because Dutta discloses “a remote memory storage method to capture website material” including a “storage server [that] allocates a certain amount of storage space to each user for data storage after the user has registered.” *Id.* (citing Ex. 1003 ¶ 158; Ex. 1006 ¶ 38). Petitioner explains, that in the proposed combination of McCown and Dutta, “[t]he combined system would use Dutta’s storage allocation technique to create an allocated storage after which McCown’s system could be employed to store or retrieve data objects from the storage server.” *Id.* at 41 (citing Ex. 1003 ¶ 159).

Patent Owner argues that Petitioner has failed to show that the combination of McCown and Dutta teaches “a storage space of a predefined capacity assigned exclusively to a user.” PO Resp. 32–34. The parties focus on the following Dutta passage:

It is assumed that the user of client 302 has previously registered in some manner to create a personal account so that the user is

authorized by the owner or operator of server 332 to access services provided via server 332. *After the user has been registered, the user is allocated a certain amount of online storage space 336 in which the user may store various types of data.* In a manner similar to that shown in FIG. 2, captured Web files 338 and personal bookmark file 340 may be stored in storage 334.

Ex. 1006 ¶ 38 (emphasis added). Patent Owner argues, “there is no disclosure in Dutta that an amount of storage space was set by a storage server exclusively to a user of a wireless device deciding or setting in advance by a storage server an amount of storage space exclusively to a user of a wireless device in advance.” PO Resp. 33 (citing Ex. 2014 ¶ 120). That argument is apparently based on Patent Owner’s proposed construction for “a storage space of a predefined capacity assigned exclusively to a user,” which as explained above, we do not adopt.

Patent Owner further argues that Dutta does not specify when the “certain amount” is defined and does not disclose that the “certain amount” of storage is predefined (“defined, decided, or set in advance”). PO Resp. 32–33 (citing Ex. 1006 ¶ 38; Ex. 2014 ¶ 120). Mr. Jawadi testifies the same and adds that Dutta’s “‘certain amount’ may be calculated by the storage server based on an algorithm after user registration is complete, rather than based on a predefined amount that was defined in advance or before registration is complete.” Ex. 2014 ¶ 120. Mr. Jawadi further opines that as another example, “the ‘certain amount’ may be selected (entered) by the user after user registration is complete, rather than based on a predefined amount that was defined in advance.” *Id.*

Dutta describes that after a user has been registered, “the user is allocated a certain amount of online storage space 336 in which the user may store various types of data.” Ex. 1006 ¶ 38. We agree with Petitioner that

this disclosure describes “when” the *certain amount* of storage space is defined because “Dutta discloses that the storage [certain amount] is allocated *before the user may store data in it*, and therefore the storage capacity is “predefined” in the sense that it is defined before the user stores data into it.” Pet. 19 (citing Ex. 1006 ¶ 38) (emphasis added). Moreover, neither Patent Owner nor Mr. Jawadi explains sufficiently why claim 1 and claim 11 require that the “predefined capacity” be defined in advance or before user registration is complete. We agree with Petitioner that the claims do not require that the storage space of a “predefined capacity” be defined prior to user registration. Pet. Reply 19. Registration or user registration is not claimed. Moreover, Patent Owner and Mr. Jawadi contend that the capacity must be defined before the storage is allocated or assigned to the user. Ex. 2014 ¶ 102; *see also* Tr. 22:8–11. As we explain above, Mr. Jawadi fails to explain why the claim requires defining the amount of storage before the storage is allocated or assigned to the user. In any event, we find that Dutta’s “certain amount” of storage space allocated to the user is predefined, because in order to “allocate[] *a certain amount* of online storage space” the certain amount must be known or defined prior to that allocation. Ex. 1006 ¶ 38; *see also* Tr. 24:24–26, 26:2–13; Dec. 22.

Mr. Jawadi also testifies that “Dutta does not specify who (what entity)” defines the certain amount, and in particular, Dutta does not describe that the certain amount is defined in advance by the server. Ex. 2014 ¶ 121. As explained above, the claims do not require that the capacity must be predefined *by the storage server*. Accordingly, Mr. Jawadi’s testimony is not commensurate in scope with what is claimed and is entitled to little or no weight.

For all of the above reasons, we determine McCown in view of Dutta teaches “establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server.”

*d. Claim 1: “couple with the storage server across the wireless link to carry out a requested operation for remote access to the assigned storage space in response to the user from the wireless device performing the operation”*

Petitioner contends, and we agree, that McCown teaches causing the wireless device “to . . . couple with the storage server across the wireless link” because McCown discloses a connection made between the user site and the storage server, such that “[c]ommunications between the user site 130 and ISP 160 may be via modem, cable modem, digital subscriber line, local area network, wide area network . . . and similar communication . . . circuits.” Pet. 44–45 (citing Ex. 1003 ¶ 178; Ex. 1005, 10:1–2, 10:10–14, Fig. 1). Petitioner has shown sufficiently that McCown also teaches “to carry out a requested operation for remote access to the assigned storage space” “in response to the user from the wireless device performing the operation” because McCown discloses that the user site (“wireless device”), in response to user input thereon, can initiate a transfer of data from the remote site 110 to the storage site 140 and from storage site 140 to user site 130. *Id.* at 46 (citing Ex. 1005, 11:4–14:14, 16:15–17:21, Figs. 3, 7). Petitioner explains that “[e]ach of those transfer operations constitutes ‘carry[ing] out a requested operation for remote access to the assigned storage space’ because each is an operation that accesses the storage site 140.” *Id.* (citing Ex. 1003 ¶ 182). Patent Owner does not dispute Petitioner’s showing with respect to the above limitation. *See generally* PO Resp.

*e. Claim 1: the wherein phrase*

Claim 1 further recites

wherein the operation for the remote access to the assigned storage space comprises storing a data object therein or retrieving a data object therefrom, the storing of a data object including to download a file from a remote server across a network into the assigned storage space through utilizing download information for the file stored in said cache storage in response to the user from the wireless device performing the operation for downloading the file from the remote server into the assigned storage space.

Ex. 1001, 6:5–14, p.11. Petitioner contends, and we agree, that McCown describes the transfer of data from remote site 110 to storage site 140 (“*storing a data object*”) and the transfer of data from storage site 140 to user site 130 (“*retrieving a data object*”). Pet. 47 (citing Ex. 1003 ¶¶ 187–88; Ex. 1005, 12:27–14:14, 16:15–17:21, Fig. 3 (item 328), Fig. 7 (item 714)). Petitioner further contends, and we agree, that McCown teaches “the storing of the data object including to download a file from a remote server on a network into the assigned storage space.” McCown discloses that “[t]he remote site receives the download request [from the storage site’s web server] and responds by transmitting the files (*download a file from a remote server*) identified by the URLs to the storage site (*across a network*),” which “receives the downloaded files and then **stores them into the client’s storage space account**” (“*into the assigned storage space*”). *Id.* at 48–49 (citing Ex. 1005, 7:22–25, 12:25–13:2, Fig. 1; Ex. 1003 ¶¶ 192–93).

With respect to “the storing of a data object including to download a file . . . through utilizing download information for the file stored in said cache storage,” Petitioner argues that McCown in view of Dutta satisfies this

claim limitation. *Id.* at 50–54. In particular, Petitioner asserts that McCown teaches downloading files from a remote site into assigned storage space “through utilizing download information for the file” because McCown discloses URLs (download information) that “indicate what files are available for download” and that serve as “a mechanism (*e.g.*, an address) used to locate and download those files.” *Id.* at 50 (citing Ex. 1003 ¶ 198; Ex. 1005, 7:8–16; Ex. 1030, 487); *see also id.* at 50–51 (citing Ex. 1003 ¶¶ 199–200; Ex. 1005, 3:28–4:4, 10:18–27, 11:4–11, 11:20–21, Fig. 3).

According to Petitioner, “McCown does not explicitly disclose that the URLs identifying files available for download from the remote site (*‘download information’*) are ‘stored in said cache storage,’ but it would have been obvious to include that functionality in the system of McCown in view of Dutta.” *Id.* at 51, *see also id.* at 30–33 (citing Ex. 1006 ¶ 29, Fig. 3) (explaining that Dutta teaches a “cache storage” with its disclosure of a browser cache).

Petitioner additionally contends that McCown teaches storing a data object “in response to the user from the wireless device performing the operation for downloading the file from the remote server into the assigned storage space” because “McCown explains that the remote storage operation in which a file from the remote site is downloaded and stored in [a] user’s storage account at the storage site . . . occurs in response to the user initiating it.” *Id.* at 54 (citing Ex. 1005, 11:4–19, Fig. 3); *see also id.* at 54–55 (additionally citing Ex. 1003 ¶¶ 175–77, 211–12; Ex. 1005, 16:23–29).

Patent Owner argues that Petitioner fails to show that the combination of McCown and Dutta teaches “download a file from a remote server across

a network into the assigned storage space through utilizing download information for the file stored in cache storage.” PO Resp. 17–21. First, Patent Owner argues that “McCown does not even mention a cache and therefore, could not have possibly taught or suggested storing download information in cache storage or utilizing download information from cache storage.” *Id.* at 17 (citing Ex. 2014 ¶ 37). We determine that Petitioner has sufficiently shown that “to a Skilled Artisan, McCown discloses that its user site includes a web browser having cache, even if the cache is not ‘mentioned.’” Pet. Reply 8 (citing Pet. 28). Indeed, Patent Owner does not contest that a person having ordinary skill in the art would have known at the time of the invention that the browsers described in McCown included a cache. Ex. 1005, 8:5–10, Fig. 1. Thus, Patent Owner’s argument that “McCown does not even mention a cache” ignores Petitioner’s showing.

With respect to Dutta, also relied on by Petitioner to teach a cache (“cache storage”), Patent Owner argues that Dutta does not explain “how the data in its cache is used, let alone that the specific way of using information stored in the cache on the wireless device disclosed in the ’526 Patent.” PO Resp. 18 (citing Ex. 2014 ¶ 39).<sup>11</sup> Patent Owner acknowledges that Dutta discloses a browser that may store *browser cache*, but argues that “Dutta does not integrate the cache in the Dutta invention; Dutta does not disclose how the data in its browser cache may be used for any purpose, function, or utility in the Dutta system.” *Id.* at 19 (citing Ex. 2014 ¶ 46). Patent Owner further argues that “[t]here is not a whisper of a suggestion in McCown or Dutta that download information would have been retrieved from a cache

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<sup>11</sup> We understand Patent Owner’s citation to Exhibit 2001 to be a typographical error and that Patent Owner intended to cite to Exhibit 2014 where the actual quotation resides.

storage of a wireless device and utilized to download a file from a remote server to assigned storage on a storage server, as claimed by the '526 patent.” Sur-reply 7.

Patent Owner’s arguments attacking McCown and Dutta individually fail to undermine Petitioner’s persuasive showing because the challenge is based on the combined teachings of McCown and Dutta from the perspective of a person having ordinary skill in the art at the time of the invention. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) (“[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.”).

Here we find, and it is not disputed, that McCown teaches downloading files from a remote site into assigned storage space “through utilizing download information for the file” because McCown discloses URLs listed on a web page (“download information”) that “indicate what files are available for download” and that serve as “a mechanism (*e.g.*, an address) used to locate and download those files.” Pet. 50 (citing Ex. 1003 ¶ 198; Ex. 1005, 7:8–16; Ex. 1030, 487); *see also id.* at 50–51 (citing Ex. 1003 ¶¶ 199–200; Ex. 1005, 3:28–4:4, 10:18–27, 11:4–11, 11:20–21, Fig. 3); *see generally* PO Resp. (not disputing these findings). There further is no dispute that at least Dutta describes a web browser that “store[s] a browser cache.” PO Resp. 19. It was known, and not disputed, that web browsers typically use caching to provide for faster retrieval of web page content so that web pages such as McCown’s web page (listing URLs (file list)) were cached. Ex. 1010 ¶¶ 2, 4–5, 14; PO Resp. 19 (acknowledging that Dutta discloses a browser *that may store browser cache*).

For example, Exhibit 1010 explains that “caching is a process that web browsers typically use that provides for faster retrieval of web page content.” Ex. 1010 ¶ 2. Exhibit 1010 goes on to explain how a visited web page is cached locally, and that later when the same web page is accessed, content for the web page is retrieved from memory rather than from over the network, improving download time and reducing bandwidth usage. *Id.* Additionally, the reference explains that browser caching for wireless devices was known. *Id.* ¶¶ 4–5, 14; *see also* Ex. 1003 ¶ 74 (citing Ex. 1010). Thus, Petitioner has shown and accounted for how the combined teachings of McCown and Dutta meet “download a file from a remote server across a network into the assigned storage space through utilizing download information for the file stored in cache storage.” Below, we address Petitioner’s reasons for combining McCown and Dutta, as well as Patent Owner’s arguments against those reasons.

*f. Independent Claim 11 and  
Dependent Claims 2–5, 9, 12, 16 and 18–20*

Independent claim 11 is similar to claim 1. Petitioner’s showing for claim 11 is nearly the same as that for claim 1, while sufficiently accounting for the differences between claim 11 and claim 1. *See, e.g.*, Pet. 27–28. Patent Owner’s arguments for claim 11 are the same as its arguments for claim 1, which we have addressed. *See, e.g.*, PO Resp. 17, 22, 30, 34. We are persuaded by Petitioner’s showing, which we adopt.

Dependent claim 2 is similar in scope to claim 16 and recites “wherein the data object, being stored into or retrieved from the assigned storage space, comprises a message or multimedia data of video, digital music, or digital picture.” Ex. 1001, 6:16–19. Petitioner contends, and we agree, that McCown describes that the files downloaded into a client’s storage space

include text, graphics, images video, audio, etc. Pet. 55–56 (citing Ex. 1005, code (57), 6:17–22; Ex. 1003 ¶¶ 215–216). Patent Owner does not separately argue claims 2 and 16. *See generally* PO Resp. We are persuaded by Petitioner’s showing, which we adopt.

Claim 3 depends directly from claim 1 and recites, “[t]he wireless device as recited in claim 1, wherein the storage server controls a plurality of storage devices, one of the storage devices being configured with the storage space assigned exclusively to the user.” Claim 20 depends directly from independent claim 11 and is similar to claim 3. Petitioner contends, and we agree, that McCown discloses that storage space accounts, exclusive to each user, are implemented on a storage medium that comprises magnetic hard drives, magnetic tape, optical tape, optical disks, or solid state memory devices. Pet. 56 (citing Ex. 1005, 8:17–21). Petitioner asserts that McCown, therefore, discloses embodiments in which multiple storage devices, such as magnetic hard drives, meet the claim 3 and claim 20 requirement that the “storage server controls a plurality of storage devices.” *Id.* at 57 (citing Ex. 1005, 8:19–20; Ex. 1003 ¶ 220). Petitioner further contends that to the extent the claims require that the user’s exclusive storage space is limited to a single storage device or encompasses an entire device, either would have been obvious. *Id.* (citing Ex. 1003 ¶¶ 222–223; Ex. 1021, 5:14–17). Patent Owner does not separately argue claims 3 and 20. *See generally* PO Resp. We are persuaded by Petitioner’s showing, which we adopt.

Claim 4 depends directly from claim 1 and recites:

The wireless device as recited in claim 1, wherein said downloading a file from a remote server further comprises:  
obtaining downloading information for the file;

transmitting the downloading information cached in the wireless device to the storage server; and

causing the storage server in accordance with the downloading information to download the file into the assigned storage space.

Ex. 1001, 6:24–31. Claim 12 depends directly from claim 11 and is similar to claim 4. Petitioner’s showing for these claims is similar to the showing for claims 1 and 11, while accounting for the differences. Pet. 58–60. For example, Petitioner contends, and we agree, that McCown discloses transmitting data requests, including URLs, to the storage site. *Id.* at 58–59 (citing Ex. 1005, 11:20–23; Ex. 1003 ¶¶ 200, 228). Patent Owner does not make separate arguments with respect to claims 4 and 12. *See generally* PO Resp. We are persuaded by Petitioner’s showing, which we adopt.

Dependent claim 5 is similar in scope to claim 19 and recites, “wherein the wireless device further is one of a cell phone or a personal data assistant and management device (‘PDA’).” Ex. 1001, 6:32–34. Petitioner contends, and we agree, that McCown’s “palmtop device” or “enhanced cellular telephone” meets the claim limitation. Pet. 61 (citing Ex. 1005, 7:27–29; Ex. 1019 ¶ 2; Ex. 1027, 2; Ex. 1003 ¶ 236). Patent Owner does not make separate arguments with respect to claims 5 and 19. *See generally* PO Resp. We are persuaded by Petitioner’s showing, which we adopt.

Dependent claim 9 is similar in scope with claim 18 and recites, “wherein wireless device further executes a web browser for the user access to the assigned storage space, access to the Internet.” Ex. 1001, 6:50–52, p.11 (Certificate of Correction). Petitioner contends, and we agree, that McCown’s browser is used by the user site to access the storage site, and does so via the Internet. Pet. 61–62 (citing Ex. 1005, 8:5–10, 9:4–5, 9:7–9; Ex. 1003 ¶¶ 279–280). Patent Owner does not make separate arguments

with respect to claims 9 and 18. *See generally* PO Resp. We are persuaded by Petitioner’s showing, which we adopt.

*g. Motivation and Rationale to Combine  
Cache Storage and the Wherein Phrase*

As explained above, Petitioner contends that to the extent McCown does not “disclose[] or render[] obvious” “cache storage” for a wireless device as recited in the claims, it would have been obvious to combine the browser cache storage technique of Dutta with the system of McCown. Pet. 29 (citing Ex. 1003 ¶ 126); *see also id.* at 32–33. For example, Petitioner explains that “a Skilled Artisan would have been motivated to make such a combination in order to provide the user with a faster and more convenient storage for the user site application program data.” *Id.* at 33 (citing Ex. 1010 ¶¶ 2, 3; Ex. 1006 ¶ 29l; Ex. 1013, 2:13–15; Ex. 1003 ¶ 133). Patent Owner does not contest that it would have been obvious to include Dutta’s cache storage. Rather, Patent Owner contests Petitioner’s reasons *for using* the cache storage to satisfy the wherein phrase as explained below.

For the wherein phrase, Petitioner further explains that “McCown does not explicitly disclose that the URLs identifying files available for download from the remote site (*‘download information’*) are ‘stored in said cache storage,’ but it would have been obvious to include that functionality in the system of McCown in view of Dutta.” *Id.* at 51; *see also id.* at 30–33 (citing Ex. 1006 ¶ 29, Fig. 3) (explaining that Dutta teaches a “cache storage” with its disclosure of a browser cache). Petitioner explains, and we agree, that “[a] Skilled Artisan would have been motivated to store those URLs in storage that is more readily accessible by the user or user application, or ‘cache storage,’ of the combined system of McCown and Dutta . . . so that those URLs could be quickly retrieved and used to generate

the data request of McCown.” *Id.* at 52 (citing Ex. 1003 ¶ 202; Ex. 1005, 11:12–23; Ex. 1011, 1:66–2:1).

Petitioner also argues, and we agree, that it would have been obvious to maintain the URLs in cache storage for some period of time in case the user re-opened the webpage listing the URLs for purposes of making another selection so that the user site would not be required to access the remote site a second time over the Internet, leading to a more efficient process. *Id.* at 52–53 (citing Ex. 1003 ¶¶ 203–204; Ex. 1010 ¶¶ 2–3; Ex. 1013, 2:13–15); *see also* Pet. Reply 13. Petitioner contends, and we agree, that using cache for the retrieval of web content was common practice, that employing Dutta’s cache into McCown’s system would have been relatively easy, and that including Dutta’s cache storage technique in McCown’s system would have been an arrangement of old elements performing known functions and yielding no more than predictable results. *Id.* at 53–54 (citing Ex. 1003 ¶¶ 205–207; Ex. 1010 ¶¶ 2–3; Ex. 1011, 1:66–2:1; Ex. 1012, 8:11–18; Ex. 1022, 473–474).

Patent Owner argues that Petitioner’s “motivation to combine [McCown and Dutta] is rooted in forbidden hindsight analysis that is based on an incorrect assumption regarding the level of ordinary skill in the art.” PO Resp. 22. Patent Owner’s argument is conclusory. For instance, Patent Owner fails to explain in any way why it believes Petitioner’s analysis is based on forbidden hindsight. We agree with Petitioner that the Petition sets forth a proper basis for making the combination that is not based on hindsight. Pet. Reply 11–12 (citing Pet. 28–33, 39–42, 51–53, 57). We further agree with Petitioner that Patent Owner fails to contest the level of ordinary skill set forth in the Petition, and even appears to agree with

Petitioner's assertions as to the level of skill in this art. *Id.* at 12 (citing Ex. 2014 ¶ 21). Accordingly, Patent Owner's arguments are without merit.

Patent Owner further argues that Petitioner's reasoning for storing download information in cache (to make information more readily accessible by the user to generate data requests) is inconsistent with the disclosure of McCown. PO Resp. 23. Patent Owner argues that in McCown, the URLs "are used only once by the user," thereby "negating the need to store the URLs in cache." *Id.* (citing Ex. 2014 ¶ 68). Patent Owner argues that because the data request that is sent by the user to the storage site contains all of the selected URLs, there is no reason for the user to need the URLs again. *Id.* at 23–24 (citing Ex. 1005, 11:12–23<sup>12</sup>; Ex. 2014 ¶¶ 62, 65, 68). Patent Owner also argues that there is no reason to revisit the webpage containing the URLs a second time because in McCown, the user already sent the URLs of the desired files to the storage site. *Id.* at 24–25 (citing Ex. 2014 ¶¶ 64, 65, 68). Patent Owner argues that in McCown, once the files are downloaded to the storage site, there is no reason for a user to need the URLs again. *Id.* at 25–26 (citing Ex. 1005, 12:24–13:2; Ex. 2014 ¶¶ 72, 74). According to Patent Owner, a person having ordinary skill in the art would not have been motivated to maintain the URLs in cache storage for some period of time in case the user re-opens the webpage to make another selection as suggested by Petitioner. *Id.* at 27–29. Patent Owner makes the following arguments why that is so: (1) the URLs are used only once by the user; (2) the user sends all desired URLs to the storage site without retrieving another webpage or the initial page again; (3) the files pointed to

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<sup>12</sup> We understand citation to "EX1005, 11-12-23" in multiple places in the Patent Owner Response is a typographical error and should read "11:12–23."

by the URLs will be immediately stored in the storage site; and (4) McCown itself does not suggest that a user re-opens the webpage listing the URLs for purposes of making another selection. *Id.* at 27–29 (citing Ex. 1005, 11:12–23; Ex. 2014 ¶¶ 72, 80, 83, 86, 88, 89, 186<sup>13</sup>).

Patent Owner’s arguments do not undermine Petitioner’s showing. Mr. Jawadi’s testimony, which Patent Owner relies on to support its argument, is based on a rigid view of McCown alone without considering what the combined teachings of McCown and Dutta would have suggested to a person having ordinary skill in the art. For example, Mr. Jawadi testifies that in McCown, once the files are downloaded to the storage site, there is no need or reason for a user to retrieve the URLs again. Ex. 2014 ¶ 65. We agree with Petitioner that Mr. Jawadi’s testimony is entitled to little weight because it is conclusory and ignores the prior art cited in the Petition. Pet. Reply 12 (citing Ex. 1010 ¶¶ 2, 3); *see also* Pet. 29, 32, 33, 52 (citing Ex. 1010 ¶¶ 2, 3). It was known, and not disputed, that web browsers typically use cache storage to provide for faster retrieval of web page content, such that web pages as McCown’s web page (listing URLs (file list)) were cached. Ex. 1010 ¶¶ 2, 4–5, 14. Mr. Jawadi fails to consider the Petitioner’s position or the cited evidence for that position.

We also are not swayed by Patent Owner’s position that because McCown describes accessing the webpage of URLs only once, it would not have been obvious to revisit or access the URLs (on the webpage) more than once. Again, Mr. Jawadi rigidly interprets the disclosure of McCown while ignoring what a skilled artisan would have known at the time of the

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<sup>13</sup> There is no paragraph 186 in Exhibit 2014. We assume Patent Owner intended to cite to paragraph 86.

invention. For instance, Mr. Jawadi testifies that McCown provides no reason for the user to need the URLs again, and because it does not, a person having ordinary skill in the art would have realized that storing the URLs in cache would be wasteful. Ex. 2014 ¶ 68. Petitioner, however, is correct that the reason for making the modification need not come solely from McCown. Pet. Reply 13–14 (citing *KSR*, 127 S. Ct. at 1741–42). Here, we agree with Petitioner that a person having ordinary skill in the art was familiar with browser cache storage and knew that caching was used to access the same webpage more than once. *Id.* (citing Ex. 1010 ¶¶ 2, 3; Ex. 1011, 1:66–2:9; Ex. 1030, 72; Ex. 1008, 114). We further agree with Petitioner that “[a] user, after downloading one or more files using McCown’s system, may later choose to download another” and that “[a] skilled artisan would have understood that some users would seek to access that web page of URLs more than once, and therefore be motivated to cache it and thereby improve the efficiency of the system.” *Id.* at 14–15 (citing Ex. 1003 ¶ 203; Ex. 1010 ¶ 2); *see also id.* at 15–16. We give substantial weight to Dr. Houh’s testimony (Ex. 1003 ¶ 203), but give little weight to Mr. Jawadi’s testimony, because Dr. Houh’s testimony is based on the knowledge of a person having ordinary skill in the art and a more thorough assessment of the cited evidence, while Mr. Jawadi’s testimony is not, as explained above.

Lastly, Patent Owner argues that Petitioner failed to provide objective evidence indicating that a skilled artisan would have been motivated to combine McCown and Dutta and that a skilled artisan would have had a reasonable expectation of success in doing so. PO Resp. 29–30. Patent Owner’s argument is conclusory with no analysis. We agree with Petitioner that it provided ample evidence and reasoning why a person having ordinary

skill in the art would have combined McCown with Dutta and why that person would have been successful in doing so. Pet. Reply 17–18 (citing Pet. 52–54; Exs. 1010–1013; Ex. 1003 ¶ 132).

*Predefined Capacity*

As further explained above, Petitioner contends that to the extent “it would not have been obvious to include a memory partitioning and allocation technique” in McCown, it would have been obvious to combine the system of McCown with the storage allocation techniques of Dutta. Pet. 40. Petitioner explains, and we agree, that it would have been obvious to combine McCown and Dutta “in order to ensure that the storage space provided to a user could be controlled by that of an administrator, avoiding a potentially unequal system in which certain users might store a disproportionately high amount of data.” *Id.* at 41–42 (citing Ex. 1003 ¶ 162). Petitioner further argues, and we agree, that a person of ordinary skill would have further been motivated to combine the references as “it would permit the owner of the combined system to charge differently for different levels of predefined storage.” *Id.* at 42 (citing Ex. 1003 ¶ 163; Ex. 1032, 2:28–40, 6:14–23). Petitioner provides evidence of other benefits of the combination of McCown and Dutta, benefits which we determine are persuasive. *Id.* (citing Ex. 1003 ¶¶ 164–165; Ex. 1006 ¶ 9; Ex. 1031 ¶¶ 11–12; Ex. 1032, 2:28–40, 6:14–23).

Patent Owner again argues that Petitioner’s motivation to combine McCown and Dutta is “rooted in forbidden hindsight analysis that is based on its incorrect assumption regarding the level of ordinary skill in the art.” PO Resp. 34–35. These arguments are conclusory and not persuasive for the reasons already provided. Patent Owner’s remaining arguments are with

respect to Petitioner’s showing that it would have been obvious to include the “predefined capacity” claim requirements in the system of McCown based on McCown alone. *Id.* at 35–39; Pet. Reply 19–20. As stated above, this Decision does not address Petitioner’s showing that it would have been obvious to modify the system of McCown to meet the “predefined capacity” limitation of the claims. Pet. 39–40 (relying on Exs. 1017–18). Patent Owner does not make any specific arguments regarding Petitioner’s reasons to combine McCown and Dutta with respect to the “predefined capacity” limitation. Pet. Reply 19–20.

*h. Secondary Considerations*

Before determining whether a claim is obvious in light of the prior art, we consider any relevant evidence of secondary considerations—objective indicia—of nonobviousness. *See Graham*, 383 U.S. at 17. Patent Owner contends that “[t]he non-obviousness of the claims are also supported by secondary considerations of non-obviousness, including commercial success and licensing of the patented invention.” PO Resp. 39.

“In order to accord substantial weight to secondary considerations in an obviousness analysis, the evidence of secondary considerations must have a nexus to the claims, i.e., there must be a legally and factually sufficient connection between the evidence and the patented invention.” *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1373 (Fed. Cir. 2019) (internal quotations omitted). A nexus is presumed when “the patentee shows that the asserted objective evidence is tied to a specific product and that product ‘embodies the claimed features, and is coextensive with them.’” *Id.* (quoting *Polaris Indus., Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1072 (Fed. Cir. 2018)). If the product is not coextensive with the claims at issue—for example, if the patented invention is only a component of the product—the

patentee is not entitled to a presumption of nexus. *See id.* (citing *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988)).

### *Commercial Success*

With respect to commercial success, Patent Owner argues that “wireless devices from Hewett Packard (‘HP’) such as the HP Laptops, *e.g.*, HP 14” Laptop—Intel Core i3 with Windows OS and 802.11 b/g/n/as WiFi, which are sold with Microsoft’s cloud storage service (Microsoft OneDrive) pre-installed, comprise all the limitations of the claimed invention of the ’526 Patent.” PO Resp. 39–40. Following that assertion is a claim chart with the limitations of claim 1 in one column and in another column styled “HP Device Access to Remote Storage Space,” a series of what appears to be screen shots. *Id.* at 40–43 (citing Ex. 2015).<sup>14</sup> At the end of the claim chart, Patent Owner argues “[a]s shown by the chart above, there is a strong nexus between the HP Laptops with Microsoft OneDrive pre-installed and the claimed invention of the ’526 Patent.” *Id.* at 43. There is a similar assertion, followed by a claim chart, that there is a “strong nexus between the claimed invention of the ’526 Patent and wireless devices with Microsoft OneDrive.” *Id.* at 43–63 (citing Ex. 2016<sup>15</sup>; Ex. 2014 ¶ 128). Lastly, there is an assertion that “[t]here is also a strong nexus between the claimed invention of the ’526 Patent and wireless devices with Google Drive, as shown by the claim charts of the wireless BLU smartphone device.” *Id.* at

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<sup>14</sup> The claim chart in the Patent Owner Response appears to be a reproduction of “Exhibit 2” from Exhibit 2015. Ex. 2015 (Exhibit 2).

<sup>15</sup> The claim chart in the Patent Owner Response appears to be a reproduction of Exhibit 2016. Ex. 2016.

64–65 (citing Ex. 2021), 69 (“[o]ther wireless devices with cloud storage meet all the claim limitations of the ’526 Patent”).

Patent Owner provides insufficient credible explanation for how the various screen shots or descriptions that reside beside the claim language in any of the claim charts meet the claim 1 limitations. Patent Owner has left it up to us to figure out how the various screen shots meet the limitations. Patent Owner must explain with credible evidence how the various screen shots meet the claim 1 limitations. For example, in one claim chart, Patent Owner reproduces the claim 1 language of “establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server.” *Id.* at 41. In the column to the right of that, there is the description that “[t]he OneDrive server allocates a 5 GB free storage space exclusively to a user, e.g., only the user can manage or share a data in the storage space.” *Id.* Below that description is a screenshot of file folders bearing different labels under the annotation “OneDrive.” *Id.* But nothing in the screenshot shows “5 GB free storage space,” let alone any indication that such storage space is of a “predefined capacity assigned exclusively to a user of the wireless device by a storage server.” More importantly, the description of what allegedly is shown is apparently attorney argument. The two paragraphs from Mr. Jawadi’s testimony to which we are directed provides no explanation for how the screenshots show all the elements of claim 1. *See, e.g.,* Ex. 2014 ¶¶ 128–129.

For the claim 1 language, “to download a file from a remote server across a network into the assigned storage space through utilizing download information for the file stored in said cache storage,” Patent Owner provides

insufficient explanation for how any of the screenshots show download information “stored in . . . cache storage.” PO Resp. 42. Neither screenshot on page 42 of the Patent Owner Response illustrates utilizing download information for the file stored in cache storage. The other claim chart for the same two claim 1 limitations is also insufficient as is the claim chart in Exhibit 2021 for the BLU device with Google Drive for all of the reasons provided above. *See, id.* at 45–47, 49–62, 65; Ex. 2021.

Patent Owner argues that there is a presumption of a nexus. Sur-reply 20–22. A nexus is presumed only when the “patentee shows that the asserted objective evidence is tied to a specific product and that product ‘embodies the claimed features, and is coextensive with them.’” *Fox Factory*, 994 F.3d at 1373 (quoting *Polaris Indus.*, 882 F.3d at 1072); *see also WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1329 (Fed. Cir. 2016) (setting forth circumstances in which the presumption of nexus applies).

Here, as explained above, Patent Owner has failed to show sufficiently with credible evidence that claim 1 and any of the devices with OneDrive, Google Drive, or “cloud storage” are “coextensive.” We determine that Patent Owner’s arguments fall well short of a persuasive showing of nexus.

#### *Licensing*

Patent Owner contends that a license to the ’526 patent taken by a well-known licensee is a compelling secondary consideration of non-obviousness. PO Resp. 69–72. Patent Owner asserts that “[t]he secondary considerations are a license under the ’526 Patent and related patents” and that “valuable consideration (money) [was] paid for the license.” PO Resp. 70. Patent Owner argues that “there is no question of nexus between the

patent and the secondary consideration” because “consideration was paid for the patent claims, no other factor induced the licensee.” *Id.* at 70–71.

Lastly, Patent Owner argues that the license was entered into thirteen years after the patent was filed, indicating that the claims of the ’526 patent have “substantial value that has persisted over time.” *Id.* at 72.

Although Patent Owner submitted into evidence the license, Patent Owner fails to provide key information regarding the license it relies on as evidence of non-obviousness. For instance, Patent Owner argues that because consideration was paid for the patent claims, no other factor induced the licensee. PO Resp. 70–71. The license, however, is with respect to dozens of patents, not the ’526 patent alone. No information is provided about critical details of the license—e.g., the relative contributions of each of the patents in the portfolio to the value of the license, whether the license also encompasses other unidentified patents, whether the license was taken to settle litigation—such that we could discern whether the licensee took the license “out of recognition and acceptance of the subject matter claimed” in the ’526 patent. *GPAC*, 57 F.3d at 1580.

In the Sur-reply, Patent Owner argues that “the amount paid by the licensee far exceeds the cost of an IPR.” Sur-reply 23. Again, the license is not just to the ’526 patent, but includes dozens of patents. Patent Owner fails to account for the total cost of dozens of *inter partes* reviews (for all of the licensed patents) as opposed to the cost of one *inter partes* review. Patent Owner also argues that the licensee sells its wireless devices with a cloud storage that meet all of the claim limitations of the ’526 patent. PO Resp. 69 (citing Ex. 2029). Patent Owner provides no analysis regarding the claims of the ’526 patent and the licensee’s wireless device with cloud

storage, and again most importantly, that the license, which includes dozens of patents, was a result of such technology. We find that Patent Owner has not provided sufficient evidence to establish the requisite nexus between the license and the '526 Patent.

For the above reasons, we conclude that Patent Owner's evidence of secondary considerations cannot be afforded substantial weight, and therefore constitutes weak evidence of non-obviousness. *See Fox Factory*, 944 F.3d at 1373.

*i. Conclusion as to Obviousness*

As discussed above, Petitioner has shown by a preponderance of the evidence that the asserted prior art teaches each limitation of the challenged claims and that a person of ordinary skill in the art would have had reasons to combine the asserted teachings. We further determine that Petitioner's showing that the claims are taught by the asserted art is strong, particularly in comparison to Patent Owner's weak showing with respect to the asserted secondary considerations of non-obviousness. As discussed above, we find that Patent Owner has not established the requisite nexus between the challenged claims and its evidence of commercial success or licensing. As such, we do not accord this evidence any substantial weight. *See Fox Factory*, 944 F.3d at 1373. Thus, in weighing the totality of the evidence of record and the strength of the parties' showings on the inquiries underlying the question of obviousness, we conclude that Petitioner has met its overall burden of proving by a preponderance of the evidence that each of the challenged claims would have been obvious in view of the asserted prior art.

*E. Asserted Obviousness of Claims 6–8, 10, 13–15, and 17 over McCown, Dutta, and Coates*

Petitioner contends claims 6–8, 10, 13–15, and 17 are unpatentable under 35 U.S.C. § 103(a) as obvious over McCown, Dutta, and Coates. Pet. 62–73.

*1. Coates*

Coates describes a storage port that interfaces a client computer (e.g., a web or application server) to a network storage system remote from the client site. Ex. 1007, 3:7–10. To gain access to content (e.g., files) stored at the network storage system, the client computer may mount the storage port as a storage device on the client network. *Id.* at 3:10–13, 22:22–23. According to Coates, “[u]sers only gain access to their media objects, within the network storage system, using a highly secured ‘shared secret’ authentication certificate technology.” *Id.* at 4:65–67. The client computer may make local file system requests to perform operations on the network storage system. *Id.* at 3:13–14. The storage port translates these local file system requests into network storage system requests and processes the requests, with access to the remote storage center. *Id.* at 3:15–16, 18–21.

The storage port may include a data cache that stores files of the network storage system and a directory cache that stores directory information for the network storage system. *Id.* at 3:22–26. In response to a download request, the data cache may store objects to allow the distributed object storage manager (DOSM) to streamline data directly to the recipient. *Id.* at 10:61–63.

In addition, a virtual file system (VFS) may perform directory operations. *Id.* at 13:46–47. The VFS may maintain, for each object file, a

customer file directory including customer assigned filenames and unique network storage system file identifiers. *Id.* at 13:52–54. The VFS may consist of distributed directory managers (DDMs) and distributed directories. *Id.* at 13:58–60. Each client may be mapped to a distributed directory. *Id.* at 13:62–63. The DDMs may support common directory operations including “open file,” “move file,” “delete file,” “open folder,” “move folder,” and “create folder.” *Id.* at 13:64–66, *see also id.* at 15:13–21, 15:43–47, 15:52–55, 15:64–65, 16:7–9, 16:27–39. An extended markup language (XML) request to the VFS may be generated to perform a directory operation in the VFS. *Id.* at 25:63–26:3.

## 2. Discussion

Petitioner argues claims 6–8, 10, 13–15, and 17 would have been obvious over McCown in view of Dutta, and in further view of Coates. Pet. 62–73. We have reviewed Petitioner’s showing for dependent claims 6–8, 10, 13–15, and 17. *Id.* Patent Owner does not contest those claims separately. *See* PO Resp.

We determine that Petitioner has shown by a preponderance of the evidence that claims 6–8, 10, 13–15, and 17 are unpatentable. For example, dependent claims 6, 7, and 10 are similar in scope to claims 13, 14, and 15 respectively, and recite “from the wireless device” performing certain tasks. Claim 6 recites “from the wireless device creating a folder structure in the assigned storage space.” Claim 7 recites “from the wireless device deleting or moving or copying or renaming a folder in the assigned storage space.” Claim 10 recites “from the wireless device creating a folder in the assigned storage space.” Claim 8 depends from dependent claim 6 and further recites “from the wireless device deleting or moving or copying or renaming a file

in the assigned storage space.” Claim 17, which depends from dependent claim 13 is similar in scope to claim 8.

Petitioner contends, and we agree, that Coates discloses operations to create folders (and folder structures), update folders, delete folders, and move folders that meets the limitations of these claims. Pet. 69–73 (citing multiple passages from Ex. 1007 and Ex. 1003). Petitioner further provides reasons with rational underpinnings to combine McCown with Coates. *Id.* at 66–68. For instance, Petitioner contends, and we agree, that a person having ordinary skill in the art would have been motivated to combine “the remote file manipulation techniques of Coates with the system of McCown and Dutta because of the increased usability that such a combination would create.” *Id.* at 68 (citing Ex. 1003 ¶ 252; Ex. 1007, 2:60–64).

As stated above, Patent Owner does not contest these claims separately, and Patent Owner’s showing of secondary considerations of nonobviousness is with respect to claim 1, which we have addressed above. We conclude that, based on the totality of the arguments and evidence in the record, Petitioner has shown that the asserted prior art references, McCown, Dutta, and Coates, teach or suggest each limitation of claims 6–8, 10, 13–15, and 17, and that a person of ordinary skill in the art would have had reason, with rational underpinning, to combine the references in the manner Petitioner proposes.

### III. CONCLUSION<sup>16</sup>

For the foregoing reasons, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–20 of the '526 patent are unpatentable, as summarized in the following table:

<b>Claims</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/ Basis</b>	<b>Claims Shown Unpatentable</b>	<b>Claims Not Shown Unpatentable</b>
1–5, 9, 11, 12, 16, 18–20	103(a)	McCown, Dutta	1–5, 9, 11, 12, 16, 18–20	
6–8, 10, 13–15, 17	103(a)	McCown, Dutta, Coates	6–8, 10, 13–15, 17	
<b>Overall Outcome</b>			1–20	

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<sup>16</sup> Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

IV. ORDER

Accordingly, it is:

ORDERED that claims 1–20 of the '526 patent have been shown to be unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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