

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

B.E. TECHNOLOGY, L.L.C.,
Patent Owner.

Case IPR2014-00040
Patent 6,771,290 B1

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, Petitioner has shown by a preponderance of the evidence that claims 1–3 of U.S. Patent No. 6,771,290 B1 (Ex. 1001, “the ’290 patent”) are unpatentable.

A. Procedural History

Petitioner, Microsoft Corporation, filed a corrected Petition for *inter partes* review of claims 1–3 of the '290 patent. Paper 5 (“Pet.”). Patent Owner, B.E. Technology, L.L.C., did not file a Preliminary Response. On April 9, 2014, pursuant to 35 U.S.C. § 314, we instituted an *inter partes* review for claims 1–3 of the '290 patent on the ground of anticipation by Kikinis¹ under 35 U.S.C. § 102(b). Paper 12.

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 27, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 29, “Reply”). On December 11, 2014, we held a consolidated hearing for five *inter partes* reviews involving the '290 patent.² A transcript of the oral hearing is included in the record. Paper 36 (“Tr.”).

B. Related Proceedings

The parties indicate that the '290 patent is at issue in *B.E. Technology, L.L.C. v. Microsoft Corp.*, No. 2:12-cv-02829 (W.D. Tenn.), and numerous other district court cases filed by Patent Owner against other defendants. Pet. 1; Paper 7, 1–3 (Patent Owner’s Mandatory Notices). As noted, the '290 patent is the subject of four other *inter partes* reviews: IPR2014-00029, IPR2014-00031, IPR2014-00033, and IPR2014-00044.

¹ PCT International Publication Number WO 97/09682, published Mar. 13, 1997 (Ex. 1005) (“Kikinis”).

² *Sony Mobile Commc’ns (USA) Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00029; *Google Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00031; *Google Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00033; *Microsoft Corp. v. B.E. Tech., L.L.C.*, Case IPR2014-00040; *Samsung Elecs. Am., Inc. v. B.E. Tech., L.L.C.*, Case IPR2014-00044.

C. The '290 Patent

The '290 patent describes a system that provides remote storage of user-specific files and resources that can be accessed over a network, such as the Internet. Ex. 1001, 5:43–50, 12:45–50. The disclosed system includes client computers, each running a client software application that provides access via a network to an advertising and data management (ADM) server. *Id.* at 11:42–49. The server includes a user database that stores a user profile and a user library for each user. *Id.* at 12:45–13:12. The user profile is accessed by the client software application using a unique identifier for the user via a login. *Id.* at 12:52–56. The user profile may contain user-specific customized settings for the operating system used by the client computer. *Id.* at 12:56–58. Additionally, the user profile may contain “bookmarks, shortcuts, and other such links to files and information resources accessible via” the network. *Id.* at 12:67–13:3. The user library “enables the user to store files (documents, executable programs, email messages, audio clips, video clip, or other files) that can then be accessed from any client computer.” *Id.* at 13:4–7. By storing user profiles and user libraries on the server, users “can have world-wide access to their preferences, addresses, bookmarks, email, and files without having to physically transport them from one place to another.” *Id.* at 13:9–12.

The '290 patent further describes a user interface on a client computer, provided by a graphical user interface (GUI) module. *Id.* at 13:41–43. The user interface comprises an application window with selectable items such as icons. *Id.* at 13:43–53. As shown in Figure 5b, the application window may include “icons that represent various files and links to information resources.” *Id.* at 15:48–53.

Figure 5b of the '290 patent is reproduced below:

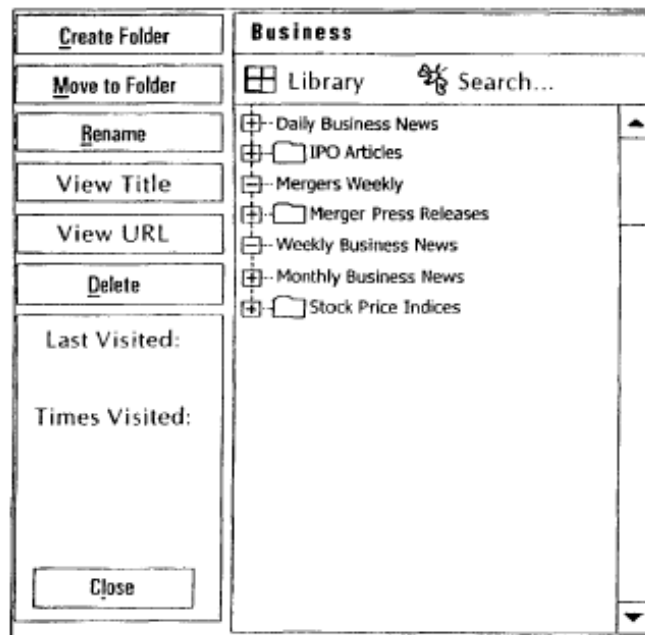


FIG. 5b

Figure 5b illustrates an application window with icons representing files and links to information resources.

The application window in Figure 5b includes a library icon, which, when selected, provides a display as shown in Figure 5c, reproduced below.

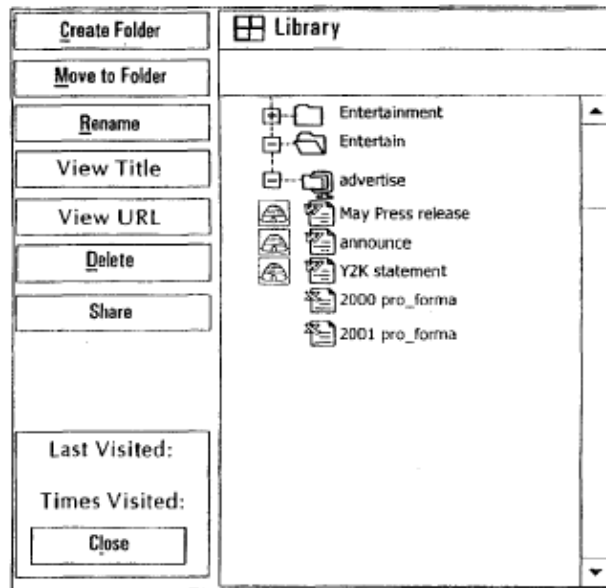


FIG. 5c

Figure 5c illustrates an application window displaying files in a user library.

The display in Figure 5c provides a list of all files contained in a user library. *Id.* at 15:55–56. From this window, “the user can access any of the files contained in his or her user library.” *Id.* at 15:56–57.

D. Illustrative Claims

Petitioner challenges all claims (claims 1–3) of the '290 patent. Independent claims 1 and 2 are illustrative:

1. A computer-readable memory for use by a client computer to provide a user of the computer with an integrated, customized, graphical user interface to a plurality of computer resources, the computer-readable memory comprising:

a non-volatile data storage device;



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