

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

KAHOOT! ASA & KAHOOT EDU, INC.,
Petitioner

v.

AVIEL D. RUBIN,
Patent Owner

Inter Partes Review Case No. IPR2023-00693
Patent No. 9,064,376

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S
HEARING DEMONSTRATIVES**

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

July 10, 2024

LIST OF EXHIBITS

1001	Rubin, U.S. Patent 9,064,376 (“the ’376 Patent”)
1002	Declaration of Sigurd Meldal, Dr.Scient.
1003	Prosecution History File Wrapper of the ’376 Patent (excerpts)
1004	U.S. Patent 9,497,565 (“Zha”)
1005	CN 2013/10674692 (“Zha-Priority-Application”)
1006	Certified English translation of the <i>Zha-Priority-Application</i>
1007	U.S. Patent Pub. 2015/0011318 (“Takahashi”)
1008	PCT/JP2012/007595 (“Takahashi-Priority-Application”)
1009	Certified English translation of <i>Takahashi-Priority-Application</i>
1010	U.S. Patent Pub. 2014/0006485 (“Tsushima”)
1011	U.S. Patent 9,591,083 (“Gumbula”)
1012	U.S. Patent Pub. 2012/0017236 (“Stafford”)
1013	U.S. Patent 9,330,531 (“Wakeford”)
1014	Patent Owner’s Preliminary Infringement Contentions in <i>Rubin v. Kahoot! ASA et al.</i> , Civil Action No. 6:22-cv-00236 (W.D. Tex.) (Sept. 28, 2022)
1015	U.S. Patent Pub. 2012/0253841 (“’841 Application”)
1016	U.S. Patent Pub. 2012/0209770 (“’770 Application”)
1017	U.S. Patent Pub. 2014/0121015 (“Massing”)
1018	U.S. Patent Pub. 2006/0058088 (“Crawford”)
1019	March 10, 2023 Email from W.Beard (Petitioner to E.Benisek (PO)
1020	March 14, 2023 Email from E.Benisek (PO) to D.Adams (Petitioner)
1021	FedEx Proof of Delivery of Service Copy of Petition
1022	Declaration in Support of Motion for <i>Pro Hac Vice</i> Admission (Brian C. Banner)
1023	U.S. Patent Pub. No. 2012/0240203 (“Kling”)

Petitioner's Objections to PO's Hearing Demonstratives
U.S. Patent No. 9,064,376

1024	L. St. Clair <i>et al.</i> , “Password Exhaustion: Predicting the End of Password Usefulness,” ICISS 2006, LNCS 4332, pp. 37-55 (Springer-Verlag Berlin Hiedelberg 2006)
1025	U.S. Patent No. 7,865,950 (“ <i>Lipetz</i> ”)
1026	Deposition Transcript of Patent Owner’s expert Dr. Patrick Traynor – February 15, 2024 (condensed)
1027	Second Declaration of Sigurd Meldal, Dr. Scient
1028	P. Traynor <i>et al.</i> , “From Mobile Phones to Responsible Devices,” Security Comm. Networks 2011, 4:719–726, (Wiley Online Library, August 28, 2010)
1029	Third Declaration of Sigurd Meldal, Dr. Scient
1030	U.S. Patent Pub. No. 2013/0023241 (“ <i>Lim</i> ”)
1031	U.S. Patent No. 7,676,829 (“ <i>Gui</i> ”)
1032	Deposition Transcript of Patrick Traynor – May 13, 2024 (condensed)

Pursuant to the Order Setting Oral Argument (Paper 31), Petitioner hereby files its objections to Patent Owner's Hearing Demonstratives (Paper 33).

Objection #1:

Petitioner objects to slide 3 of Patent Owner's demonstratives, in particular, the portion in the red box in the copy below:

“thereby” clause is limiting

If the second subset of information is not protected from malware on the first device, then limitation is not met.

Dr. Traynor: isolation provides protection; **but** if no isolation then the second subset of information is not protected, and the limitation is not met. Ex. 2009, ¶¶84-85.

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DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Paper 30, pp. 4-5

The demonstrative mischaracterizes the cited portion of Dr. Traynor's testimony (Ex. 2009, ¶¶84-85) because Dr. Traynor stated that “the invention is not achieved” and did not state that “the limitation is not met.”

July 10, 2024
Date

/s/ Brian C. Banner Reg. No. 82,702/

R. William Beard, Jr. (Reg. No. 39,903)
Brian C. Banner (Reg. No. 82,702)

Petitioner's Objections to PO's Hearing Demonstratives
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Attorneys for Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies the above-captioned Petitioner's Objections to Patent Owner's Demonstratives were served in their entirety on July 10, 2024, upon the following parties by sending a copy via email to the following addresses:

Robert S. McArthur (mcarthur@vbllaw.com)

Eric W. Benisek (ebenisek@vbllaw.com)

Respectfully submitted,

/s Brian C. Banner Reg. No. 82,702/
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