

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

QUANTUM IMAGING LLC,
Patent Owner.

Case IPR2023-00954
Patent 8,458,028

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
DEMONSTRATIVES**

Pursuant to the Board's Order Setting Oral Argument, *see* Paper 41 at 4–5 (PTAB August 8, 2024), Patent Owner respectfully submits the following objections to the demonstratives filed by Petitioner. Paper 54. The parties met and conferred on September 9 and 10, and were able to narrow the objections. Below are the remaining objections not yet resolved.

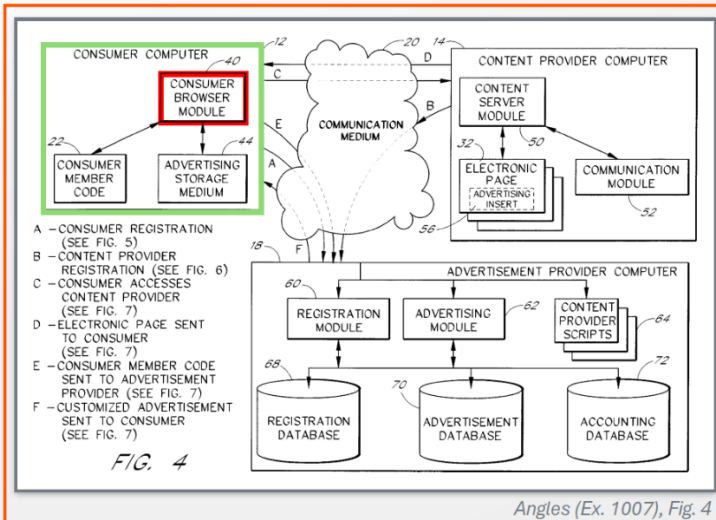
Every objection below is based on the Board's "strict prohibition against the presentation of new evidence or arguments at the hearing," as stated in the Hearing Order, Paper 41 at 4. Patent Owner's objections below are confined to the demonstratives; if Petitioner introduces new arguments at the hearing, Patent Owner reserves the right to object to any such new arguments at the hearing.

Objection #1:

Patent Owner objects to use of Angles's Fig. 4. Citing Fig. 4, that was never relied upon before by Petitioner other than for Claim 6's "disseminated" limitation, to establish that Angles's web browser is a "locally executed game application" (slide 14) or that Angles's web browser is equivalent to Browsers depicted in Dr. Medvidovic's textbook (slide 27) constitutes a new argument.

Slide 12:

Angles



In the preferred embodiment, the consumer computer 12 utilizes several operational modules including a consumer browser module 40, a consumer member code 22 and an advertising storage medium 44. The consumer browser module 40 (hereinafter referred to as the consumer browser) is a software program which allows a consumer to access different content providers through the communication medium 20. In the preferred embodiment, the consumer browser 40 is the Netscape® Navigator developed by Netscape, Inc. or the Microsoft® Internet Explorer developed by Microsoft Corporation. One of ordinary skill in the art, however, will recognize that numerous other types of access software could also be used to implement the present invention. These other types of access software could, for example, be other types of Internet browsers, custom network browsers, two-way communications software, cable modem software, point-to-point software and the like.

Angles (Ex. 1007), 10:43-59

Petition (Paper 2), 20-22, 33; Reply (Paper 30), 1; Crane Dec. (Ex. 1004), ¶ 149

Demonstrative Exhibit – Not Evidence

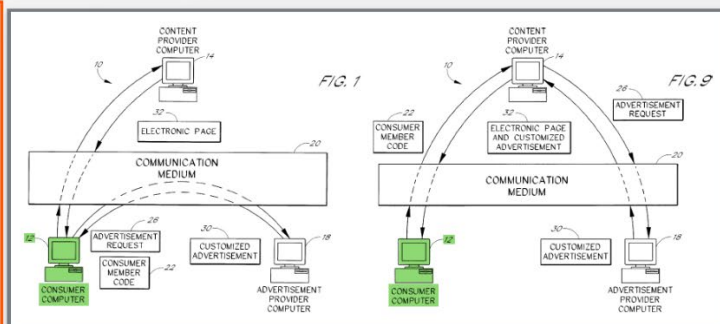
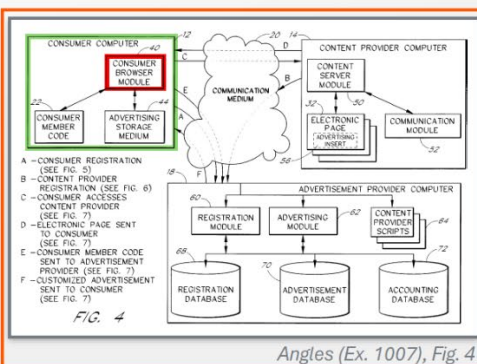
SONY

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Slide 14:

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Locally Executed Game Application



Petition (Paper 2), 15-18, 22, 33; Crane Dec. (Ex. 1004), ¶ 149

Demonstrative Exhibit – Not Evidence

SONY

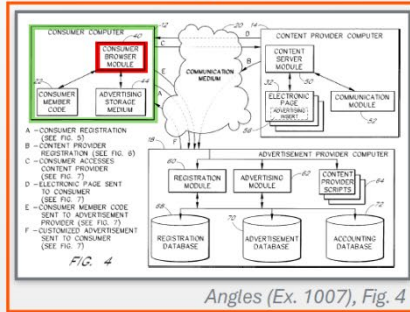
14

Slide 27:

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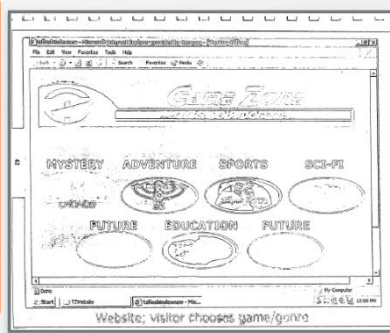
Web Browser

Angles



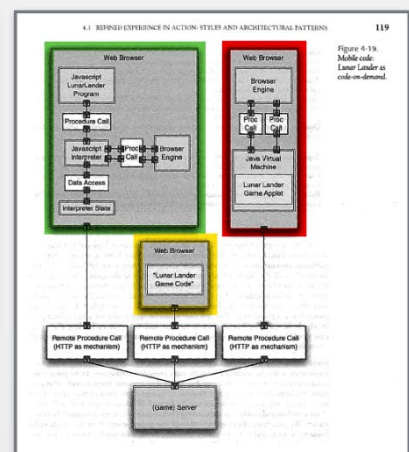
Angles (Ex. 1007), Fig. 4

“example of the invention”



Ex. 1003, 123

Medvidovic Textbook



Ex. 1018, p. 119; Ex. 1026, p. 119

Reply (Paper 30), 5-13; Petition (Paper 2), 33; Crane Dec. (Ex. 1004), ¶ 149

Demonstrative Exhibit – Not Evidence

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Objection #2:

Patent Owner objects to Petitioner’s citation to paragraphs 12, 42, and 39 of Ex. 1025 in slides 22, 70, and 73, respectively. Paragraphs 12, 42, and 39 of Ex. 1025 were not cited in any Papers, and thus relying on these paragraphs in the demonstratives constitutes new evidence not found in any Papers.

Slide 22:

1 The Applicant’s “Storyboard Example of the Invention”

12. For the reasons described below, the POSITA would understand this portion of the prosecution history to be consistent with a web browser meeting the limitation *locally executed game application that is accessible at said primary electronic device* that appears in claim 1 of the '028 patent. I believe the POSITA would understand this portion of the prosecution history to be inconsistent with what I’m informed is the Patent Owner’s position that a web browser cannot meet that limitation.

Crane Supp. Dec. (Ex. 1025), ¶ 12

Reply (Paper 30), 5-10
Demonstrative Exhibit – Not Evidence SONY 22

Slide 70:

2 Initiating Said Game Application

42. Moreover, the POSITA would understand all executable applications, including demonstration versions of applications, to teach “initiating.” This is because an application must at some point be initiated in order to begin execution.

Crane Suppl. Dec. (Ex. 1025), ¶ 42

Petition (Paper 2), 47-48; Reply (Paper 30), 28-29
Demonstrative Exhibit – Not Evidence SONY 70

Slide 73:

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Initiating Said Game Application

39. Dr. Medvidovic's textbook also includes a description of demonstration software. (Ex. 1018, 595.) The POSITA would understand Dr. Medvidovic's description of demonstration software to be inconsistent with the Patent Owner's position that demonstration software is "not a working copy of the software" and cannot meet the limitation "initiating" in claim 1 of the '028 patent.

Crane Suppl. Dec. (Ex. 1025), ¶ 39

As the POSITA would recognize, a primary purpose of demonstration software was to entice potential customers to purchase a paid version of the software. Accordingly, the demonstration software would frequently include many or all features of the paid version, to demonstrate the value of those features to the potential customer. As described in the textbook, such demonstration software would frequently include a time-limiting feature, preventing the user from making use of those features outside of a limited time window, thus encouraging the user to purchase the paid version. Even if the demonstration software is only a partial version of a game, the POSITA would understand demonstration software to teach a working version of a game application, including the ability to "initiate" the game application.

Crane Suppl. Dec. (Ex. 1025), ¶ 41

Petition (Paper 2), 47-48; Reply (Paper 30), 28-29

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Objection #3:

Patent Owner objects to Petitioner's citation to Ex. 1003 at 108 on slide 39, to the extent that Petitioner intends to raise any argument regarding the last two highlights from Ex. 1003 at 108. Petitioner never cited Ex. 1003 at 108 to discuss the last two highlights, and thus any arguments raised during the oral hearing based on the last two highlights on Ex. 1003 at 108 constitute a new argument.

Slide 39:

3 The Applicant's "Storyboard Example of the Invention"

A storyboard example of the invention entitled "TerraZones Storyboard" was provided to the Examiners during the personal interview of October 8, 2008, and a copy of the pertinent portion is provide herewith and listed in the Evidence Appendix of this Appeal Brief. In use, a primary electronic device accesses a game application, to thereby locally execute the game application. Further, business related content, from a least one secondary electronic device that accesses the business related content on a plurality of web pages, is automatically integrated into the locally executed game application during execution of the game application. The method/system of the present invention then automatically redirects the user to one of the web pages of the secondary electronic device from the primary electronic device (see, for example, slides #6C and #7C where the user is automatically redirected into "PJ's Club" while playing the game and can actually see a live view of the club), the redirection being integrated into the application and the redirection occurring as part of the user executing the application (i.e., transparent to the user). The user can then execute a user action on the content from the secondary electronic device (the user can, for example, execute a user action at the club such as purchase a gift certificate).

Ex. 1003, 107-08

Ex. 1003, 108

Reply (Paper 30), 5-6, 8, 14-16

Demonstrative Exhibit – Not Evidence

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Objection #4:

Patent Owner objects to use of Ex. 1003, ¶127 on slide 51, which was incorporated by reference in the Petition to support a conclusory statement in the Petition vis-à-vis Claim 3 only. Ex. 1003, ¶127 was not discussed in Petitioner's papers regarding claim 4, and thus this discussion is a new argument raised for the first time.

Slide 51:

Angles: Claims 3, 4

Petition (Paper 2), 26	Crane Dec. (Ex. 1004), ¶ 127
As Mr. Crane explains in his declaration, displaying the web page to the user is the same as "automatically re-directing" the user as part of the game execution. Ex-1004, ¶119. As discussed above, Angles discloses the "advertisement provider computer 18" has a plurality of web pages and generates business-related content such as "customized advertisements 30."	127. Additionally, and as noted above, Angles disclosed displaying advertisements to a user. Advertisements are a form of branded content. Advertisements are also business-related content, intended to promote a company's business. Thus, Angles disclosed display[ing] branded business-related content to said user.

Petition (Paper 2), 25-27, 28-29; PO Response, 35-36

Demonstrative Exhibit – Not Evidence

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Objection #5:

Patent Owner objects to slides 20-21, 23-24, 27, 30, 34, 36, 40, 56, and 72 pending the Board's decision on Patent Owner's motion to exclude. These slides show content from Ex. 1020 and Exs. 1018 and 1026, which are subject of Patent Owner's Motion to Exclude.

Date: September 13, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2024, I caused a true and correct copy of the foregoing Patent Owner's Objections to Petitioner's Demonstratives to be served via electronic mail to Sony-Quantum-IPR@mofo.com upon the following attorneys of record for the Petitioner:

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