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PTAB Oral Argument

SAP America, Inc.

v.

Cyandia, Inc.

January 15, 2026

Case No.: IPR2024-01433

Patent No.: 8,751,948

Kramer Levin is now HSF Kramer

IPR2024-01433 ('948 Patent) – Ground

Ground	Challenged Claims	35 U.S.C. §	References
I	1-7, 10-11, 13, 18-19, 23, 29, and 35-36	103	PCT Publication & Austin-Lane

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Summary of the Arguments

- The '948 Patent's Challenged Claims are patentable because the PCT publication is not prior art.

The priority benefit disqualifies the PCT publication as prior art since the PCT shares the same disclosure as the 2009 Parent and was filed on the same day.

- The '948 Patent properly claims priority to at the 2009 Parent (Ex. 1106), which discloses the following disputed limitations under 35 USC § 112:
 - “Determining a notification method” / “generating notification data”
 - “Providing an Alert”
 - Providing an alert to “the at least one external device.”

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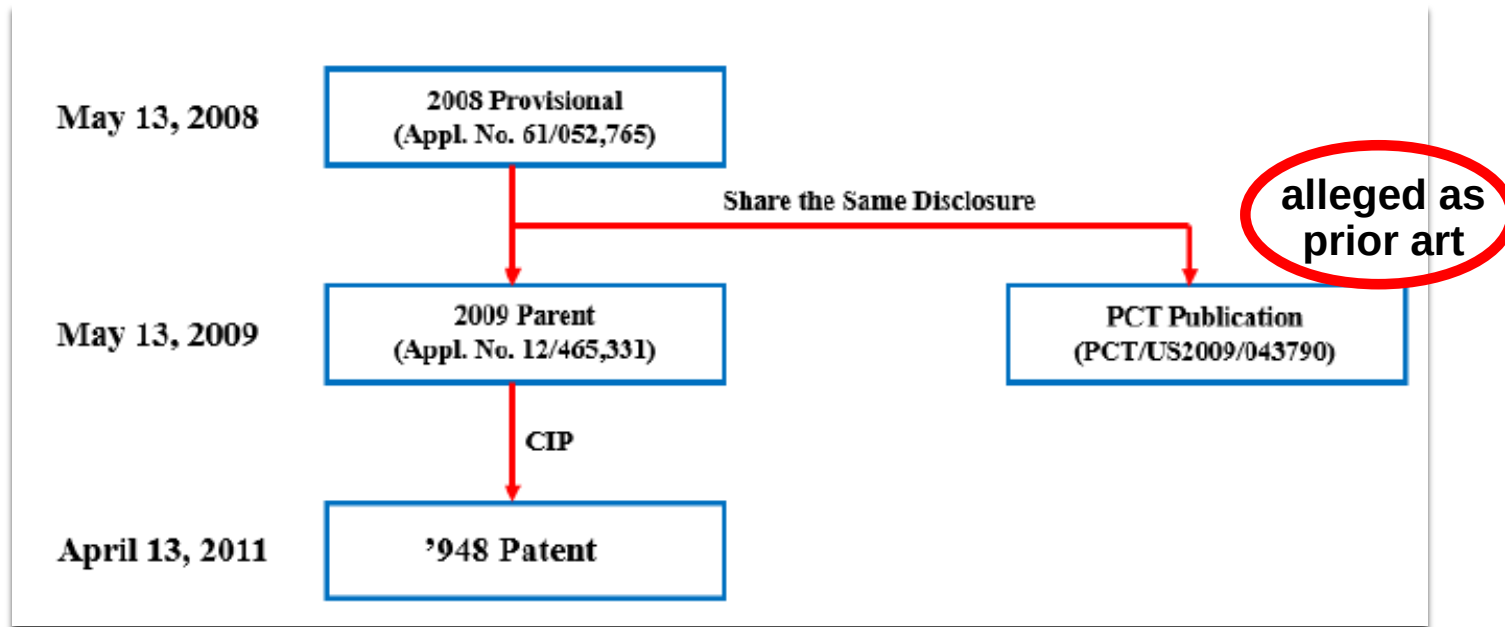
Overview of the '948 Patent and its 2009 Parent

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



Overview of the '948 Patent:

The '948 Patent Family Relationship



The 2009 Parent and the PCT publication share the same disclosure, were filed on the same day, and claim priority to the 2008 provisional.

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POR at 4

Overview of the '948 Patent: the '948 Patent and its Family Members Disclosures

Alerts: The '948 Patent and 2009 Parent disclose alerts generically while also providing non-limiting alert examples. For example, the 2009 Parent discloses non-limiting visual and auditory alert examples:

If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 *to provide a visual or auditory alert in the channel 202.*

Ex. 1106 ("2009 Parent") at ¶ 39

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POR at 4-5 (citing 2009 Parent at ¶
¶ 23, 39, claim 9; '948 Patent at
2:42-44, 9:39-43)

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Overview of the '948 Patent: the '948 Patent and its Family Members Disclosures

Determining a Notification Method:

The '948 Patent and 2009 Parent disclose what user device(s) to send the alert to and how to send the alert.

- As a non-limiting example, the 2009 Parent discloses determining the user's active device(s) based on session data and determining the protocol (HTTP).
- The 2009 Parent also discloses user preferences that determines, for example, whether the alert is visual or auditory.

POR at 5 (citing Ex. 1106 ("2009 Parent") at ¶ 39))

Overview of the '948 Patent: the '948 Patent and its Family Members Disclosures

Providing an Alert on at Least One External Device:

The '948 Patent and 2009 Parent disclose that alerts are provided to active devices determined from session data.

data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may

2009 Parent at ¶ 39

[0021] Information may be delivered to a user based on the user's identity as established by the system when the user's session is established. Because the user is known and authenticated,

2009 Parent at ¶ 21

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POR at 8-9 (citing 2009 Parent at ¶
¶ 21, 39, '948 Patent at 20:65-21:2,
21:8-11)



The 2009 Parent Discloses:

**“Determining a Notification Method” and
“Generating a Notification Alert ”**

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Claim Construction:

“Determining a Notification Method”

F) **determining a notification method** by which to provide at least one alert on the at least one external device based on the current state of the at least one external device indicated by the session data;

⁹⁴⁸ Patent at Claim 1

Construction:

- Both parties agree that “determining a notification method” requires:
 - determining which external devices to send the alert to (**aspect 1**) and
 - how to send the alert (**aspect 2**).
- The parties dispute whether this limitation also requires determining how the alert will be presented on the external device (**aspect 3**).

PO

Aspect 3 is not required.

Pet.

Aspect 3 is required.

POR at 20-23; Pet. at 53

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Claim Construction:

“Determining a Notification Method”

Petitioner’s proposed construction is inconsistent with its District Court construction:

- Petitioner’s district court construction does not require determining how to present an alert on the external device. POR at 23 (citing Ex. 2023 at ¶¶ 534-535); Sur-Reply at 5 n.1.

“determining a notification method” is “based on the user preferences” that “generate[s] an alert . . . through different channels, e.g., emails, SMS”. Ex. 2023 at ¶ 534 (emphasis added).

**Pet. District
Court Expert**

- **Institution should be vacated:**
 - Petitioner does not provide any explanation for why it has taken different claim construction positions between the PTAB and district court. *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, No. IPR2025-00632, Paper 20 at 4-5 (P.T.A.B. Nov. 3, 2025) (precedential); *Tesla, Inc., v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3-4 (vacating the decision granting institution when Petitioner did not explain why its different claim construction positions were warranted).

POR at 23 (citing Ex. 2023 at ¶¶ 534-535); Sur-Reply at 7

Claim Construction:

“Determining a Notification Method”

Petitioner’s overly-narrow construction imports limitations and excludes embodiments:

- How an alert is presented on an external device can alert can be “**implicit in the protocol.**”
- Nothing in the specification indicates an intention to limit the term “determining a notification method” such that it excludes these embodiments.

Pet. Expert

10 have to send the content. I can't tell the
11 device display a text alert without displaying
12 what it is to say. That could be folded into
13 the communication protocol, right. For example,
14 if the communication protocol is one that --
15 let's say it's HTTP -- HTTP for a web browser.
16 So when I send HTML, which is the language of
17 HTTP, I can have a specific directive that says
18 this is text, or this is image, or this is
19 sound. And then I -- in the HTML I actually
20 have the data to display, or a link to the data.
21 So it may be redundant to say, well,
22 it's implicit in the -- it's implicit in the
23 protocol there that this is a text or a visual.

POR at 23 (citing Ex. 2022
("Schmandt Tr. 1") at 26:5-27:1)

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The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining What Devices to Send the Alert to (Aspect 1):

The 2009 Parent discloses determining the user’s active device(s) based on *session data*.

data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may

2009 Parent at ¶ 39

[0021] Information may be delivered to a user based on the user’s identity as established by the system when the user’s session is established. Because the user is known and authenticated,

2009 Parent at ¶ 21

Petitioner does not dispute written description support for this aspect.

See, generally Reply.

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POR at 8-9, 24-25

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Send the Alert (Aspect 2):

The 2009 Parent describes a non-limiting HTTP protocol example while also disclosing other channel applications that present alerts via diverse protocols.

If an established condition is met, the channel alert server ... determine[s] the active devices of the subscriber, and then pass[es] through the web services gateway [] and the channel grid framework [] to provide a visual or auditory alert in the channel [].

2009 Parent at ¶ 39

Petitioner does not dispute that web services gateway uses the HTTP protocol. Reply at 3.

Petitioner asserts that the 2009 Parent discloses only a predefined HTTP protocol.

Reply at 3.

However:



The 2009 Parent discloses presenting alerts via “an email application” and a “text application,” which use different communications protocols (e.g., SMS (text message), SMTP (email message)).
(citing 2009 Parent, Claim 7, ¶[0022].)

Sur-Reply at 10

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POR at ; Sur-Reply at 9-11; Reply at 3

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

The 2009 Parent discloses defining user preferences that control how information, including alerts, are presented to the user.

[0020] In accordance with an embodiment of the present invention, a common and efficient utility may be provided to interact with multiple information forms across multiple types of computers, interactive displays, and communication devices (“platforms”), in a more effective and efficient manner. Users may define the type and manner of delivery of information. The term “information” should be broadly interpreted to include, by way of non-limiting example, any appropriate type of content or data. Non-limiting examples may include text, graphics, pictures, video, streaming real-time video, remote device control/interaction, 3D graphic visualization of objects, and digital sound. Likewise, the phrase “information forms” as used herein is intended to be synonymous with “information.” The term “platforms” should be broadly interpreted to include, by way of non-limiting example, computers, communication devices, and other computing devices. Non-limiting examples include servers, networks of

[0021] Information may be delivered to a user based on the user’s identity as established by the system when the user’s session is established. Because the user is known and authenticated, preferences and rights to certain information types can be defined and managed for the user.

[0023] The assignment of information priority, event alerts or triggers, and complex actions that can result from the user’s interaction with a channel may be built upon and exploited by developers. A development tool or facility may be provided to a developer to create many forms of customization. Triggers may be parameterized against information behavior. Non-limiting examples of triggers may include exceeding a quantified numerical limit and multiple similar events trending in a certain direction. The trigger may cause the information channel to change its appearance or to take other actions that may be implemented by the developer. By way of non-limiting example, one action that may be implemented is to provide a notification to the user.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

POR at 24 (citing 2009 Parent, ¶ 20, 21, 323).

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

The 2009 Parent discloses that the user may define user preferences that determine whether to provide “a visual or auditory alert in the channel.”

[0034] Transfer icon #1 mobile device 204, transfer icon # 2 television 205, and transfer icon # 3 other device type may each be a hardware device or software application. If a selected channel 202 exists in the application host transfer tool 203, the channel 202 may be moved to a transfer icon through a drag and drop instruction. During a drag and drop function, the channel 202 may be transformed to become available on a selected platform (e.g., a mobile device). During an initial configuration of channels 202, a user profile may be established which may identify user preferences, platform identities, and service support instructions as to how the user wishes information to behave on the selected platform. The selected platform may need to be

[0039] The channel alert server 211 may be a hardware device or software application that may continually monitor application and information activities defined by a channel. By way of non-limiting example, a user or developer may define threshold conditions with definitive values assigned to events, conditions, logical workflows, discrete information values or signal data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may trigger additional actions affecting the channel 202 and the underlying computer application. For example, a channel may be established to monitor an alarm condition of a business or residence. If a condition at the business or residence triggers an alarm, an additional alert action such as notifying a law enforcement agency or a protective services group may be triggered. The alert can appear as defined on other platforms such as a mobile device, a television (set top box), a Blu-ray player, or other devices.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

POR at 24-25 (citing 2009 Parent, ¶ 34, 39).

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

Petitioner’s expert admitted that the 2009 Parent discloses “user preferences” that define how information, including alerts, behaves on a particular external device platform:

7 Q. Okay. So as long as the information
8 is defined in the user preferences, alert goes
9 out, those preferences are consulted, then you
10 satisfy the determination of the notification
11 method?
12 MR. THACKER: Objection; form.
13 THE WITNESS: No. That's -- I
14 forget. I'm sorry, I forget the words actually
15 used. That's the third aspect of it. I believe
16 that's what we're talking about?

Schmandt Tr. 1 at 52:7-20

Q. So you agree that the PCT Publication teaches a user profile that identifies user preferences . . . as to how the user wishes information to behave on the selected platform?

A. Yes.

Q. Is an alert information?

....

A. [M]y answer to your question is yes.

Schmandt Tr. 1 at 101:18-102:13.

Pet. Expert

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

POR at 26 (citing Schmandt Tr. 1 at 52:7-20, 101:18-102:13); Sur-Reply at 11 (citing Schmandt Tr. at 1 0:3-51:20, 53:6-19, 101:18-102:13)

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

User preferences disclosed in the 2009 Parent Are Tethered to Alerts.

In reply, Petitioner argues that:

- The “user preferences” disclosed in the 2009 Parent are “generic [], untethered from the alerts;” and that
- The 2009 Parent “discloses only generic preferences without tying them in any way to the alert.”

Sur-Reply at 12 (citing Reply at 14, 15).

BUT



Determining How to Present an Alert

- Petitioner’s experts contradict SAP’s attorney argument:
 - Mr. Schmandt confirmed that user preferences disclosed in the 2009 Parent **define alert information**; and
 - Petitioner’s district court expert testified that a server determining a **notification method based on user preferences was known in the art**.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Sur-Reply at 11 (citing Schmandt Tr. at 0:3-51:20, 53:6-19, 101:18-102:13; Ex. 2023

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

The 2009 Parent also discloses channel applications that present alerts with different protocols.

Accordingly, for example, the 2009 Parent discloses multiple, such as “an email application” and “text application,” that present diverse alert types via diverse protocols (e.g., SMS (text message), SMTP (email message)). *Id.* at Claim 7, ¶ [0022]. Because the channels provide differing ways to present alerts, user preferences indicate the user’s alert preference for interaction. *See id.* at ¶ [0032] (“[a] user may access specific channels 202 and interact with them based on the user’s profile”), ¶ [0034] (disclosing that the user profile identifies user preferences).

Sur-Reply at 10 (citing 2009 Parent at Claim 7, ¶ 22)

7. The computer-readable storage media of claim 1, wherein the first computer application displayed on the display device as a channel includes at least one of a streaming video application, an audio application, a voice-over-IP application, an environmental monitoring application, a financial services application, an enterprise resource planning application, a building information modeling application, a product lifecycle management application, a project management application, an immersive three dimensional environment application, a video conferencing application, an RSS reader application, a channel application repository application, an end-user preferences and localization application, a word processing application, a spreadsheet application, a presentation-slide show application, an email application, an address book application, an instant messaging application, an enterprise content management application, a text application, a graphics application, a picture application, a video application, a remote control-interaction application, and a three-dimensional graphic visualization of objects application.

2009 Parent at Claim 7

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The 2009 Parent Discloses “Determining a Notification Method” Term Under Any Construction

Determining How to Present an Alert (Aspect 3):

It was well-known in the art to “user preferences” determine alert types.

534. For example, the application server of SAP EP 6.0 at runtime is configured to determine the notification method based on the preferences set by the SAP EP 6.0 user to generate an alert, e.g., via push notification, through different channels, e.g., emails, SMS, printer, pager, mobile phone, and fax. Ex. 2023 at ¶ 543.

Petitioner’s district court expert opines that generating an alert based on user preferences was known in the art.

The 2009 Parent Discloses “Generating Notification Data”

Because the 2009 Parent provides written description support for “determining a notification method,” it also provides support for “generating notification data:”

3. Generating notification data

Petitioner submits that the May 2009 application does not disclose “generating notification data according to the determined notification method” because it does not disclose a “determined notification method,” as discussed above, and therefore cannot disclose generating notification data as claimed. Pet. 28–29. Patent Owner contends that the May 2009 application discloses “details on how to set and present the alert on the user device, which inherently requires notification data.” Prelim. Resp. 37–38. As aptly framed by Petitioner, this issue depends on the “determining a notification method” limitation and does not represent a separate dispute. We agree with Patent Owner that, if the May 2009 application discloses determining a notification method and discloses delivering a notification according to that method, then it also discloses generating notification data. But the present record does not show that the May 2009 application discloses determining a notification method.

Sur-Reply at 11 (citing Schmandt Tr. at 10:3-51:20, 53:6-19, 101:18-102:13; Ex. 2023

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



The 2009 Parent Provides Written Description Support for the “Alert” And “Information” Terms

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



Claim Construction: “Alert”

F) determining a notification method by which to provide at least one **alert** on the at least one external device based on the current state of the at least one external device indicated by the session data;

'948 Patent at Claim 1

Construction:

- Both parties agree that “alert” encompasses but does not require a particular alert type.
- At institution, the also Board agreed that the “alert” may include “tactile, auditory, and visual information as possibilities **but do not require** any one type of information.”

Sur-Reply 15-16 (citing POR at 11-12); Reply at 19-20; Paper 13 at 15-16

The 2009 Parent Discloses an “Alert”

Alerts: The 2009 Parent discloses several alert examples, including visual, auditory, text messages, and email messages:

Auditory and Visual Alerts



If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 *to provide a visual or auditory alert in the channel 202.*

2009 Parent at ¶ 39.

Email and Text Message Alerts



The 2009 Parent describes the process for setting alert triggers and notifications methods far more broadly than Petitioner acknowledges and include any “actions that may be implemented by the developer.” 2009 Parent at ¶ [0023]. Accordingly, for example, the 2009 Parent discloses multiple, *such as “an email application” and “text application,”* that present diverse alert types via diverse protocols *(e.g., SMS (text message), SMTP (email message)).* *Id.* at Claim 7, ¶ [0022]. Because the channels provide differing ways to present alerts, user

Sur-Reply 10 (citing 2009 Parent at Claim 7, ¶ 22).

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The 2009 Parent Discloses an “Alert”

Petitioner’s challenge rests on the 2009 Parent not expressly disclosing tactile alerts. Reply at 18-19.

BUT

- “A claim *can* be broader than the embodiments disclosed therein.” *PNC Bank, N.A. v. United Services Auto. Ass’n*, No. IPR2021-01071, Paper 21 at 17 (P.T.A.B. Jan. 20, 2022).
- The written description test does not require disclosing every embodiment within the scope of the claim. *Falkner v. Inglis*, 448 F.3d 1357, 1366 (Fed. Cir. 2006); *Hologic, Inc. v. Smith & Nephew, Inc.*, 884 F.3d 1357, 1361-63 (Fed. Cir. 2018)
 - Such as the case where the claim “encompasses but does not require” a particular embodiment. *3Shape A/S v. Align Tech., Inc.*, No. IPR2021-01120, Paper 15 at 19-20.

Sur-Reply at 16-17; POR at 12-15

The 2009 Parent Discloses an “Alert”

Petitioner’s challenge rests on the 2009 Parent not expressly disclosing tactile alerts. Reply at 18-19.

BUT

- The existing knowledge in the art, the content of the existing art, and predictability of the technology show that the 2009 Parent supports the generic “alert” term, which encompasses but does not require tactile alerts. Sur-Reply at

18-21 (citing *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010)).

these common approaches. *Id.* at ¶ 47. Indeed, before the 2009 Parent’s filing, tactile alerts were presented on a user’s device with either the user device or the server determining such presentation. See POR at 15-17 (citing Goodrich Decl. at ¶¶ 59-64 (discussing server-driven APIs in Ex. 2020 (“Barney”) that caused tactile alerts to be presented on user devices)); Schmandt Tr. 2 at 65:24-66:10 (acknowledging that Austin-Lane (published 2004) “discloses that alerts can be tactile and that through a notification mechanism alerts can be generated on end user devices”).

Sur-Reply at 19

Sur-Reply at 18-21

The 2009 Parent Discloses an “Alert”

- The content of the existing art included server-based tactile alerts presented on end user devices:

63. Further, Barney discloses that the PhoneGap API had confirmed vibration functionality for both iPhones and Android smartphones on February 23, 2009. *Id.* at 183 (Appendix C). Moreover, Barney also discloses that PhoneGap supports alerts to users. *Id.* at 3.

PO Expert

Ex. 2027 (“Goodrich Decl.”) at ¶ 63

Pet. Expert

3 A. I'm a little weary of the term "enablement"
4 because that's a legal term. The Austin-Lane discloses
5 exactly what we said. Austin-Lane discloses that
6 alerts can be tactile and that through a notification
7 mechanism alerts can be generated on end user
8 devices -- end user devices, it's obvious there there's
9 some kind of device.

Ex. 2030 (“Schmandt Tr. 2”) at 66:3-9

Sur-Reply at 19-20

The 2009 Parent Discloses “User-Centric Information”

1. An apparatus to provide secure user-centric information on at least one user platform operated by a user, and to evaluate at least some of the secure user-centric information, the apparatus comprising:

20 '948 Patent at Claim 1

E. The 2009 Parent Provides Written Description Support for “User-Centric Information”

Because Petitioner’s analysis for user-centric information is also based on tactile information, the 2009 Parent provides written description support for the same reasons it provides support for the “alert” term. *See* § II.D, *supra*; POR at 19.

Sur-Reply at 21



The 2009 Parent Discloses Providing an Alert to “at Least One External Device”

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



The 2009 Parent Discloses Providing an Alert to “At Least One External Device”

F) determining a notification method by which to provide at least one alert on the at least one external device based on the current state of the at least one external device indicated by the session data;

'948 Patent at Claim 1

session data Data about a session, collected by the NetView program, that consists of session awareness data, session trace data, and session response time data.

2007 at 616

session (1) In network architecture, for the purpose of data communication between functional units, all the activities which take place during the establishment, maintenance, and release of the connection. (T)

2007 at 615

Providing an alert to the user's active device(s)

- The Challenged Claims require providing an alert to external device(s) based on “session data.
- Session data signifies **active** device(s).
- Therefore, providing an alert on “at least one external device” refers to user’s external device(s) that are **active**.

POR at 31-33 (Citing Ex. 2007 at 616-17)

**Session data signifies
active devices**

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The 2009 Parent Discloses Providing an Alert to “At Least One External Device”

The 2009 Parent discloses providing an alert to “the active devices” of a user based on session data.

data. If an established condition is met, the channel alert server 211 may notify the identity management server 208 to confirm the subscriber of the event, determine the active devices of the subscriber, and then pass through the web services gateway 207 and the channel grid framework 201 to provide a visual or auditory alert in the channel 202. Likewise, the alert may

2009 Parent at ¶ 39

[0021] Information may be delivered to a user based on the user's identity as established by the system when the user's session is established. Because the user is known and authenticated,

2009 Parent at ¶ 21

POR at 8-9, 33-34

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The 2009 Parent Discloses Providing an Alert to “At Least One External Device”

Petitioner in reply concedes written description support. Petitioner does not dispute that the user’s active device(s) receive the alert(s).

Petitioner also does not dispute that the 2009 Parent provides written description support for “the at least one external device.” *See generally* Reply. Thus, Petitioner does not dispute that the 2009 Parent discloses providing an alert to external devices based on “session data” that indicates the “current state” of user’s active devices. *See* POR at 31-34; 2009 Parent at ¶¶ [0021], [0039]. Accordingly, the Board should reject Petitioner’s argument that the ’948 Patent does not disclose the this limitation. *See* Paper 1 (“Pet.”) at 29-30.

Sur-Reply at 2-3

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



The 2009 Parent Provides Written Description Support for All Other Claim Limitations

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE



The 2009 Parent Provides Written Description Support for all Other Uncontested Limitations

All Other Claim Limitations: The 2009 Parent provides written description support for all of the uncontested claim limitations.

- Petitioner’s obviousness analysis affirms written description support because Petitioner relies on the PCT publication’s disclosure—“substantively identical to the May 2009 parent application, containing the same drawings and specification”—for these limitations.

POR at 43 (citing Pet. at 32).

Third, Petitioner’s obviousness analysis also affirms written description support because Petitioner relies on the PCT Publication’s disclosure for these limitations—which is “substantively identical to the May 2009 parent application, containing the same drawings and specification.” Pet. at 32 (emphasis added); see also id. at 43 (Element [1.1] (relying on the PCT Publication’s disclosure), 44 (Element [1.2] (same)), 45 (Element [1.3] (same)), 45-46 (Element [1.4] (same)), 47-49 (Element [1.5] A) (same)), 49-50 (Element [1.6] B) (same)), 50 (Element [1.7] C) (same)), 50-52 (Element [1.8] D) (same)), 52-53 (Element [1.9] E) (same)), 58 (Claim 2 (same)), 58-59 (Claim 3 (same)), 59-60 (Claim 4 (same)), 60 (Claim 5 (same)), 60-61 (Claim 6 (same)), 61 (Claim 7 (same)), 61-62 (Claim 10 (same)), 62 (Claim 11 (same)), 62-63 (Claim 13 (same)), 63 (Claim 18 (same)), 64 (Claim 19 (same)), 64 (Claim 23 (same)), 64-65 (Claim 29 (same)); see also Goodrich Decl. at

¶ 104

POR at 37-43.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE