

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

CYANDIA, INC.,
Patent Owner.

IPR2024-01433
Patent 8,751,948

**PETITIONER'S RESPONSE TO
PATENT OWNER'S SUR-REPLY ARGUMENTS UNDER *REVVO***

LIST OF EXHIBITS

LIST OF NEWLY FILED EXHIBITS

Exhibits concurrently filed with Petitioner’s Response To Patent Owner’s
Sur-Reply Arguments Under *Revvo*:

No.	Description
1134	Opening Expert Report of Paul C. Clark, DSc., including Exhibit D-1, in <i>Cyandia, Inc., v. SAP America, Inc.</i> 2:24-cv-0096-JRG (E.D. Tex.) (May 16, 2025) (excerpted) ¹

LIST OF PREVIOUSLY FILED EXHIBITS

No.	Description
1101	U.S. Patent No. 8,751,948 (“ 948 Patent ”)
1102	File History of U.S. Patent No. 8,751,948
1103	Declaration of Christopher Schmandt, dated September 20, 2024 (“ Schmandt Decl. ”)
1104	International Patent Application Publication No. WO 2009/140386 to Wetzer et al. (“ the PCT publication ”)
1105	U.S. Patent Application Publication No. 2004/0044736 to Austin-Lane et al. (“ Austin-Lane ”)
1106	U.S. Patent Application No. 12/465,331 (“ the May 2009 parent application ”)
1107	U.S. Patent No. 8,499,250 (“ the ’250 parent patent ”)

¹ Petitioner has added its own numbering to the submitted excerpts, as both the declaration and its attachment (Exhibit D-1) contain original page numbers.

No.	Description
1108	U.S. Provisional Patent Application No. 61/052,765 (“ the May 2008 provisional application ”)
1109	Full Claims Listing (1-7, 10-11, 13, 18-19, 23, 29, and 35-36)
1110	U.S. Patent Application No. 13/086,165 to Wetzer et al. (“ the April 2011 CIP application ”)
1111	U.S. Patent No. 7,348,968 to Thomas Dawson (“ Dawson ”)
1112	U.S. Patent No. 7,136,045 to Rosenberg et al. (“ Rosenberg ”)
1113	Lee et al., <i>Haptic Pen: A Tactile Feedback Stylus for Touch Screens</i> , Proc. of the 17th ann. ACM symp. on User interface software & tech. (UIST ’04), 291-294 (Oct. 2004) (“ Lee ”)
1114	Hoggan et al., <i>Investigating the Effectiveness of Tactile Feedback for Mobile Touchscreens</i> , Proc. of the SIGCHI Conf. on Human Factors in Computing Sys. (CHI ’08), 1573-1582 (Apr. 2008) (“ Hoggan ”)
1115	Stephen Brewster and Aurora Constantin, <i>Tactile Feedback for Ambient Awareness in Mobile Interactions</i> , Proc. of the 24 th BCS Interaction Specialist Grp. Conf. (BSC ’10), 412-417 (Sept. 2010) (“ Brewster ”)
1116	<i>IBM Rational Application Developer V6 Portlet Application Development and Portal Tools</i> (August 2005) (“ WebSphere-Portal ”)
1117	Ron Ben-Natan et al., <i>Mastering IBM WebSphere Portal</i> (2004) (“ Ben-Natan ”)
1118	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume I: Installation and Administration</i> (May 2005) (“ WebSphere-Everyplace-1 ”)

No.	Description
1119	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume II: Application Development</i> (March 2005) (“ WebSphere-Everyplace-2 ”)
1120	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume IV: Advanced Topics</i> (March 2005) (“ WebSphere-Everyplace-4 ”)
1121	N/A
1122	U.S. Patent 7,376,907 to Santoro et al. (“ Santoro ”)
1123	<i>Microsoft Computer Dictionary</i> (5th Edition) (excerpts)
1124	U.S. Patent No. 5,548,692 (“ Cok ”)
1125	<i>Microsoft Internet Explorer ResourceKit</i> , Microsoft (1998)
1126	David Pogue, <i>iPhone The Missing Manual</i> (excerpts) (2007)
1127	David Pogue, <i>Mac OS X Leopard The Missing Manual</i> (excerpts) (2007)
1128	Harry Newton, <i>Newton’s Telecom Dictionary</i> (20th Ed.) (excerpts) (2004)
1129	WSRP standard 1.0 specification
1130	WSRP standard 2.0 specification
1131	Correspondence to Cyandia’s Counsel (dated January 14, 2025) (<i>Sotera</i> stipulation)
1132	Nitin Sawhney & Chris Schmandt, <i>Nomadic Radio: Scaleable and Contextual Notification for Wearable Audio Messaging</i> , Proc. of CHI’99, 96-103 (May 1999)
1133	Reply Declaration of Christopher Schmandt, dated September 19, 2025

SAP advances no inconsistent construction before the Board and the district court. In arguing the contrary, Cyandia cites only two isolated paragraphs from a pre-*Markman* invalidity report of SAP expert Dr. Clark. Paper 30, 7. That report is consistent with SAP's IPR positions and does not give rise to a *Revvo* issue.

First, the cited paragraphs include only an excerpted prior art analysis, not a proposed construction. EX2023, ¶¶535-536. The paragraphs do not show a “broader construction” and Cyandia has not explained how they might. **Second**, in further analysis of this same prior art mapping Dr. Clark explained he was applying “the assumed construction of Cyandia’s Infringement Contentions, which I do not adopt.” EX1134, 17 (Clark Exhibit D-1 p.134); *id.*, ¶¶225-226, ¶264, ¶267; ¶533; ¶536, ¶545. **Third**, Dr. Clark provided his report prior to the district court *Markman* Order and otherwise applied the plain and ordinary meaning of all terms. *Id.*, ¶¶169-170.

The district court ultimately gave a “plain and ordinary meaning” construction to claim language containing the disputed term “determining a notification method ... based on the current state of the at least one external device.” EX3002, 33-34.

SAP’s IPR position for this term is consistent with its district court position and the *Markman* order. In the petition, SAP applied the plain and ordinary meaning. Paper 1, 16-18. The institution decision did not construe this term (Paper 13, 15-16) but in analyzing priority did preliminarily find that certain passages of the 2009 application did not disclose determining “how an alert is presented.” *Id.*, 20-21. In

its reply, SAP did not change its position that the plain and ordinary meaning applied but explained, consistent with the institution decision, how “determining a notification method by which to provide at least one alert ...” involves determining how to present the alert. Paper 25, 5-7, 10-18; *e.g.*, *Eon Corp. IP Holdings v. Silver Spring Networks, Inc.*, 815 F.3d 1314, 1321 (Fed. Cir. 2016) (“[C]ontext must be considered in determining the ordinary meaning”). Thus, the reply explained the “ordinary meaning in the context of the [patent].” *Id.*, 1322. This is consistent with the district court, although there the “parties’ dispute” has thus far not required clarification of the plain and ordinary meaning. *E.g.*, *O2 Micro Int’l Ltd. v. Beyond Innov. Tech. Co.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008).

Revvo involved a petitioner “arguing different claim construction positions before a district court and the Board.” IPR2025-00632, Paper 20, 5 (PTAB Nov. 3, 2025) (precedential). Here, Cyandia identifies no constructions argued by SAP or its expert in district court, much less constructions inconsistent with this IPR. Dr. Clark’s pre-*Markman* invalidity report reveals no inconsistency—nor has Cyandia attempted to specify one—and Cyandia’s argument should be rejected.

Respectfully submitted,

Dated: February 5, 2026

/Andrew M. Mason/
Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com

Counsel for Petitioner

**CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(e)(4)**

The undersigned certifies that on February 5, 2026, Petitioner emailed copies of **PETITIONER’S RESPONSE TO PATENT OWNER’S SUR-REPLY ARGUMENTS UNDER *REVVO* and Exhibit 1134** to the following email addresses, which Patent Owner has agreed constitutes service. *See* Paper 35 (Patent Owner’s Updated Mandatory Notices Under 37 C.F.R. § 42.8(a)(3)).

James.Hannah@hsfkramer.com

Jeffrey.Price@hsfkramer.com

Kris.Kastens@hsfkramer.com

Jenna.Fuller@hsfkramer.com

Charles.Keller@hsfkramer.com

svdocketingus@hsfkramer.com

By: /Andrew M. Mason/

Andrew M. Mason (Reg. No. 64,034)

andrew.mason@klarquist.com

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600

121 S.W. Salmon Street

Portland, Oregon 97204

Tel: 503-595-5300

Fax: 503-595-5301

Counsel for Petitioner