

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAP AMERICA, INC.,  
Petitioner,

v.

CYANDIA, INC.,  
Patent Owner.

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Case IPR2024-01495  
U.S. Patent No. 8,578,285

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**PATENT OWNER'S PRELIMINARY RESPONSE  
UNDER 37 C.F.R. § 42.107**

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**PATENT OWNER'S EXHIBIT LIST**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                      |
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| 2001           | Order, <i>Netlist, Inc. v. Micron Technology, Inc., et al.</i> , Case No. 2:22-cv-00294-JRG, Dkt. No. 72 (E.D. Tex. March 12, 2024)                                                                                                                                                                                     |
| 2002           | Order, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd, Samsung Electronics America, Inc., Samsung Semiconductor Inc.</i> , Case No. 2:22-cv-00293-JRG, Dkt. No. 180 (E.D. Tex. Oct. 17, 2023)                                                                                                                         |
| 2003           | Order, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd, Samsung Electronics America, Inc., Samsung Semiconductor Inc.</i> , Case No. 2:22-cv-00293-JRG, Dkt. No. 689 (E.D. Tex. March 11, 2024)                                                                                                                        |
| 2004           | Excerpt from U.S. District Court – National Judicial Caseload Profile Federal for the Eastern District of Texas, available at <a href="https://www.uscourts.gov/sites/default/files/2024-12/fcms_na_distprofile0930.2024.pdf">https://www.uscourts.gov/sites/default/files/2024-12/fcms_na_distprofile0930.2024.pdf</a> |
| 2005           | USPTO's June 21, 2022 Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation                                                                                                                                                                                 |
| 2006           | Docket Control Order, <i>Cyandia, Inc. v. SAP America, Inc. and SAP SE</i> , Case No. 2:24-cv-00096-JRG, Dkt. No. 32 (E.D. Tex. June 17, 2024)                                                                                                                                                                          |
| 2007           | Declaration of James Hannah in Support of Patent Owner's Preliminary Response                                                                                                                                                                                                                                           |

## I. INTRODUCTION

Patent Owner respectfully requests that the Board deny the Petition because even with a combination of six different references, Petitioner is unable to identify all limitations of the Challenged Claims<sup>1</sup> in the prior art. In order to account for the significant gaps between the art and the claims, Petitioner resorts to ignoring the plain language of the claims and mischaracterizing the disclosures of the art. Given the lack of compelling merits, the fact that trial is scheduled to conclude in the co-pending litigation six months before a Final Written Decision is due in this case, and Petitioner's failure to supply a *Sotera*-style stipulation, Cyandia respectfully requests that the Board decline to institute trial pursuant to the *Fintiv* framework.

The Board should also deny the Petition on the merits. The '285 Patent claims a system that presents users with an interactive "matrix" of authorized channels, each of which presents and enables a user to interact with "secure user-centric information." This approach collects users' most important information from across different platforms and puts it at their fingertips while maintaining strict security measures. The art of record is an amalgam of documents related, more or less, to

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<sup>1</sup> Petitioner, SAP America, Inc., disputes the patentability of Claims 1-10, 13, 17-18, and 36-42 ("the Challenged Claims") of U.S. Patent No. 8,578,285 (the "'285 Patent").

various different products developed by IBM under the “Websphere” marketing name. None of these documents disclose a matrix of channels that display and enable interaction with “secure user-centric information.” At best, the Websphere References disclose a set of static links or icons that a user may select in order to open a corresponding application.

The Websphere References also fail to disclose “synchroniz[ing] functions and features of one or more of the plurality of channels across two or more of the plurality of user platforms.” Instead, the Websphere References disclose the ability to access certain data from different devices without any indication that any “functions or features” are synchronized between those devices. Finally, Petitioner fails to identify with particularity “service support instructions that determine how the secure user-centric information behaves on at least one platform of the plurality of user platforms.” The disclosures that Petitioner cites with respect to this limitation—the synchronization of data across different devices—facially do not meet the claims.

Although there are a variety of reasons why the '285 Patent is valid over Petitioner's asserted prior art references, this Preliminary Response focuses on only limited reasons why *inter partes* review should not be instituted. See *Travelocity.com L.P. v. Cronos Techs., LLC*, No. CBM2014-00082, Paper 12 at 10 (P.T.A.B. Oct. 16, 2014) (“[N]othing may be gleaned from the Patent Owner's

challenge or failure to challenge the grounds of unpatentability for any particular reason.”).

## **II. BACKGROUND**

### **A. Cyandia**

Cyandia was founded on the idea of helping users manage and display information coming from an increasing number of different applications. Rather than force the user to chase down relevant information, the inventors conceived of a platform built on the premise that important information should be curated and served directly to the user. Their solution involved a novel system architecture that improved the management and utilization of the users' computers and also of the servers hosting applications and users' secure information.

After investing significant time and resources into research and development, Cyandia pioneered using an architecture that included a matrix of channels that provides a “cockpit” type view of the information important to the particular user that gives intelligent insights into a variety of different applications relevant to the user. These channels can be authorized to display secure information tailored to that particular user without needing them to open up individual applications. Cyandia developed a suite of technologies related to this concept, including those described and claimed in the '285 Patent.

**B. The State of the Art at the Time of the Invention**

At the time of the invention of the '285 Patent, technology had made significant strides in creating digital content of many varieties. '285 Patent at 1:34-38. A common problem was the need to use dissimilar tools with many different types of data on different platforms, such as desktop computers and mobile devices. *Id.* at 1:40-47. Prior technologies were focused on creating different “windows” or “portals” containing icons that link to separate applications. *Id.* at 1:48-58. These traditional systems were poorly suited for complex cross-platform information management because they required users to hunt down the information that was most important to review at that moment. *Id.* at 1:59-2:3.

**C. The '285 Patent**

The '285 Patent describes technology for presenting, managing, and interacting with different types of information from multiple information sources across multiple computer devices. *Id.* at 2:9-18. In one embodiment, the '285 Patent describes a channel grid framework that presents a matrix of channels specifically authorized for the user. Each channel in the matrix displays and enables a user to interact with secure user-centric information. *Id.* at Abstract (“Multiple channels are configured and implemented, through which information relevant to a given user is presented for user interaction . . . .”); *see also id.* at 2:21-37. Figure 3 from the '285

Patent, reproduced below, shows an exemplary channel grid framework, including a matrix of channel 201:

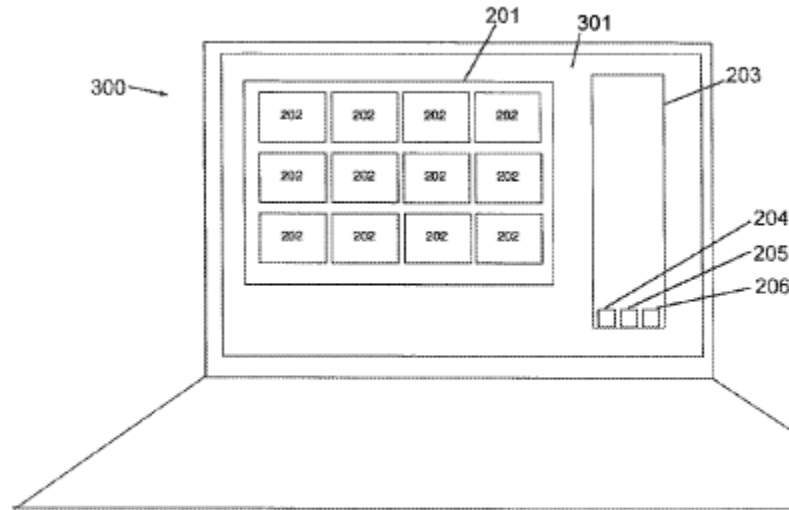


FIG. 3

*Id.* at Fig. 3.

These channels display different types of information such as “streaming video, audio, voice-over-IP communication, environmental monitoring information, financial services information, enterprise resource planning information,” etc. *Id.* at 4:16-30. “Each channel may be configured to perform complex functions both in how the information is synthesized and delivered as well as what the user may do with it (as may be driven by the identify [sic] and authorization granted to the user).” *Id.* at 4:30-34. Furthermore, U.S. Patent No. 8,751,948 (Ex. 1036, the “’948 Patent”), which is related to the ’285 Patent, describes how “the channel is a conduit

for delivering information to a user (e.g., providing access to and interaction with information).” ’948 Patent at 8:63-66.

The ’285 Patent describes using a web services gateway to generate the channel grid framework. ’285 Patent at 5:41-52. As noted, the ’285 Patent provides many different examples of application information that can be used with a channel. *Id.* at 4:16-30. The system is disclosed to integrate with different applications in order to expose functionality to the user through the visual component of the channel. *Id.* at 6:28-40 (“The channel grid framework 201 may also provide development, display, security, integration, and related feature implementation of services delivered through and coupled with the web-services gateway 207, . . .”).

The ’285 Patent also discloses exemplary embodiments for creating channels that access and present “secure” information, noting that this information is stored in a secure database and that the security of the user is confirmed before providing access:

When a user is associated with a channel 202 or specific services that may be enabled by the channel 202, access and security protocols may be identified for each condition and action to be performed by the user. **This information may be stored in a secure and specific database 219.** Every time the channel 202 is invoked or interrogated, **both the security of the applications affected as well as the security of the user may be confirmed.** Once authorized, the channel 202 services

may be performed, and the content provided by the computer application on the channel 202 may be evaluated.

*Id.* at 8:31-41 (emphasis added).

The '285 Patent also discloses synchronizing the functions and features of the channels across different devices, noting that “functions and features may remain operable and synchronized across all registered devices or platforms.” *Id.* at 7:30-32. The '285 Patent states that this is an advantage for when a user interacts with more than one device or platform because it may “allow full engagement of the functions provided by the channel 202.” *Id.* at 7:36-42.

### **III. THE BOARD SHOULD DENY INSTITUTION UNDER 35 U.S.C. § 314(a)**

The Board should exercise its discretion to deny institution under 35 U.S.C. § 314(a) and *Apple Inc. v. Fintiv, Inc.*, No. IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) (precedential) (“*Fintiv*”) because the *Fintiv* factors overwhelmingly support denying institution. Moreover, the Board “retains discretion to deny institution for proceedings where abuse has been demonstrated.” Ex. 2005 at 4. The Board should exercise its discretion to deny institution.

#### **A. *Fintiv* Factor 1: There is Little to no Likelihood that a Stay Would be Granted in District Court**

*Fintiv* Factor 1 weighs in favor of discretionary denial because no motion to stay the case is pending, and Petitioner has presented no evidence that Judge Gilstrap would grant a stay if a trial is instituted. In fact, Judge Gilstrap frequently denies

stays in such cases. Ex. 2001, *Netlist, Inc. v. Micron Tech., Inc.*, No. 2:22-cv-00294-JRG, Dkt. 72 (E.D. Tex. Mar. 12, 2024) (denying motion to stay pending instituted IPRs); Ex. 2002, *Netlist, Inc. v. Samsung Elecs. Co.*, No. 2:22-cv-00293-JRG (“*Netlist-Samsung*”), Dkt. 180 (E.D. Tex. Oct. 17, 2023) (denying motion to stay pending instituted IPRs); Ex. 2003, *Netlist-Samsung*, Dkt. 689 (E.D. Tex. Mar. 11, 2024) (same).

**B. *Fintiv* Factor 2: The District Court’s Scheduled Trial Date is Roughly Six Months Before the Expected Date of Any Final Written Decision**

*Fintiv* Factor 2 weighs in favor of discretionary denial because trial is scheduled to begin in the co-pending litigation on October 6, 2025, six months before a final written decision is due in the case. Ex. 2006 at 1. The median time to trial in the Eastern District of Texas, where the parallel proceeding is pending, is 21.9 months. Ex. 2004. According to that metric, the parties can expect trial to begin on December 12, 2025, which is roughly four months before a Final Written Decision would be expected in this case. Accordingly, the Board should exercise its discretion to deny institution in order to avoid duplication of efforts and “potentially conflicting outcomes.” Ex. 2005 (June 21, 2022, PTAB Interim Procedure for Discretionary Denials) at 5.

The Board routinely exercises its discretion to deny institution even when the period between the scheduled trial date and the projected deadline for a final written

decision is far less than the four- or six-month period in this case. *See Samsung Display Co. v. Pictvia Displays Int'l Ltd.*, No. IPR2024-00855, Paper 12 at 2, 8-9 (P.T.A.B. Nov. 19, 2024); *see also, e.g., NXP USA, Inc. v. Impinj, Inc.*, No. IPR2021-01556, Paper 10 at 7-8 (P.T.A.B. Apr. 21, 2022) (two months between the scheduled trial and the deadline to reach a final written decision weighed in favor of discretionary denial); *eClinicalWorks, LLC v. Decapolis LLC*, No. IPR2022-00229, Paper 10 at 9 (P.T.A.B. Apr. 13, 2022) (one to two months between the scheduled jury trial and the deadline to reach a final decision weighed in favor of denial); *Immersion Sys. LLC v. Midas Green Techs., LLC*, No. IPR2021-01176, Paper 16 at 12-13 (P.T.A.B. Jan. 6, 2022) (three months between the scheduled trial date and the deadline to reach a final decision weighed in favor of exercising discretionary denial).

Given the trial schedule, it does not make sense to have the Board address patentability when it will have already been addressed at the District Court trial, particularly given the overlap of issues and the possibility of conflicting outcomes. Therefore, *Fintiv* factor 2 weighs in favor of the Board exercising its discretion to deny institution.

**C. *Fintiv* Factor 3: Significant Investment in the Parallel Litigation Will Have Occurred by the Time the Board's Institution Decision is Due**

The parties have already expended a significant amount of investment in the parallel litigation, having served infringement and invalidity contentions and claim construction terms. By the projected institution date, the parties would have already expended significant time in discovery and will have also filed their joint claim construction statement and have completed the claim construction hearing. See Ex. 2006 at 3 (Scheduling Order). In nearly identical circumstances, the Board recently found Factor 3 to be neutral. *Samsung Elecs. Co. v. Empire Tech. Dev. LLC*, No. IPR2024-00896, Paper 15 at 13-14 (P.T.A.B. Dec. 13, 2024).

**D. *Fintiv* Factor 4: There is Substantial Overlap between the IPR Proceeding and the Parallel Litigation**

*Fintiv* factor 4 weighs in favor of discretionary denial because “some of the claims challenged in the petition are also at issue in district court,” and the “petition includes the same or substantially the same claims, grounds, arguments, and evidence” as included in the parallel District Court litigation. *Fintiv* at 12-13. Here, Petitioner challenges every claim of the '285 Patent asserted in the parallel District Court litigation. Ex. 2007, Hannah Decl., ¶¶ 2-3. The Petition also “includes the same or substantially the same claims, grounds, arguments, and evidence” because there is substantial overlap between the primary references and arguments asserted in both forums. *Fintiv* at 12-13.

In the parallel litigation, Petitioner has asserted the WebSphere product and the WebSphere references as alleged prior art to the '285 Patent. Ex. 2007, Hannah Decl., ¶¶ 2-3. Given Petitioner's litigation strategy, even a *Sotera*-style stipulation (which Petitioner has not provided) would result in the "duplication of work and create the potential for inconsistent decisions." *Cf. Apple Inc. v. Maxell, Ltd.*, No. IPR2020-00407, Paper 12 at 12 (P.T.A.B. Aug. 11, 2020). Thus, despite Petitioner's statutory inability to raise the WebSphere product in this IPR, a substantial overlap of issues would remain even if Petitioner filed a *Sotera*-style or any other narrower case narrowing stipulation.

In view of the foregoing, *Fintiv* Factor 4 weighs strongly in favor of the Board exercising its discretion to deny institution.

**E. *Fintiv* Factor 5: Petitioner is the Defendant in the Parallel Proceeding**

*Fintiv* factor 5 weighs in favor of exercising discretionary denial because the parties are the same in both proceedings. *Fintiv* at 13-14.

**F. *Fintiv* Factor 6: The Petition is Without Merit and SAP has Abused the Process**

*Fintiv* factor 6 weighs in favor of discretionary denial because Petitioner fails to present a likelihood of success, much less "compelling evidence of unpatentability." See § VII, *infra*; Ex. 2005 (June 21, 2022 PTAB Interim Procedure for Discretionary Denials) at 4-5, 9. Despite relying on thousands of pages of

references, Petitioner fails to show a reasonable likelihood that any one of the Challenged Claims is unpatentable and, as such, the Board “has the authority . . . to exercise discretion to deny institution.” Ex. 2005 at 4.

In view of the foregoing, *Fintiv* Factor 6 weighs in favor of the Board exercising its discretion to deny institution.

\* \* \* \*

Each of the *Fintiv* factors is neutral or weighs in favor of denying institution, some strongly so. Cyandia respectfully requests, therefore, that the Board deny institution pursuant to 35 U.S.C. § 314(a).

#### **IV. DESCRIPTION OF ALLEGED PRIOR ART**

##### **A. The WebSphere References**

Petitioner relies on an amalgamation of different references for its Petition. For the independent claims alone, it relies on six different separate references, with many developed at different times, by different parties, and related to different products. These references, combined, account for over three thousand pages. Of the six references relied on by Petitioner for its combination, six<sup>2</sup> are related to the “WebSphere” marketing name, including:

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<sup>2</sup> Although Petitioner states that it relies on “three WebSphere references,” it actually relies on six because the different volumes of WebSphere Everyplace

1. “IBM Rational Application Developer V6 Portlet Application Development and Portal Tools” published by IBM in August 2005 [Ex. 1004] (“Developer Guide”);
2. “Mastering IBM WebSphere Portal” published by Wiley Publishing, Inc. in 2004 [Ex. 1005];
3. “IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators: Volume I: Installation and Administration,” (“Everyplace Administration Handbook”) published by IBM in May 2005 [Ex. 1006]
4. “IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators: Volume II: Application Development,” (“Everyplace Development Handbook”) published by IBM in March 2005 [Ex. 1007]
5. “IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators: Volume III: E-Mail and Database Synchronization,” (“Everyplace Email Handbook”) published by IBM in April 2005 [Ex. 1008]
6. “IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators: Volume IV: Advanced Topics,” (“Everyplace Advanced Topics Handbook”) published by IBM in March 2005 [Ex. 1009]

(collectively, “WebSphere References”).

These documents concern at least three different products, including IBM Rational Developer, IBM WebSphere Portal, and IBM WebSphere Everyplace Access for Multiplatform. These documents contain different version numbers and

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Access (Exs. 1006-1009) were published at different times and concern different versions of the product. *See* Pet. at 32.

were published at different times. Furthermore, these documents are all user-facing documents and are intended to be consumed by the public. As such, they do not disclose many of the implementation details for the described products.

The WebSphere References also show screenshots from several different devices (e.g., desktop, PocketPC, phone, etc.) that do not display the information in the same manner and is particularly true given the limited functionality of mobile devices at the date of the references. For example, the Everyplace Documents (Exs. 1006-1009) show many figures from a mobile device (a PocketPC) with a limited screen size. On these, the images shown take up the entire screen of the device. It is improper to conflate the operation of these different devices and they are not shown to operate or show information in the same way.

The WebSphere References discuss different applications and systems that were available through IBM. In some cases, they discuss a concept of a “portlet,” which provides a container for users to input their web-based content. Specifically, WebSphere Portal describes portlets as “a framework that lets you plug in new features or extensions.” Ex. 1004 at 8. The WebSphere References disclose that these portlets are items such as lists of public news articles or icons that allow a user to click on them to open up a separate application. *See, e.g., id.* at 49; Ex. 1006 at 30. Thus, the WebSphere portlet provides access to a variety of different content without providing the user a direct means to receive or interact with their information

while the portlets are displayed in a matrix. As a result, the claimed receiving and interacting can only occur after a user clicks on the portal to open up a separate application and cannot occur within the matrix.

## **V. LEVEL OF ORDINARY SKILL IN THE ART**

A person of ordinary skill in the art (“POSITA”) as of May 2008 or May 2009 would have had a Bachelor’s degree in electrical engineering, computer science, or the like, and/or four or more years of experience in server-based applications. Additional experience may make up for a lack of education and vice versa.

## **VI. CLAIM CONSTRUCTION**

### **A. “channel” (Independent Claims 1, 37, 42)**

The term “channel” should be given its plain and ordinary meaning in the context of the intrinsic record, which is: *a conduit for accessing and interacting with information, comprising a visual component to be presented on the at least one user platform and an integration component on an application server.*

At the outset, the parties appear to agree that a channel is “a conduit for delivering information to a user (e.g., providing access to and interaction with information).” Pet. at 13 (citing ’948 Patent, Ex. 1036 at 8:60-9:3); *see also* ’948 Patent at 8:63-64. In the specification of the related ’948 Patent, the channels are also described as including a “visualization piece that is presented on the client

device (e.g., user devices 118)” and an “integration piece residing at the server (e.g., application server 110).” ’948 Patent at 8:66-9:3. This description in a related patent further supports the construction of the term, “channel” as it would be understood by a POSITA in the context of the ’285 Patent.

The ’285 Patent’s channels include a visual component (presented on the user’s device) for displaying visual information to a user. For example, a channel may present streaming video, environmental monitoring, enterprise resource planning information, or any other suitable information. ’285 Patent at 4:16-30; *see also id.* at 6:20-21 (“The channel may be displayed on multiple platforms.”).

The ’285 Patent’s channels also include an integration component that extends interactive application functionality to the channels while they are being presented in the channel grid framework. *Id.* at 2:21-28 (“[T]he channel grid framework provides access to a first computer application displayed on a display device as a channel.”); *id.* at 4:30-33 (Channels “perform complex functions both in how the information is synthesized and delivered as well as what the user may do with it.”).

For example, the ’285 Patent discloses a “web services gateway” that acts as a server and includes functionality to integrate with different applications. *Id.* at 8:4-7 (“The web services gateway 207 may be an Internet-based hardware device or software tool through which the channel grid framework 201 may interact with external applications and services.”) and 5:13-16 (“The enabled applications and

services 120 may be connected to the web services gateway 107 and the virtual world server 109.”). The ’285 Patent discloses how the web services gateway integrates these application functions. *Id.* at 6:28-40 (“The channel grid framework 201 may also provide development, display, security, integration, and related feature implementation of services delivered through and coupled with the web-services gateway 207 . . .”).

The Petitioner’s proposed construction, “*a mechanism for providing the user access to and interaction with the user-centric information, comprising a visual component presented on the at least one user platform and an information delivery component on a server,*” is inconsistent with intrinsic record because it changes the descriptions and names of different components. Petitioner cites a section of the ’948 Patent that describes a “visualization piece that is presented on the client device (e.g., user devices 118)” and an “integration piece residing at the server (e.g., application server 110)” to support its proposed construction, but it inexplicably changes the language to “information delivery component on a server.” Pet. at 12; ’948 Patent at 8:66-9:3. It is not clear what Petitioner means to encompass with this language and gives no reason for altering the language used in the specification.

Accordingly, Patent Owner requests that the Board adopt the plain and ordinary meaning of this term, *i.e., a conduit for accessing and interacting with information, comprising a visual component to be presented on the at least one user*

*platform and an integration component on an application server, and reject*  
Petitioner's proposed construction.

**B. “a matrix of a plurality of channels through which the user receives and/or interacts with, via the plurality of user platforms, respective portions of the secure user-centric information” (Independent Claims 1, 37, 42)**

The phrase “a matrix of a plurality of channels through which the user receives and/or interacts with, via the plurality of user platforms, respective portions of the secure user-centric information” should be given its plain and ordinary meaning, which is: *a matrix of a plurality of channels available through the plurality of user platforms and that allow the user to receive and interact with the secure user-centric information presented through the matrix of channels.* This plain and ordinary meaning stems directly from the plain language of the claim and merely clarifies that the user can receive and interact with secure user-centric information **while viewing** the channel in the matrix view (rather than clicking on an icon to call up a separate application).

Figure 3 of the '285 Patent illustrates an exemplary matrix of channels:

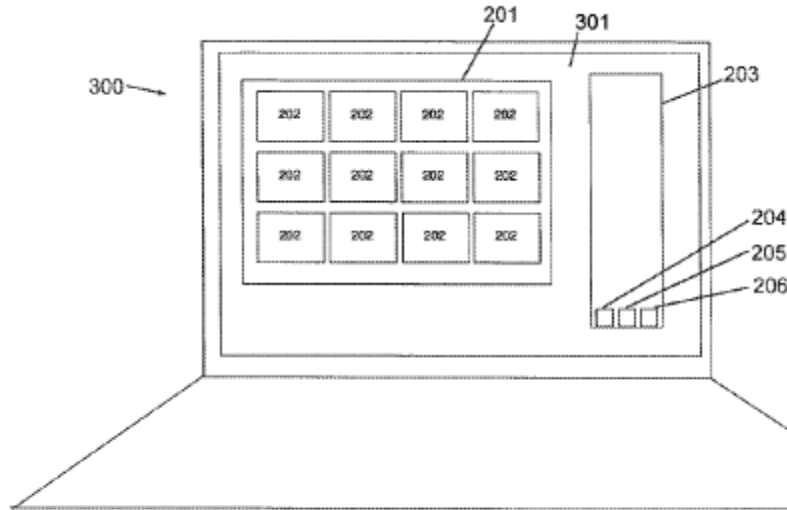


FIG. 3

'285 Patent at Fig. 3. Elements 202 represent “content channels.” *Id.* at 3:22-24 and 6:19-20 (“Any type of information or content may be assigned to any channel 202.”). While in the channel grid format, “[e]ach channel may be configured to perform complex functions both in how the information is synthesized and delivered as well as what the user may do with it (as may be driven by the identify [sic] and authorization granted to the user).” *Id.* at 4:30-34. This aspect of the invention beneficially enables users to receive and interact with secure user-centric information without calling up a separate application.

This claim meaning is further established by the 2008 provisional, which discloses that a channel may be “a dynamic window that provides access to specific data from an enterprise application(s) - could be from ERP or a Mashup from various systems to display unique attributes . . . .” Ex. 1014 at 18. The 2008 provisional

also states that a channel can be used to show user-centric information like alerts and real-time streaming of media content, and includes a figure labeled with a matrix of channels that display user-centric information like video feeds. *Id.* at 18-19.

This term requires construction because Petitioner applies a tacit, but wrong interpretation of this limitation in the Petition. In particular, Petitioner contends that this limitation is satisfied by a plurality of generic icons that do not display or enable interaction with secure user-centric information within a channel grid framework. *See, e.g.*, Pet. at 34-40. Petitioner's argument that such icons satisfy this limitation fails to account for the requirement that the user receive and/or interact with the user-centric information while the channel is being presented in the matrix. '285 Patent at Claim 1.

Furthermore, while the specification discloses "static icons which may activate further function and full motion multimedia," this embodiment is not covered by the Challenged Claims, which require "a matrix of a plurality of channels through which the user receives and/or interacts with . . . respective portions of the secure user-centric information." *Id.*; *see also id.* at 6:41-44. "However, to construe the claim term to encompass the alternative embodiment in this case would contradict the language of the claims." *TIP Sys., LLC v. Phillips & Brooks/Gladwin, Inc.*, 529 F.3d 1364, 1373 (Fed. Cir. 2008) ("[T]he claims of the patent need not encompass all disclosed embodiments.") (citation omitted).

As such, Cyandia respectfully requests that the Board adopt its proposed construction of this term and reject Petitioner's tacit, overbroad interpretation.

## VII. THE CHALLENGED CLAIMS ARE PATENTABLE

### A. The WebSphere References Do Not Disclose a Matrix of Channels

Petitioner has not established that its proposed combination of WebSphere References discloses “a matrix of a plurality of channels through which the user receives and/or interacts with . . . respective portions of the secure user-centric information.” See Pet. at 34-40. Instead, Petitioner points to a portlet webpage that aggregates non-secure, non-user-centric hyperlinks or displays a bank of static icons, which provide access to corresponding applications. Neither implementation satisfies the claim language because the alleged “channels” do not show, or allow interaction with, secure user-centric information in a channel grid framework.

The '285 Patent contrasts secure, user-centric information with unsecured information that is not specific to any particular user and describes using access and security protocols to ensure that only the authorized user is able to receive and/or interact with this type of information:

When a user is associated with a channel 202 or specific services that may be enabled by the channel 202, access and security protocols may be identified for each condition and action to be performed by the user. This information may be stored in a secure and specific database 219. Every time the channel 202 is invoked or

**interrogated, both the security of the applications affected as well as the security of the user may be confirmed.**

'285 Patent at 8:31-41 (emphasis added). As shown, to be “secure, user-centric information,” the information must be stored in a secure location (e.g., a password-protected database) for a user whose access rights must be confirmed before access is allowed. WebSphere's “Portal page” and “portlets” do not provide a matrix of channels that display and/or allow a user to interact with secure user-centric information in the channel-grid framework for several reasons. Pet. at 34-35.

First, Petitioner's allegation that WebSphere's portlets are channels because they “provide[] the user access to and interaction with the user-centric information” is facially insufficient to meet the requirements of the Challenged Claims. Pet. at 39. As discussed in detail above, this limitation requires *a matrix of a plurality of channels available through the plurality of user platforms and that allow the user to receive and interact with the secure user-centric information presented through the matrix of channels*. However, neither the portal page (Pet. at 35-36) nor the series of static icons (Pet. at 37) presents secure, user-centric information to the user.

The '285 Patent distinguishes the invention from traditional static icons and feeds that do not present and/or enable user interaction with user-centric information available through channels in a matrix. '285 Patent at 1:53-56 (distinguishing “technologies (ex. Google® or Apple® products) [that] utilize icons and simple text

entry to improve usability and simplicity while utilizing sophisticated computing methods to keep the users' display of information to a minimum"). Petitioner's arguments erase these distinctions by alleging that WebSphere's icons for accessing mail, contact, and calendar applications, and simple text entry present and/or allow interaction with user-centric information while in a matrix.

For example, Portlet Figure 2-1 in the Developer Guide reference consists of a collection of hyperlinks that are facially unrelated to any specific user and fail to enable the user to "receive" and "interact" with secure, user-centric information:

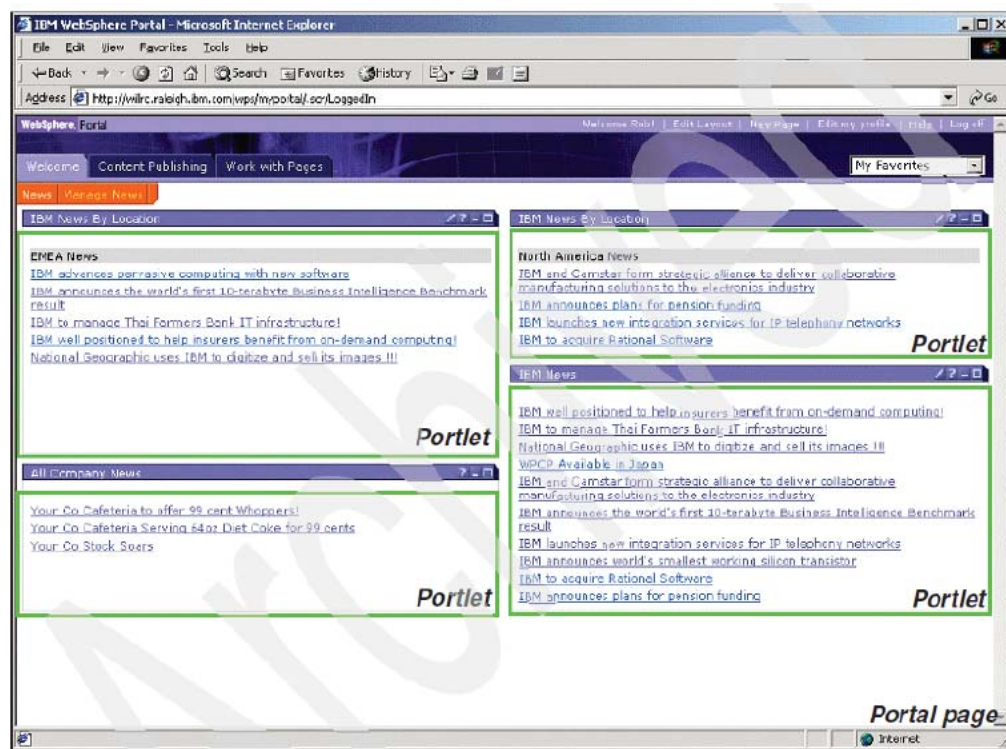


Figure 2-1 Portal page and portlets

Pet. at 36 (citing Developer Guide, Ex. 1004 at 49). In particular, there is no showing that the information shown in these links is "secure user-centric information," at

least because it is a list of public links that are not disclosed to be securely maintained.

Next, both Cyandia and Petitioner's proposed constructions of "channel" require that the channel enables a user to both "receive" and "interact" with information. Therefore, even if the links actually contained "secure user-centric information," they are merely hyperlinks that do not enable a user to interact with the information. Even if these links were clicked on any interaction with the information would occur in a separate webpage that would open when the link was clicked.

Similarly, Figure 2-7 from the Everyplace Administration Handbook does not disclose this limitation because it does not show any secure user-centric information that would be based on the access rights of the user.



*Figure 2-7 Microsoft Exchange PIM portlets*

Pet. at 37 (citing Everyplace Administration Handbook, Ex. 1006 at 34). These links cannot meet the required claim limitation because they would be the same for any user of the system and the icons are simply generic links to call the referenced applications.

Petitioner's argument that user-centric information is displayed through the annotator's use of a separate pop-up application—a stock ticker application, for example—fails because Petitioner has not established (1) that stock values are secure, user-centric information, (2) that the information would be displayed within a matrix, or (3) that the user would be able to interact with the information while it was displayed in a matrix. *Id.* at 37-39. The primary figure Petitioner relies on is Figure 9-35 from the Everyplace Development Handbook, which shows the annotated test portlet as an application window, and not as part of a matrix:

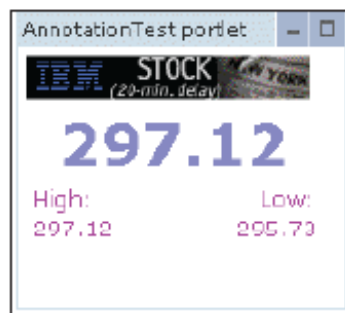


*Figure 9-35 Portlet view after applying the annotator*

*Id.* at 38; Everyplace Development Handbook, Ex. 1007 at 287.

Other sections of the Everyplace Developer Handbook confirm this aspect of WebSphere's operation. For example, the following image shows that the annotated

portlet is provided first as an icon on the screen, and then, after it is selected (“Double-click **PDA\_Annotate1 portlet**”) (Ex. 1007 at 320), a full-screen view of the stock information will be presented on a separate full screen:

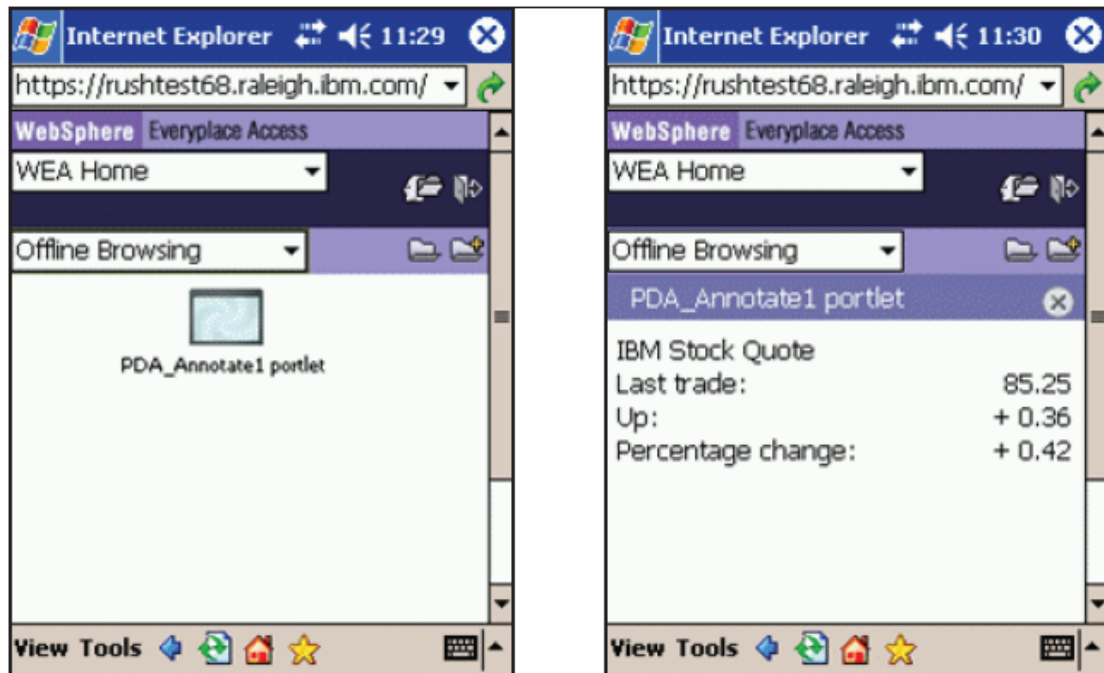


Figure 10-18 Running the portlet online

*Id.* at 320-21. Therefore, there is no disclosure of the “annotated” portlet within a matrix as required by the claims. Furthermore, even if it was part of the matrix, nothing in the annotated portlet shows that the user was allowed to “interact” with the public stock data presented.

Similarly, the WebSphere References disclose that an annotator is meant to present information in a portlet in a window separate from the alleged matrix, as may be appreciated from Figure 9-46 of the Everyplace Development Handbook:



Figure 9-46 Results and WAP device view

Everyplace Development Handbook, Ex. 1007 at 293 (providing the AnnotationTest Portlet on the left and how the portlet is displayed on a WAP device on the right).

Similarly, Petitioner also tries to use Figure 1-36 to show a portlet with information that the user can receive and/or interact with. But this does not show a matrix of channels and does not show the display of “secure user-centric information.”

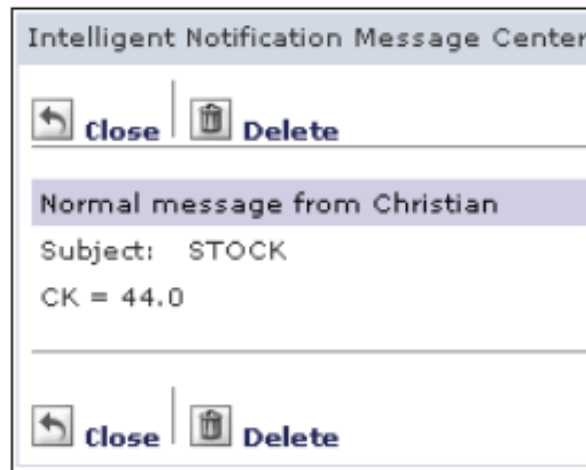


Figure 1-36 Stock notification details

Everyplace Advanced Topics Handbook, Ex. 1009 at 48 (showing a notification provided by the WebSphere Portal). Similar to the annotated portlet, this notification

is not shown through “a matrix of a plurality of authorized channels,” as the ’948 Patent requires. ’948 Patent at Claims 1, 36. Rather, it is a singular notification that is provided to the user, as seen in Figure 1-38 of the Everyplace Advanced Topics Handbook, where all that is disclosed is a full screen notification message.



*Figure 1-38 Stock notification in the BlackBerry emulator*

Everyplace Advanced Topics Handbook, Ex. 1009 at 50 (showing how the notification is provided to the user).

Additionally, the stock ticker is not shown to be “secure” because it is not sensitive or otherwise confidential information envisioned by the ’285 Patent. When the ’285 Patent references “secure” information, it is in relation to information that may be in “a secure and specific database” where “both the security of the applications affected as well as the security of the user may be confirmed.” ’285 Patent at 8:35-38. The ’285 Patent provides examples of this type of secure information in its specification, including information where the security must be

confirmed before use, such as documents, spreadsheets, email, instant messaging information, etc. *Id.* at 4:25-29.

This meaning of “secure” is further expounded on in the related ’948 Patent, which describes examples of this type of information as “one or more secure email services, one or more secure banking and/or financial accounts, one or more secure web-services accounts, and the like.” ’948 Patent at 15:65-16:1. The related ’948 Patent then further states that these are the “user’s secure accounts” that are associated with the user’s identity. *Id.* at 16:1-11. This disclosure contradicts the Petitioner’s attempt to prove that the information is “secure” if it is sent through an encrypted communication. *Pet.* at 29-30. Furthermore, just because the WebSphere references disclose a login screen, does not mean the data displayed is “secure” within the context of the claims because this information is not described as being from a secure database or other secure information source, as described in the ’285 Patent. *Id.*

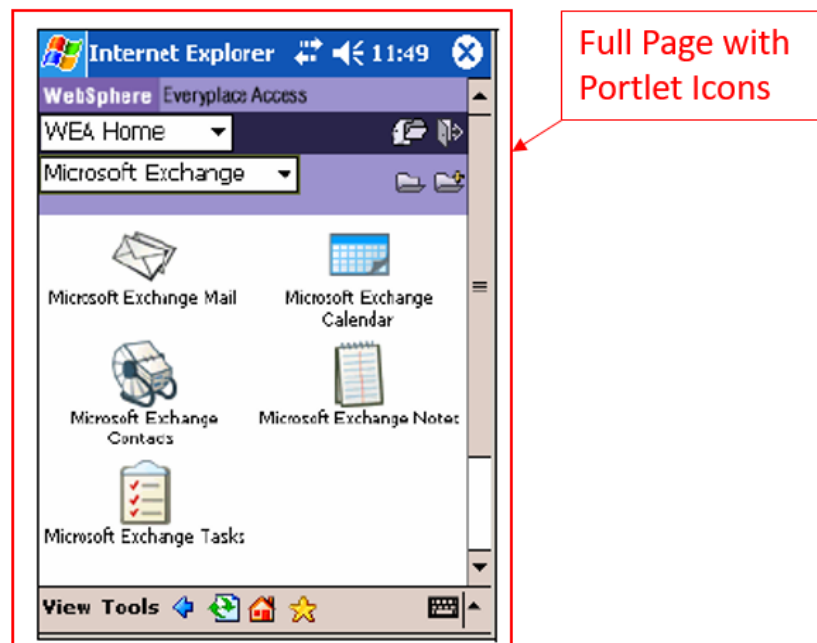
Relatedly, the ’285 Patent and the related ’948 Patent do not describe the stock price information as being “secure” information. *See, e.g.,* ’948 Patent at 24:4-62. The direct specification of the ’285 Patent does not discuss a stock ticker channel, but the mention of a stock ticker in its incorporated 2008 provisional does not support the idea that stock prices are secure information. *Ex.* 1014 at 44-45.

While the related '948 Patent discusses a stock ticker channel, it also does not describe it as a secure channel because the disclosed stock ticker relies on pulling together public information, such as from different web services like "Yahoo! Finance." '948 Patent at 24:48-62. This understanding that the "secure" in this requires that the information is not public and is of the type that requires security is further supported by the claims themselves, which always refer to the channels as "authorized" and note that they are "based at least in part on information access rights and/or security protocols respectively associated with the plurality of authorized channels . . . ." '285 Patent at Claim 1. As such, the Petitioner's discussion of a "stock ticker" does not support its conclusion that this element is disclosed.

Petitioner also includes Figure 2-76 from the Everyplace Email Handbook identified by the Petitioner (Pet. at 40) but it does not establish that this information is shown within the matrix, and similarly does not show that it is based on any access rights of that user, as required by the claims. *Id.* at 37-39 (citing Everyplace Development Handbook, Ex. 1007 at 287); *id.* at 40 (citing Ex. 1008 at 183); Ex. 1008 at 182 ("Each Microsoft Exchange portlet is displayed as an icon."). As described in the Everyplace Email Handbook, these are a series of full screen windows on a PocketPC device and are shown to the user after it is accessed with the portlet, and there is no disclosure of these being arranged into a matrix of

windows. See Ex. 1008 at 182-83 (“Click each portlet icon to see the content of the portlet.”).

This is further established because each is shown to include the full screen on the limited PocketPC screen, as is displayed in full portal page with the described “portlet” icons:



Full Page with  
Portlet Icons

Figure 2-7 Microsoft Exchange PIM portlets

Ex. 1006 at 34 (annotated); Pet. at 37.

Notably, the frame for the applications when shown is the same as shown for the full screen list of portlets within the portal page, and there is no disclosure that these are displayed together in a matrix:

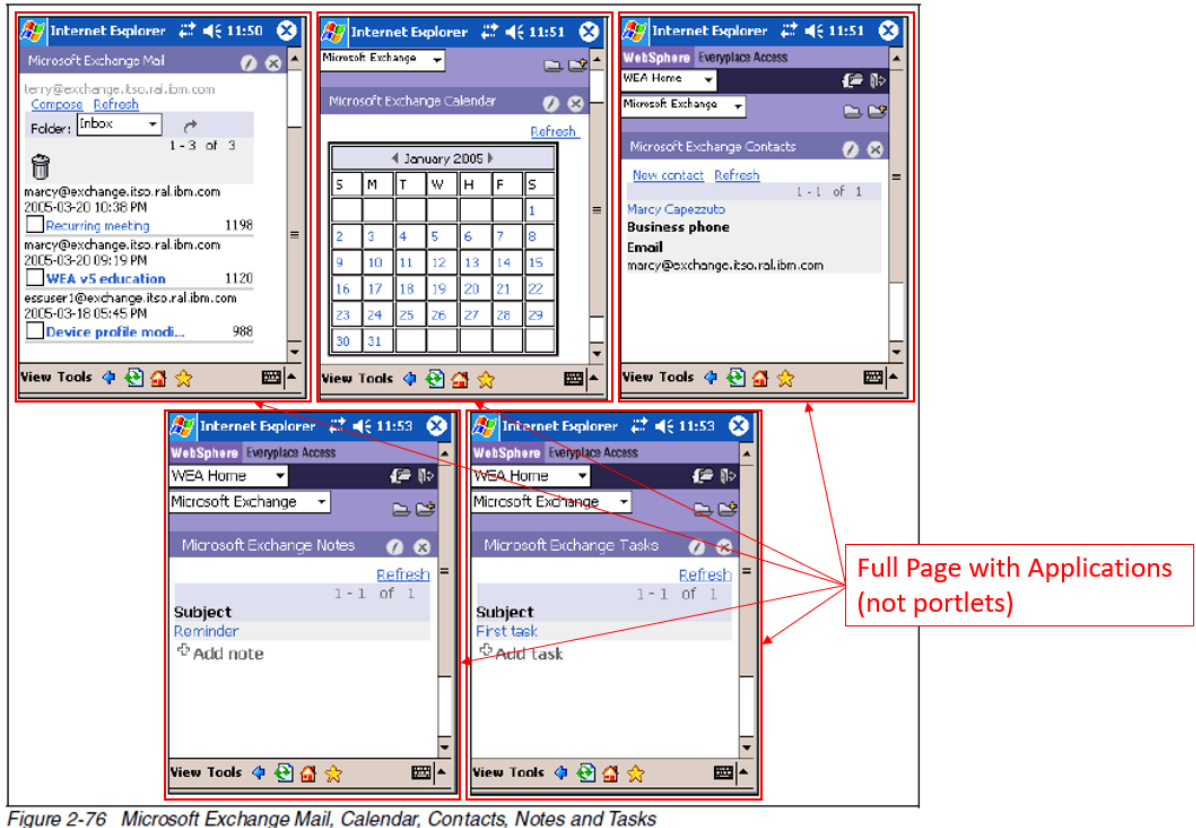


Figure 2-76 Microsoft Exchange Mail, Calendar, Contacts, Notes and Tasks

Ex. 1008 at 183 (annotated); Pet. at 40. These show that each is a full screen display, and therefore this figure does not support the receipt and interaction with secure user-centric information through a channel in a matrix, as required by the claims.

\* \* \*

As a result, Petitioner again fails to show how interactive secure, user-centric information is presented in “a channel grid framework including a matrix of a plurality of channels,” as recited in each of the Challenged Claims.

**B. The WebSphere References Do Not Disclose Synchronizing Functions and Features of a Channel**

Petitioner has not established that the WebSphere References disclose a system that “is configured to synchronize functions and features of one or more of the plurality of channels across two or more of the plurality of user platforms by deploying the secure user-centric information to two or more of the plurality of user platforms” because there is no disclosure of a channel having its functions and features synchronized between two or more different user platforms. Pet. at 41-42. As recited in the claim, the deployment of secure user-centric information is necessary but not sufficient to synchronize the “functions and features” of the channels. ’285 Patent at Claim 1.

A channel’s “functions and features” control how information is synthesized and delivered to a user. *Id.* at 4:30-33 (“Each channel may be configured to perform complex functions both in how the information is synthesized and delivered as well as what the user may do with it (as may be driven by the identify and authorization granted to the user).”); *id.* at 6:28-31 (“The channel grid framework 201 may also provide development, display, security, integration, and related feature implementation of services delivered through and coupled with the web-services gateway 207 . . .”). And these channel “functions and features” are separate and distinct from the “information” presented in a channel. *Id.* at 9:33-35 (“The channel

server 212 may be a hardware device or a software application which may define the visual characterization, functions, information, and features of a channel 202.”).

Crucially, the '285 Patent further discloses and claims that the functions and features of a channel may be “remain operable and synchronized across all registered devices or platforms . . . .” *Id.* at 7:30-32; *id.* at Claim 1 (disclosing that “at least one processor is configured to synchronize functions and features of one or more of the plurality of channels across two or more of the plurality of user platforms . . . .”). Petitioner does not describe what “functions and features” of any particular channel are allegedly synchronized across platforms. Rather, Petitioner argues that certain **data** (e.g., “contacts, tasks, calendars, memos, etc.)” may be synchronized. *Pet.* at 41. Petitioner’s reference to the WebSphere Portal’s engine, which aggregates content from different sources and serves it to different devices, shares this same deficiency. *Id.* at 41-42. At most, this engine synchronizes the deployment of information but not a channel’s “functions and features.”

For at least the foregoing reasons, Petitioner has not established that the WebSphere references disclose or suggest “synchroniz[ing] functions and features of one or more of the plurality of channels across two or more of the plurality of user platforms.”

**C. The WebSphere References Do Not Disclose Service Support Instructions that Determine How Secure, User-Centric Information Behaves in a Channel**

Petitioner has also not established that WebSphere References disclose “establishing a user profile identifying user preferences, platform identities, and service support instructions that determine how the secure user-centric information behaves on at least one platform of the plurality of user platforms” because there is no disclosure of a user profile with service support instructions that determine how the secure user-centric information behaves on the at least one user platform. ’285 Patent at Claim 1; Pet. at 42-47.

For this element, Petitioner does not point to any specific instructions, but alleges that they would have been understood or obvious given the functionality disclosed in WebSphere and statements that it provides a “consistent look and feel.” Pet. at 46. However, the claim language requires more than providing a “consistent look and feel,” it requires instructions that specify how specific secure user-centric information **behaves** on the user platform (e.g., a computer, phone, etc.). Nothing in the WebSphere references, or Petitioner’s arguments regarding the same, discloses a user profile storing instructions that dictate how secure user-centric information behaves on a platform. *Id.* at 46-47.

Nor does Petitioner explain how or why achieving a “consistent look and feel” would require such service support instructions. *Id.* Indeed, Petitioner does not

point to any “instructions” responsible for achieving a “consistent look and feel,” it points to “user preferences” within the user profile. Pet. at 45 (“As another example of user preferences, WebSphere-Combination describes how the user can select themes, which dictate ‘the overall look and feel of the portal,’ and skins, which dictate ‘the look and feel of each portlet.’”) (emphasis added). Accordingly, Petitioner has not shown how there is any disclosure of “service support instructions that determine how the secure user-centric information behaves on at least one platform of the plurality of user platforms” as used within the claims.

To overcome this deficiency, Petitioner states that “[w]hen developing Portal pages, ‘[r]endering of page components is done using JSPs, images, style sheets, and other resources.’” *Id.* at 47. However, these standard markup languages would modify the style of the website but not define the behavior of secure user-centric information in a channel displayed in a matrix. *See id.* ; Developer Guide, Ex. 1004 at 27 (“Page aggregation is the process that collects information about the user’s choices, the device being used and the selected portlets, then takes that information and combines it to create a display that is appropriate for the device.”).

Petitioner also argues that WebSphere discloses this limitation because “[p]ortlets may need to behave differently based on the user.” Pet. at 46-47. However, the claims require service support instructions that define **how secure, user specific information** behaves on a platform, and not based just on a user. ’285

Patent at Claim 1; *id* at 7:50-54 (“[A] user profile may be established which may identify... service support instructions as to how the user wishes the information to behave of the selected platform.”); 4:36-48 (describing “information behavior” related to “triggers” that change the information presented in the channel).

For at least these reasons, Petitioner has not established that the WebSphere references disclose or suggest “establishing a user profile to identify user preferences, platform identities, and service support instructions that determine how the secure user-centric information behaves on the at least one user-platform,” as recited in each independent claim of the '285 Patent.

## **VIII. CONCLUSION**

For all of these reasons, Patent Owner accordingly requests that the Board deny institution of *inter partes* review of the Challenged Claims of the '285 Patent.

Patent Owner's Preliminary Response  
IPR2024-01495 (U.S. Patent No. 8,578,285)

Respectfully submitted,

Dated: January 9, 2025

/James Hannah/

James Hannah (Reg. No. 56,369)  
Jenna Fuller (Reg. No. 74,212)  
Kristopher Kastens (Reg. No. 57,517)  
Kramer Levin Naftalis & Frankel LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 752-1700  
Facsimile: (650) 752-1800  
jhannah@kramerlevin.com  
jfuller@kramerlevin.com  
kkastens@kramerlevin.com

Jeffrey H. Price (Reg. No. 69,141)  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 715-7502  
Facsimile: (212) 715-8302  
jprice@kramerlevin.com

*Attorneys for Patent Owner*  
Cyandia, Inc.

**CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 42.24**

The undersigned hereby certifies that the portions of the above-captioned **PATENT OWNER'S PRELIMINARY RESPONSE** specified in 37 C.F.R. § 42.24 has 7,198 words in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b)(1). This word count was prepared using the Microsoft Word word-processing system used to prepare this paper.

Dated: January 9, 2025

/James Hannah/  
James Hannah (Reg. No. 56,369)  
Jenna Fuller (Reg. No. 74,212)  
Kristopher Kastens (Reg. No. 57,517)  
Kramer Levin Naftalis & Frankel LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 752-1700  
Facsimile: (650) 752-1800  
jhannah@kramerlevin.com  
jfuller@kramerlevin.com  
kkastens@kramerlevin.com

Jeffrey H. Price (Reg. No. 69,141)  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 715-7502  
Facsimile: (212) 715-8302  
jprice@kramerlevin.com

*Attorneys for Patent Owner*  
Cyandia, Inc.

## **CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the P-TACTS constitutes electronic service if Patent Owner send an email notifying Petitioner of the filing, service was made on the Petitioner as detailed below.

|                          |                                                                                                                                                                                                     |
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| <i>Manner of service</i> | Electronic Filing with the Board<br>(roy.chamcharas@klarquist.com;<br>andrew.mason@klarquist.com;<br>todd.siegel@klarquist.com;<br>samuel.thacker@klarquist.com;<br>SAP_Cyandia_IPRs@klarquist.com) |
| <i>Documents served</i>  | PATENT OWNER’S PRELIMINARY RESPONSE                                                                                                                                                                 |
| <i>Persons Served</i>    | KLARQUIST SPARKMAN, LLP,<br>Roy Chamcharas,<br>Andrew M. Mason,<br>Todd M. Siegel,<br>Samuel B. Thacker                                                                                             |

/James Hannah/  
James Hannah  
Registration No. 56,369  
Lead Counsel for Patent Owner