

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

CYANDIA, INC.,
Patent Owner.

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

PATENT OWNER'S PRELIMINARY SUR-REPLY

PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
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 https://www.uscourts.gov/sites/default/files/2024-12/fcms_na_distprofile0930.2024.pdf
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
2008	Email correspondence between counsel for Cyandia and counsel for SAP, dated February 14, 2025

Cyandia respectfully requests that the Board deny institution of *inter partes* review because Petitioner's original obviousness arguments relied on reading limitations out of the Challenged Claims are untimely and meritless. Petitioner also fails to explain the legal relevance of Cyandia's Infringement Contentions ("ICs") to the construction of the terms in dispute, and its arguments distort and selectively cite the arguments and evidence presented.

I. The Board Must Draw Adverse Inferences Regarding the Withheld ICs

Petitioner cites no authority that ICs are relevant to the proper construction of a claim term. The Board must also draw an adverse inference from Petitioner's withholding of evidence relevant to this issue. *See Sanofi-Aventis Deutschland GmbH v. Glenmark Pharms. Inc., USA*, 748 F.3d 1354, 1363 (Fed. Cir. 2014) (quoting *Brewer v. Quaker State Oil Refining Corp.*, 72 F.3d 326, 334 (3d Cir. 1995) ("When the contents of a document are relevant to an issue in a case, the trier of fact generally may receive the fact of the document's nonproduction or destruction as evidence that the party that has prevented production did so out of the well-founded fear that the contents would harm him.")). Petitioner withheld Appendices of the ICs over Cyandia's objection. Ex. 2008 at 1-2. The withheld ICs contain citations to source code not described in the user-facing documents in Exhibit 1046, and Cyandia noted that further proofs for this limitation would be found in SAP's source code. Ex. 1046 at 3.

II. WebSphere Does Not Disclose the Claimed Matrix of Channels

A. Cyandia Interpreted the Claim Language as Written

The Challenged Claims require that the user *receive* and *interact* with *secure user-centric* information through “the plurality of channels” while the channel is being presented in the matrix. See '285 Patent at Claim 1; Paper 6 (“POPR”) at 20. The Reply strips the claims of this context, parsing the words of the Challenged Claims individually and in a manner that contradicts their plain meaning of the term in the context of the '285 Patent.

Interacts: Figure 2 shows user interaction with user-centric information through the matrix of channels in the channel grid framework. '285 Patent at Fig. 2, 6:10-23 (a channel grid framework 201 displaying a plurality of channels 202 simultaneously). A user receives and interacts with information via these channels through an “unlimited number of direct commands, access to subordinate grids or functions may be assigned to the channel 202 by a developer.” *Id.* at 6:44-46. Petitioner ignores that the claims require the user receive and interact with *secure user-centric information* through the channel while the channel is in the matrix. Paper 7 (“Reply”) at 1-2 (arguing that the claims are broad enough to encompass clicking on a generic static icon to open an application). Petitioner invokes the principle that a claim construction ought not to exclude embodiments but that principle does not apply when the language of the claims excludes an embodiment.

SIMO Holdings Inc. v. Hong Kong uCloudlink Network Tech. Limited, 983 F. 3d 1367, 1378-79 (Fed. Cir. 2021). Interacting with a generic static icon is not interacting with secure user-centric information.

User-centric: In the POPR, Cyandia argued that generic static icons or links to applications (e.g. email or calendar applications) are not “user-centric information” because such icons and links are not user-centric. POPR at 21 (“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.”); *id.* at 22-23 (quoting ’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 . . .”).

Petitioner seeks to cancel express claim language by pointing to embodiments that are not covered by the claims. Reply at 2-3 (arguing that the claims should be construed to cover “generic icons or links” because the patent discloses that “channels may be representative of any form of information or content”). The claims do not recite receiving and/or interacting with “any form of information or content,” (*id.* at 2) they require receiving and/or interacting with “user-centric information.” *Baran v. Med. Device Techs., Inc.*, 616 F.3d 1309, 1316 (Fed. Cir. 2010) (“It is not necessary that each claim read on every embodiment.”).

Petitioner misrepresents and selectively cites Cyandia's infringement contentions. Reply at 2-3. Petitioner's citation to Cyandia's infringement contentions that mention "links" ignores that while a user *can* use SAP's tiles to open applications, they also permit a user to receive and interact with user-centric information. Compare *id.* at 2 (citing Ex. 1046 at 3, 9) with Ex. 1046 at 4 ("The page contains tiles, which are used to launch apps and can also show additional application information.") and Ex. 1046 at 4 (tiles can display user-centric information, such as "status indicators, such as the number of open tasks"). For example, the user may interact with a user-centric "Create Sales Order Fast Entry" by clicking on a tile. Ex. 1046 at 11. This assertion is fully consistent with Cyandia's interpretation of receiving and interacting with "user-centric information." See POPR at 21-23.

Secure: In the POPR, Cyandia argued public information is not "secure." *Id.* at 21-22. Petitioner argues for a construction that strips a claim term of patentable weight and is at odds with its plain and ordinary meaning. Reply at 3-4 (claiming that "secure" information includes public and non-secured information). Pointing to Claim 2's recital of "the secure user-centric information" including "RSS (Really Simple Syndication) reader information," Petitioner argues that secure information must include public information because RSS feeds can be used to aggregate public

news. *Id.* at 3. However, Petitioner presents no evidence suggesting that that RSS feeds are inherently limited to public information.

Petitioner cites Cyandia's infringement contentions to allege that any time a user receives information after being logged into a user account, the received information is "secure." *Id.* at 3-4. This ignores Cyandia's contention that the accused "applications [] can bidirectionally interrogate the identity management server that determines what and if the user centric information should be sent." Ex. 1046 at 29. Consistent with Cyandia's interpretation, it has accused a system that presents interactive secure user-centric information via a channel. Whether or not a user is logged into a particular application has no bearing on whether any **information** presented to the user is user-centric or secure. For example, even if the links in the prior art's Portlet Figure 2-1 shows the employee logs in, the information displayed is "facially unrelated to any specific user" and is not "securely maintained." POPR at 23-24.

B. WebSphere Does Not Disclose the Claimed Matrix

Petitioner stripped this term of patentable weight because Websphere does not disclose a matrix of channels through which a user receives and interacts with secure user-centric information. *Id.* at 21-32. Petitioner misreads *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1378-79, 1384 (Fed. Cir. 2023), which allows a Petitioner some latitude to expand its unpatentability arguments when the patent

owner raises a new construction for the first time *after* institution, but it does not save a Petitioner that fails to make a *prima facie* case of obviousness based on a plain language reading of the claims pre-institution. 37 C.F.R. § 42.104(b)(4) puts the burden on the Petitioner to establish in the Petition how the claims are unpatentable as properly construed, a burden Petitioner has not met.

To the extent that the Board considers Petitioner's new arguments and evidence, they are meritless because they also fail to show a matrix of channels through which a user receives and interacts with secure user-centric information. *First*, the information presented in the stock lookup and poll portlets cited in Petitioner's Reply is not alleged to be secure or user-centric information. Reply at 4-6. *Second*, company news regarding a sale on diet coke is not user-centric and does not establish that this information was secure, even if it is only shown to employees after they logged in. *Id.* at 6; *see also* POPR at 29-30 (while the user may be logged into the overall system, the information itself must be secure). *Third*, while Petitioner cites embodiments that allow access to a user's email, notes, calendar, and contacts (*see* Reply at 6), the user only receives and interacts with generic static icons representing those applications instead of secure user-centric information. *Fourth and finally*, Petitioner states that the WebSphere reference discloses "allow[ing] user interaction with bank accounts" and "human resources, enterprise resource planning, and customer relationship management information,"

but the cited disclosures do not relate to information displayed in a portlet, and Petitioner does not attempt to explain how it fits with the rest of its theory. *Id.*

III. WebSphere Does Not Disclose “Service Support Instructions”

A. Cyandia Applied the Claim Language as Written

Cyandia argued that Websphere does not disclose the claim language as expressly written, which states that the “service support instructions” determine how the “secure user-centric information behaves on at least one platform.” POPR at 35-37. The '285 Patent describes the ability to implement a matrix of channels on *different platforms* (e.g. desktop computer or mobile phone), and the “service support instructions” determines how **information** in the channels behaves on each platform. '285 Patent at 7:43-60. Service support instructions can dictate the behavior of the channels, such as whether the channel “retain[s] all of its original native functionality” on other platforms. *Id.* Cyandia's ICs identify service support instructions that are different from user preferences. Cyandia cited SAP's source code for this element, which Petitioner refused to submit with its Reply. Ex. 2008 at 1-2. These ICs contain citations to source code that meets this claim element and how SAP's products infringe even if those details are not spelled out in the high-level marketing documents in Exhibit 1046.

B. WebSphere Does Not Disclose “Service Support Instructions”

Petitioner relies on a hodgepodge of unconnected disclosures, which do not show how the claim limitation is met. Reply at 7-8. User preferences for a

“consistent look and feel” are not service support instructions that determine how the information presented via a channel in the matrix view behaves on different platforms. *Id.* Accordingly, Petitioner’s citations to “page aggregation” features, which define the “page theme, skins, and the screen,” are facially unrelated to how any *channel* (or the information it provides) behaves on a particular platform. *Id.* at 7. Finally, Petitioner’s new argument (i.e., that portlets acting “dynamically” allegedly meet this element) fails, because it at most discloses sharing “notes” across platforms, which facially are not “service support instructions.” *Id.* at 8; Ex. 1004 at 39.

IV. WebSphere Does Not Disclose Synchronizing Functions and Features

A. Cyandia Applied the Claim Language as Written

As stated in the POPR, the synchronization of “functions and features” must involve “deploying the secure user-centric information to two or more of the plurality of user platforms,” but that does not mean that any and all deployment of secure user-centric information synchronizes any functions or features across channels. POPR at 33-34. Petitioner’s argument that merely deploying user-centric information is sufficient to meet this element ignores the requirement that the claimed deployment must synchronize functions and features. Reply at 8-9. Cyandia’s infringement contentions are consistent with this requirement, at least because they address more than this part of the element. *See, e.g.*, Ex. 1046 at 9-10

(providing the analysis of a full claim element beyond “synchronize functions and features” and noting that “[t]he SAP Fiori launchpad home page is fully responsive.”). The instructions are then further identified in Cyandia’s source code citations, which Petitioner refused to file.

B. WebSphere Does Not Disclose “synchronize” Element

Petitioner’s citations to the synchronization of “functions and features” does not meet the requirements. Reply at 9. For example, Petitioner gives a laundry list of items like such as date and time zone to make the conclusion that these somehow are related to the synchronized contacts, tasks, calendars, and memos without explanation. *Id.* Similarly, Petitioner states that the synchronization of the Microsoft exchange server documents, email and the like, would meet this element but does not explain how. Petitioner does not show how this is done “across a plurality of user platforms.” Notably, in its Reply, Petitioner almost exclusively addressed the desktop version of WebSphere, and does not show how it is met within the mobile version, which has a distinct user interface. *Compare* Ex. 1006 at 34 with Ex. 1004 at 49.

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

Respectfully submitted,

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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.

<i>Date of service</i>	February 25, 2025
<i>Manner of service</i>	Electronic Filing with the Board (roy.chamcharas@klarquist.com; andrew.mason@klarquist.com; todd.siegel@klarquist.com; samuel.thacker@klarquist.com; SAP_Cyandia_IPRs@klarquist.com)
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