

EXHIBIT 9

BEFORE THE PATENT TRIAL AND APPEAL BOARD IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trial No.: IPR 2013-00596

In re: U.S. Patent No. 7,802,310

Patent Owners: PersonalWeb Technologies, LLC & Level 3 Communications

Petitioner: Apple, Inc.

Inventors: David A. Farber and Ronald D. Lachman

For: CONTROLLING ACCESS TO DATA IN A DATA PROCESSING SYSTEM

* * * * *

December 26, 2013

PATENT OWNER'S PRELIMINARY RESPONSE

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PATENT OWNER'S EXHIBIT LIST

CERTIFICATE OF SERVICE

I. BACKGROUND

Pursuant to 37 C.F.R. § 42.107, PersonalWeb Technologies, LLC (“patent owner” or “PO”) submits this Preliminary Response to the petition seeking *inter partes* review in this matter.

U.S. Patent No. 7,802,310 (“the ‘310 patent”) has an effective filing date of April 11, 1995 given its continuity. (Ex. 1001.) While patent owner (PO) reserves the right to establish an earlier date of invention, an effective filing date of April 11, 1995 is assumed for purposes of this Preliminary Response (i.e., the “critical date” is no later than April 11, 1995 for purposes of this submission).

Petitioner alleges that the challenged claims are not entitled to the claimed April 11, 1995 priority date because of the term “hash” recited in the claims. (Pet. 53-54.) PO disagrees with petitioner in this respect, and responds to petitioner’s priority date argument in connection with Ground 9. PO’s points regarding the April 11, 1995 effective filing date of the challenged claims apply to all Grounds alleged by petitioner.

PO notes that another petition for IPR is also pending regarding the ‘310 patent. (See IPR 2014-00062.)

II. ALLEGED GROUNDS

Petitioner has challenged claims 24, 32, 70, 81, 82 and 86 of the ‘310 patent based on only, and limited to, the following alleged Grounds:

1. Claims 24, 32, 70, 81, 82, and 86 are allegedly anticipated under 35 U.S.C. §102(a) by Browne (Ex. 1009).
2. Claims 24, 32, 70, 81, 82, and 86 are allegedly unpatentable as obvious under 35 U.S.C. §103 over Browne (Ex. 1009).
3. Claims 24, 32, 70, 81, 82, and 86 are allegedly unpatentable as obvious under 35 U.S.C. §103 over Browne (Ex. 1009) in view of Stefik (Ex. 1013).
4. Claims 24, 32, 70, 81, 82, and 86 are allegedly anticipated under 35 U.S.C. §§ 102(b) and 102(e) by Woodhill (Ex. 1014).
5. Claims 24, 32, 70, 81, 82, and 86 are allegedly unpatentable as obvious under 35 U.S.C. §103 over Woodhill (Ex. 1014).
6. Claims 24, 32, 70, 81, 82, and 86 are allegedly unpatentable as obvious under 35 U.S.C. §103 over Woodhill (Ex. 1014) in view of Stefik (Ex. 1013).
7. Claims 24, 32, 70, 81, 82, and 86 are allegedly anticipated under 35 U.S.C. § 102(b) by Langer (Ex. 1015).
8. Claims 24, 32, 70, 81, 82, and 86 are allegedly unpatentable as obvious under 35 U.S.C. §103 over Langer (Ex. 1015) in view of Stefik (Ex. 1013).
9. Claims 24, 32, 70, 81, 82, and 86 are allegedly anticipated under 35 U.S.C. § 102(b) by Farber publication WO 96/32685 (Ex. 1033)

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