

# EXHIBIT 2

**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

\* \* \* \* \*

June 16, 2014

**PATENT OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. SOLE INSTITUTED GROUND .....	1
II. CLAIM CONSTRUCTIONS.....	2
A. “data item” .....	2
B. “digital identifier” (claim 86); “content-based identifier” (claims 70, 81) .....	3
C. “content-dependent name” (claims 24, 32) .....	4
D. “selectively permitting . . .” (claim 70) .....	6
E. “selectively allow . . .” (claims 81 and 86).....	7
F. Challenged Claims Require that the Data Item Corresponding to the Name/Identifier in the “Request” is Accessed .....	8
G. The BRC Standard is Not Applicable to this Proceeding.....	10
III. LAW.....	11
IV. THE MODIFICATION TO WOODHILL BASED ON STEFIK ALLEGED BY PETITIONER’S EXPERT WOULD NOT HAVE BEEN OBVIOUS BECAUSE ONE OF ORDINARY SKILL IN THE ART WOULD HAVE TRIED TO MINIMIZE (NOT MAXIMIZE). THE NUMBER OF COMPARISON PROCEDURES REQUIRED TO CHECK WHETHER ACCESS WAS AUTHORIZED .....	12
V. ONE WOULD NOT HAVE MODIFIED WOODHILL TO CHECK WHETHER ACCESS TO A FILE BY A COMPUTER WAS AUTHORIZED WHEN THE COMPUTER ALREADY HAD THE CURRENT VERSION OF THAT FILE .....	19
VI. STEFIK TEACHES AWAY FROM THE ALLEGED MODIFICATION BY IGNORING UNIQUE IDENTIFIERS AND NOT USING THEM TO DETERMINE WHETHER ACCESS IS AUTHORIZED .....	22

VII. KSR DEMONSTRATES NONOBVIOUSNESS BECAUSE PRIOR ART ELEMENTS ARE NOT USED FOR THEIR INTENDED PURPOSE AND DO NOT SERVE THEIR INTENDED FUNCTION IN THE ALLEGED COMBINATION..... 24

VIII. THE ART TEACHES AWAY FROM THE ALLEGED MODIFICATION BECAUSE “FUNDAMENTAL”, “KEY” AND “MUST” FEATURES OF STEFIK ARE NOT REFLECTED IN THE ALLEGED COMBINATION..... 26

IX. GRANULES CORRESPONDING TO CONTENTS IDENTIFIERS IN THE ALLEGED REQUEST IN WOODHILL AS ALLEGEDLY MODIFIED BY STEFIK ARE NEVER PROVIDED TO THE REQUESTING COMPUTER IN RESPONSE TO THE REQUEST ..... 30

X. THE ALLEGED IDENTIFIER IN THE WOODHILL/STEFIK COMBINATION IS NOT A “NAME” AND IS NOT USED FOR ACCESSING ..... 32

XI. FURTHER FLAWS IN WOODHILL INCLUDING PETITIONER’S IMPROPER MIXING OF ALTERNATIVE ALLEGATIONS..... 36

XII. SECONDARY CONSIDERATIONS ..... 41

XIII. THE EXAMINER CONSIDERED AND ALLOWED THE CHALLENGED CLAIMS OVER ALL ART RELIED UPON BY PETITIONER DURING PROSECUTION OF THE ‘310 PATENT..... 42

XIV. CONCLUSION..... 44

PATENT OWNER’S EXHIBIT LIST

CERTIFICATE OF SERVICE

PersonalWeb Technologies, LLC (“patent owner” or “PO”) submits this response to the petition. Petitioner has the burden of proving unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). Petitioner has not met its burden for the reasons explained below. *See also* Dewar Decl. at ¶¶ 18-62 [Ex. 2020].)

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 Response (i.e., the “critical date” is no later than April 11, 1995 for purposes of this submission). Petitioner does NOT allege a later effective filing date in connection with the instituted ground, and the Board rejected petitioner’s Section 112 arguments in connection with a non-instituted ground in Paper 9. Thus, the April 11, 1995 effective filing date is applicable in this proceeding.

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

### **I. SOLE INSTITUTED GROUND**

The Board, on March 26, 2014, construed certain claim terms and instituted a trial in this proceeding regarding the ‘310 patent for only the following:

1. Whether claims 24, 32, 70, 81, 82 and 86 are unpatentable as obvious under 35 U.S.C. §103(a) over Woodhill (Ex. 1014 – U.S.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.