

EXHIBIT 4

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

Trial No.: IPR 2014-00058
In re: U.S. Patent No. 8,099,420
Patent Owners: PersonalWeb Technologies, LLC & Level 3 Communications
Petitioner: Rackspace US, Inc. & Rackspace Hosting, Inc.
Inventors: David A. Farber and Ronald D. Lachman
For: ACCESSING DATA IN A DATA PROCESSING SYSTEM

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July 15, 2014

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

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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 ¶¶ 22-61 [Ex. 2012].)

U.S. Patent No. 8,099,420 (“the ‘420 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).

I. INSTITUTED GROUNDS

The Board, on April 15, 2014, instituted a trial in this proceeding regarding the ‘420 patent for only the following:

1. Whether claim 166 is unpatentable as obvious under 35 U.S.C. §103(a) over Woodhill (Ex. 1003 – U.S. Patent No. 5,649,196) and Francisco (Ex. 1004).
2. Whether claim 166 is unpatentable under §103(a) over Farber (WO 96/32685 - Ex. 1005). It is noted that Farber is the WO publication of the priority document of the ‘420 patent. Thus, Farber is essentially the same as the instant application as originally filed on April 11, 1995. This ground is based is whether claim 166 is

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