

# EXHIBIT 8

**2014-1602, -1603, -1604, -1605, -1606, -1607**

---

---

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

---

PERSONAL WEB TECHNOLOGIES, LLC,  
*Appellant,*

v.

EMC CORPORATION,  
*Appellee.*

---

Appeals from the United States Patent and Trademark Office, Patent Trial and  
Appeal Board in Nos. IPR2013-00082, IPR2013-00083, IPR2013-00084,  
IPR2013-00085, IPR2013-00086, and IPR2013-00087.

---

**CORRECTED BRIEF OF APPELLANT  
PERSONALWEB TECHNOLOGIES, LLC**

---

Roderick G. Dorman  
*Principal Counsel*  
Lawrence M. Hadley  
McKOOL SMITH HENNIGAN, P.C.  
865 South Figueroa Street, Suite 2900  
Los Angeles, CA 90017  
(213) 694-1200

Pierre J. Hubert  
Joel L. Thollander  
McKOOL SMITH, P.C.  
300 W. 6th Street, Suite 1700  
Austin, Texas 78701  
(512) 692-8700

Daniel L. Geysler  
McKOOL SMITH, P.C.  
300 Crescent Court, Suite 1500  
Dallas, TX 75201  
(214) 978-4000

*Attorneys for Appellant  
PersonalWeb Technologies, LLC*

November 12, 2014

## CERTIFICATE OF INTEREST

Counsel for PersonalWeb Technologies, LLC certifies the following:

1. The full name of every party or amicus represented by me is:

PersonalWeb Technologies, LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

N/A

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

**McKool Smith Hennigan, P.C.:** Roderick G. Dorman; Lawrence M. Hadley; Courtland L. Reichman

**McKool Smith, P.C.:** Pierre J. Hubert; Joel L. Thollander; Daniel L. Geysler

**Nixon & Vanderhye:** Joseph A. Rhoa; Updeep (Mickey) S. Gill

## TABLE OF CONTENTS

TABLE OF AUTHORITIES ..... v

STATEMENT OF RELATED CASES ..... viii

I. STATEMENT OF JURISDICTION ..... 1

II. STATEMENT OF THE ISSUES ..... 1

III. STATEMENT OF THE CASE ..... 2

    A. Preliminary Statement ..... 2

    B. The True Name Patents Provide a Vital Solution for Identifying and Managing Data in Complex Computer Networks. .... 3

    C. The PTAB Focuses on Prior-Art References That Provide Different Solutions to Different Problems. .... 10

        1. The Woodhill “distributed storage” patent. .... 10

        2. The Langer “file descriptions” newsgroup posting. .... 18

        3. The Kantor “contents signature” user manual. .... 20

        4. The Fischer “integrity check” patent. .... 21

        5. The Satyanarayanan “file system” articles. .... 22

IV. SUMMARY OF THE ARGUMENT ..... 23

V. ARGUMENT ..... 28

    A. Standard of Review. .... 28

    B. The PTAB Erred in Claim Construction. .... 29

        1. The PTAB misconstrued the structure for “identity means” in the ’791 patent. .... 29

- a. The corresponding structure for a means-plus-function term must be drawn from the specification.....30
    - b. The PTAB failed to draw the corresponding structure for the claimed function from the specification.....31
    - c. The PTAB’s error was harmful. ....38
  - 2. The PTAB misconstrued the function for “existence means” in the ’791 patent.....39
    - a. The function for a means-plus-function term cannot be different from that explicitly recited in the claim. ....39
    - b. The PTAB erroneously rewrote the function explicitly recited in the claim. ....40
    - c. The PTAB’s error was harmful. ....43
  - 3. The PTAB misconstrued “sequence of non-overlapping parts” in the ’096 patent.....46
    - a. The PTAB engaged in an *O2 Micro* construction.....46
    - b. The PTAB erroneously held that a “sequence of [parts] need only look at the [parts].” .....48
    - c. The PTAB’s error was harmful. ....52
- C. The PTAB Misapplied the Law of Anticipation. ....52
  - 1. The PTAB repeatedly contravened *Net MoneyIN* by combining separate protocols, not arranged as in the claims, to find anticipation.....52
    - a. The PTAB erroneously combined Woodhill’s audit and backup protocols.....55

# 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.