

# EXHIBIT 11

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571-272-7822

Paper 64  
Entered: May 15, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EMC CORPORATION,  
Petitioner,

v.

PERSONALWEB TECHNOLOGIES, LLC and  
LEVEL 3 COMMUNICATIONS, LLC,  
Patent Owners.

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Case IPR2013-00084  
Patent 7,945,544 B2

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Before KEVIN F. TURNER, JONI Y. CHANG, and  
MICHAEL R. ZECHER, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

Case IPR2013-00084  
Patent 7,945,544 B2

## I. INTRODUCTION

EMC Corporation (“EMC”) filed a petition on December 16, 2012, requesting an *inter partes* review of claim 1 of U.S. Patent No. 7,945,544 B2 (“the ’544 patent”). Paper 3 (“Pet.”). PersonalWeb Technologies, LLC and Level 3 Communications, LLC (collectively, “PersonalWeb”) filed a patent owner preliminary response. Paper 9 (“Prelim. Resp.”). Taking into account the patent owner preliminary response, the Board determined that the information presented in the petition demonstrated that there was a reasonable likelihood that EMC would prevail with respect to claim 1. Pursuant to 35 U.S.C. § 314, the Board instituted this trial on May 17, 2013, as to claim 1 of the ’544 patent. Paper 14 (“Dec.”).

After institution, PersonalWeb filed a patent owner response (Paper 33 (“PO Resp.”)), and EMC filed a reply to the patent owner response (Paper 40 (“Reply”)). Oral hearing was held on December 16, 2013.<sup>1</sup>

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is entered pursuant to 35 U.S.C. § 318(a). We hold that claim 1 of the ’544 patent is unpatentable under 35 U.S.C. §§ 102 and 103.

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<sup>1</sup> This proceeding, as well as IPR2013-00082, IPR2013-00083, IPR2013-00085, IPR2013-00086, and IPR2013-00087, involve the same parties and similar issues. The oral arguments for all six *inter partes* reviews were merged and conducted at the same time. A transcript of the oral hearing is included in the record as Paper 63.

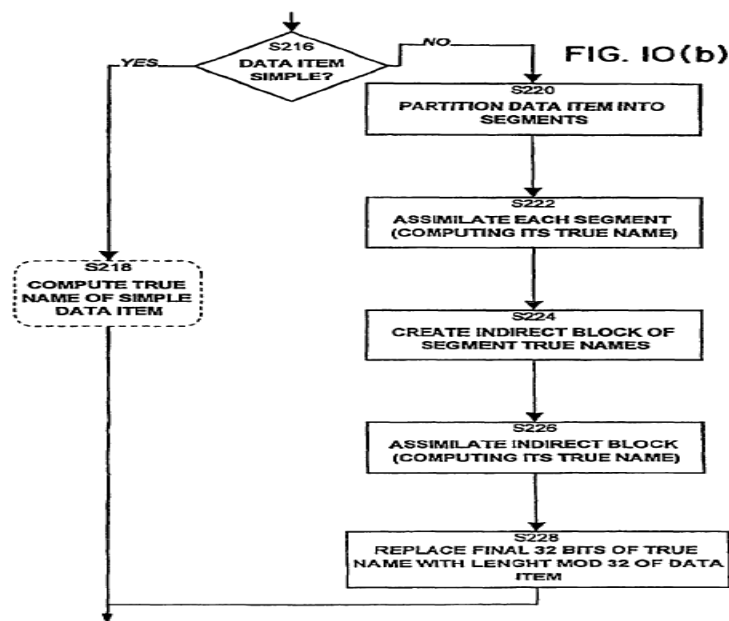
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### A. Related Proceeding

EMC indicates that the '544 patent is the subject of litigation titled *PersonalWeb Technologies LLC v. EMC Corporation and VMware, Inc.*, No. 6:11-cv-00660-LED (E.D. Tex.). Pet. 1.

### B. The '544 patent

The '544 patent relates to a method for identifying a data item (e.g., a data file or record) in a data processing system, by using an identifier that depends on all of the data in the data item and only on the data in the data item. Ex. 1001, 1:45-49; 3:53-56. Thus, the identity of a data item is said to be independent of its name, origin, location, and address. *Id.* at 3:56-59. According to the '544 patent, it is desirable to have a mechanism for identifying identical data items to reduce duplicate copies of a data item. *Id.* at 3:37-40. Figure 10(b) of the '544 patent, reproduced below, is a flow chart for determining an identifier of a simple or compound data item.

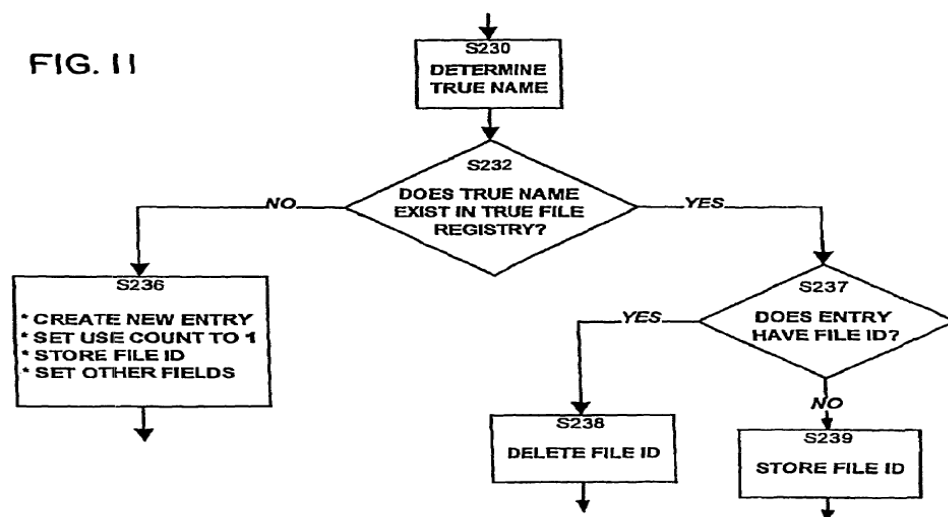


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As shown in Figure 10(b) of the '544 patent, for a simple data item (a data item whose size is less than a particular given size) (S216 and S218), a data identifier (True Name) is computed using a function (*e.g.*, a message digest (“MD”) function, such as MD4 or MD5, or a secure hash algorithm (“SHA”) function). *Id.* at 12:18-49, 13:31-42; figs. 10(a) & 10(b). As a result, a data item that has an arbitrary length is reduced to a relatively small, fixed size identifier (True Name) that represents the data item. *Id.*

If the data item is a compound data item (a data item whose size is greater than the particular given size), the system will partition the data item into segments (S220); assimilate each segment (S222); compute the True Name of the segment; create an indirect block consisting of the computed segment True Names (S224); assimilate the indirect block (S226); and replace the final 32 bits of the resulting True Name by the length modulo 32 of the compound data item (S228). *Id.* at 13:43-61, fig. 10(b). The result is the True Name of the compound data item. *Id.*

Figure 11 of the '544 patent is reproduced below:



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