

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GOOGLE INC. and APPLE INC.,  
Petitioners,

v.

CONTENTGUARD HOLDINGS, INC.  
Patent Owner

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Case CBM 2015-00040<sup>1</sup>

U.S. Patent 7,774,280

Filed October 4, 2004

Issued August 10, 2010

Title: SYSTEM AND METHOD FOR MANAGING TRANSFER OF RIGHTS  
USING SHARED STATE VARIABLES

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Attorney Docket No. 20318-134361

Customer No: 22242

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**PATENT OWNER'S OBSERVATIONS ON CROSS-EXAMINATION OF  
PETITIONERS' REPLY WITNESS DR. GOLDBERG**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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<sup>1</sup> Case CBM2015-00160 has been joined with this proceeding.

Patent Owner ContentGuard deposed Petitioners' reply witness Dr. Goldberg on January 18, 2016. The deposition addressed the subjects of Dr. Goldberg's December 21, 2015 Declaration in support of Petitioner's Reply. (Exhibit 1032.) The cross-examination testimony is provided as Patent Owner's Exhibit 2024 with the portions set out below highlighted. The observations are provided in the numbered paragraphs below.

1. In Exhibit 2024 (88:17-23)<sup>2</sup> the witness testified:

Q. In terms of what Stefik actually explicitly discloses, we agree it does not disclose the ability to process the next-set-of-rights field without exercising the encapsulating usage right?

A. Correct.

This testimony is relevant to pages 15-18 of Petitioners' Reply (Paper 21) and Par. 17 of the Goldberg Reply Declaration (Exhibit 1032) and whether Stefik discloses a right that can be exercised to create usage rights without resulting in actions to content.

2. In Exhibit 2024 (91:22 – 92:9) the witness testified:

Q. Does Stefik disclose any method for creating rights for a transferred copy of a digital work outside of the processing of a usage right?

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<sup>2</sup> ContentGuard will use Page:Line throughout the observations. For example, page 88, line 17 will be 88:17.

A. Not that I recall. I'm not sure how your question differs from a previous question that you asked.

But the answer is in Stefik in terms of explicit disclosure, the creation of a new set of rights for a new copy of a work, occurs when a different usage right is exercised.

This testimony is relevant to pages 15-18 of Petitioners' Reply and Par. 17 of the Goldberg Reply Declaration and whether Stefik discloses a right that can be exercised to create usage rights without resulting in actions to content.

3. In Exhibit 2024 (105:22 – 106:6) the witness testified:

Q. But you don't deny the words that are here, do you, that say that the Embed transaction involves the server transmitting the requested content of the data to the requester?

A. I agree that the description involving the transmitting of the requested contents are within the Embed transaction section of this disclosure.

This testimony is relevant to page 25 of Petitioners' Reply and Par. 25-27 of the Goldberg Reply Declaration and whether Stefik discloses an "Embed" usage right that can be exercised without resulting in actions to content.

4. In Exhibit 2024 (106:24 – 107:13) the witness testified:

Q. The example that you referred to at paragraph 27 of your declaration, that is not actually set forth in Stefik explicitly; is it?

A. That is correct. That is exemplified in the scheme of what Stefik is disclosing.

Q. You concluded that Stefik is disclosing that one would need a copy usage right to transfer the digital work, notwithstanding that Stefik teaches that the Embed transaction itself transfers the digital work?

A. That is how I read it.

This testimony is relevant to page 25 of Petitioners' Reply and Par. 25-27 of the Goldberg Reply Declaration and whether Stefik discloses an "Embed" usage right that can be exercised without resulting in actions to content.

Respectfully submitted,

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Dated: February 8, 2016

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §42.6(e), the undersigned hereby certifies that a true copy of the foregoing PATENT OWNER'S OBSERVATIONS ON CROSS-EXAMINATION OF PETITIONERS' REPLY WITNESS DR. GOLDBERG is being served on counsel for petitioners.

Respectfully submitted,

FITCH EVEN TABIN & FLANNERY, LLP

Dated: February 8, 2016

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