

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION  
Petitioner

v.

PROXYCONN, INC.  
Patent Owner

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Case IPR2012-00026 (TLG)  
Case IPR2013-00109 (TLG)  
Patent 6,757,717 B1

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**MICROSOFT CORPORATION'S BRIEF ON REMAND  
ON THE EFFECT OF THE FEDERAL CIRCUIT'S DECISION ON THE  
PATENTABILITY OF CLAIMS 1, 3, 6, 7, 9, 10, 22, AND 23**

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789 F.3d 1292 (Fed. Cir. 2015) ..... 5, 6, 10, 13

**I. INTRODUCTION**

The Federal Circuit’s narrower claim constructions do not affect the unpatentability of any of the eight remaining challenged claims. This brief identifies the evidence and findings already of record establishing that unpatentability. Specifically, even under these narrower constructions, Mattis still discloses the claims’ “gateway,” Perlman still discloses the claims’ “receiver” and “sender,” and Santos still discloses the claims’ “receiver.” All eight claims can and should be canceled based on the existing record.

**II. CLAIMS 6, 7, AND 9 ARE UNPATENTABLE FOR OBVIOUSNESS IN VIEW OF MATTIS AND DRP**

The Federal Circuit’s decision does not affect the unpatentability of claims 6, 7 and 9 for obviousness over the combination of Mattis (2<sup>nd</sup> Pet., Ex. 1004) and DRP (2<sup>nd</sup> Pet., Ex. 1003). The Board initially determined that Microsoft was likely to prevail on this challenge (2<sup>nd</sup> Pet., Paper No. 14, p. 19) but then deemed it moot in the final written decision (1<sup>st</sup> Pet., Paper No. 73, p. 53). The Federal Circuit’s narrower interpretation of the claimed location of the “gateway” in claim 6 does not affect this obviousness ground because Mattis’s gateway is located precisely where the Federal Circuit ruled it must be located.

**A. The Petition Established The Obviousness Of Claims 6, 7 And 9**

Microsoft’s second petition (IPR2013-00109) established obviousness of claims 6, 7 and 9 over Mattis and DRP (2<sup>nd</sup> Pet., pp. 18-26) with a claim-mapping

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