

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**FILED VIA THE PATENT REVIEW PROCESSING SYSTEM**

In re <i>Inter Partes Review</i> of:	)	Trial Number: To be assigned
U.S. Patent No. 6,757,717	)	
	)	
Issued: June 29, 2004	)	
	)	
Applicant: Leonid Goldstein	)	
	)	
Application No. 09/398,007	)	
	)	
Filed: September 16, 1999	)	
	)	
Title: System And Method For Data Access	)	
	)	
Currently in Litigation Styled:	)	
<i>Procyconn Inc. v. Microsoft</i>	)	
<i>Corporation, et al.</i> , Central District of	)	
California, Case No. SA CV11-1681	)	
DOC (ANx) [Consolidated With Case	)	
Nos. SA CV11-1682 DOC (ANx),	)	
SA CV11-1683 DOC (ANx), and SA	)	
CV11-1684 DOC (ANx)]	)	

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

**PETITION FOR *INTER PARTES* REVIEW OF  
CLAIMS 1, 3, 10-12, 14 AND 22-24 OF U.S. PATENT NO. 6,757,717**

TABLE OF CONTENTS

	Page
I. INTRODUCTION .....	3
II. '717 PATENT (EX. 1002).....	7
III. CHALLENGED CLAIMS AND THEIR BROADEST REASONABLE INTERPRETATIONS (BRI).....	8
A. Summary Of Challenged Claims.....	8
B. Features Not Required By Any Challenged Claim's BRI .....	9
IV. PROPOSED ANTICIPATION GROUNDS NOS. 1-3.....	9
A. Claims' Information Items .....	10
B. Claims' Environment .....	14
C. Claims' Elements Of A Sender And Receiver .....	15
1. Elements Of A Sender .....	15
2. Elements Of Receiver .....	18
D. Claims' Steps Performed By Sender And Receiver, And Their BRI .....	23
1. Steps Of A Sender:.....	23
2. Steps Of The Receiver: .....	25
V. PROPOSED GROUND FOR UNPATENTABILITY NO. 4 (BABER).....	29
VI. PROPOSED GROUNDS FOR UNPATENTABILITY NOS. 4 AND 5 (OBVIOUS OVER PERLMAN AND YOHE) .....	31
A. Obviousness: Level Of Skill In The Art .....	31
B. Obviousness: Arguable Differences From Some Claims .....	32
C. Obviousness: Objective Indicia.....	33
D. Obviousness: Reasons To Combine Perlman And Yohe.....	34

E. This Combination Teaches Each Claimed Combination .....36

VII. PROPOSED GROUND FOR  
UNPATENTABILITY NO. 6 (OBVIOUS OVER  
PERLMAN IN VIEW OF YOHE AND ADMITTED ART) .....40

VIII. CONCLUSION.....41

TABLE OF AUTHORITIES

	Page
<b>Cases</b>	
<i>Brown v. 3M</i> , 265 F.3d 1349 (Fed. Cir. 2001) .....	13
<i>In re Antoine de Gaulle</i> , Appeal 2008-6183 (BPAI Feb. 10, 2009) .....	24
<i>In re Epstein</i> , 32 F.3d 1559 (Fed. Cir. 1994) .....	32, 40
<i>In re Fox</i> , 471 F.2d 1405 (CCPA 1973).....	32, 40
<i>In re Tiffin</i> , 448 F.2d 791 (CCPA 1971).....	33
<i>In re Vamco Machine &amp; Tool, Inc.</i> , 752 F.2d 1564 (Fed. Cir. 1985) .....	33
<i>Schumer v. Lab. Computer Sys., Inc.</i> , 308 F.3d 1304 (Fed. Cir. 2002) .....	13
<b>Statutes</b>	
35 U.S.C. § 102.....	41
35 U.S.C. Sec. 112 .....	passim
35 U.S.C. §§ 311 <i>et seq.</i> .....	1
<b>Regulations</b>	
37 C.F.R. § 42.103 .....	1
37 C.F.R. § 42.104 .....	1
37 C.F.R. § 42.15 .....	1

Fee: In accordance with 37 C.F.R. §§ 42.15, 42.103, please charge the fee for *Inter Partes* Review of \$27,200.00 to Deposit Account 02-4550.

Identification of Challenge: Pursuant to 35 U.S.C. §§ 311 *et seq.*, Petitioner Microsoft Corporation (“Microsoft”) requests *inter partes* review of claims 1, 3, 10-12, 14 and 22-24 of U.S. Patent No. 6,757,717, issued to Proxyconn Inc. Sections I-VII *infra* and Appendix A provide the required statement of the precise relief requested for each claim challenged, per 37 C.F.R. § 42.104(b).

Standing: Microsoft certifies that this patent is available for *inter partes* review and that Microsoft is not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this petition.

Real-Party-in-Interest: Microsoft is the sole real-party-in-interest.

Related Matters: Proxyconn is asserting the ’717 patent against Microsoft and three Microsoft customers (Dell, HP and Acer) in a suit first filed November 3, 2011, now styled, *Proxyconn Inc. v. Microsoft Corporation, et al.*, Case No. SA CV11-1681 DOC (ANx) [consolidated with Case Nos. SA CV11-1682 DOC (ANx), SA CV11-1683 DOC (ANx), and SA CV11-1684 DOC (ANx)], pending in the U.S. District Court for the Central District of California (“the ’717 Concurrent Litigation”).

Lead and Back-Up Counsel; Service Information:

John D. Vandenberg (Lead Counsel, PTO Reg. No. 31312)

# 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.