UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ORACLE CORPORATION

Petitioner

v.

CLOUDING IP, LLC

Patent Owner

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Case IPR2013-00073 (JL)

Patent 6,738,799

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PATENT OWNER'S CONTINGENT MOTION TO AMEND U.S. PATENT NO. 6,738,799 UNDER 35 USC § 316 AND 37 CFR § 42.121

Exhibit List

2001	U.S. Patent 6,012,087 to Freivald et al.
2002	U.S. Patent 6,101,507 to Cane et al.
2003	Transcript of Deposition of Andrew Grimshaw, Ph.D., May 29, 2013.
2004	Declaration of Wesley W. Chu, Ph.D.
2005	Excerpt from File Wrapper of U.S. Application 10/452,156.
2006	Excerpt from File Wrapper of U.S. Application 09/303,958.
2007	Declaration of Wesley W. Chu, Ph.D.

Introduction.

Trial was instituted with respect to Claims 1, 5-10, 23, 24 and 37 of

U.S. Patent 6,738,799 (the "'799 Patent") (Oracle *Ex. 1001*). In this motion,

Patent Owner proposes substitute claims for original Claims 1, 5-10, 23, 24

and 37, as shown below. These substitutions are strictly contingent on the

Board finding each respective original independent claim unpatentable, as

discussed below.

Listing of the Claims.

47. (Proposed Substitute for Original Claim 1) A method for a first computer

to generate an update for transmission to a second computer that permits the

second computer to generate a copy of a current version of a file comprised of a

first plurality of file segments from a copy of an earlier version of the file

comprised of a second plurality of file segments, such that each file segment

corresponds to a portion of its respective file, the method comprising the steps

of:

> for each segment of the current version of the file,
>
>> (a) searching an earlier version of a signature list
>>
>> corresponding to an earlier version of the file for an old segment

signature which matches a new segment signature corresponding

to the segment;

(b) if step (a) results in a match, writing a command in the

update for the second computer to copy an old segment of the

second computer's copy of the earlier version of the file into the

second computer's copy of the current version of the file , wherein

the old segment corresponds to the segment for which a match

was detected in step (a); and

(c) if step (a) results in no match, writing a command in

the update for the second computer to insert a new segment of the

current version of the file into the second computer's copy of the

current version of the file;

wherein the new segment of the current version of the file is written into

the update and the unchanged segment is excluded from the update;

wherein ends of each of the second plurality of file segments are

determined by segment delimiters that are statistically determined to be optimal

division points for the segments; and

wherein steps (a) through (c) are performed by the first computer,

without interaction with the second computer, in response to the first

computer detecting a change between the current version of the file and the earlier version of the file.

48. (Proposed Substitute for Original Claim 5) The method of claim 47, further comprising: (d) transmitting the update to the second computer as an executable attachment by electronic mail, wherein the executable attachment will cause the second computer to generate a copy of the current version of the file from the copy of the earlier version of the file, in response to the second computer executing the attachment.

49. (Proposed Substitute for Original Claim 6) The method of claim 48, further comprising: prior to step (a), performing a check on the current version of the file to determine if the file has been altered since a previous check and continuing to perform the remaining steps only if the check determines that the current version of the file has been altered.

50. (Proposed Substitute for Original Claim 7) The method of claim 49, wherein the step of performing a check is performed at periodic intervals.

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