

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION

Petitioner

v.

CLOUDING IP, LLC

Patent Owner

Case IPR2013-00073 (JL)

Patent 6,738,799

PATENT OWNER RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,738,799
UNDER 35 USC § 316 AND 37 CFR § 42.120

Table of Contents

1. Introduction.	1
2. Overview of U.S. Patent 6,738,799.....	2
3. Argument.....	4
A. Claims 1, 23 and 24 Are Not Anticipated by Williams Because Williams Fails to Teach Writing In An Update A Command To Copy, As Required By These Claims.....	4
B. Claims 5-10 Are Patentable In View of Williams When Considered In Combination with Miller.....	10
C. Claim 37 Is Not Anticipated by Williams.....	11
D. Claim 37 Is Not Anticipated by Balcha.	13
E. Claims 1, 5, 9, 10, 23 and 24 Are Patentable Over Balcha When Considered In Combination with Miller.	17
F. The Petition Fails to Establish a Reasonable Likelihood that at Least One Challenged Claim is Unpatentable Over Balcha When Considered in Combination with Miller and Freivald.	27
5. Conclusion.....	29

Table of Authorities

CASES

<i>Bayer Schering Pharm. AG v. Barr Labs., Inc.</i> , 575 F.3d 1341 (Fed. Cir. 2009) (Newman, J., dissenting)	24
<i>Ex parte Levy</i> , 17 USPQ2d 1461(Bd. Pat. App. & Inter. 1990).....	8
<i>In re Fine</i> , 837 F.2d 1071 (Fed. Cir. 1988).....	11
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	22, 23
<i>Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.</i> , 730 F.2d 1452 (Fed. Cir. 1984).....	5
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008).....	5, 10, 16
<i>Richardson v. Suzuki Motor Co.</i> , 868 F.2d 1226 (Fed. Cir. 1989).....	5, 16
<i>Verdegaal Bros. v. Union Oil Co. of California</i> , 814 F.2d 628 (Fed. Cir. 1987).....	5, 12
<i>W.L. Gore & Associates, Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983), <i>cert. denied</i> , 469 U.S. 851 (1984)	26

REGULATIONS

37 C.F.R. § 42.107(c).....	1
----------------------------	---

OTHER AUTHORITIES

MPEP § 2112	8
-------------------	---

MPEP § 2142 25

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.

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.