BEFORE THE PATENT TRIAL AND APPEAL BOARD IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trial No.: IPR 2013-00085

In re: U.S. Patent No. 7,945,539

Patent Owners: PersonalWeb Technologies, LLC & Level 3 Communications

Petitioner: EMC Corp.

Inventors: David A. Farber and Ronald D. Lachman

For: DISTRIBUTING AND ACCESSING DATA IN A DATA PROCESSING SYSTEM

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August 6, 2013

PATENT OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120

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PersonalWeb Technologies, LLC ("patent owner" or "PO") hereby responds to the petition. Petitioner has not met its burden of proving unpatentability by a preponderance of the evidence, 35 U.S.C. § 316(e), for the following reasons.

I. INSTITUTED GROUNDS

1. Whether claims 10 and 21 of the '539 patent are unpatentable under 35 U.S.C. §103(a) as obvious over Kantor (Ex. EMC 1004).
2. Whether claim 34 of the '539 patent is unpatentable under 35 U.S.C. §103(a) as obvious over Kantor and Langer.
3. Whether claims 10 and 21 of the '539 patent are anticipated under 35 U.S.C. § 102(b) by Langer (Ex. EMC 1003).
4. Whether claim 34 of the '539 patent is unpatentable under 35 U.S.C. §103(a) over Langer and Woodhill (Ex. EMC 1005).
5. Whether claims 10 and 21 are unpatentable under §103(a) as obvious over Woodhill and Fischer (Ex. EMC 1036).

II. CLAIM CONSTRUCTIONS ASSUMED AND USED BY PATENT OWNER HEREIN

The Board construed the following terms in its Decisions dated May 17, 2013 and June 5, 2013. The Board's constructions of these terms have been assumed to be correct for purposes of this IPR and have been used by patent owner (PO) herein (without prejudice to argue otherwise in other proceedings).

Claim Term	**Board's Construction**

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"data item"	*Sequence of bits*. ('539 patent, col. 2:16-17.) As the Board explained in its June 5, 2013 Rehearing Decision in IPR 2013-00082, the "sequence of bits" may include any of the following which represent examples in a non-exhaustive list: (1) the contents of a file; (2) a portion of a file; (3) a page in memory; (4) an object in an object-oriented program; (5) a digital message; (6) a digital scanned image; (7) a part of a video or audio signal; (8) a directory; (9) a record in a database; (10) a location in memory or on a physical device or the like; (11) any other entity which can be represented by a sequence of bits. (June 5, 2013 Rehearing Dec. in IPR 2013-00082 at 2-3 [Ex. 2017]; and May 17, 2013 Dec. at 8-9.) This is consistent with the district court's August 5, 2013 construction of "data item" in the related litigations. (Ex. 2021.)
"data identifier"	A *"substantially unique alphanumeric label for a particular data item."* (May 17, 2013 Dec. at 10-11.) Moreover, the Board properly construed "alphanumeric" as "consisting of letters or digits, or both, and sometimes including control characters, space characters, and other special characters." (Dec. on Rehearing, June 5, 2013, at 2-3.)
"True Name"	A *"substantially unique alphanumeric label for a particular data item."* (May 17, 2013 Dec. at 11-12.) Moreover, the Board properly construed "alphanumeric" as "consisting of letters or digits, or both, and sometimes including control characters, space characters, and other special characters." (Dec. on Rehearing, June 5, 2013, at 2-3.)

Additionally, the preambles of claims 10 and 21 are limiting. The bodies of these claims refer back to the respective preambles, with each preamble being needed for completeness of the claim. For example, the body of claim 10 refers to "said plurality of segments" from the preamble, to "said data item" from the

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