

Filed on behalf of EMC Corporation and VMware, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION and VMWARE, INC.,
Petitioners

v.

Patent Owner of
U.S. Patent No. 6,415,280 to Farber et al.

IPR Case No. IPR2013-00083

PETITIONERS' REPLY

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I. INTRODUCTION

PersonalWeb presents four arguments in an effort to support its position that Woodhill does not invalidate the challenged '280 claims. These four arguments boil down to two contentions: (1) that Woodhill's binary objects are not "named data items"; and (2) that Woodhill does not disclose a "request including a hash of the contents" of the data file. (Resp. 3-10.) Woodhill not only satisfies these requirements, however, but also operates like the '280 preferred embodiments. PersonalWeb's arguments to the contrary rely on overly narrow constructions of the claims, misinterpret and ignore key portions of Woodhill's disclosure, and mischaracterize Dr. Clark's testimony. The Board accordingly should reject the challenged claims for the same reasons identified in its initial institution decision ("Decision") and in view of the comments below.

PersonalWeb's response presents its arguments with respect to claim 36 first (Resp. 3-10), and then applies these same arguments to claim 38 and to the Woodhill obviousness ground. (Resp. 10-11.) The following sections address PersonalWeb's arguments in the order they are presented in PersonalWeb's response with respect to claim 36.

II. WOODHILL ANTICIPATES CLAIMS 36 AND 38

ARGUMENT 1: PersonalWeb's contention that "Woodhill fails to disclose a 'request' for a data file including 'a hash of the contents of the data file.'" (Resp. § IV, pp. 3-6, 11) (Claims 36 and 38)

As PersonalWeb's expert concedes, restore operations (and self-audits in

particular) must have “requests” to the backup file server to obtain data from it. (Dewar Tr. 135; Ex. 1074.) Woodhill is explicit that, for these requests (e.g., self-audit procedures), the binary object is “identified by a Binary Object Identification Record 58.” (Woodhill 18:16-23; Ex. 1005; Dewar Tr. 135; Ex. 1074.) It is equally explicit that this Record 58 includes Binary Object Identifier 74 with hash field 70, representing a hash of the contents of the binary object. (Woodhill Fig. 3, 8:38-65; Ex. 1005.) PersonalWeb cannot dispute these critical disclosures. Instead, it attempts to argue that neither the Binary Object Identification Record 58 nor the Binary Object Identifier 74 is included in any “request.” (Resp. 4.) This argument is critically flawed for at least two reasons.

First, PersonalWeb premises the argument on a strained interpretation of Woodhill’s self-audit procedure and an overly-narrow interpretation of the claims. Woodhill explicitly states that it “*initiates a restore* of a... binary object *identified by a Binary Object Identification Record 58*.” (Woodhill 18:12-20; Ex. 1005.) There is no reasonable interpretation of this passage other than that Woodhill’s request for a restore (*i.e.*, client request) includes Binary Object Identification Record 58. (Reply Clark Decl. ¶ 10; Ex 1078.) As PersonalWeb acknowledges, “the Binary Object Identification Record includes a *Binary Object Identifier 74*, and the Identifier includes a *hash field 70*” representing a hash of the contents of the binary object. (Resp. at 4 (emphasis added); *see also* Woodhill Fig. 3, 8:38-65; Ex. 1005; Dewar Tr. 136; Ex. 1074). Woodhill’s self-audit procedure thus

squarely satisfies the claims.¹ Dr. Clark confirms that the Binary Object Identifier 74 within the Binary Object Identification Record 58 is used to identify and request binary objects to restore to the local computer. (Reply Clark Decl. ¶¶ 8-15; Ex. 1078; *see also* Dewar Tr. 135-136; Ex. 1074.)

Second, PersonalWeb’s argument completely *ignores* other relevant portions of Woodhill. For example, Woodhill also discloses that, when restoring a large, granularized file, it “*transmits an ‘update request’* to the remote backup file server 12 which *includes the Binary Object Identification Record 58*” for a desired binary object, so that it may be retrieved from the backup file server and restored on the local computer. (Woodhill 17:18-47, specifically 17: 42-45 (emphasis added); Ex. 1005; Reply Clark Decl. ¶ 15; Ex. 1078.) This passage similarly confirms that restore operations transmit requests that include Binary Object Identification Records 58 having Binary Object Identifiers 74 with hash fields 70

¹ PersonalWeb focuses, in particular, on the unsurprising fact that the Binary Object Identification Record 58 is “stored in File Database 25,” suggesting that this somehow precludes the record from being used as part of a request for a binary object. (Resp. 4-5.) As Dr. Clark confirms, however, File Database 25 is merely the location on each local computer in which Binary Object Identification Records 58 are stored prior to their use as part of client requests transmitted from those local computers. (Reply Clark Decl. ¶ 12; Ex. 1078.)

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