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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT: 6,415,280

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AND RONALD D. LACHMAN

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TITLE: IDENTIFYING AND
REQUESTING DATA IN A
NETWORK USING IDENTIFIERS
WHICH ARE BASED ON THE
CONTENT OF THE DATA

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**PETITION FOR *INTER PARTES REVIEW* OF U.S. PATENT NO. 6,415,280
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

TABLE OF CONTENTS

	<u>Page</u>
I. MANDATORY NOTICES	1
A. Real Parties-in-Interest	1
B. Related Matters	1
C. Counsel	2
D. Service Information	2
E. CERTIFICATION OF GROUNDS FOR STANDING	2
II. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED	3
A. Prior Art Patents and Printed Publications	3
B. There is a Reasonable Likelihood that at least One Claim of the ‘280 Patent is Unpatentable Under 35 U.S.C. §§ 102, 103	5
C. Relief Requested	6
III. Claim Construction	6
IV. OVERVIEW OF THE ‘280 PATENT	7
A. Brief Description	8
B. The Prosecution History of the ‘280 Patent	13
V. THE CHALLENGED CLAIMS ARE UNPATENTABLE	18
A. There is Nothing New About Using Content-Based Identifiers to Request and Obtain a Data File from a Network	18
B. Grounds of Invalidity for Challenged Claims 36 and 38 Based on Browne as a Primary Reference	28
C. Grounds of Invalidity for Challenged Claims 36 and 38 based on Woodhill as a Primary Reference	39
D. Grounds of Invalidity for Challenged Claims 36 and 38 based on the ESM Manual as a Primary Reference	48
E. Grounds of Invalidity for Challenged Claims 36 and 38 based on Satyanarayanan as a Primary Reference	51
VI. CONCLUSION	59

Table of Exhibits for U. S. Patent 6,415,280 Petition for Inter Partes Review...i

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>PersonalWeb Technologies LLC v. EMC Corporation and VMware, Inc.</i> (No. 6:11-cv-00660-LED)	1
STATUTES	
35 U.S.C. §§ 102, 103	5, 6
35 U.S.C. § 102(a)	28
35 U.S.C. § 102(b)	48, 52
35 U.S.C. § 102(e)	40
35 U.S.C. § 314(a)	5
35 U.S.C. § 112, ¶1	14, 16
37 C.F.R. 42.73(d)(ii)	1
37 C.F.R. § 42.100(b)	6

I. MANDATORY NOTICES

A. Real Parties-in-Interest

EMC Corporation and VMware, Inc. (“Petitioner”) are the real parties-in-interest.

B. Related Matters

The ‘280 patent is one of an extensive patent family of continuation and divisional applications. Exhibit 1008 shows the patent family, with patents in red and blue including the ‘280 patent being asserted in the litigation *PersonalWeb Technologies LLC v. EMC Corporation and VMware, Inc.* (No. 6:11-cv-00660-LED) (E.D. Tex.), served on December 16, 2012.

Petitioner is also seeking Inter Partes Review of related U.S. Patents Nos. 5,978,791, 7,945,539, 7,945,544, 7,949,662, and 8,001,096, and requests that they be assigned to the same Board for administrative efficiency. Moreover, there are several continuing applications related to this family that remain pending (shown on Exhibit 1008 in green). Because they share a common disclosure with the ‘280 patent, these applications may be used as a basis to present patentably indistinct claims that may issue prior to the determination of the PTAB in this or related Inter Partes Reviews. The issuance of indistinct claims is at least inconsistent with Rule 37 C.F.R. 42.73(d)(ii) and would be an “end-around” the reasonable number of substitute claims that are permitted in an IPR proceeding. Petitioner respectfully requests that the PTAB suspend from further prosecution, *sua sponte*, the

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