

Filed on behalf of Patent Owner Network-1 Security Solutions, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION OF AMERICA; AXIS COMMUNICATIONS AB; and
AXIS COMMUNICATIONS INC.
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

Case IPR2013-00092
Patent 6,218,930
Administrative Patent Judges Jameson Lee, Joni Y Chang, and Justin T. Arbes

**PATENT OWNER'S PRELIMINARY RESPONSE TO THE PETITION
FOR *INTER PARTES* REVIEW FOR U.S. PATENT NO. 6,218,930
PURSUANT TO 35 U.S.C. § 313 AND 37 C.F.R. § 42.107**

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I. Introduction.

The Patent Owner Network-1 Security Solutions, Inc. respectfully requests that the Board deny the Petition for *Inter Partes* Review filed by Sony and Axis against Network-1's U.S. Patent No. 6,218,930 for two reasons.

Reason 1: The Petition fails to comply with Patent Office regulations because it fails to provide mandatory claim constructions.

A petition for *inter partes* review “must identify ... (3) How the challenged claim is to be construed [and] (4) How the construed claim is unpatentable.” 37 C.F.R. § 42.104(b), (b)(3)-(4) (emphasis added).

For certain claim terms, a petitioner might be able to satisfy this requirement by clearly stating that such terms have their ordinary and customary meaning to a person of ordinary skill in the art. *See* Changes to Implement Inter Partes Review Proceedings, Comment 35 and Response; 77 Fed. Reg. 48699-700 (Aug. 14, 2012). The Petition, however, fails even to meet this minimal threshold.

Moreover, for terms that do not have an ordinary meaning that can be applied to the prior art, the petitioner must go further and expressly set forth a proposed construction. One such circumstance is when a claimed phrase includes a word of degree (a relative term), such as “smooth,” “slow,” or “low.” Claim terms that are words of degree have no ordinary meaning apart from “some standard for measuring that degree” found in the specification. *Exxon Research &*

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