

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIPNET EU S.R.O.  
Petitioner

v.

Straight Path IP Group, Inc.  
Patent Owner

Case No. IPR2013-00246  
U.S. Patent No. 6,108,704

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Before KLAYAN K. DESHPANDE, THOMAS L. GIANNETTI, and  
TRENTON A. WARD, Administrative Patent Judges.

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**PETITIONER'S SUPPLEMENTAL EVIDENCE IN RESPONSE TO  
PATENT OWNER'S OBJECTIONS TO EXHIBITS PURSUANT  
TO 37 C.F.R § 42.64(b)(1)**

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This supplemental evidence is submitted within 10 days of Patent Owner's Objections to Exhibits on Nov. 13, 2013.

The supplemental evidence provides proof of the public availability of WINS Exhibit 1004 manual, showing that the manual was included with shipped products, and showing the date the products were shipped and the large numbers making it widely available. This is the type of supplemental evidence set forth in the following cases:

Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1569 (Fed.Cir.1988) ("Evidence of routine business practice can be sufficient to prove that a reference was made accessible before a critical date" and "If accessibility is proved, there is no requirement to show that particular members of the public actually received the information.")

Rackable Systems Inc. v. Super Micro Computer, Inc., 2007 WL 1223807 \*23 (N.D. Ca April 25, 2007) (denying a motion for summary adjudication that a datasheet and device did not constitute prior art, finding that the "1998 print and copyright dates on the datasheet itself, in combination with evidence cited by Supermicro that the [device] itself was made commercially available to the public

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in September 1998, and evidence from the [device's] inventor that the datasheet was likely distributed prior to the shipping of the [device] to customers, constitute sufficient circumstantial evidence to create such an issue of fact")

Finjan, Inc. v. Symantec Corp. et al., 2013 WL 5302560 \* 7(Sept. 19, 2013 D. Del.) (finding that a 1996 Copyright date as a date for public availability was supported by a "February 1996 press release," a May 1996 Virus Bulletin," "the availability of prior versions to persons within the United States," and expert testimony)

Versata Software, Inc. v. Internet Brands, Inc., 902 F.Supp.2d 841, 847 (E.D. Tex. 2012) (concluding that sufficient evidence of anticipation included a demonstration of prior art software and manual the expert demonstrated how the "software could be configured, consistent with the directions in the AutoQuote Pro manual, to be installed in a network environment, which would entail the use of multiple computers")

**SUPPLEMENTAL EVIDENCE**

Exhibit 1016: Declaration of Yuri Kolesnikov RE WINDOWS NT 3.5  
USER GUIDE.

Exhibit 1017: Declaration of Leslie Ehrlich re contents of Windows NT 3.5  
Server package referred to in Yuri Kolesnikov declaration.

Exhibit 1018: Print out of help screen shots from CD ROM with  
WINDOWS NT 3.5 USER GUIDE referred to in Yuri Kolesnikov declaration  
[Exhibit 1016].

Exhibit 1019: “Beyond NetWare 3.12,” Elizabeth Eva , Mauri Laitinen and  
Rob Ward, InfoWorld. 16.51 (Dec. 19, 1994) [Page 15 of exhibit refers to  
documentation included with Windows NT 3.5]

Exhibit 1020: “Microsoft Offers Solution Server Program,” Newsbytes  
News Network (Oct 11, 1994) [refers to documentation included with Windows  
NT 3.5]

Exhibit 1021: “Bill Gates' Enterprise Embrace,” Joseph C. Panettieri,  
Information Week (Issue: Dec. 5, 1994) [describing widespread sales of Windows  
NT 3.5]

Exhibit 1022: Microsoft debuts NT 3.5. Data Based Advisor 12.n11 (Nov. 1994).

Exhibit 1023: New NT, New Prices. InformationWeek, (Oct. 3, 1994).

Exhibit 1024: NT finally becomes what it ought to be. Ward, Rob; InfoWorld 16.40 (Oct. 3, 1994).

Exhibit 1025: MOTOROLA PORTS WINDOWS NT 3.5 TO PowerPC Systems. M2 Presswire, 27 Sept 1994.

Exhibit 1026: Windows NT 3.5 hits market. Computer Reseller News (Sep. 26, 1994).

Exhibit 1027: As NT 3.5 ships, update on deck: Vertical Office suite, Resource Kit also due this fall. Foley, Mary Jo; PC Week 11.n38 (Sep. 26, 1994).

Exhibit 1028: Daytona is up and running in some agencies. Morgan, Cynthia; Government Computer News 13.n21 (Sep. 19, 1994).

Exhibit 1029: NT is souped up, but watch for speed bumps. Gallagher, Sean; Government Computer News 13.n21 (Sep. 19, 1994).

Exhibit 1030: A Day of Reckoning. InformationWeek (Sep. 19, 1994).

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