

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC.
Petitioner

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

CASE IPR: **IPR2013-00385**

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,218,930
UNDER 35 U.S.C §§311-319 AND 37 C.F.R. §§ 42.1-.80 & 42.100-.123

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Under 35 U.S.C. § 311 and 37 C.F.R. § 42.100, Dell Inc. (“Petitioner”) respectfully requests *inter partes* review of claims 6 and 9 of U.S. Patent No. 6,218,930 (“the '930 Patent”) (Exhibit (“Ex.”) DE-1001).

I. INTRODUCTION

While the '930 Patent specification attempts to describe a particular way of determining when a piece of 10/100 Ethernet equipment is capable of receiving power and data over an Ethernet network connection, the alleged invention, as actually claimed, is more akin to the well-known operation of remotely providing so-called “phantom power” over transmission lines.

Phantom power, however, has been used in telephone systems ever since their nascency. Alexander Graham Bell's telephone network of 1877 transmitted both power and data (telegraph signals or the sound of voice) over the same wires:

My invention has for its object, first, the transmission simultaneously of . . . musical notes or telegraphic signals along a single wire in either or in both directions, and with a single battery for the whole circuit

(U.S. Patent No. 186,787 to Bell.) Bell's system provided DC power from a central source and an AC signal for communicating data — (the voice or other sound signal) to a piece of equipment (the telephone). The result was a communications system that did not require a “local” power source for the telephone. Known as

“line-powered telephone service,” or more colloquially as “plain old telephone service” or “POTS,” it has been used ever since.

And while more complex data formats and network equipment have evolved over the last 135 years, the basic invention of providing data and power over a wire has not changed. The '930 Patent itself admits that prior art telecommunications equipment, such as telephones and network repeaters, were providing power and data over the same wires. *See* Ex. DE-1001, col. 1:22-24.

So what exactly is alleged to be new in the '930 Patent? According to its Background section, the '930 Patent states that the prior art was missing the ability to remotely power devices on a “data network,” as opposed to a telecommunication network. Aside from being a glaringly obvious extension of what was already being done in the telecommunications field, this assertion is incorrect as remotely powering data network devices was already known.

The prior art “Matsuno” reference, described below in Section V.A, provides a clear example of a method for remotely powering networked devices on an Integrated Services Digital Network (“ISDN”). Each of these references describe in detail how power could be provided to ISDN equipment (“access device”) from a switching station (“data node”), and how the supply of such power can be *controlled* in response to sensed voltage or current levels as set forth in the challenged claims of the '930 Patent.

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