

Filed on behalf of: Software Rights Archive, LLC

Paper \_\_\_\_\_

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC., LINKEDIN CORP., and TWITTER, INC.  
Petitioners

v.

SOFTWARE RIGHTS ARCHIVE, LLC  
Patent Owner

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Case IPR2013-00480  
Patent 5,832,494

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**PATENT OWNER'S LIST OF PROPOSED MOTIONS**

Pursuant to the Decision Instituting Trial (Paper 17) and the Office Trial Practice Guide 77 Fed. Reg. 48756 at 48765-66, Patent Owner Software Rights Archive, LLC (“SRA”) hereby provides a list of proposed motions that it may file during the trial:

- **Motion Under 37 C.F.R. § 42.121 To Amend**

SRA may file a motion to amend to cancel one or more of the challenged claims on which trial was instituted. Specifically, in the Decision, the Board instituted *inter partes* review of claims 1, 5, 8, 10, 11, 14-16, 35, and 40 on the following grounds:

1. Claims 14-16 of the '494 Patent are unpatentable, under 35 U.S.C. § 102, as anticipated by Fox Thesis;
2. Claims 1 and 5 of the '494 Patent are unpatentable, under 35 U.S.C. § 102, as anticipated by Fox SMART;
3. Claims 8, 10, 11, and 35 of the '494 Patent are unpatentable, under 35 U.S.C. § 103(a), as obvious over Fox SMART and Envision; and
4. Claim 40 of the '494 Patent is unpatentable, under 35 U.S.C. § 103(a), as obvious over Fox Thesis, Envision, and Salton.

SRA may seek to cancel one or more of dependent claims 8, 10, 11, 35, and 40, which would partially or fully eliminate the unpatentability grounds based on obviousness in the *inter partes* review proceeding.

- **Motion Under 37 C.F.R. § 42.51(b)(2) For Additional Discovery**

SRA may file a motion for additional discovery to obtain production of the following documents and things referred in the Declaration of Dr. Edward A. Fox (“Fox Dec.”) (Ex. 1009) submitted by Petitioners in support of their Petition requesting *inter partes* review of claims 1, 5, 8, 10, 11, 14-16, 35, and 40 of the ‘494 patent (Paper 2):

1. ¶ 7 of the Fox Dec.:

E. Fox. Development of the CODER System: A Testbed for Artificial Intelligence Methods in Information Retrieval. *Information Processing & Management (IP&M)*, 1987, 23(4):341-366;

E.Fox and R. France. Architecture of an Expert System for Composite Document Analysis, Representation and Retrieval. *International Journal of Approximate Reasoning*, 1987, 1(2): 151-175; and

N. Belkin, C. Borgman, H. Brooks, T. Bylander, W.Croft, P. Daniels, S. Deerwester, E. Fox, P. Ingwersen, R. Rada, K. Sparck Jones, R. Thompson, and D. Walker. Distributed Expert-Based Information Systems: An Interdisciplinary Approach. *IP&M*, 1987, 23(5): 395-409.

2. ¶ 37 of the Fox Dec.:

Kessler, M.M. (1963) Bibliographic coupling between scientific papers, *American Documentation*

3. ¶ 38 of the Fox Dec.:

Gerard Salton, 1968, *Automatic Information Organization and Retrieval*, McGraw Hill

4. ¶ 40 of the Fox Dec.:

G. Salton, ed. 1971. *The SMART Retrieval System- Experiments in Automatic Document Processing*. Prentice-Hall, Inc. Upper Saddle River, NJ, USA

5. ¶ 41 of the Fox Dec.:

Gerard Salton and Michael J. McGill. 1983. *Introduction to Modern Information Retrieval*. McGraw-Hill, Inc., New York, NY, USA.

6. ¶ 43 of the Fox Dec.:

The “SMART system”

7. ¶ 44 of the Fox Dec.:

The “COMposite Document Expert/extended/effective Retrieval System”

8. ¶ 45 of the Fox Dec.:

Chen, QiFan, An object-oriented database system for efficient information retrieval applications, Virginia Tech Dept. of Computer Science doctoral dissertation, Blacksburg, VA, March 1992.

9. ¶ 46 of the Fox Dec.:

Betrabet, Sangita, A query language for information graphs, Virginia Tech Dept. of Computer Science Master’s thesis, Blacksburg, VA, Dec. 1993

10. ¶ 48 of the Fox Dec.:

E. Fox, R. France, E Sahle, A Daoud, and B. Cline, Development of a Modern OPAC: From REVTOLC to MARIAN, Proc. 16<sup>th</sup> Annual Intern’l ACM SIGIR Confr. On R&D in Information Retrieval, SIGIR ’93 Pittsburgh, PA, June 27-July 1, 1993, 248-259

11. ¶ 49 of the Fox Dec.:

MARIAN and Envision System Demonstrations, for 16<sup>th</sup> Intern’l Conf. on R&D in Information Retrieval, SIGIR ’93, Pittsburgh, PA, June 27, - July 1, 1993

12.¶ 52 of the Fox Dec.:

The “additional publications [that] Envision”

13.¶¶ 65, 72, 74, 78, and 86 of the Fox Dec.:

ISI collection and files (e.g., magnetic tapes)

CACM collection and files (e.g., magnetic tapes)

14.¶ 74 of the Fox Dec.:

“INGRES database system”

15.¶¶ 78-82, 84, 88, and 94 of the Fox Dec.:

Code for the function “Raw\_data” and the data referred to

16.¶ 95 of the Fox Dec.:

“Source-cited pairs”

17.¶ 131 of the Fox Dec.:

The “five files” of document collections; and

Code for the “Figure 5: Routines for Search and Ranking”

SRA may seek authorization at a later date to file one or more motions requesting discovery relating to objective evidence of nonobviousness and, more specifically, to evidence of commercial success. The ‘494 patent is the subject of numerous licenses and SRA may seek discovery from one or more of the licensees, to the extent that SRA cannot reach agreement through negotiation. SRA may also seek authorization at a later date to file one or more motions requesting discovery

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