Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SOFTWARE RIGHTS ARCHIVES, LLC
Patent Owner

Case IPR2013-00480
Patent No. 5,832,494

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

Table of Contents

Page

I. INTRODUCTION

Fox SMART (Exhibit 1005) and Fox Thesis (Exhibit 1008) anticipate claims 1 and 5 and 14-16 of U.S. Patent No. 5,832,494 ("the '494 patent"), the only claims that remain at issue in this proceeding.[1] A decade before the applicants filed the parent application for the '494 patent, those references disclosed clustering and clustered searching based on co-citation (*cc*) and bibliographic coupling (*bc*) relationships between documents in a digital database, exactly as claimed.

Patent Owner argues that Fox SMART and Fox Thesis discussed relationships between "paper" documents only, not electronic ones, because the *test* collection that Dr. Fox used for his research (the CACM collection) contained only the abstract and other information for each article, not the full text. *See* Resp. 1, 26. But this argument is irrelevant; nothing in the claim limitations requires textual objects in the database that cite to each other.

Patent Owner raises other objections that argue irrelevant points, such as whether the claimed step is "required" or only disclosed in the prior art. *See, e.g.*, Resp. 41-42 (admitting that Fox SMART discloses that documents are displayed in

[1] After the Board instituted this *inter partes* review, Patent Owner cancelled challenged claims 8, 10, 11, 35, and 40. *See* Resp. 12. Petitioners do not oppose.

response to a user query, but suggesting that the system also had a "batch" mode). As explained in more detail below, none of Patent Owner's objections refute the art's clear teachings.

II. CLAIM CONSTRUCTION

For the purpose of this proceeding, Petitioners use the constructions adopted by the Board in its Institution Decision. *See* Paper 17 ("Inst. Dec.") 9-13. Petitioners disagree with Patent Owner's claim that the Board made a "technical error" when it construed "indirect relationships in the database." *See* Resp. 21-23. The Board construed that term consistently with its construction of "indirect relationships" in the co-pending IPRs, because the '494 patent contains continuation material that substitutes "links and nodes" language for the "citation relationship" language of the '352 patent.[2] But this issue is academic, because the

[2] The '494 patent application was a continuation-in-part of the '352 application, and its new matter included disclosure of using "links and nodes to index and search a database." *Compare* '494 Patent, Abstract, *with* '352 Patent, Abstract. Thus, where the '352 patent refers to citation relationships, the '494 patent uses the more general language of links and nodes. *See, e.g.,* '494 Patent 51:38-39 (claim 1 preamble: "indirect relationships, *using links and nodes*") (emphasis added). It is therefore entirely appropriate that, in the '494 patent, the Board construed "indirect relationships in the database" as relationships "characterized by at least one

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.