

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION OF AMERICA AND HEWLETT-PACKARD CO.
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

CASE IPR: *To be assigned*

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

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1).....	6
	A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).....	6
	B. Related Matters under 37 C.F.R. § 42.8(b)(2)	6
	1. Current Litigation.....	6
	2. Prior Litigation.....	7
	3. Current <i>Inter Partes</i> Review	7
	4. <i>Ex Parte</i> Reexamination	7
	5. Other Related Proceedings.....	8
	C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)	8
III.	REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW.....	9
	A. Grounds for Standing under 37 C.F.R. § 42.104(a).....	9
	B. Identification of Challenge and Relief Requested	10
	1. How the Challenged Claims Are to Be Construed under 37 C.F.R. § 42.104(b)(3).....	11
	2. How the Construed Claims are Unpatentable under 37 C.F.R. § 42.104(b)(4).....	14
	3. Supporting Evidence under 37 C.F.R. § 42.104(b)(5).....	14
IV.	SUMMARY OF THE '930 PATENT AND TECHNOLOGY BACKGROUND	15
	A. Description of the Alleged Invention of the '930 Patent	15
	B. Technology Background Relevant to the '930 Patent	17
	1. ISDN – Integrated Services Digital Network	17

2.	Powering Ethernet Devices.....	18
a.	The Development of Ethernet.....	18
b.	Power Over Ethernet	19
C.	Summary of the Prosecution History of the '930 Patent	20
V.	DETAILED EXPLANATION UNDER 37 C.F.R. §§ 42.104(b).....	21
A.	Ground 1: Claims 6 and 9 are anticipated under 35 U.S.C. § 102(b) over Matsuno (Ex. SH-1004)	21
1.	Brief Overview of Matsuno	21
2.	Analysis of Matsuno's Disclosure Against Claims 6 and 9.....	21
3.	Claim Chart Showing that Matsuno Discloses Each of the Elements of Claims 6 and 9	26
B.	Ground 2: Claims 6 and 9 Are Obvious under § 103(a) over De Nicolo in view of Matsuno (Ex. SH-1004 & SH-1007)	31
1.	Brief Overview of Combination of De Nicolo and Matsuno.....	31
2.	Analysis of Combination of De Nicolo and Matsuno Against Claims 6 and 9.....	32
3.	Claim Chart Showing that De Nicolo and Matsuno Disclose Each of the Elements of Claims 6 and 9.....	35
4.	Motivation to Combine	38
5.	Conclusion	40
VI.	CONCLUSION.....	40

Under 35 U.S.C. § 311 and 37 C.F.R. § 42.100, Sony Corporation of America and Hewlett-Packard Co. (collectively “Petitioners”) respectfully request *inter partes* review (“IPR”) of claims 6 and 9 of U.S. Patent No. 6,218,930 (“the ’930 Patent,” Exhibit (“Ex.”) SH-1001) based on identical grounds as the two pending and joined IPR proceedings, namely Case No. IPR2013-00071 (the Avaya IPR) and Case No. IPR2013-00385 (the Dell IPR joined to the Avaya IPR) (collectively “the joined IPRs”).

For the exact same reasons previously considered by the Board, on the exact same schedule, Petitioners respectfully seek to join the joined IPRs:

- In this petition, Petitioners assert the arguments copied verbatim from Dell’s petition (IPR2013-00385), which in turn had copied the arguments verbatim from Avaya’s petition (IPR2013-00071).
- In this petition, therefore, Petitioners assert, word-for-word, only the arguments that the Board has already instituted in IPR2013-00385 and IPR2013-00071. Thus, this petition does not add or alter any arguments that have already been considered by the Board, and this petition does this petition seek to expand the grounds of invalidity that the Board has already found support institution of IPR proceedings.
- In this petition, the Petitioners seek to follow the same schedule that the Board has instituted for the joined IPRs.

Because this petition is filed within 30 days of the institution of IPR2013-00385, and because this petition is accompanied by a motion for joinder to the joined IPRs (which includes IPR2013-00385), this petition is timely and proper under 35 U.S.C. § 315(c).

For the Board’s convenience, and because the substance of this petition is based upon Dell’s petition for IPR2013-00385 (which in turn was based upon Avaya’s petition for IPR2013-00071), we note that the following sections are copied verbatim from Dell’s petition for IPR2013-00385 (albeit, necessarily (1) updating “Petitioner” to “Petitioners,” and (2) updating the exhibit-reference prefix to “SH” from Dell’s prefix “DE,” although the exhibits themselves are identical):

Unchanged Subparts from IPR2013-00385	
II. B. 1.	Current Litigation
II. B. 2.	Prior Litigation
II. B. 4.	<i>Ex Parte</i> Reexamination
III. B. 1.	How the Challenged Claims Are to Be Construed
III. B. 2.	How the Construed Claims are Unpatentable
III. B. 3.	Supporting Evidence
IV.	Summary of the '930 Patent and Technology Background (including all subsections IV.A, IV.B.1, IV.B.2.a-b, and IV.C)
V. A.	Ground 1: Claims 6 and 9 are anticipated under 35 U.S.C. § 102(b) over Matsuno (including all subsections V.A.1-3)
V. B.	Ground 2: Claims 6 and 9 Are Obvious under § 103(a) over De Nicolo in view of Matsuno (including all subsections V.B.1-5)
IV.	Conclusion

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.