

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
SAP AMERICA, INC.

Petitioners

v.

CLOUDING IP, LLC

Patent Owner

IPR2013-00586
IPR2014-00306

U.S. Patent No. 6,738,799

PETITIONERS' JOINT REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's March 21, 2014 Scheduling Order (Paper 10),
Petitioners Unified Patents Inc. and SAP America, Inc. respectfully request oral
argument, currently scheduled for October 16, 2014. Petitioners request one hour
of argument time. Pursuant to 37 C.F.R. § 42.70, Petitioners specify the following
issues to be argued:

1. Claim construction:

- a. Any attempts by the Patent Owner to oppose the Board's claim construction in the Decision to Institute (Paper 9), including, but not limited to, "command . . . to copy," "command . . . to insert," "determining whether the second computer has a latest version of the file," and "generating an update, if the second computer does not have a latest version of the file."
- b. The claim construction of any claims brought into issue by the Patent Owner.
- c. Any claim construction issues discussed in Petitioners' Opposition to Patent Owner's Contingent Motion to Amend, including the construction of the terms "segments" and "ends of each of the segments of the earlier version of the file are defined by segment delimiters that are statistically determined to be optimal division points for the segments."

2. Claims 1, 12, 23, 24, 30, 31, 37, and 42 are unpatentable as anticipated by Williams under 35 U.S.C. § 102(e).
3. Claims 5-10 and 16-21 are unpatentable as obvious over Williams and Miller under 35 U.S.C. § 103(a).
4. Claims 37 and 42 are unpatentable as anticipated by Balcha under 35 U.S.C. § 102(e).
5. Claims 1, 5, 9, 10, 12, 16, 20, 21, 23, 24, 30, and 31 are unpatentable as obvious over Balcha and Miller under 35 U.S.C. § 103(a).
6. Claims 6-8 and 17-19 are unpatentable as obvious over Balcha, Miller, and Freivald under 35 U.S.C. § 103(a).
7. Claims 37 and 42 are unpatentable as obvious over Balcha and Freivald under 35 U.S.C. § 103(a).
8. Patent Owner's Contingent Motion to Amend should be denied for the reasons provided in Petitioners' Opposition, including:
 - a. Patent Owner has failed to meet its burden and cannot show patentability of substitute claim 47 over the prior art of record in this proceeding and the prior art in general, including Harlan.
 - b. The new limitation in claim 47 is not enabled under 35 U.S.C. § 112, first paragraph.

In the event any fees are required for this Request, please charge Deposit

Account No. 15-0030.

Petitioners' Joint Request for Oral Argument
Case IPR2013-00586; IPR2014-00306
U.S. Patent No. 6,738,799

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of
PETITIONERS' JOINT REQUEST FOR ORAL ARGUMENT on the counsel of
record for CLOUDING IP, LLC by filing this document through the Patent Review
Processing System as well as by delivering a copy via electronic mail to the
following address:

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Dated: September 11, 2014

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