

# UNIFIED PATENTS

## EXHIBIT 1008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

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

Filed: June 2, 2003

Issued: May 18, 2004

Inventor: Peter Dickenson

Assignee: Clouding IP, LLC

Title: Methods and Apparatuses for File Synchronization and Updating  
Using a Signature List

---

Mail Stop PATENT BOARD, PTAB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,738,799**  
**UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET SEQ.**

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	ii
EXHIBIT LIST .....	iv
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. MANDATORY NOTICES.....</b>	<b>3</b>
<b>A. Real Party-In-Interest .....</b>	<b>3</b>
<b>B. Related Matters.....</b>	<b>3</b>
<b>C. Lead and Back-Up Counsel .....</b>	<b>4</b>
<b>D. Service Information .....</b>	<b>4</b>
<b>III. PAYMENT OF FEES.....</b>	<b>4</b>
<b>IV. REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW .....</b>	<b>4</b>
<b>A. Grounds for Standing.....</b>	<b>5</b>
<b>B. Identification of Challenge.....</b>	<b>5</b>
<b>1. The Specific Art and Statutory Ground(s) on Which the Challenge is Based .....</b>	<b>5</b>
<b>2. How the Construed Claims are Unpatentable under the Statutory Grounds Identified in 37 C.F.R. § 42.204(b)(2) and Supporting Evidence Relied upon to Support the Challenge.....</b>	<b>7</b>
<b>V. FACTUAL BACKGROUND.....</b>	<b>7</b>
<b>A. Declaration Evidence.....</b>	<b>7</b>
<b>B. The State of the Art.....</b>	<b>8</b>
<b>C. The ‘156 Patent Application .....</b>	<b>11</b>
<b>D. The Prosecution History.....</b>	<b>12</b>
<b>VI. BROADEST REASONABLE CONSTRUCTION .....</b>	<b>13</b>
<b>A. Signature List .....</b>	<b>15</b>
<b>B. Without Interaction .....</b>	<b>15</b>
<b>VII. REPRESENTATIVE PROPOSED REJECTIONS SHOWING THAT PETITIONER HAS A REASONABLE LIKELIHOOD OF PREVAILING .....</b>	<b>16</b>
<b>Group 1: Proposed Rejections Based on the Balcha Reference .....</b>	<b>16</b>
<b>1-A Claims 1, 5, 9, 10, 23 and 24 Are Rendered Obvious by Balcha in view of Miller under 35 U.S.C. § 103.....</b>	<b>16</b>
<b>1-B Claim 37 Is Anticipated by Balcha under 35 U.S.C. § 102(e) .....</b>	<b>25</b>
<b>1-C Claims 6-8 Are Rendered Obvious by Balcha in View of Miller and Further in View of Freivald under 35 U.S.C. § 103 .....</b>	<b>27</b>
<b>Group 2: Proposed Rejections based on the Miller Reference .....</b>	<b>30</b>

<b>2-A Claims 1, 5-10, 23, 24, and 37 are Rendered Obvious by Miller in View of Freivald under 35 U.S.C. § 103</b> .....	30
<b>Group 3: Proposed Rejections based on the Freivald Reference</b> .....	42
<b>3-A Claim 37 is Anticipated by Freivald under 35 U.S.C. § 102(e)</b> .....	42
<b>Group 4: Proposed Rejections based on the Williams Reference</b> .....	46
<b>4-A Claims 1, 23, 24, and 37 Are Anticipated by Williams under 35 U.S.C. § 102(e)</b> .	46
<b>4-B Claims 5-10 Are Rendered Obvious by Williams in View of Miller under 35 U.S.C. § 103</b> .....	54
<b>VIII. CONCLUSION</b> .....	60
<b>CERTIFICATE OF SERVICE</b> .....	61

## EXHIBIT LIST

- 1001 U.S. Patent No. 6,738,799 to Dickenson
- 1002 Excerpts from Prosecution history of Application No. 09/303,958, the parent application of the '799 patent
- 1003 U.S. Patent No. 6,233,589 to Balcha et al.
- 1004 U.S. Patent No. 5,832,520 to Miller
- 1005 U.S. Patent No. 5,898,836 to Freivald et al.
- 1006 U.S. Patent No. 5,990,810 to Williams
- 1007 Declaration of Dr. Andrew Grimshaw, Ph.D.

# 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.