

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

PERSONALWEB TECHNOLOGIES, LLC and  
LEVEL 3 COMMUNICATIONS, LLC  
Patent Owner

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Case IPR2013-00596  
Patent 7,802,310

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**PETITIONER'S BRIEF ON REMAND**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-145

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On June 22, 2017 the Board authorized additional briefing to allow the parties to address whether the petitioner (“Apple”) made out a proper case of obviousness on the instituted ground of Woodhill and Stefik. (Paper No. 39.) The Board has requested that emphasis be placed on elucidating where Apple’s petition explains and supports (1) that the Woodhill and Stefik references disclose all of the elements recited in the challenged claims; and (2) that a skilled artisan would have been motivated to combine Woodhill and Stefik as claimed in the ’310 patent with a reasonable expectation of success. These points are addressed in detail below.

## **I. ARGUMENT**

Apple’s petition set forth a proper case of obviousness. On appeal, the patent owner (“PersonalWeb”) focused on two limitations: (1) whether Woodhill and/or Stefik teach comparing a content-dependent identifier to a plurality of values; and (2) whether Woodhill and/or Stefik teach determining authorization based on comparing a content-dependent identifier to a plurality of values and selectively allowing access based on whether the relevant content-dependent identifier corresponds to one of the plurality of values.<sup>1</sup> Appellant Br. at 20-21.

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<sup>1</sup> PersonalWeb did not appeal the Board’s findings that Woodhill and/or Stefik teach the remaining claim limitations. Therefore, PersonalWeb has waived any argument that the remaining limitations are not met.

Apple's petition identifies and explains where Woodhill and/or Stefik teach each of these claim elements. In addition to explaining how Woodhill and/or Stefik teach these claim elements, Apple's petition also identifies and explains why the skilled artisan would have combined Woodhill and Stefik as claimed. As part of that analysis, Apple's petition identifies and explains why the skilled artisan would have had a reasonable expectation of success in combining the elements of Woodhill and Stefik in the manner claimed. Likewise, Apple's petitioner reply, which properly responded to PersonalWeb's arguments in its Patent Owner's Response, further supported the case of obviousness Apple set forth in its petition.

**A. Apple's petition specifically identifies where Woodhill and Stefik teach each and every claim element, including comparing a content-dependent identifier to a plurality of values.**

Apple's petition, supported by the declaration of Dr. Benjamin Goldberg (Ex. 1007), explains where one or both of the Woodhill (Ex. 1014) and Stefik (Ex. 1013) references teaches each and every claim element. (Petition, pp. 28-43.)

**1. Woodhill teaches the claim element of comparing a content-dependent identifier to a plurality of values.**

Apple's petition identifies where and explains how Woodhill teaches the claim element of comparing a content-dependent identifier to a plurality of values. Ground 6 of Apple's petition—the ground that combines Woodhill and Stefik—references and incorporates an earlier discussion of Woodhill in Grounds 4 and 5

of the petition, where Woodhill's disclosure of this claim element (in particular, Woodhill's disclosure at column 17) is discussed in depth. (Petition, pp. 41-43.)

The petition's discussion of Ground 4 covers this "comparing" feature extensively. (Petition, pp. 33-36.) For example, the petition cites to Woodhill:

Program control then continues with step 446 where the Distributed Storage Manager program 448 transmits an 'update request' to the remote backup file server 12 which includes the Binary Object Identification Record 58 for the previous version of each binary object as well as the list of 'contents identifiers' calculated in step 444.

(Woodhill, 17:40-46; cited in Petition pp. 32-34).

With support from Apple's technical expert, Dr. Goldberg, the petition goes on to explain that "[t]o determine which data needs to be restored by the update request, the remote backup file server of Woodhill must be able to reference its local files using the information it receives -- namely the Binary Object Identification Record." (Petition, p. 34; citing Goldberg Decl., ¶ 70.)

Then, using Woodhill's Figure 1 for context, the petition explains that "the remote backup fileserver needs to access its local data using the Binary Object Identification Record as an identifier," adding that "[l]ocal computer 20, running an instance of the Distributed Storage Manager Program, simply informs the

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