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Paper 33
Entered: March 25, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

PERSONALWEB TECHNOLOGIES, LLC, and
LEVEL 3 COMMUNICATIONS, LLC,
Patent Owners.

Case IPR2013-00596
Patent 7,802,310 B2

Before KEVIN F. TURNER, JONI Y. CHANG, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

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I. INTRODUCTION

Apple, Inc. (“Apple”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 24, 32, 70, 81, 82, and 86 of U.S. Patent No. 7,802,310 B2 (“the ’310 Patent,” Ex. 1001). Patent Owners, PersonalWeb Technologies LLC and Level 3 Communications, LLC (collectively “PersonalWeb”), filed a Preliminary Response (Paper 8). On March 26, 2014, we instituted an *inter partes* review of claims 24, 32, 70, 81, 82, and 86 on a single ground of unpatentability alleged in the Petition. Paper 9, “Dec.”

After institution of trial, PersonalWeb filed a Patent Owner Response (“PO Resp.,” Paper 15) and Apple filed a Reply thereto (“Reply,” Paper 22). An oral argument was held on November 17, 2014. The transcript of the oral hearing has been entered into the record. Paper 31.

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

Apple has shown by a preponderance of the evidence that all claims for which trial is instituted, claims 24, 32, 70, 81, 82, and 86 of the ’310 Patent, are unpatentable.

A. Related Matters

Apple indicates that the ’310 Patent was asserted against it in *PersonalWeb Tech. LLC v. Apple Inc.,* Case No. 6:12-cv-00660-LED, pending in the U.S. District Court for the Eastern District of Texas. Pet. 2.

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Other petitions seeking *inter partes* review of PersonalWeb's patents were filed previously, with those patents and the '310 Patent sharing a common disclosure. *Id*. at 3–4. Another Petition, filed in Case IPR2014-00062, was pending regarding the '310 Patent, but that proceeding, as well as the proceedings involving patents with common disclosures, were terminated based on a settlement reached between the parties. IPR2014-00062, Paper 33.

B. The '310 Patent (Ex. 1001)

The '310 Patent relates to a data processing system that identifies data items using substantially unique identifiers, otherwise referred to as True Names, which depend on all the data in the data item and only on the data in the data item. Ex. 1001, 1:44–48, 3:52–55, 6:20–24. According to the '310 Patent, the identity of a data item depends only on the data and is independent of the data item's name, origin, location, address, or other information not derivable directly from the data associated therewith. *Id*. at 3:55–58. The invention of the '310 Patent also provides that the system can publish data items, allowing other, possibly anonymous, systems in a network to gain access to the data items. *Id*. at 4:32–34.

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C. Illustrative Claim

The '310 Patent includes claims 1–87, of which a trial was instituted on claims 24, 32, 70, 81, 82, and 86. Of those the challenged claims, claims 24, 70, 81, and 86 are independent claims. Independent claim 70 is reproduced below:

> 70. A computer-implemented method operable in a system which includes a network of computers, the system implemented at least in part by hardware including at least one processor, the method comprising the steps of:
>
> in response to a request at a first computer, from another computer, said request comprising at least a content-based identifier for a particular data item, the content-based identifier for the particular data item being based at least in part on a given function of at least some data which comprise the contents of the particular data item, wherein the given function comprises a message digest or a hash function, and wherein two identical data items will have the same content-based identifier:
>
> (A) hardware in combination with software, determining whether the content-based identifier for the particular data item corresponds to an entry in a database comprising a plurality of content-based identifiers; and
>
> (B) based at least in part on said determining in step (A), selectively permitting the particular data item to be accessed at or by one or more computers in the network of computers, said one or more computers being distinct from said first computer.

Ex. 1001, 44:1–23.

D. Prior Art Relied Upon

The following prior art references were relied upon in the instituted ground of unpatentability:

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Woodhill	US 5,649,196	July 15, 1997	(Ex. 1014)
Stefik	US 7,359,881 B2	Apr. 15, 2008	(Ex. 1013)

E. Ground of Unpatentability Instituted for Trial

The following table summarizes the challenge to patentability that was instituted for *inter partes* review:

References	**Basis**	**Claims challenged**
Woodhill and Stefik	§ 103	24, 32, 70, 81, 82, and 86

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Absent any special definitions, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech, Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

1. The Standard to be Applied in Claim Construction

PersonalWeb asserts that the proper claim construction standard to be applied in this proceeding should not be the broadest reasonable construction consistent with the Specification, given the imminent expiration of the '310 Patent on April 11, 2015. PO Resp. 10. PersonalWeb argues that the proper

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