

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*

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## 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”). Patent owners, PersonalWeb Technologies LLC and Level 3 Communications, LLC (collectively “PersonalWeb”), filed a Preliminary Response (Paper 8, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

**THRESHOLD** --The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Taking into account PersonalWeb’s Preliminary Response, we conclude that the information presented in the Petition demonstrates that there is a reasonable likelihood that Apple will prevail in challenging claims 24, 32, 70, 81, 82, and 86 as unpatentable under 35 U.S.C. § 103. Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to claims 24, 32, 70, 81, 82, and 86 of the ’310 Patent.

A. *Related Matters*

Apple indicates that the '310 Patent was asserted against it in *PersonalWeb Tech. LLC and Level 3 Commc'ns., 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.

Other petitions seeking *inter partes* review of PersonalWeb's patents have been filed, with those patents and the '310 Patent sharing a common disclosure. *Id.* at 3-4. PersonalWeb also notes that another petition, namely IPR2014-00062, is also pending regarding the '310 Patent. Prelim. Resp. 1.

B. *The Invention of 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.

*C. Challenged Claims*

Independent claims 24, 70, 81, and 86, as well as dependent claims 32 and 82, are challenged by Apple in this *inter partes* review. 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.

*D. Prior Art Relied Upon*

Apple relies upon the following prior art references:

Woodhill	US 5,649,196	Jul. 15, 1997	(Ex. 1014)
Stefik	US 7,359,881	Apr. 15, 2008	(Ex. 1013)
Farber	WO 96/32685	Oct. 17, 1996	(Ex. 1033)

Albert Langer, “Re: dl/describe (File descriptions),” post to the “alt.sources.d” and “comp.archives.admin” Newsgroups on Aug. 7, 1991 (Ex. 1015)(hereinafter “Langer”).

Shirley Browne et al. “*Location-Independent Naming for Virtual Distributed Software Repositories*,” University of Tennessee Technical Report CS-95-278 (Feb. 1995)(Ex. 1009)(hereinafter “Browne”).

*E. Alleged Grounds of Unpatentability*

Apple asserts the following grounds of unpatentability:

<b>Basis</b>	<b>Reference(s)</b>	<b>Claims</b>
§ 102(a)	Browne	24, 32, 70, 81, 82, and 86
§ 103	Browne	24, 32, 70, 81, 82, and 86
§ 103	Browne and Stefik	24, 32, 70, 81, 82, and 86
§ 102(e)	Woodhill	24, 32, 70, 81, 82, and 86
§ 103	Woodhill	24, 32, 70, 81, 82, and 86
§ 103	Woodhill and Stefik	24, 32, 70, 81, 82, and 86
§ 102(b)	Langer	24, 32, 70, 81, 82, and 86
§ 103	Langer and Stefik	24, 32, 70, 81, 82, and 86
§ 102(b)	Farber	24, 32, 70, 81, 82, and 86

# 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.