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

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

PETITIONER APPLE INC.'S REPLY

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On March 26, 2014, the Board instituted *inter partes* review of claims 24, 32, 70, 81, 82, and 86 of U.S. Patent No. 7,802,310 under 35 U.S.C. § 103(a) over the combination of Woodhill and Stefik (Decision, Paper 9.) PersonalWeb's subsequent attempts to sidestep this rejection with improperly narrow claim constructions, mischaracterizations of the prior art, and weak objective evidence fail to overcome the overwhelming case of obviousness. The Board accordingly should reject the challenged claims for the same reasons identified in the Decision and in view of the comments below.

I. The Board properly construed the challenged claims.

Under 37 C.F.R. § 42.100(b), the challenged claims must be given their broadest reasonable interpretations in light of the patent specification. This standard requires that claim terms be given their ordinary and customary meaning, unless such meaning is inconsistent with the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*); *Alloc, Inc. v. Int'l Trade Comm'n*, 342 F.3d 1361, 1368 (Fed. Cir. 2003).

Despite the Board's construction of the claim term "content-dependent name" in its Decision, PersonalWeb attempts to apply an improperly narrow construction of this term. Although applying this improper discussion still does not enable PersonalWeb to overcome the obviousness of the claims, the Board should

nevertheless disregard PersonalWeb's attempt to draw a distinction between "content-dependent name" and the other "identifier" terms in the '310 patent.

The Board construed "content-dependent name" as an "identifier for a data item. . ." (Decision, p. 10), but PersonalWeb contends that the Board's construction of this term is improper because it equates the terms "name" and "identifier." (PO Response, Paper 15, pp. 4-5.) In other words, PersonalWeb contends that "something is not a 'name' simply because it is an 'identifier.'" (*Id.* at 4.)

Fatal to PersonalWeb's argument, however, is that there is no support anywhere in the '310 patent specification for drawing such a distinction. To the contrary, the terms "name" and "identifier" are used interchangeably throughout the specification. For example, the '310 patent specification states that:

> In operation, data items. . .in a DP system employing the present invention are identified by substantially unique identifiers (True Names), the identifiers depending on all of the data in the data items and only on the data in the data items.

('310 patent, 31:38-42; *see also* 31:45-48) (emphasis added.) As such, there is no basis in the challenged patent for PersonalWeb's construction, and ample support for the Board's adopted construction.

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