

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

B.E. TECHNOLOGY, LLC,
Patent Owner

Patent No. 6,771,290

Issued: August 3, 2004

Filed: July 16, 1999

Inventors: Martin David Hoyle

Title: COMPUTER INTERFACE METHOD AND APPARATUS WITH
PORTABLE NETWORK ORGANIZATION SYSTEM AND TARGETED
ADVERTISING

Inter Partes Review No. IPR2014-00040

CORRECTED PETITION FOR INTER PARTES REVIEW

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Petition for *Inter Partes Review* of U.S. Patent No. 6,771,290

Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the '290 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 6,771,290 (the '290 patent) (Ex. 1001) is available for *inter partes* review. Petitioner certifies that it is not barred or estopped from requesting *inter partes* review of the claims of the '290 patent on the grounds identified in this Petition. Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '290 patent. The '290 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

Petitioner also certifies this petition for *inter partes* review is filed within one year of the date of service of a complaint alleging infringement of a patent. Petitioner was served with such a complaint on **October 10, 2012**, Ex. 1014, which led to Civil Action No. 2:12-cv-02829-JPM in the Western District of Tennessee. Ex. 1013. This petition thus complies with 35 U.S.C. § 315(b).

B. Fee for Inter Partes Review (§ 42.15(a))

The Director is authorized to charge the fee specified by 37 CFR § 42.15(a) to Deposit Account No. 50-1597.

C. Mandatory Notices (37 CFR § 42.8(b))

1. Real Party in Interest (§ 42.8(b)(1))

The real party of interest of this petition pursuant to § 42.8(b)(1) is

Petition for *Inter Partes Review* of U.S. Patent No. 6,771,290

Microsoft Corporation (“Microsoft”) located at One Microsoft Way, Redmond, WA 98052.

2. Other Proceedings (§ 42.8(b)(2))

The ’290 patent is the subject of Civil Action No. 2:12-cv-02829-JPM, served on Petitioner on October 10, 2012.

3. Designation of Lead and Backup Counsel

<u>Lead Counsel</u> Jeffrey P. Kushan Reg. No. 43,401 jkushan@sidley.com (202) 736-8914	<u>Backup Lead Counsel</u> Scott M. Border <i>Pro Hac Vice authorization requested</i> sborder@sidley.com (202) 736-8818
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Petitioner requests authorization to file a motion for Scott M. Border to appear *pro hac vice* as backup lead counsel. Mr. Border is an experienced litigating attorney in patent cases, admitted to practice law in Washington, DC, and Virginia, and in numerous United States District Courts and Courts of Appeal, including the Eastern District of Virginia and the United States Court of Appeals for the Federal Circuit. Mr. Border has an established familiarity with the subject matter at issue in the proceeding, having advised the Petitioner in this matter and having previously represented Petitioner on related subject matter before the International Trade Commission and in District Court litigation in the Eastern District of Texas.

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