

BEFORE THE PATENT TRIAL AND APPEAL BOARD IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trial No.: IPR 2014-00062

In re: U.S. Patent No. 7,802,310

Patent Owners: PersonalWeb Technologies, LLC & Level 3 Communications

Petitioner: Rackspace US, Inc. & Rackspace Hosting, Inc.

Inventors: David A. Farber and Ronald D. Lachman

For: CONTROLLING ACCESS TO DATA IN A DATA PROCESSING SYSTEM

* * * * *

July 15, 2014

PATENT OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120

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PATENT OWNER'S EXHIBIT LIST

CERTIFICATE OF SERVICE

PersonalWeb Technologies, LLC (“patent owner” or “PO”) submits this response to the petition. Petitioner has the burden of proving unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). Petitioner has not met its burden for the reasons explained below. *See also* Dewar Decl. at ¶¶ 18-78 [Ex. 2012].

U.S. Patent No. 7,802,310 (“the ‘310 patent”) has an effective filing date of April 11, 1995 given its continuity. (Ex. 1001.) While patent owner (PO) reserves the right to establish an earlier date of invention, an effective filing date of April 11, 1995 is assumed for purposes of this Response (i.e., the “critical date” is no later than April 11, 1995 for purposes of this submission). Petitioner does NOT allege a later effective filing date in connection with the instituted ground. Thus, the April 11, 1995 effective filing date is applicable in this proceeding.

PO notes that another IPR is also pending regarding the ‘310 patent. (*See* IPR 2013-00596)

I. INSTITUTED GROUNDS

The Board, on April 15, 2014, instituted a trial in this proceeding regarding the ‘310 patent for only the following:

1. Whether claims 1, 2, 5-8, 10, 11, 14, 16-19, 24, 29, 32, 70, 81, 82 and 86 are unpatentable as obvious under 35 U.S.C. §103(a) over Woodhill (Ex. 1003 – U.S. Patent No. 5,649,196) and Francisco (Ex. 1004).

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