

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Rackspace US, Inc. and Rackspace Hosting, Inc.
Petitioner

v.

PersonalWeb Technologies, LLC and Level 3 Communications, LLC.
Patent Owner

Case IPR2014-00062
Patent 7,802,310

Title: CONTROLLING ACCESS TO DATA IN A DATA PROCESSING
SYSTEM

**JOINT REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C. §
317(b) AND 37 C.F.R. § 42.74**

Patent Owner and Petitioner (together, "the Parties"), have reached a settlement and executed a Settlement Agreement regarding U.S. Patent No. 7,802,310 ("the '310 Patent"), filed concurrently herewith as Exhibit 1026. The Parties jointly request that the Board treat the Settlement Agreement as business confidential information and keep it separate from the file of the involved patent.

I. **Statement of Precise Relief Requested**

The Parties jointly request that the Board treat the Settlement Agreement (Exhibit 1026) as business confidential information and keep it separate from the file of the involved patent, and made available only to Federal Government agencies on written request or to any person only on a showing of good cause, as provided for in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. **Statement of Reasons for the Relief Requested**

The Parties have executed a Settlement Agreement regarding their disputes relating to the '310 Patent. The Settlement Agreement addresses this *Inter Partes* Review, as well as disputes regarding the '310 Patent involved in *PersonalWeb Tech. LLC et al v. Rackspace US, Inc. et al.*, No. 6-12-cv-00659 (E.D. Tex.). The Settlement Agreement provides that the terms of the Settlement Agreement are confidential.

The Petitioner has filed, concurrently herewith, a copy of the Settlement Agreement (Exhibit 1026) with the Board, as required by 35 U.S.C. § 317(b) and

37 C.F.R. § 42.74. Exhibit 1026 was filed in the PRPS system to provide availability to "Parties and Board Only." The Parties jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the involved patent, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Jointly submitted,

/David W. O'Brien/

David W. O'Brien
Registration No. 40,107
HAYNES AND BOONE, LLP

Attorney for Petitioner

/Joseph A. Rhoa/

Joseph A. Rhoa
Registration No. 37,515
NIXON & VANDERHYE PC

*Attorney for Patent Owner
PersonalWeb*

October 16, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

Rackspace US, Inc. and Rackspace Hosting, Inc.

Petitioner

v.

PersonalWeb Technologies, LLC and Level 3 Communications, LLC.

Patent Owner

Case IPR2014-00062

Patent 7,802,310

Title: CONTROLLING ACCESS TO DATA IN A DATA PROCESSING
SYSTEM

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.105, that
service was made on the Patent Owner as detailed below.

Date of service October 16, 2014

Manner of service By email upon counsel of record listed below

Document served Parties' Joint Request to Keep Separate

Persons served Joseph A. Rhoa (jar@nixonvan.com)
Updeep S. Gill (usg@nixonvan.com)
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

/David W. O'Brien/

David W. O'Brien
Registration No. 40,107

PETITIONER'S EXHIBIT LIST

October 16, 2014

Exhibit	Description
RACK-1001	U.S. Patent No. 7,802,310
RACK-1002	USPTO File Wrapper for U.S. Patent No. 7,802,310, including the prosecution history of U.S. Application No.: 11/980,687.
RACK-1003	Woodhill <i>et al.</i> , U.S. Patent No. 5,649,196
RACK-1004	Francisco, U.S. Patent No. 4,845,715
RACK-1005	PCT International Publication WO 96/32685
RACK-1006	Brunk <i>et al.</i> , U.S. Patent No. 7,289,643
RACK-1007	Albert Langer, "Re: dl/describe (File descriptions)," article < 1991Aug7.225159.786@newshost.anu.edu.au > in Usenet newsgroups "alt.sources.d" and "comp.archives.admin" (August 7, 1991)
RACK-1008	Decision, Institution of <i>Inter Partes</i> Review, IPR2013-00082
RACK-1009	Declaration of Dr. Melvin Ray Mercer in support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,802,310
RACK-1010	Declaration of Dr. Narasimha Reddy in support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,802,310
RACK-1011	B. Reid, "USENET READERSHIP SUMMARY REPORT FOR AUG 91" (Sept. 1, 1991)
RACK-1012	B. Reid, "USENET Readership report for Aug 91" (Sept. 1, 1991)
RACK-1013	J.S. Quarterman, <i>The Matrix</i> (1990)
RACK-1014	G. Todino et al., <i>Using UUCP and Usenet</i> (1991)
RACK-1015	USPTO File Wrapper for 5,978,791, including Appl. No.: 08/425,160, as originally filed April 11, 1995, its RCE (08/960,079) and an

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.