

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RELOADED GAMES, INC.,  
Petitioner,

v.

PARALLEL NETWORKS LLC,  
Patent Owner.

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Case IPR2014-00136  
Patent 7,188,145 B2

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Before KRISTEN L. DROESCH, BRIAN J. McNAMARA, and  
HYUN J. JUNG, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

Reloaded Games, Inc. (“Petitioner”) filed a Petition (Paper 4, “Pet.”) on November 11, 2013, requesting institution of an *inter partes* review of claims 1–36 of U.S. Patent No. 7,188,145 B2 (“the ’145 patent”) pursuant to 35 U.S.C. §§ 311–19. Parallel Networks LLC (“Patent Owner”) filed a Preliminary Response. Paper 9. Based on these submissions, we instituted *inter partes* review of claims 2–4, 6, 7, 10, 16–18, 20, 21, 24, and 29–36 under 35 U.S.C. § 103. Paper 15 (“Dec. on Inst.”).

After institution, Patent Owner filed a Patent Owner’s Response (Paper 23, “PO Resp.”), and Petitioner filed a Reply (Paper 24, “Reply”). In addition, the parties rely upon expert testimony. Petitioner proffered the Declaration of Dr. Peter B. Danzig (Ex. 1002, “Danzig Declaration”) with its Petition. Patent Owner proffered the Declaration of Dr. Mitchell A. Thornton (Ex. 2002, “Thornton Declaration”). No deposition transcripts were filed, and no motions were filed by the parties.

A combined oral hearing in this proceeding and Case IPR2014-00139 was held on February 23, 2015, and a transcript of the hearing is included in the record (Paper 32, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 2–4, 6, 7, 10, 16–18, 20, 21, 24, and 29–36 of the ’145 patent are unpatentable.

A. The '145 Patent (Ex. 1001)

The '145 patent is titled "Method and System for Dynamic Distributed Data Caching" and issued March 6, 2007. The '145 patent issued from application 09/759,406, which was filed on January 12, 2001.

Reproduced below is Figure 6 of the '145 patent.

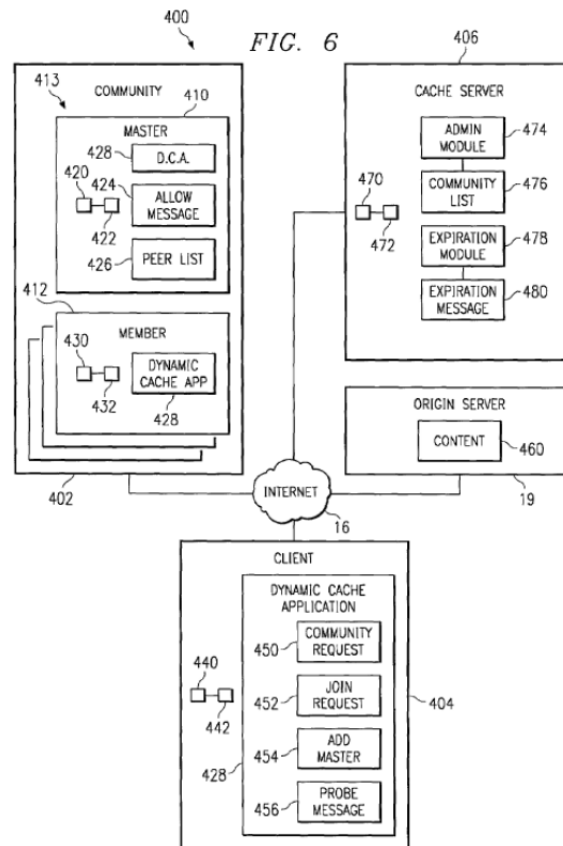


Figure 6 depicts a block diagram illustrating a dynamic caching system according to one embodiment. Ex. 1001, 4:56–58. Community 402 comprises one or more peers 413, and peers 413 further comprise master 410 and member 412. *Id.* at 17:60–63. Each peer 413 includes dynamic cache application 428, which provides functionality to support distributed caching system 10. *Id.* at 18:1–3. Client 404 comprises a computer also executing dynamic cache application 428 that is operable to generate join request 452,

which is a data message indicating that client 404 wishes to join a particular community 402. *Id.* at 18:66–67, 19:14–15, 21–22. Master 410 is operable to generate allow message 424 that comprises a data message sent to client 404 to inform client 404 either that it is being allowed to join community 402 or that entry to community 402 is denied. *Id.* at 18:22–27.

In operation, dynamic cache application 428 of client 404 generates community request 450, which is a request for a list of communities 402 that client 404 may attempt to join. Ex. 1001, 20:19–23; *see also id.* at 23:43–46 (describing a method for adding client 404 to community 402), Fig. 9. Community request 450 is communicated to cache server 406. *Id.* at 20:23–24; *see id.* at 23:44–46. After selecting a particular community 402, dynamic cache application 428 of client 404 generates join request 452, which is communicated to master 410 of community 402. *Id.* at 20:41–48; *see id.* at 23:46–24:9. After receiving join request 452, master 410 determines whether to allow client 404 to become a member 412 of community 402 by use of a suitable criterion, such as whether the addition of client 404 would exceed the maximum number of members 412 for community 402 or whether the round trip transit time for data between client 404 and present members 412 is within a certain threshold. *Id.* at 20:49–58; *see also id.* at 24:65–25:8 (describing a method for allowing client 404 to join community 402), Fig. 10. If master 410 determines that client 404 can be a member, dynamic cache application 428 at master 410 generates allow message 424, which then joins client 404 to community 402. *Id.* at 20:64–21:6; *see id.* at 25:9–10, 17–21. If master 410 determines that client 404 should not join community 402, then dynamic cache application 428 at

master 410 generates allow message 424 indicating that client 404 has been denied entry to community 402, or may ignore join request 452 so that client 404 determines that it has been denied entry. *Id.* at 21:14–21; *see id.* at 25:10–16.

Once client 404 is allowed to join community 402, master 410 updates peer list 426 to include client 404, and communicates the updated peer list 426 to members 412 to inform them that client 404 has joined community 402. Ex. 1001, 21:7–9; *see id.* at 25:21–30. Dynamic cache application 428 then reallocates content 460 to be cached among master 410, members 412, and client 404. *Id.* at 21:10–13.

### *B. Illustrative Claims*

The '145 patent has 36 claims, of which claims 2–4, 6, 7, 10, 16–18, 20, 21, 24, and 29–36 are being challenged. Claims 29, 32, 35, and 36 are independent. Claim 29 is a method claim, and claims 32, 35, and 36 are system claims. Claim 2, its base claim 1, and claim 29 are illustrative and reproduced below.

1. A method for dynamic distributed data caching comprising:
  - providing a cache community on a first side of a point of presence, the cache community comprising at least one peer, the cache community being associated with content obtained from a second side of the point of presence, the content being cached by the at least one peer;
  - allowing a client to join the cache community;
  - updating a peer list associated with the cache community to include the client, the peer list indicating the peers in the cache community;
  - associating the content with the client based on joiner of the client;

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