

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 No. IPR2014-00136  
Patent 7,188,145

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

**PURSUANT TO 37 C.F.R. § 42.120**

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## **I. INTRODUCTION**

Taking a similar tactic to its response in the related proceeding (IPR2014-00139), PO is improperly attempting to create limitations through the terms “allowing” and “community” that are not found in the claims or required by the Board’s construction. The PO strains the Board’s constructions to avoid the prior art. A proper application of the Board’s claim construction – rendered according to the broadest reasonable interpretation standard – to the combination of Smith and Inohara confirms that the Challenged Claims are obvious.

## **II. SMITH IN VIEW OF INOHARA RENDERS CLAIMS 1, 2-4, 6, 7, 10, 15, 16-18, 20, 21, 24, 35 AND 36 OBVIOUS<sup>1</sup>**

### **A. Smith in view of Inohara Teach “Allowing a Client to Join the Cache Community” (Claim 1)**

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<sup>1</sup> While the Board instituted the present proceeding on dependent claims 2-4, 6, 7, 10, 16-18, 20, 21 and 24, it expressly found that Inohara teaches “allowing” or “allow” as claimed by independent claims 1 and 15, which were not instituted because it was not specifically requested by Petitioner. Petitioner respectfully requests that the Board exercise its discretion in any final decision to cancel independent claims 1 and 15. First, in the event that the Board invalidates claims 2 and 16, it will necessarily have found that all limitations of the independent claims are present in the prior art. Second, PO will not be prejudiced by such a finding because the “allowing” and “allow” limitations of claims 1 and 15 are the premise of PO’s entire argument.

PO's response on the combination of Smith in view of Inohara is somewhat confusing. It appears that PO contends that Inohara does not teach a "community" under PO's strained interpretation of that term, and because of that strained interpretation does not teach "allowing." This is confusing because PO does not dispute that Smith teaches a "community." And, the Board has already found that Inohara teaches "allowing" as required by claim 1. Paper 15 [Institution Decision] at 30.

Nonetheless, PO appears to be melding the two concepts into a single concept by testing Inohara against the entire phrase "allowing a client to join the cache community." This is a meritless argument by PO. A proper application of the Board's constructions of "allowing" and "community," demonstrates that Inohara meets PO's challenge head-on.

1. Inohara's Disclosed Server Group is a "Community"

In its Decision to Institute, the Board construed "community" to mean "similarity or identity" or "sharing, participation, and fellowship." Paper 15 [Institution Decision] at 13. The Board also correctly found that Inohara's disclosed server group is a "community" and rejected PO's contention that Inohara's server group is not a "group of peers that cooperate to cache data." *Id.* at 28-31. Now, PO argues that the "community" of Inohara is "a single distributed cache hierarchy" rather than the individual server groups and, therefore, a server is not "allowed" to join the

“community” because it cannot be denied entry to the hierarchy, only to a server group. Paper 23 [PO Response] at 4-18.

The individual server groups of Inohara are each a “community” under the Board’s construction. Namely, Inohara discloses that “[o]ne [server] group includes a MAX servers or members (MAX: a fixed number) at the largest.” Ex. 1007, *Inohara* at 7:47-49. Each member of a server group participates in that group and in order to become a member of a group, the server that “wants to newly participate in a group” issues a “group participation message 300.” Ex. 1007, *Inohara* at 8:1-2 (emphasis added). The leader of the group determines whether a “server [is] permitted to participate in a group.” *Id.* at 8:24-26 (emphasis added); *also* 10:51-11:17. Once part of the group, each member of the group has a common similarity or identity and “participates” in that group. Namely, each member’s “group table” has the same list of a leader server ID and group member IDs, i.e., the servers of a group have “similarity” in their group tables and share information with other servers in the group. *Id.* at Fig. 2, 10:19-30, 7:59-61; *see also id.* at 11:32-37 (“In subsequent step 519, a group update message 320 having the server ID of the server 10 stored in new leader server ID 321 is transmitted to the new server ID 301 and a group update message having the new server ID 301 stored in new leader server ID 321 is transmitted to the new server ID’s 301<sup>1</sup>, 301<sup>11</sup>, ....”). On the other hand, when a server is not permitted to join a group, “a new group is formed.” *Id.* at 11:8-19. To suggest that a first group of servers (e.g., servers 232<sup>1</sup>, 232<sup>11</sup>, etc. in Inohara), which

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