

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RELOADED GAMES, INC.  
(Petitioner)

v.

PARALLEL NETWORKS LLC  
(Patent Owner)

Patent Owner Preliminary  
Response under 35 U.S.C. § 131  
and 37 C.F.R. § 42.107

Case No. IPR2014-00950

Patent No. 7,188,145

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Filed January 12, 2001

For: Method and System for  
Dynamic Distributed Data Caching

Mail Stop: PATENT BOARD  
Patent Trial and Appeal Board  
US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO PETITION FOR  
INTER PARTES REVIEW OF US PATENT NO. 7,188,145  
CASE No: IPR2014-00950**

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## I. Introduction

In its decision to institute an IPR in related matter IPR2014-00136 (“the ‘136 IPR”), the Board declined to institute an inter partes review of claims 1, 5, 8, 9, 11-15, 18-19, 22-23 and 25-28 of United States Patent No. 7,188,145 (“the ‘145 Patent”). In response to the Board’s decision (IPR2014-00136, Paper 13) to institute the ‘136 IPR (the “Board’s Decision”), the Petitioner now files a new petition for inter parties review of the aforementioned claims based on the same prior art references that were the subject of the ‘136 IPR (IPR2014-00950, Paper 3 – the “Petition”).

Procedurally and from a policy perspective, the Petition should be denied because it is merely a response to the Patent Owner’s Preliminary Response (IPR2014-00136, Paper 9) and the Board’s Decision. The Petition does not cite any new art or make any arguments that were not available when Petitioner filed its petition in the ‘136 IPR. The rules relating to inter partes review (IPR) provide for a petition, a preliminary patent owner response, and additional briefing and motion practice (if IPR is granted). These rules do not provide for a petitioner’s response to the Preliminary Response or to the Board’s Decision, and the Board should not sanction the filing of serial IPR Petitions as an avenue for motion practice that is otherwise not allowed by the rules. See generally, 37 CFR § 42. Such a practice encourages petitioners to withhold arguments that should rightfully

be presented in an initial petition, nullifies the procedural rules of this proceeding, harasses and burdens patent owners by requiring additional responses and potential changes in tactics, and frustrates the mandate of Congress for the “just, speedy, and inexpensive resolution” of these disputes. 35 U.S.C. § 316(b).

Substantively, the Petition should be denied because Smith and Inohara are not combinable to teach or suggest the systems and methods of claims 1, 4, 5, 8, 9, 11-15, 18, 19, 22, 23, and 25-28 (the “Challenged Claims”). Neither Smith nor Inohara teaches a system that *allows a client to join a cache community*. Inohara is cumulative to Smith insofar as the reference is relied upon to teach the claimed step of allowing a client to join a cache community, and inoperable to the extent the server group described in Inohara is interpreted as an analog for the claimed cache community. Neither Smith nor Inohara teaches that a client may be denied entrance to a cache community and both references consider that each server seeking to join a cache community is automatically admitted without any potential for rejection.

## **II. The Petition is merely a response to the Decision and Patent Owner’s Preliminary Response in the ‘136 IPR.**

Part 42 of Title 37 of the Code of Federal Regulations sets forth the documents that may be filed or otherwise entered in the course of instituting an inter partes review. Part 42 provides for a Petition, Preliminary Response by the

Patent Owner, and a Board Decision. §42.71 also provides for a request for rehearing in response to a Board Decision, but the regulations are otherwise not crafted to allow a Petitioner to increase the burden on a Patent Owner and the Board by inundating them with additional pleadings.

The Petition is based on the same art that was referenced in the ‘136 Petition, was not based on any change in facts that occurred since the filing of the ‘136 Petition, and does not include any arguments that Petitioner could not have made when filing the ‘136 Petition. Instead, the Petition responds to the Board’s Decision in the ‘136 IPR and Patent Owner’s Preliminary Response in the ‘136 IPR. Thus, the Petition should be viewed as a responsive pleading that is not provided for in the Code of Federal Regulations or in the ‘136 IPR. See Amended Scheduling Order, IPR2014-00136, Paper 20, at 6. Granting the Petition in this matter would effectively sanction the filing of serial IPR Petitions in cases where a Petitioner is unhappy with the outcome of a Board decision or a portion of the outcome of a Board Decision – a procedural option that is unduly burdensome for the Patent Owner and for the Board. For at least the foregoing reasons, the Petition should be denied.

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