

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. and YOUTUBE, LLC,
Petitioners,

v.

PERSONALWEB TECHNOLOGIES, LLC and
LEVEL 3 COMMUNICATIONS, LLC,
Patent Owners.

INTER PARTES REVIEW OF U.S. PATENT NO. 7,802,310

Case IPR: *To be Assigned*

PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,802,310
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. §§ 42.1-.80 & 42.100-.123

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Patent Trial and Appeal Board
United States Patent and Trademark Office
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I. Introduction

Pursuant to the provisions of 35 U.S.C. §§ 311–319, Google Inc. and YouTube, LLC (“Petitioners”) hereby petition the Patent Trial and Appeal Board to institute *inter partes* review of claims 1, 2, 5–8, 10–12, 14, 16-19, 24, 29, 32, 70, 81, 82 and 86 of US Patent No. 7,802,310 to Farber *et al.* (“the ’310 Patent,” GOOG-1001) based on identical grounds as those asserted by petitioners Rackspace US, Inc. and Rackspace Hosting, Inc. (collectively, “Rackspace”) against the same claims of the ’310 patent in IPR2014-00062, which was instituted on April 15, 2014. PersonalWeb Technologies, LLC and Level 3 Communications, LLC have stated, in filings in the United States District Court for the Eastern District of the Texas that they each own an undivided fifty percent (50%) interest in the ’310 Patent.

For the exact same reasons previously considered by the Board, and on the exact same schedule, Petitioners respectfully seek to join the Rackspace IPR against the ’310 patent. This Petition is filed concurrently with a Motion for Joinder with that proceeding, IPR2014-00062, in which Petitioners also respectfully request that, given the unique circumstances here, the Board exercise its discretion under 37 C.F.R. § 42.5(b) and waive the requirement in § 42.122(b) that requests to join a proceeding be made no later than one month after institution.

In this petition, Petitioners assert identical grounds as those set forth in the Rackspace petition in IPR 2014-00062, and only advance the specific grounds on which the Board agreed to institute the IPR. Thus, this petition does not add or alter any arguments that have already been considered by the Board, does not seek to expand the grounds of invalidity that the Board has already found to support institution of IPR proceedings, and does not advocate a claim construction different from those adopted by the Board. In this petition, Petitioners also seek to follow the same schedule that the Board has instituted for IPR2014-00062.

For the Board's convenience, and because the substance of this petition is based upon the Rackspace petition, Petitioners note that, except as noted in the table below, this petition is copied verbatim from the Rackspace petition for IPR2014-00062 (albeit, necessarily updating the exhibit-reference prefix to "GOOG" from Rackspace's prefix "RACK," although the exhibits themselves are identical):

This petition differs from the Rackspace petition in the following ways:

Changed Subparts from IPR2014-00062	Changes
I. Introduction	New section; subsequent sections renumbered accordingly.
II.A Real Parties-in-Interest (37 C.F.R. § 42.8(b)(1))	Updated to reflect Real Parties in Interest Google Inc. and YouTube, LLC

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