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2013 WL 8595566 (Patent Tr. & App. Bd.)

Patent Trial and Appeal Board
Patent and Trademark Office (P.T.O.)

*1 EMC CORPORATION AND VMWARE, INC. PETITIONER
v.
PERSONALWEB TECHNOLOGIES, LLC PATENT OWNER

Case IPR2013-00087(JYC)
U.S. Patent No. 8,001,096 B2

May 17, 2013

For PETITIONER:
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Before KEVIN F. TURNER, JONI Y. CHANG, and MICHAEL R. ZECHER
Administrative Patent Judges
TURNER
Administrative Patent Judge

DECISION

Institution of *Inter Partes* Review

37 C.F.R. § 42.108

I. INTRODUCTION

EMC Corporation and VMware, Inc. ("EMC") filed a Petition ("Pet.," Paper No. 5) requesting *inter partes* re-

view of claims 1, 2, 81, and 83 of U.S. Patent No. 8,001,096 B2 ("the '096 Patent"). Patent owner, PersonalWeb Technologies LLC ("PersonalWeb"), filed a Preliminary Response ("Prelim. Resp.," Paper No. 11). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

> THRESHOLD --The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Taking into account PersonalWeb's Preliminary Response, we conclude that the information presented in the Petition demonstrates that there is a reasonable likelihood that EMC will prevail in challenging claims 1, 2, 81, and 83 as unpatentable under 35 U.S.C. § 103. Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to claims 1, 2, 81, and 83 of the '096 Patent.

A. Related Matters

EMC indicates that the '096 Patent was asserted against it in *PersonalWeb Technologies LLC v. EMC Corporation and VMware, Inc.,* Case No. 6:11-cv-00660-LED, pending in the U.S. District Court for the Eastern District of Texas (Pet. 1).

*2 EMC also filed five other Petitions seeking *inter partes* review of the following patents: U.S. Patent No. 5,978,791 (IPR2013-00082), U.S. Patent No. 6,415,280 (IPR2013-00083), U.S. Patent No. 7,945,544 (IPR2013-00084), U.S. Patent No. 7,945,539 (IPR2013-00085), and U.S. Patent No. 7,949,662 (IPR2013-00086) (*Id*.). According to EMC, those patents and the '096 Patent share a common disclosure (*Id* .(citing to EX 1008)).

B. The Invention of the '096 Patent (EX 1001)

The invention of the '096 Patent relates to a data processing system that identifies data items using substantially unique identifiers, otherwise referred to as True Names, which depend on all the data in the data item and only on the data in the data item (EX 1001, Spec. 1:44-48, 3:52-58, and 6:20-24). According to the '096 Patent, the identity of a data item depends only on the data and is independent of the data item's name, origin, location, address, or other information not directly derivable from the data associated therewith (EX 1001, Spec. 3:52-58). The invention of the '096 Patent also examines the identities of a plurality of data items in order to determine whether a particular data item is present in the data processing system (EX 1001, Spec. 3:59-62).

Figures 1(a) and 1(b) illustrate the data processing system that implements the invention of the '096 Patent (EX 1001, Spec. 5:9-13). Figure 1(a) is reproduced below:
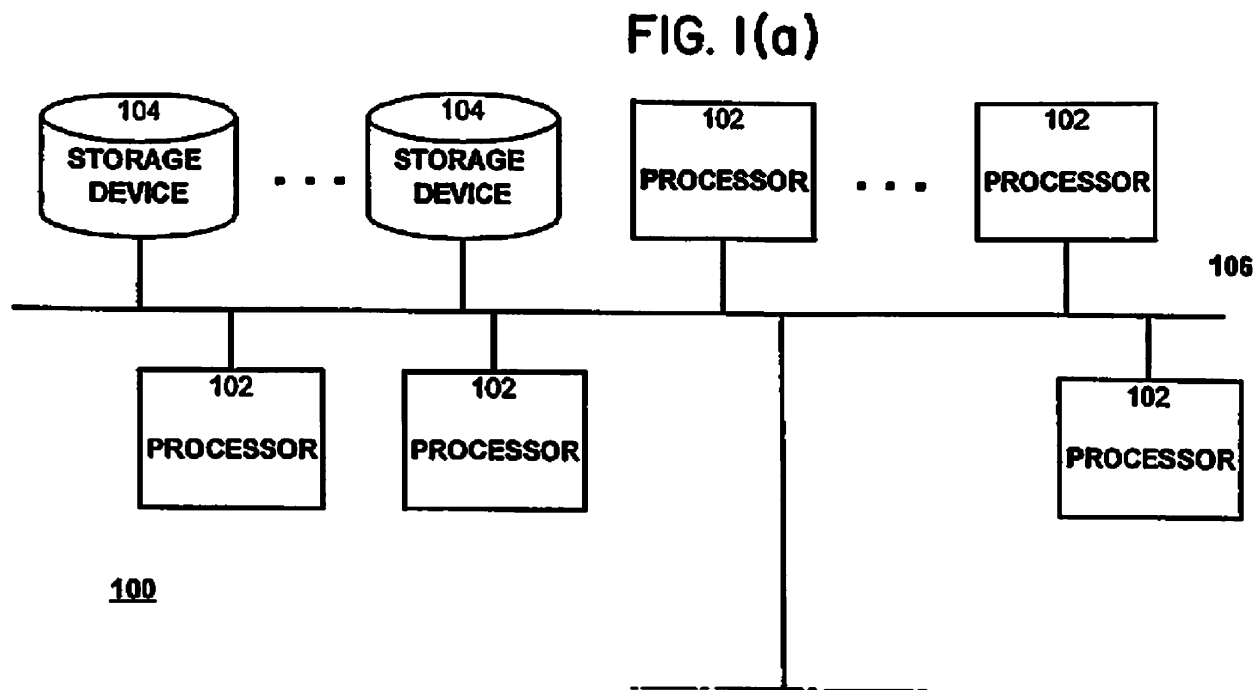
FIG. I(a)

Figure 1(a) illustrates the data processing system

The Specification of the '096 Patent discloses that the data processing system (100) includes one or more processors (102) and various storage devices (104) connected via bus (106) (EX 1001, Spec 5:14-19).

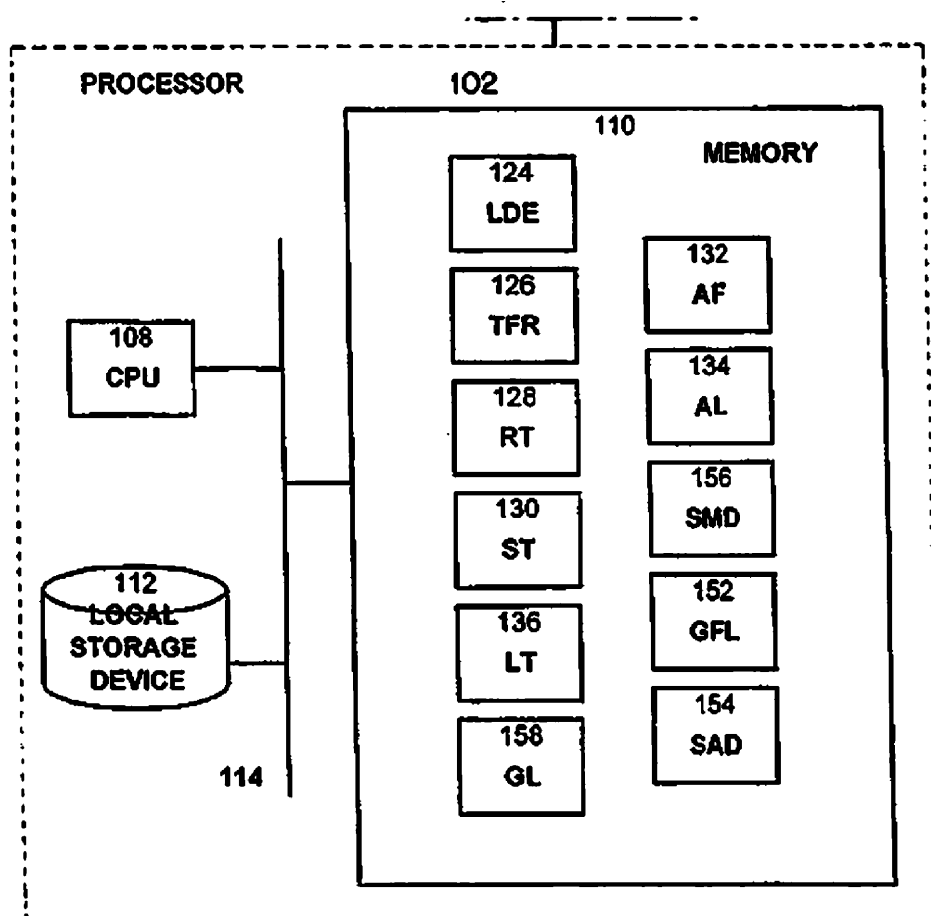***3** Figure 1(b) is reproduced below:

Figure 1(b) illustrates a typical data processor in the data processing system

The Specification of the '096 Patent discloses that each processor (102) includes a central processing unit (108), memory (110), and one or more local storage devices (112) connected via an internal bus (114) (EX 1001, Spec. 5:14-19). The memory (110) in each processor (102) stores data structures that are either local to the processor itself or shared amongst multiple processors in the data processing system (EX 1001, Spec. 8:7-17).

The Specification of the '096 Patent further discloses accessing data items by referencing their identities or True Names independent of their present location in the data processing system (EX 1001, Spec. 33:28-30). The actual data item or True file corresponding to a given data identifier or True Name is capable of residing anywhere on the data processing system, *i.e.*, locally, remotely, offline, etc. (EX 1001, Spec. 33:30-32). If a requested data item or True File is local with respect to the data processing system, a prospective user can access the data in the True File (EX 1001, Spec. 33:32-34). If a requested data item or True File is not local with respect to the data processing system, a prospective user may use the True File registry to determine the location of copies of the True File according to its given True Name (EX 1001, Spec. 33:34-38). However, if for some reason a prospective user cannot locate a copy of the requested data item or True File, the processor employed by the user may invoke the Request True File remote mechanism to submit a general request for the data item or True File to all the processors in the data processing system (EX 1001, Spec. 34:42-48).

C. Challenged Claims

Independent claim 1, along with claims 2, 81, and 83, is challenged by EMC in this *inter partes* review and is reproduced below:

1. A computer-implemented method operable in a file system comprising a plurality of servers, the method comprising the steps of:

(A) adding a data item to the file system, the data item consisting of a sequence of non-overlapping parts, each part consisting of a corresponding sequence of bits, by:

(A1) for each part in said sequence of parts, determining, using hardware in combination with software, a corresponding digital part identifier, wherein each said digital part identifier for each said part is determined based at least in part on a first function of all of the bits in the sequence of bits comprising the corresponding part, the first function comprising a first hash function;

(A2) determining, using a second function, a digital identifier for the data item, said digital data item identifier being based, at least in part, on the contents of the data item, wherein two identical data items in the file system will have the same digital data item identifier in the file system, said second function comprising a second hash function;

*4 (A3) storing each part in said sequence of parts on multiple servers of said plurality of servers in the file system;

(A4) storing first mapping data that maps the digital data item identifier of the data item to the digital part identifiers of the parts comprising the data item;

(A5) storing second mapping data that maps the digital part identifier of each part in said sequence of parts to corresponding location data that identifies which of the plurality of servers in the file system stores the corresponding part; and

(B) repeating step (A) for each of a plurality of data items; and

(C) attempting to access a particular data item in the file system by:

(C1) obtaining a particular digital data item identifier of the particular data item, said particular digital data item identifier of said particular data item being included in an attempt to access said particular data item in said file system;

(C2) attempting to match, using hardware in combination with software, said particular digital data item identifier of said particular data item with a digital data item identifier in said first mapping data; and

(C3) based at least in part on said attempting to match in step (C2), when said particular digital data item identifier obtained in step (C1) corresponds to an identifier in said first mapping data, using said first mapping data to determine a digital part identifier of each part comprising the particular data item;

(C4) using said second mapping data and at least one digital part identifier determined in step (C3) to determine location data that identifies which of the plurality of servers in the file system stores the corresponding at least one part of the particular data item;

(C5) attempting to access at least one part of the particular data item at one or more servers identified in step (C4) as storing said at least one part.

D. Prior Art Relied Upon

EMC relies upon the following prior art references:

Mahadev Satyanarayanan, *"Scalable, Secure, and Highly Available Distributed File Access,"* 23 IEEE Com-

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