

EXHIBIT 1011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIPNET EU S.R.O.
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.
Patent Owner.

Case IPR2013-00246
Patent 6,108,704

Before KALYAN K. DESHPANDE, THOMAS L. GIANNETTI, and
TRENTON A. WARD, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

Petitioner, Sipnet EU S.R.O. (“Sipnet”), filed a petition to institute an *inter partes* review of claims 1-7 and 32-42 of U.S. Patent 6,108,704 (the “’704 patent”). Paper 1 (“Pet.”). Patent Owner, Straight Path IP Group (“Straight Path”) (formerly known as Innovative Communications Technologies, Inc.), timely filed a preliminary response. Paper 8 (“Prelim. Resp.”). The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a) which provides as follows:

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.

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C. §§ 102 and/or 103 on the following specific grounds (Pet. 17-58):

Reference(s)	Basis	Claims challenged
Messenger – Ryan ¹ and Messenger – NT Unleashed ²	§ 102, § 103	1-7 and 32-42
NetBIOS ³ or WINS ⁴ in view of Messenger – Ryan and Messenger – NT Unleashed	§ 103	1-7 and 32-42

¹ Ralph Ryan, LAN MANAGER 2.0 (Megan E. Sheppard et al. eds. 1990) (Ex. 1011) (“Messenger – Ryan”).

² Robert Cowart et al., WINDOWS NT UNLEASHED (Cindy Morrow et al eds., 1994) (Ex. 1012) (“Messenger – NT Unleashed”).

³ THE OPEN GROUP, TECHNICAL STANDARD – PROTOCOLS FOR X/OPEN PC INTERNETWORKING/SMB, VERSION 2 (1992) (Ex. 1003) (“NetBIOS”).

⁴ WINDOWS NT 3.5, TCP/IP USER GUIDE (1994) (Ex. 1004) (“WINS”).

Reference(s)	Basis	Claims challenged
NetBIOS in view of WINS	§ 103	1-7 and 32-42
NetBIOS	§ 102	1-7 and 32-42
WINS	§ 102	1-7 and 32-42
DNS 1 ⁵ , DNS 2 ⁶ , and DNS Orig. ⁷	§ 102, § 103	1-7 and 32-42
DEC '652 ⁸	§ 102	1, 2, and 4-6
DNS 1, DNS 2, and DNS Orig. in view of VocalTec ⁹ , Taligent '278 ¹⁰ , or '704 ¹¹	§ 103	1-7 and 32-42

For the reasons given below, we grant the petition and institute an *inter partes* review of claims 1-7 and 32-42.

B. The '704 Patent

The '704 patent (Ex. 1001) is titled "Point-to-Point Internet Protocol" and generally relates to establishing a point-to-point communication link. Ex. 1001 col. 2, ll. 53-57. The patent explains that a first processing unit automatically transmits its associated e-mail address, and its dynamically allocated IP address, to

⁵ Susan Thomson et al., DNS Dynamic Updates, IETF DNSIND WORKING GROUP, July 14, 1994 (Ex. 1006) ("DNS1").

⁶ Susan Thomson et al., DNS Dynamic Updates, FOILS, July 1994 (Ex. 1007) ("DNS2").

⁷ P. Mockapetris, RFC1034, Domain Names – Concepts and Facilities (Ex. 1013) ("DNS Orig.").

⁸ U.S. 5,483,652 (Ex. 1010) ("DEC '652").

⁹ VocalTec ware lets users make voice calls over 'Net, NETWORK WORLD, Feb. 13, 1995 (Ex. 1014) ("VocalTec").

¹⁰ U.S. 5,566,278 (Ex. 1015) ("Taligent '278")

¹¹ U.S. 6,108,704 (Ex. 1001) ("'704").

a connection server. *Id.* at col. 5, ll. 25-38. The connection server stores the addresses in a database and, thus, the first processing unit is established as an active on-line party available for communication. *Id.* The first processing unit sends a query to the connection server, which searches the database to determine whether a second processing unit is active and on-line. *Id.* at col. 5, ll. 55-60. If the callee is active and on-line, the connection server sends the IP address of the callee from the database to the first processing unit, i.e., performs a point-to-point Internet protocol communication. *Id.* at col. 5, ll. 60-64. The first processing unit then directly establishes the point-to-point Internet communications with the callee using the retrieved IP address. *Id.* at col. 5, ll. 64-67.

Figure 1 of the '704 patent is reproduced below:

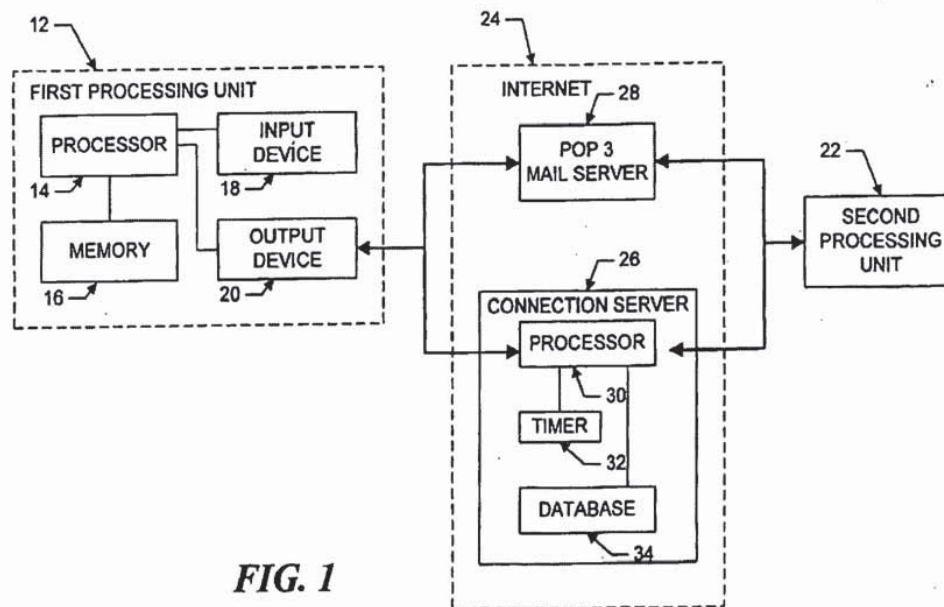


FIG. 1

Figure 1 illustrates the architecture between first processing unit 12, second processing unit 22, and connection server 26. *Id.* at col. 5, ll. 15-29.

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