UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., &
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
CISCO SYSTEMS, INC., and AVAYA, INC.,

Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.

Patent Owner

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Case IPR2014-01366[1]
U.S. Patent No. 6,009,704

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**PATENT OWNER'S RESPONSE
TO PETITIONER'S ADDITIONAL BRIEFING**

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[1] IPR2015-01011 has been joined with this proceeding.

Table of Contents

TABLE OF AUTHORITIES

TABLE OF ABBREVIATIONS

WORD PHRASE	ABBREVIATION
Petitioner's Supplemental Brief	Br.
Court of Appeals for the Federal Circuit	CAFC
Petitioner's Petition for *Inter Parties* Review	Pet.
Straight Path's Patent Owner Preliminary Response	PR
Straight Path's Patent Owner Response	R
Federal Circuit Opinion in *Straight Path IP Group, Inc. v. Sipnet EU S.R.O.*, No. 15-1212 (Fed. Cir. Nov. 25, 2015) **(Exhibit 2024)**	*Sipnet*

When the CAFC rejected Sipnet's and Petitioner's claim construction arguments in the Sipnet Appeal, Petitioner effectively lost its IPR. In Petitioner's Petition and Reply Brief, it provided no argument or evidence that WINS and NetBIOS disclosed the "is connected" limitations under Straight Path's—and now the CAFC's—construction. Instead, Petitioner chose to rely solely on its proposed "registered" construction, which the CAFC has now explicitly rejected: "[i]t is not a reasonable interpretation of the claim language, considering its plain meaning, to say that it is satisfied by a query that asks only for registration information, regardless of its current accuracy." *Sipnet* at 7.

I.   The CAFC's Construction Of "is connected" Is Controlling

Representative challenged claim 1 is directed to a "computer program product" that (1) transmits to the server a "query as to whether the second process *is connected to the computer network*," and (2) receives the second process's network protocol address from the server "when the second process *is connected to the computer network*." (R at 36; '704 patent at claim 1; *see also* claims 11-12, 14, 16, 22-23, 27, 30-31).

In *Sipnet*, the CAFC construed this same "is connected to the computer network" limitation "and the counterpart claim phrases that the parties agree bear the same meaning . . . to mean '*is connected to the computer network at the time that the query is transmitted to the server*.'" *Sipnet* at 13 (emphasis added). The

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