UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIPNET EU S.R.O.
Petitioner

v.

INNOVATIVE COMMUNICATIONS TECHNOLOGIES, INC.
Patent Owner

Patent No. 6,108,704
Filing Date: September 25, 1995
Issue Date: August 22, 2000
Title: POINT-TO-POINT INTERNET PROTOCOL

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Inter Partes Review No. <u>Unassigned</u>

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**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.***

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LIST OF EXHIBITS

Exhibit 1001: U.S. Patent No. 6,108,704 ("the '704 patent")

Exhibit 1002: Form PTO-SB/42 ("IDS")

Exhibit 1003: NetBIOS   "Technical Standard – Protocols for X/Open PC Interworking: SMB, Version 2" [includes Appendix F "RFC1001, Protocol Standard for a NetBIOS Service on a TCP/UDP Transport: Concepts and Methods" & Appendix G "RFC1002, Protocol Standard for a NETBIOS Service on a TCP/UDP Transport: Detailed Specifications."] ("NetBIOS")

Exhibit 1004: Windows NT 3.5 "TCP/IP User Guide, September 21, 1994 ("WINS")

Exhibit 1005: http://en.wikipedia.org/wiki/Windows_NT_3.5 [Wikipedia entry establishing Sept. 21, 1994 as release date of Windows NT 3.5] ("WINS Release Date")

Exhibit 1006: Susan Thomson, et al., DNS Dynamic Updates, IETF DNSIND Working Group (Jul. 14, 1994) (DNS 1)

Exhibit 1007: Susan Thomson, Yakov Rekhter, et al., DNS Dynamic Updates, Foils (July 1994) (DNS 2)

Exhibit 1008: Claim Construction Order in ICT v. Vivox and Stalker ("Claim Construction Order")

Exhibit 1009: Joint Claim Construction Chart in Net2Phone Inc. v. eBay Inc., Skype Technologies, et al. ("Claim Construction Chart")

Exhibit 1010:   Digital Equipment Corporation Patent 5,483,652 , filed Jan 24, 1994 ("DEC '652")

Exhibit 1011: Ryan, "LAN Manager 2.0," 1990 ("Messenger - Ryan")

Exhibit 1012: Robert Cowart, et al. "Windows NT Unleashed", March 1994 ("Messenger - NT Unleashed") [Exhibits 1011 & 1012 together are "Messenger"].

Exhibit 1013: P. Mockapetris, "RFC1034. DOMAIN NAMES - CONCEPTS AND FACILITIES" ("DNSOrig").

Exhibit 1014: "VocalTec ware lets users make voice calls over 'Net," Network World, Feb. 13, 1995 ("VocalTec").

Exhibit 1015: Taligent Patent 5,566,278 ("Taligent '278").

Introduction

Petition Eligibility. Through counsel, real party in interest Sipnet EU S.R.O. ("Petitioner") hereby petitions for initiation of *inter partes* review of U.S. Patent No. 6,108,704 ("the '704 Patent"), with an assignment from the previous owners to Innovative Communications Technologies, Inc. (all owners collectively referred to as "Patent Owner"), recorded in the U.S. Patent Office Database. The '704 Patent issued on August 22, 2000, more than nine months prior to the filing of this petition. The '704 Patent is currently asserted in a co-pending litigation, against third parties not affiliated with petitioner. *See* Exhibit 1006. Petitioner has not been served with a complaint alleging infringement of the '704 Patent. Thus, the '704 Patent is eligible for *inter partes* review.

Summary. The '704 Patent claims are directed to computers registering an internet address with a name server over a network (e.g., Internet) so they can initiate point-to-point communication (e.g., text messaging). In previous prosecution, Patent Owner acknowledged that such registration and point-to-point communication is in the prior art, but claimed that determining that the computers are online is new, by providing dynamic addressing that tracks new addresses for the same computer each time it connects to the network. In particular, the NetBIOS prior art submitted in the ex-parte reexamination was argued to not have dynamic addressing.

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