

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., TOSHIBA CORP.,
VIZIO, INC., HULU, LLC,
CISCO SYSTEMS, INC., and AVAYA INC.,
Petitioners,

v.

STRAIGHT PATH IP GROUP, INC.
(FORMERLY KNOWN AS INNOVATIVE COMMUNICATIONS
TECHNOLOGIES, INC.)
Patent Owner

Case IPR2015-00198¹
Patent 6,009,469 C1

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

¹ IPR2015-01400 has been joined with this proceeding.

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<u>WORD PHRASE</u>	<u>ABBREVIATION</u>
Petitioner's Supplemental Brief	Br.
Court of Appeals for the Federal Circuit	CAFC
Petitioner's Petition for <i>Inter Parties</i> Review	Pet.
Straight Path's Patent Owner Preliminary Response	PR
Straight Path's Patent Owner Response	R
Federal Circuit Opinion in <i>Straight Path IP Group, Inc. v. Sipnet EU S.R.O.</i> , No. 15-1212 (Fed. Cir. Nov. 25, 2015) (Exhibit 2042)	<i>Sipnet</i>

I. The CAFC’s Construction Of “is connected” Is Controlling.

Challenged claim 3 of U.S. Patent No. 6,009,469 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 35; ’469 patent at claim 3; *see also* claims 6, 9, 10, 14, 17, and 18).

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 CAFC’s construction is controlling here, and Petitioner does not argue otherwise. *See, e.g., Phonometrics, Inc. v. Westin Hotel Co.*, 350 F.3d 1242, 1244-1245 (Fed. Cir. 2003).

II. WINS and NetBIOS Do Not Teach The “is connected” Limitations Under The CAFC’s Construction.

Unlike the challenged claims under the CAFC’s construction, WINS and NetBIOS do not describe any mechanisms for tracking or determining whether a computer (much less the claimed process) is connected to the computer network at the time of the query, nor do they describe any mechanism for sending the requested target’s address dependent on if that target is in fact connected to the

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