

**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.,  
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.  
Patent Owner

---

*INTER PARTES* REVIEW OF U.S. PATENT NO. 6,009,469

Case IPR No. IPR2015-00198<sup>1</sup>

---

**REPLY DECLARATION OF BRUCE M. MAGGS, PH.D.**

---

<sup>1</sup> IPR2015-01400 has been joined with this proceeding.

I, Bruce M. Maggs, Ph.D., declare:

1. I have been retained by counsel for the Petitioner to submit this reply declaration in connection with Petitioner's Petition for *Inter Partes* Review of Claims 1–3, 5, 6, 9, 10, 14, 17, and 18 of U.S. Patent No. 6,009,469 (“the ’469 patent”) (Exhibit 1001). I am being compensated for my time at a rate of \$700 per hour, plus actual expenses. My compensation is not dependent in any way upon the outcome of this Petition.

### **I. MATERIALS REVIEWED AND CONSIDERED**

2. In connection with my work in this matter, I have reviewed the ’469 patent (Exhibit 1001), Patent Owner's Response, and the following other documents:

Exhibit	Description
1039	IETF RFC 903, June 1984 (“A Reverse Address Resolution Protocol”) (“RARP”)
1040	IETF RFC 951, September 1985 (“Bootstrap Protocol”) (“BOOTP”)
1001	U.S. Patent No. 6,009,469 (“’469 patent”)
1003	Microsoft Windows NT Server Version 3.5 (“WINS”)
1004	Technical Standard: Protocols for X/Open PC Interworking: SMB, Version 2 (“NetBIOS”)
1020	U.S. Patent No. 5,533,110 (“Pinard”)
2038	August 15, 2015 Declaration of Stuart Stubblebine

I also have relied on my academic and professional experience in reaching the opinions expressed in this declaration.

## **II. RESPONSES TO DR. STUBBLEBINE’S DESCRIPTION OF THE STATE OF THE PRIOR ART OF THE ’469 PATENT.**

3. Dr. Stubblebine contends that “[t]he ’469 Patent solved the problems caused by dynamic allocation of IP addresses to computers continually connecting and disconnecting from the internet . . . .” (Exhibit 2038 ¶ 16.) But dynamic addressing was already in the prior art, even before the publication of NetBIOS and WINS. One prior art example is the Reverse Address Resolution Protocol (RARP), which provided a method for workstations to find their protocol address given only their hardware address. (Exhibit 1039.) RARP specified that a server maintained a database of mappings from hardware address to protocol address, and responded to requests from client hosts to provide such mappings. (Exhibit 1039 at 1.) A second prior art example is the Bootstrap Protocol (BOOTP), which—like RARP—allowed a workstation to discover its IP address using its hardware address. (Exhibit 1040.) Also like RARP, BOOTP specified that a server would maintain a database relating IP address to hardware addresses. (Exhibit 1040 at 2.) BOOTP further specified how a server would record such a mapping, and provided an example database in which a server mapped IP addresses to generic names as well as hardware addresses. (Exhibit 1040 at 11.)

## **III. RESPONSES TO DR. STUBBLEBINE’S NON-OBVIOUSNESS ARGUMENTS**

### **A. Claim Construction**

#### **1. Process**

4. Claims 1–3, 5, 6, 9–10, and 14 of the ’469 patent recite the element “process.” Dr. Stubblebine has opined that the claim limitation “process” means

“a running instance of a computer program or application.” (Exhibit 2038 ¶ 25.) Dr. Stubblebine contends that I have “agreed to” the construction “in this proceeding.” (*Id.*) Dr. Stubblebine’s contention is imprecise.

5. During International Trade Commission Investigation No. 337-TA-892, I agreed with the joint construction of the parties<sup>2</sup> that “process” should be construed as a “running instance of a computer program or application.”

6. Dr. Stubblebine opines that “[t]he definition of process in the context of the ’469 patent does not include . . . operating systems.” (Exhibit 2038 ¶ 26.) I disagree. As I pointed out in my original declaration, an operating system is a “process” as that term is used in the ’469 patent and under Dr. Stubblebine’s proposed construction. Dr. Stubblebine has defined “process” to include “a

---

<sup>2</sup> Straight Path IP Group, Inc. was the Complainant in that Investigation. At the time I issued my report, Respondents were AmTran Logistics, Inc.; AmTran Technology Co., Ltd.; LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A, Inc.; Panasonic Corporation; Panasonic Corporation of North America; Sony Computer Entertainment, Inc.; Sony Computer Entertainment America LLC; Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Mobile Communications AB; Sony Mobile Communications (USA) Inc.; Toshiba Corporation; Toshiba America Inc.; Toshiba America Information Systems, Inc., and Vizio, Inc. Hulu, a Petitioner in this proceeding, was not a party to the ITC investigation.

running instance of a computer program.” A person of ordinary skill in the art of the ’469 patent understood that an operating system is a type of a computer program.

7. Dr. Stubblebine states that the specification of the ’469 patent supports his special definition of “computer program,” which, in his view, excludes operating systems. However, none of the examples he cites to the specification support his definition. The first citation simply sets forth non-limiting examples of computer programs. (Exhibit 2038 ¶ 26 (citing Exhibit 1001 at 5:18-33).) The second citation—which provides that “processing unit[s] . . . may be implemented in a personal digital assistant”—is entirely consistent with the plain and ordinary meaning. A person of ordinary skill in the art would have understood that personal digital assistants of the time had resident operating systems.

8. Dr. Stubblebine also opines that the ’469 patent “distinguish[es] between processes and operating systems.” (Exhibit 2038 ¶ 26.) Here too I disagree. While the patent describes programs running on an operating system, it does not follow that an operating system is not a computer program.

## **2. Connected to the computer network / on-line status**

9. Claims 3, 6, and 9 of the ’469 patent recite either the element “connected to the computer network” or the element “on-line status.” Dr. Stubblebine opines that the terms “connected to the computer network” and “on-line” mean “available for communication.” Dr. Stubblebine has also opined that those same elements do not include “registered with a server.”

10. Dr. Stubblebine’s interpretation of the ’469 patent excludes every single example of the claimed technology described in the patent. Indeed, every embodiment of the claimed technology in the ’469 patent teaches that the online

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.