

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

CONTENTGUARD HOLDINGS, LLC
Patent Owner.

Patent No. 7,774,280

Issued: August 10, 2010

Filed: October 4, 2004

Inventors: Mai Nguyen, *et al.*

Title: SYSTEM AND METHOD FOR MANAGING
TRANSFER OF RIGHTS USING SHARED
STATE VARIABLES

and

Patent No. 8,001,053

Issued: August 16, 2011

Filed: October 4, 2004

Inventors: Mai Nguyen, *et al.*

Title: SYSTEM AND METHOD FOR RIGHTS
OFFERING AND GRANTING USING SHARED
STATE VARIABLES

Inter Partes Review Nos. IPR2015-00351, 352, 353, 354, 355, 356, 357, and 358

**Declaration of Atul Prakash Regarding
U.S. Patent No. 7,774,280 and U.S. Patent No. 8,001,053**

I, Atul Prakash, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: December 8, 2014

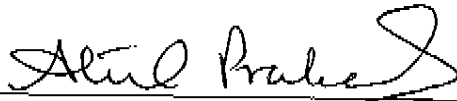

Atul Prakash

Table of Contents

I.	Introduction.....	1
A.	Engagement.....	1
B.	Background and Qualifications.....	1
C.	Compensation and Prior Testimony.....	4
D.	Information Considered.....	5
II.	Legal Standards for Patentability	5
A.	Anticipation.....	6
B.	Obviousness.....	8
C.	Means-Plus-Function Claims	13
III.	The Nguyen Patents.....	14
A.	Effective Filing Date	14
B.	Prosecution History	16
1.	PTO And Board Decisions Regarding “Meta-Rights” and “State Variables”.....	16
2.	’280 Patent Prosecution History	22
3.	’053 Patent Prosecution History	24
C.	The Person of Ordinary Skill in the Art.....	26
D.	Overview of the Nguyen ’280 and ’053 Patents	27

1.	The '280 patent	27
2.	The '053 patent	34
IV.	Background: The State of the Art in 2001.....	39
A.	Description of Background Technology Relevant to the '280 and '053 Patents.....	39
1.	Overview	39
2.	Usage Rights	42
3.	Meta-rights.....	52
4.	State Variables	67
5.	Sharing Rights, States, and State Variables.....	78
V.	General Issues Related to My Patentability Analysis	89
A.	The Claims of the '280 Patent I Am Addressing in this Report	90
B.	The Claims of the '053 Patent I Am Addressing in this Report	94
C.	Interpretation of Certain Claim Terms.....	99
1.	Usage Rights	100
2.	Manner of Use.....	106
3.	Meta-right.....	107
4.	Enforcing a Usage Right or a Meta-Right	112
5.	Created Right	113
6.	State Variable.....	115

7.	Share a Right, State, or State Variable.....	117
8.	Repository	117
9.	Wherein the created right “includes” at least one state variable	121
10.	License	122
11.	“Sharing” “Inheriting” “Updating” and “Transferring”	123
12.	“Means for obtaining a set of rights”	125
13.	“Means for determining ...”	126
14.	“Means for exercising the meta-right...”	127
D.	Prior Art References	128
1.	Exhibit 1007 – Ginter.....	128
2.	Exhibit 1008 - Gruse	130
3.	Exhibit 1009 - England	136
4.	Exhibit 1010 - Ireton	142
5.	Exhibit 1011 - Wiggins.....	145
VI.	Patentability Analysis of Claims 1-5, 8, 11-16, 19, 22, 24-28, 31 and 34 of the ’280 Patent	147
A.	Exhibit 1007 – Ginter	147
1.	Claim 1	147
2.	Claim 12	167
3.	Claim 24	168

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.