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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RICHARD A. WILLIAMSON, ON BEHALF
OF AND AS TRUSTEE FOR AT HOME
BONDHOLDERS' LIQUIDATING TRUST,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:15-CV-00966-BLF

**DEFENDANT GOOGLE INC.'S FIRST
AMENDED INVALIDITY
CONTENTIONS**

Judge: Hon. Beth Labson Freeman

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DEFENDANT GOOGLE INC.'S FIRST AMENDED INVALIDITY CONTENTIONS

Pursuant to Patent Local Rules (“P.L.R.”) 3-3 and 3-6 of the United States District Court for the Northern District of California, the parties’ agreement to provide amended contentions in compliance with the Patent Local Rules, and the Court’s September 3, 2015 Case Management Order [Dkt. No. 108], Defendant Google Inc. (“Google”) hereby provides to Plaintiff Richard A. Williamson, on behalf of and as trustee for At Home Bondholders’ Liquidating Trust (“Williamson”), these First Amended Invalidity Contentions with respect to the Asserted Claims of U.S. Patent Nos. 6,014,698 (“the ’698 patent”) and 6,286,045 (“the ’045 patent”) (collectively, “the Asserted Patents”).

The First Amended Invalidity Contentions set forth below are based on information currently available to Google. As before, Google’s investigation and analysis of prior art is ongoing. Furthermore, Williamson’s infringement contentions remain high-level, generally non-specific, and do not comply with the Patent Local Rule 3-1 (as addressed in a related letter dated September 21, 2015). Moreover, Williamson has still not produced documents regarding any alleged prior conception and reduction to practice, or any prior art identified in any prior communications concerning the Asserted Patents or otherwise known to Williamson. Google therefore reserves all rights to supplement or modify these contentions based on continued discovery, evaluation of the scope and content of the prior art, and/or changes in Williamson’s Asserted Claims or contentions.

In addition, the Court has not yet issued a claim construction ruling. Accordingly, Google cannot provide complete and final invalidity contentions at this time. In the interim, Google’s First Amended Invalidity Contentions are based on the claim constructions apparently underlying the infringement contentions set forth in Williamson’s First Amended Patent Infringement Contentions, to the extent that such constructions are discernable. These First

Amended Invalidity Contentions are not intended to, and do not, reflect Google's positions as to the proper construction of the Asserted Claims. To the extent that the following First Amended Invalidity Contentions reflect an interpretation consistent with the apparent construction adopted by Williamson's First Amended Infringement Contentions, no inference is intended nor should any be drawn that Google agrees with Williamson's claim constructions, and Google expressly reserves its right to contest such constructions.¹ Further, no inference is intended nor should any be drawn that the claim limitations satisfy 35 U.S.C. § 112, and Google reserves the right to contend otherwise.

I. P.L.R. 3-3(a) – Identification of Prior Art Under 35 U.S.C. §§ 102 and/or 103

The Asserted Patents share a substantially identical specification and, further, have similar claims. In compliance with P.L.R. 3-3(a), Google provides a consolidated list identifying each piece of prior art that anticipates and/or renders obvious one or more claims of the Asserted Patents. The list also includes items being relied upon to show knowledge or use by others under § 102(a), public use or on-sale bar under § 102(b), derivation or prior inventorship under §§ 102(f)/(g), and the identity of person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s), including relevant dates where presently known.

Patent or Patent Publication (and Author)	Date of Filing, Issuance and/or Publication
U.S. Patent No. 5,933,811 (Angles)	filed August 20, 1996; issued August 3, 1999
U.S. Patent No. 6,108,637 (Blumenau)	filed September 3, 1996; issued August 22,

¹ For example, Williamson's contentions do not address the requirement that the first request signal includes information intended to prevent it from being blocked "as a result of previous caching," effectively reading that limitation (and others like it) out of the claims.

	2000
U.S. Patent No. 5,796,952 (Davis)	filed March 21, 1997; issued August 18, 1998
U.S. Patent No. 5,812,769 (Graber)	filed September 20, 1995; issued September 22, 1998
U.S. Patent No. 5,751,956 (Kirsch)	filed February 21, 1996; May 12, 1998
U.S. Patent No. 5,948,061 (Merriman)	filed October 29, 1996; issued September 7, 1999
U.S. Patent No. 5,960,409 (Wexler)	filed October 11, 1996; issued September 28, 1999
Other Printed Publications	Date of Publication
R. Bennett, "How Interactive Ads are Delivered and the Measurement Implications," <i>CASIE Glossary of Internet Advertising Terms and Interactive Media Measurement Guidelines</i> ("Bennett CASIE Article")	1997
C. Brown and S. Benford, "Tracking WWW Users: Experience from the Design of HyperVisVR," Proceedings of Webnet 96	Oct. 15-19, 1996
A. Dingle & T. Partl, <i>et al.</i> , "Web Cache Coherence"	May 6-10, 1996
T. Berners-Lee <i>et al.</i> , "Hypertext Transfer Protocol – HTTP/1.0" ("HTTP 1.0")	February 19, 1996
R. Fielding <i>et al.</i> , "Hypertext Transfer Protocol – HTTP/1.1"	November 22, 1995
R. Fielding <i>et al.</i> , "Hypertext Transfer Protocol – HTTP/1.1"	April 23, 1996
R. Fielding <i>et al.</i> , "Hypertext Transfer Protocol – HTTP/1.1"	January 1997
M. Garland <i>et al.</i> , "Implementing Distributed Server Groups for the World Wide Web"	January, 25, 1995
S. Gundavaram, "CGI Programming on the World Wide Web"	March 1996

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