UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRIENDFINDER NETWORKS INC., STREAMRAY INC., WMM, LLC, WMM HOLDINGS, LLC, MULTI MEDIA, LLC, AND DUODECAD IT SERVICES LUXEMBOURG S.À.R.L.
Petitioners
v.

WAG ACQUISITION, LLC
Patent Owner

U.S. Patent No. 8,122,141

Inter Partes Review Case No. 2015-01037

PATENT OWNER PRELIMINARY RESPONSE

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EXHIBIT LIST

Exhibit Number	Description
2001	Copy of the Su thesis microfiche from the National Library of Canada.
2002	National Library of Canada envelope in which microfiche indexes of bibliographic information on Canadian writings are stored.
2003	Copy of an index microfiche containing bibliographic information for Canadian works from April 1999 ordered alphabetically by titles and authors beginning with the letter "C."
2004	Copy of an index microfiche containing bibliographic information for Canadian works from April 1999 ordered alphabetically by titles and authors beginning with the letter "S."
2005	Black-on-white reversed image blowup of the bibliographic entry for the Su thesis, which appears on the index microfiche of Exhibit 2003.
2006	Black-on-white reversed image blowup of the bibliographic entry for the Su thesis, which appears on the index microfiche of Exhibit 2004.

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Patent Owner WAG Acquisition, L.L.C. ("Patent Owner" or "WAG") respectfully submits this Preliminary Response in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107, responding to the Petition for *inter partes* review (the "Petition") filed by Friendfinder Networks, Inc, *et al*. ("Petitioners") regarding the claims of U.S. Patent No. 8,122,141 (the "'141 Patent").

I. Introduction and Summary of Argument

While the patent owner is not required to file a Preliminary Response (37 C.F.R. § 42.107(a)), WAG takes this limited opportunity to point out the shortcomings of the Petition and the reasons why the Board should not institute trial.

By statute, the Board must decide whether to institute a trial based on "the information presented in the petition." 35 U.S.C. § 314(a). Petitioners bear the burden of demonstrating a reasonable likelihood that they would prevail in showing unpatentability on the grounds asserted in the Petition. 37 C.F.R. § 42.108(c).

Petitioners' burden includes, *inter alia*, explaining in the Petition how each challenged claim is construed and how the prior art teaches that claim. *World Bottling Cap, LLC v. Crown Packaging Tech., Inc.*, Case IPR2015-00296, slip op. at 5 (PTAB May 27, 2015) (Paper 8); *see also* 37 CFR § 42.104(b)(3)-(4).

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