

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and AVAYA INC.
Petitioners

v.

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

INTER PARTES REVIEW OF U.S. PATENT NO. 6,009,469
Case IPR No.: IPR2015-01400

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,009,469
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.*

Filed on behalf of Petitioners

By: David L. Cavanaugh, Reg. No. 36,476
Jason D. Kipnis, Reg. No. 40,680
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Tel: (202) 663-6000
Fax: (202) 663-6363

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MANDATORY NOTICES	3
	A. Real Party-in-Interest	3
	B. Related Matters.....	3
	C. Counsel and Service Information.....	6
III.	CERTIFICATION OF GROUNDS FOR STANDING	7
IV.	OVERVIEW OF CHALLENGE AND RELIEF REQUESTED.....	7
V.	OVERVIEW OF THE '469 PATENT (EX. 1001)	9
	A. Summary of the Alleged Invention	9
	1. Step 1: Processing Units Obtain Dynamically Assigned IP Addresses	10
	2. Step 2: Processing Units Register Their IP Addresses and Identifiers with a Connection Server	10
	3. Steps 3 & 4: First Processing Unit Sends Query to Connection Server, Which Returns IP Address of Second Processing Unit	11
	4. Step 5: First Processing Unit Uses Received IP Address to Establish Point-to-Point Communication with Second Processing Unit	12
	5. Using a “User Interface” to Control the Process	13
	B. Original Prosecution of the '469 Patent.....	14
	C. Prior <i>Ex Parte</i> Reexamination of the '469 Patent.....	14
	D. The Sipnet <i>Inter Partes</i> Review for the '704 Patent (Ex. 1010).....	16
VI.	OVERVIEW OF THE PRIMARY PRIOR ART REFERENCES.....	16
	A. WINS (Ex. 1003).....	16
	1. Step 1: Processing Units Obtain Dynamically Assigned IP Addresses from DHCP Servers.....	17
	2. Step 2: Processing Units Register Their IP Addresses and Identifiers with the WINS Server	19

3.	Steps 3 & 4: First Processing Unit Sends Query to WINS Server and Receives the IP Address of the Second Processing Unit	23
4.	Step 5: First Processing Unit Uses Received IP Address to Establish Point-to-Point Communication with Second Processing Unit	24
B.	NetBIOS (Ex. 1004)	25
1.	Step 1: Processing Units Have Assigned IP Addresses	26
2.	Step 2: Processing Units Register Their IP Addresses and Identifiers with the NBNS	26
3.	Steps 3 & 4: First Processing Unit Sends Query to the NBNS and Receives the IP Address of the Second Processing Unit	28
4.	Step 5: First Processing Unit Uses Received IP Address to Establish Point-to-Point Communications with Second Processing Unit	29
C.	Pinard (Ex. 1020)	30
VII.	CLAIM CONSTRUCTION	33
A.	“Point-To-Point Communication” (Claims 1, 5); “Point-to-Point Communication Link” (Claims 2-3, 9 and 10)	34
B.	“Unique Identifier” (Claim 1)	34
C.	“Program Code For Determining The Currently Assigned Network Protocol Address Of The First Process Upon Connection To The Computer Network” (Claim 1) / “Determining The Currently Assigned Network Protocol Address Of The First Process Upon Connection To The Computer Network” (Claim 5)	35
D.	“Connected To The Computer Network” (Claims 3, 6) / “Connection To The Computer Network” (Claim 5) / “On-Line” (Claim 9)	36
E.	“Accessible” (Claim 9)	36
VIII.	SPECIFIC GROUNDS FOR PETITION	37
A.	Ground I: Claims 1-3, 9-10, 14 and 17-18 Would Have Been Obvious Over WINS, NetBIOS and Pinard	37
1.	Level of Ordinary Skill in the Art	37

2.	One Skilled in the Art Would Have Been Motivated to Combine WINS, NetBIOS and Pinard.	38
3.	Claim 1 (Independent) Should Be Cancelled.	40
4.	Claim 2 (Depends From Claim 1) Should Be Cancelled.....	47
5.	Claim 3 (Depends From Claim 2) Should Be Cancelled.....	48
6.	Claim 9 (Independent) Should Be Cancelled.	51
7.	Claim 10 (Depends From Claims 8/9) Should Be Cancelled.....	55
8.	Claim 14 (Depends From Claim 9) Should Be Cancelled.....	56
9.	Claim 17 (Depends From Claim 9) Should Be Cancelled.....	57
10.	Claim 18 (Depends From Claim 17) Should Be Cancelled.	58
B.	Ground II: Claims 5 and 6 Would Have Been Obvious Over WINS and NetBIOS.	58
1.	One Skilled in the Art Would Have Been Motivated to Combine WINS and NetBIOS.	58
2.	Claim 5 (Independent) Should Be Cancelled.	59
3.	Claim 6 (Depend From Claim 5) Should Be Cancelled.	60
IX.	CONCLUSION.....	60

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>In re ICON Health & Fitness, Inc.</i> , 496 F.3d 1374 (Fed. Cir. 2007)	33
<i>Philips v. AWH Corp.</i> , 415 F.3d 1303. (Fed. Cir. 2005) (en banc)	33, 34, 35, 36, 37
<i>Certain Point-to-Point Network Communication Devices and Products Containing Same</i> , Inv. No. 337-TA-892 (U.S.I.T.C.)	35, 36, 37
Federal Statutes	
35 U.S.C. § 102(a)	8, 9
35 U.S.C. § 102(b)	8, 9
35 U.S.C. § 102(e)	9
35 U.S.C. § 103	8
35 U.S.C. § 103(a)	14, 37, 58
35 U.S.C. §§ 311-19.....	1
35 U.S.C. § 314(a)	8
Rules	
Rule 42.104(a).....	7
Rule 42.104(b)(1)-(2).....	8
Rule 42.104(b)(4)-(5).....	37

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.