

Filed on behalf of Petitioner

By: Richard F. Giunta
Elisabeth H. Hunt
Randy J. Pritzker
Michael N. Rader
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel: (617) 646-8000
Fax: (617) 646-8646
RGiunta-PTAB@wolfgreenfield.com

Paper No. __

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

RPX Corporation
Petitioner

v.

Applications in Internet Time, LLC
Patent Owner

Case No. IPR2015-01751
Patent No. 7,356,482 B2

REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	AIT’S SOLE BASIS FOR CHALLENGING THE GROUNDS IS THAT THE PRIOR ART ALLEGEDLY DOES NOT TEACH “AUTOMATICALLY DETECTING CHANGES THAT AFFECT AN APPLICATION”	4
	A. AIT Improperly Limits the Meaning of “Changes”	5
	B. AIT’s Arguments Are Inconsistent with Its Litigation Position	7
	C. AIT Also Seeks To Improperly Narrow “Affect an Application”	8
	D. AIT’s Improperly Narrow Constructions Seek To Import Limitations into Plain Claim Language.....	9
	E. The Institution Decision Properly Applied the BRI of “Automatically Detecting Changes That Affect an Application”	10
	F. AIT Offers No Proper Challenge to Any Ground	12
III.	THE PRIOR ART MEETS EVEN AIT’S NARROW CONSTRUCTION	13
	A. Grounds 1 (Popp) and 4 (Popp/Anand).....	13
	B. Ground 2 – Kovacevic	15
	C. Ground 3 - Balderrama/Java Complete (“JC”)	16
	1. AIT’s Arguments Are Limited to Challenging Whether the Combination Meets the “Automatically Detecting Changes That Affect an Application” Limitations	16
	2. The Detected Changes in Balderrama Are Metadata Changes Different Than Those in Popp and Kovacevic and Identical to Those AIT Told the Court Are Covered by the Claims	18
	3. AIT Fails To Respond to Balderrama’s Detection of Changes by Corporate Headquarters.....	20
	4. The Balderrama/JC Combination Meets Even AIT’s Unduly Narrow Construction	21
IV.	AIT’S ARGUMENTS ON THE MEANING OF “APPLICATION” ARE WRONG AND A RED HERRING.....	23

V. AIT PROVIDES THE BOARD NO REASON TO RECONSIDER ITS
DECISION ON REAL PARTY-IN-INTEREST26

VI. CONCLUSION.....26

TABLE OF AUTHORITIES

CASES

Trivascular, Inc. v. Samuels,
812 F.3d 1056 (Fed. Cir. 2016).....11

REGULATIONS

37 C.F.R. §42.517

I. INTRODUCTION

AIT's Patent Owner Response ("POR") argues that all instituted grounds fail for only a single reason - that the art allegedly does not "automatically detect changes that affect an application" as claimed. AIT's position is based entirely on improper constructions of this broad clause and the plain term "changes" within it. AIT asserts that "changes" should be limited to a specific category of changes - i.e., "changes that arise from changes external to the application." This "construction" repeats the term "changes" verbatim and tacks on additional words that improperly import extraneous limitations into the claims. AIT thus does not seek to construe the meaning of the simple term "changes" at all, but rather seeks to narrow it to a highly specific class of changes by imposing **additional** limitations on this plain term.

At times in its POR, AIT argues that the detected changes cannot be "internal" to the application program.¹ These arguments are inconsistent with AIT's litigation position. AIT told the Nevada District Court that even under the narrower claim construction standard applicable there, "changes" means broadly

¹ These arguments are not commensurate with AIT's own proposed construction, which requires not that the detected changes themselves **be** external to the application, but that they "arise from changes external to the application."

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.