

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Twilio Inc.  
Petitioner

v.

Telesign Corporation  
Patent Owner

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Case IPR2016-00450  
Patent No. 8,462,920

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**PETITIONER'S REPLY IN SUPPORT OF ITS REQUEST FOR  
REHEARING**

In denying institution, the Board stated: “Notably, Petitioner does not argue that Bennett teaches notifying the user that the notification event occurred.” (Paper No. 17 at 14.) The language of claim 1, however, does not require that the registrant be notified. Similarly, the Board’s construction of “notification event” does not require that the step of notifying be read into claim 1. Claim 1 just requires use of a notification event that can result in the registrant being notified. The notifying step first appears in claim 4, and the Petition sets forth Grounds 1-4 to explain methods by which (1) Bennett and (2) Bennett plus Rothe notify the registrant. These grounds for claim 4 demonstrate that the “notification event” identified for claim 1 “results in the registrant being notified that the event occurred.” The Board did not address this highly-relevant material.

Even if Claim 1 required actual notification, the Petition addresses it in element 1(e). The Petition explains that in response to detecting the occurrence of an established notification event, Bennett’s communication engine transmits a completion code to the user via SMS message, voice message, or a telephone call. (Paper No. 1 at 33.) Bennett thus notifies the registrant. (*Id.* at 44.) Neither the claim language nor the Board’s construction requires any specific form of notification. Thus, under the Board’s construction, a user can be notified with either Bennett’s completion code alone (as set forth for claim 1) or Bennett’s completion code plus an explanatory message (as set forth for claim 4).

Petitioner highlights the following material in the Petition for claims 1 and 4. This material shows that Bennett’s “notification events” are the types that result in the registrant being notified that the event occurred. By improperly reading a notifying step into claim 1 and failing to consider evidence for claims 1 and 4 regarding the notification-event delivery, the Board committed legal and factual error that warrants rehearing.

**Claim 1: “establishing a notification event”:** The Petition describes multiple notification-event types: *e.g.*, (1) attempts to access an account from a new device and (2) decision engine rules. (*Id.* at 25.) The Petition also explains what happens when the occurrence of an event is detected: “The decision engine decides whether to require an out-of-band authentication based on the result...” (*Id.*) This out-of-band authentication shows that the notification event results in the registrant being contacted. The subsequent limitations in claims 1 and 4 demonstrate that the occurrence of these events results in the registrant being notified.

**Claim 1: “identifying an occurrence of the notification event”:** The Petition describes how Bennett identifies a notification-event occurrence. (*Id.* at 27.) This Petition section builds on the types of notification events described in the “establishing” section. (*Id.*) (“For element 1[c], three examples of notification events were provided.”) For example, the Petition describes Bennett’s process for identifying when a user attempts to access an account from a new device. (*Id.* at 28.) And when Bennett detects such an attempt, it contacts the user with either a completion code or a completion code plus an explanation (as described for claim 4).

**Claim 1: “after identifying the occurrence of the established notification event...establishing a second telephonic contact”:** The Petition explains that Bennett contacts the registrant after identifying an occurrence of the established notification event. (*Id.* at 31.) The Petition states: “The authentication application then sends the user’s telephone number and a completion code to the external communication engine 113 to contact the user over the registrant’s verified contact. (Ex. 1005 at 15:8-13.) The external communication engine 113 may contact the registrant by SMS text or voice message to the registrant’s contact....” (*Id.* (emphasis added.)) The Petition notes that that this process of contacting the registrant “applies to the types of notification examples described above at Parts X.A.8-X.A.10” (*Id.*) Parts X.A.8 through

X.A.10 are the Petition sections corresponding to Claim 1’s “establishing” and “identifying” limitations. This Petition material demonstrates what methods Bennett would use to notify the user that a notification event occurred. The Petition also explains for claim 4, that these same methods can be used to carry a completion code plus an explanation as to why the user is receiving the completion code. (*Id.* at 44-47.)

**Claim 1: “after identifying the occurrence of the established notification event ...communicating a second communicated verification code to the registrant”:** The Petition explains that in response to identifying the occurrence of a notification event, Bennett communicates with the registrant: “Bennett discloses that the communication engine then transmits the completion code (*i.e.*, the second verification code) through the second telephonic connection, via SMS message, voice message, or a telephone call.” (*Id.* at 33.) This Petition material demonstrates that Bennett’s notification events result in the user being notified.

**Claim 4: “notifying the registrant of the occurrence of the established notification event”:** The Petition material for Claim 4 demonstrates that the notification events identified in the Petition for claim 1 are events that result in the registrant being notified upon their occurrence. For Grounds 1 and 2, the Petition states: “A POSITA would have found it obvious and simple to include, as part of the SMS or voice message communicating the verification code, that a notification event had occurred, so that customers were not constantly calling in to inquire why a re-verification was required.” (*Id.* at 45.) For Grounds 3 and 4, Petitioner added Rolfe, which discloses a system that calls a credit-card owner to inform them when a high-dollar transaction has occurred. (*Id.* at 46.) The Petition explains that it would have been obvious to modify Bennett’s re-verification process to deliver both the confirmation code and a Rolfe-type explanation so the registrant would know why it is receiving the confirmation code.

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Respectfully submitted,  
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