

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 7,490,151

In re Patent of: Munger *et al.*

Attorney Docket No. 213.7000-00000

Issue Date: February 10, 2009

Appl. Serial No.: 10/259,494

Filing Date: September 30, 2002

Title: ESTABLISHMENT OF A SECURE COMMUNICATION LINK BASED
ON A DOMAIN NAME SERVICE (DNS) REQUEST

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PETITION FOR *INTER PARTES* REVIEW OF
UNITED STATES PATENT NO. 7,490,151

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Statutes

35 U.S.C. § 102(b) 4, 5, 9, 10, 23, 24
35 U.S.C. § 103(a)24

Regulations

37 C.F.R. § 42.8(a)(1)1
37 C.F.R. § 42.1033
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EXHIBITS

- 1001 U.S. Patent No. 7,490,151 to Munger *et al.* (“the ‘151 patent”).
- 1002 Institution Decision dated October 15, 2014 in IPR2014-00610.
- 1003 Institution Decision dated October 7, 2015 in IPR2015-01047.
- 1004 Takahiro Kiuchi and Shigekoto Kaihara, “C-HTTP – The Development of a Secure, Closed HTTP-based Network on the Internet,” published by IEEE in the Proceedings of SNDSS 1996 (“Kiuchi”).
- 1005 Rescorla, E., *et al.*, “The Secure HyperText Transfer Protocol,” Internet Draft by the Internet Engineering Task Force (IETF) as part of the development of RFC 2660, February 1996 (“Rescorla (1996)”).
- 1006 IPR2013-00354, Patent Owner’s Preliminary Response.
- 1007 Webster’s Third New International Dictionary (1971).

The present Petition for *Inter Partes* Review is directed to claims 1, 2, 6-8, and 12-14 of U.S. Patent No. 7,490,151 (“151 patent”) (Ex. 1001).

For the below-discussed reasons, Petitioner requests that the Board find unpatentable (and thereby cancel) claims 1, 2, 6-8, and 12-14 of the ‘151 patent. The substance of Ground 1 presented herein is identical to that of Ground 1 presented in both IPR2014-00610 and IPR2015-01047. Furthermore, there is substantial overlap between Ground 2 presented herein and Ground 2 presented in IPR2014-00610. IPR2014-00610 was instituted by the Board with respect to Grounds 1 and 2 thereof, and subsequently was terminated by the Board due to settlement of the parties. Furthermore, IPR2015-01047 was instituted, and it is presently pending before the Board. The Institution Decision in IPR2014-00610 is attached as Ex. 1002, and the Institution Decision IPR2015-01047 is attached as Ex. 1003.

For similar reasons, Petitioner requests that Grounds 1 and 2 presented herein be instituted by the Board.

I. MANDATORY NOTICES IN ACCORDANCE WITH 37 C.F.R. § 42.8(a)(1).

A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).

Petitioner, Black Swamp IP, LLC, is the real party-in-interest. Black Swamp IP, LLC is a member-run LLC. The members are Stoneledge Trust and

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