

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UBISOFT, INC. AND SQUARE ENIX, INC.,  
Petitioners,

v.

UNILOC USA, INC. AND UNILOC LUXEMBOURG S.A.,  
Patent Owners.

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Case No. IPR2017-01290  
U.S. Patent No. 6,510,466

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**PETITION FOR *INTER PARTES* REVIEW**

**OF U.S. PATENT NO. 6,510,466**

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## I. INTRODUCTION

Petitioners request *Inter Partes* Review (“IPR”) of claims 1-2, 7-8, 15-17, 22-23, 30, and 35-36 of U.S. Patent No. 6,510,466 (“‘466 Patent”). EX1001.

## II. REQUIREMENTS FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.104

### A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioners certify that the ‘466 Patent is available for IPR and that no Petitioner is barred or estopped. Specifically, Petitioners state: (1) they are not the owner of the ‘466 Patent; (2) have not filed a civil action challenging the validity of any claim of the ‘466 Patent; (3) this Petition is timely filed less than one year after it was served with a complaint alleging infringement of the ‘466 Patent; and (4) this Petition is filed more than nine months after the ‘466 Patent issued.

### B. Identification of Challenge Under 37 C.F.R. §42.104(b) and Relief Requested

In view of the prior art, evidence, and discussion of claim limitations, claims 1-2, 7-8, 15-17, 22-23, 30, and 35-36 of the ‘466 Patent (“the Challenged claims”) are unpatentable and should be cancelled. 37 C.F.R. §42.104(b)(1). This review is governed by pre-AIA §§102 and 103.

Proposed Statutory Rejections for the ‘466 Patent
Claims 1-2, 7-8, 15-17, 22-23, 30, 35-36: Obvious over Sonderegger [EX1002] in view of Hughes [EX1003], Franklin [EX1004], and the NAL White Paper

[EX1005] under §103(a)

### 1. Level of Ordinary Skill in the Art

A person of ordinary skill in the field of computer networking at the time of the alleged invention, December 14, 1998, (“POSITA”) would have had at least an undergraduate degree, in computer science, computer engineering, or a related field or an equivalent number of years of working experience. In addition, a POSITA would have at least one to two years of experience in networking environments, including at least some experience with management of application programs in a network environment. EX1006, *Declaration of Dr. Vijay K. Madiseti* (“*Madiseti Decl.*”) at ¶¶25-27.

### 2. Claim Construction

A claim subject to IPR receives the “broadest reasonable construction in light of the specification of the patent in which it appears.” 37 C.F.R. §42.100(b). Unless otherwise noted below, Petitioners propose, for purposes of this proceeding only, that the claim terms of the ‘466 Patent are presumed to take on their ordinary and customary meaning that the term would have to one of ordinary skill in the art. The claim construction analysis is not, and should not be viewed as a concession by Petitioners as to the proper scope of any claim term in litigation. These assumptions are not a waiver of any argument in any litigation that claim terms in the ‘466 Patent are indefinite or otherwise invalid or unpatentable.

- a. ***“means for installing a plurality of application programs at a server” (Claim 15)***

***“computer readable program code means for installing a plurality of application programs at the server” (Claim 16)***

The stated function is “installing a plurality of application programs at a server.” The disclosed structure for performing the installing function is described beginning at 12:26 with reference to block 232 of Fig. 4 (describing the installation/configuration process). In turn, the configuration/installation step at block 232 is further detailed in Fig. 5 and described at 13:1-23. Accordingly, the corresponding structure for the installing function is server (Claim 15) or code/software (Claim 16) programmed to execute the steps depicted in Fig. 5 and described at 13:1-23, and equivalents thereof. EX1001 at 13:1-23, Fig. 5; *also id.* at 12:26-30, Fig. 4 (block 232). Namely, the server (Claim 15) or code/software (Claim 16) is programmed to: 1) accept definitions of the application that describe the location and description of the application (block 250); 2) accept definitions of users and groups that will access the system and the specific application (block 252); 3) accept control specifications defining which users and groups are authorized to access the new or updated application (block 256); 4) obtain license policy information from an administrator or through an import file (block 254); and 5) update a database to maintain the input definitions and specifications for the new or updated application in a format accessible to the server (block 258). *Id.*

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