

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BITDEFENDER INC.

Petitioner

v.

UNILOC USA, INC.

Patent Owner

Case IPR2017-01315

Patent 6,510,466

Oral Hearing

August, 7, 2018

USPTO Texas Regional Office, Dallas, TX
Petitioner Bitdefender Inc. Demonstrative Exhibits

Petitioner’s Institution Response Brief (1)

B. Ground 1: Claims 1, 7-8, 15-16, 22-23, and 35-36 are obvious under 35 USC §103 over <i>Kasso</i> in view of <i>Raduchel</i>	28
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In view of the reasons presented herein, Patent Owner respectfully submits that **the Petition fails to meet its burden to prove unpatentability**. Consequently, **all challenges** against the '466 Patent should be dismissed.

A. Structure not clearly linked to “means for installing”	3
B. If “means for installing” does not come within the <i>In re Katz</i> exception, the newly-instituted claims are invalid as indefinite	7
C. Even under the Board’s construction, <i>Kasso</i> in view of <i>Raduchel</i> render obvious systems/CRMs including means for installing as claimed	8

Petitioner Inst. Resp

Petitioner's Institution Response Brief (2)

154 (1999). One such APA provision is that “[p]ersons entitled to notice of an agency hearing shall be timely informed of . . . the matters of fact and law asserted.” 5 U.S.C. § 554(b)(3); see *Dell*, 818 F.3d at 1298. SAS, as the petitioner, is entitled to this procedural protection in this instance. Although in the past we have discussed

SAS Institute v Compl
Fed. Cir. 2016 p16

Installing is distinct from configuring (registering). Installing was interpreted during the prosecution of the '466 patent, under the BRI standard, as storing, an interpretation that was not contested by the patent applicant. Ex.

Pet p18

We agree with Patent Owner that Petitioner has not identified sufficient corresponding structure for this limitation. Petitioner cites *In re Katz Interactive Call Processing Patent Litigation*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) as holding that a “general-purpose computer, by itself, may be sufficient as corresponding structure for general computing functions such as storing, which can be achieved by any general purpose computer

InstDec p10

We have interpreted § 554(b)(3) in the context of IPR proceedings to mean that “an agency may not change theories in midstream without giving respondents reasonable notice of the change’ and ‘the opportunity to present argument under the new theory.’” *Belden*, 805

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POR/POPR and the record

POPR p12

Pet

assertion that provides any such analysis. For example, nothing in the Petition or Mr. Day's mere conclusory assertion provides explanation, reasoning, or support for a POSITA to modify *Kasso* such that the functionality of one specifically-designed server (the NIS server 230) is implemented, instead, within a distinct server designed for an entirely different purpose (the HTTP server 208), as Petitioner proposes. In

Nevertheless, it would have been obvious to implement the authentication functionality described for the NIS server 230 on the HTTP server 208 so that the HTTP server 208 would have received authentication requests. Such an approach would have been particularly suitable for smaller networks. Ex. 1008 (*Day Declaration*) at ¶26. Additionally, it would have been obvious to receive authentication requests at HTTP server 208, which would then forward the authentication functionality to NIS server 230. Such an approach would have been suitable for larger networks. Ex. 1008 (*Day Declaration*) at ¶26. Each approach is treated below in turn.

The Petition even admits that it provides no explanation, reasoning, or support

POPR

a) The Petition Provides No Explanation, Reasoning, Or Support For The Overall System Architecture Of The Proposed Modification Of *Kasso*

POR p7

2. No Reasoning Or Support For The Proposed "offload" Modification

POR p16

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By 1998, online distribution of software, including Java applets, was well known.

Pet p8

By 1998, online distribution of software, including Java applets, was well known. Ex. 1023 (*Breslau*) 1:22-25, Ex. 1009 (*Kasso*) 5:20-6:15, Ex. 1010

Selector establishes an HTTP connection to the server 208 and requests the initial Web page identified by the URL contained in the boot image. Selector also requests a set of configuration files from the HTTP server 208. HTTP server 208 responds by delivering the requested page and files.

Ex. 1010

(*Raduchel*), Abstract, Ex. 1008 (*Day Declaration*) at ¶21. Associating applications to users rather than merely client machines was also known. Ex. 1010 (*Raduchel*) 3:30-44, Ex. 1011 (*Olsen*) 8:1-4, Ex. 1008 (*Day Declaration*)

password). Upon receiving this log-in information, the applet transfers it to an authentication manager, located somewhere in the network, that determines whether the user should be able to use all the available services on the computer or only a limited subset of the available

Ex. 1010

The individual limitations of claim 1 of the '466 Patent fail to provide an inventive concept. Defendants have shown that each limitation enumerates a routine function of computers. Although

Ex. 1006 EDTex

Finally, the ordered combination of limitations also fails to provide an inventive concept under *Bascom* and *DDR Holdings*. There is no inventive concept because, unlike the claims in *Bascom*, the claims here rely upon only generic computer components used in a routine arrangement. Specifically, the “client” and “server” are generic computers, and they are set up in a generic client-server arrangement. See, e.g., '466 Patent, col. 1:57–2:11 (describing prior art client-server environments). The traditional arrangement of computer components in the instant

Ex. 1006 EDTex

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