

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

Case No. IPR2017-01839
U.S. Patent No. 6,324,578

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 6,324,578

I.	37 C.F.R. §42.104 REQUIREMENTS.....	1
A.	Grounds for Standing (37 C.F.R. §42.104(a)).....	1
B.	Identification of Challenge and Relief Requested (37 C.F.R. §42.104(b)).....	1
1.	Level of Ordinary Skill in the Art.....	1
2.	Claim Construction.....	2
II.	OVERVIEW OF THE ‘578 PATENT.....	13
A.	Description.....	13
B.	Prosecution History.....	14
III.	THERE IS A REASONABLE LIKELIHOOD THAT THE CHALLENGED CLAIMS ARE UNPATENTABLE.....	15
A.	Kasso in view of JavaStation Renders Claims 1, 6-9, 11-17, 22-25, 27-32, 37-40, 42-46 Obvious Under §103(a).....	15
B.	Kasso in view of JavaStation in further view of Sanders Renders Claims 2-5, 10, 18, 20-21, 26, 33, 35-36, 41 Obvious Under §103(a).....	59
IV.	MANDATORY NOTICES UNDER 37 C.F.R. §42.8(A)(1).....	68
A.	Real Party-In-Interest and Related Matters.....	68
B.	Lead and Back-Up Counsel Under 37 C.F.R. §42.8(b)(3).....	68
C.	Payment of Fees Under 37 C.F.R. §42.103.....	69
V.	CONCLUSION.....	69
	CERTIFICATE OF COMPLIANCE	2

I. 37 C.F.R. §42.104 REQUIREMENTS

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

Petitioners certify that U.S. Patent No. 6,324,578 (“‘578”) is available for IPR and that no Petitioner is barred or estopped. Petitioners (1) do not own the ‘578; (2) have not filed a civil action challenging the validity of any claim of the ‘578; and timely file this Petition (3) less than one year after service of a complaint and (4) more than nine months after the ‘578 issued.

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

Claims 1-18, 20-33, and 35-46 of the ‘578 (“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.

Claims 1, 6-9, 11-17, 22-25, 27-32, 37-40, 42-46: Obvious over Kasso [EX1002] in view of JavaStation [EX1003] under §103(a)

Claims 2-5, 10, 18, 20-21, 26, 33, 35-36, 41: Obvious over Kasso in view of JavaStation in further view of Sanders [EX1004] 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 at least (1) an undergraduate degree in computer science, computer engineering, or related field or equivalent years working experience, and (2) 1-2 years’ experience in

networking environments, including management of application programs in a network environment. EX1005, *Declaration of Dr. Vijay K. Madisetti* (“*Madisetti*”) ¶¶27-29.

2. Claim Construction

The ‘578 will expire December 14, 2018, within 18 months of entry of any Notice of Filing Date. 37 C.F.R. §42.100(b). Thus, the claims are construed under *Phillips v. AWH Corp.*, 415 F.3d 1303, 1327 (Fed. Cir. 2005), and are “generally given their ordinary and customary meaning” as understood by a POSITA. Petitioners do not waive positions regarding the scope, validity, or patentability of any claim term in litigation.

a. *Means for Installing (Claims 16, 17, 30, 32, 45)*

Functions: “installing an application program having a plurality of configurable preferences and a plurality of authorized users on the server” (Claim 16); “installing an application program having a plurality of configurable preferences and a plurality of authorized users on a server coupled to the network” (Claims 17, 32); “installing a second application program having a second plurality of configurable preferences and a second plurality of authorized users on the server” (Claims 30, 45). This is described at 7:55-65 by 1) placing an application CD in a drive of a server or 2) providing the application program to the server as referred to in Figs. 5-7 of U.S. Patent No. 6,510,466 (“‘466”). EX1001 7:55-65, Fig. 2 (block

50). The ‘466 includes instructions for performing installation/configuration of application programs, including defining authorized users of such application programs. EX1006, ‘466 at 13:1-23, Fig. 5.

Structure: A server (Claims 16, 17, 30) or code/software (Claims 32, 45) programmed to execute steps depicted in Fig. 5 and described at 13:1-23 of the ‘466, and equivalents thereof. The ‘578 discloses that the license use management aspects of the invention are optional; thus, block 254 of Fig. 5 (inputting license policy information for an application program) is not required to perform the function. EX1001 4:62-67, 11:32-38, 4:3-5. The programming is: 1) accept definitions of the application that describe the location and description of the application (path directory and file name for the application) (EX1006, ‘466 block 250, 13:2-7); 2) accept definitions of users and groups that will access the system and the specific application (block 252); 3) accept control specifications defining which user/group authorization to access the new/updated application (block 256); and 4) update a database to maintain input definitions and specifications for the new/ updated application in a format accessible to the server (block 258).

b. *Means for Distributing an Application Launcher Program (Claims 16-17, 21, 28-30, 32, 36, 43-45)*

Functions: “distributing an application launcher program associated with the application program to the client” (Claim 16); “distributing an application launcher program associated with the application program to a client coupled to the network”

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