

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Inter Partes* Review of:)
U.S. Patent No. 8,213,970)
Issued: July 3, 2012)
Application No.: 12/324,122)

For: **Method of Utilizing Forced Alerts for Interactive Remote Communications**

FILED VIA E2E

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,213,970**

Petition for *Inter Partes* Review of USP 8,213,970

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Mandatory Notices under 37 C.F.R. § 42.8.....	2
A.	Real Parties-in-Interest.....	2
B.	Related Matters.....	2
C.	Grounds for Standing	3
D.	Lead and Backup Counsel and Service Information.....	3
E.	Fee for <i>Inter Partes</i> Review	4
III.	Identification of Challenges (37 C.F.R. § 42.104(b))	4
IV.	Background.....	4
A.	The '970 Patent (Ex. 1001)	4
B.	The Prosecution History (Ex. 1007, "FH").....	5
C.	The Person Of Ordinary Skill In The Art.....	5
D.	Claim Construction (other than means-plus-function).....	6
1.	Forced Message Alert	7
2.	Forced Message Alert [Application] Software Packet	7
3.	Forced Message Alert Software Application Program	8
E.	Means-Plus-Function Claim Construction.....	10
1.	Claim 1[b]: data transmission means.....	11
2.	Claim 1[e]: means for attaching a forced message alert software packet	11
3.	Claim 1[f]: means for requiring manual response	12

Petition for *Inter Partes* Review of USP 8,213,970

4.	Claim 1[g]: means for receiving and displaying (automatic acknowledgement)	12
5.	Claim 1[h]: means for periodically resending	13
6.	Claim 1[i]: means for receiving and displaying (manual response)	14
7.	Claim 2[a]: means for transmitting the acknowledgment of receipt	14
8.	Claim 2[b]: means for controlling	15
9.	Claim 2[c]: means for allowing	16
10.	Claim 2[d]: means for clearing	16
V.	The '970 Patent's Earliest Effective Filing Date is November 26, 2008	17
VI.	The Asserted Prior Art.....	19
A.	U.S. Patent Application Publication No. 2005/0030977 (Ex. 1004, "Casey")	19
B.	U.S. Patent No. 7,386,589 (Ex. 1005, "Tanumihardja").....	21
C.	U.S. Patent No. 6,232,971 (Ex. 1006, "Haynes").....	23
VII.	Claims 1-13 are unpatentable over the combination of Casey, Tanumihardja, and Haynes	26
A.	Overview of the combination and the motivation to combine.....	27
B.	Independent Claim 6	34
1.	Preamble.....	34
2.	Claim 6[a]: Accessing forced message alert software	36
3.	Claim 6[b]: Creating the forced message alert	37
2.	Claim 6[c]: Designating message recipients.....	41
3.	Claim 6[d]: Electronically transmitting the alert	44

Petition for *Inter Partes* Review of USP 8,213,970

4.	Claim 6[e]: Receive and display automatic acknowledgements	45
5.	Claim 6[f]: Periodically resending the alert.....	47
6.	Claim 6[g]: Receiving and displaying responses.....	48
7.	Claim 6[h]: Provide a manual response list cleared only by selecting a response.....	51
8.	Claim 6[i]: Clear display by selecting item from response list.....	56
C.	Independent Claim 10	56
1.	Preamble.....	57
2.	Claim 10[a]: Receiving a message.....	57
3.	Claim 10[b]: Identifying said electronic message	57
4.	Claim 10[c]: Automatic acknowledgment.....	58
5.	Claim 10[d]: Selected Required Response	58
6.	Claim 10[e]: Displaying the response.....	58
7.	Claim 10[f]: Providing a list	58
D.	Independent Claim 1	58
1.	Preamble.....	58
2.	Claim 1[a]: Predetermined network of participants.....	59
3.	Claim 1[b]: Data transmission means	60
4.	Claim 1[c]: Sender and recipient PDA/cell phone	61
5.	Claim 1[d]: Forced message alert software “including a list of required possible responses”	61
6.	Claim 1[e]: Means for attaching	62
7.	Claim 1[f]: Means for requiring manual response.....	63

Petition for *Inter Partes* Review of USP 8,213,970

8.	Claim 1[g]: Means for receiving and displaying a listing (automatic)	63
9.	Claim 1[h]: Means for periodically resending.....	64
10.	Claim 1[i]: Means for receiving and displaying a listing (manual)	64
E.	Dependent Claim 2	65
1.	Claim 2[a]: Means for transmitting	65
2.	Claim 2[b]: Means for controlling.....	65
3.	Claim 2[c]: Means for allowing.....	66
4.	Claim 2[d]: Means for clearing.....	66
F.	Dependent Claim 3	67
G.	Dependent Claims 7 and 11	67
H.	Dependent Claims 4, 8, and 12	68
I.	Dependent Claims 5, 9, and 13	68
VIII.	Secondary Considerations	69
IX.	Conclusion	70

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.