

Art Unit: 3992

the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Patent owner arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Willens teaches a redirection server (communications server) that receives user's filter for controlling access by the user to Internet sits (5:17-18). The reference teaches permitting or denying access to network resources (6:6) and applying the user's associated filter by allowing or blocking packets (6:10-15). The Admitted Prior Art teaches controlling access to resources by redirecting traffic ('118 Patent 1:38-60). It would have been obvious to incorporate the redirection technique of the Admitted Prior Art into the system of Willens for the reasons expressed in Exhibit AA (see at least page 56).

Regarding claim 27, the Examiner agrees with Patent owner that Willens does not teach removal or reinstatement of at least a portion of the rule set as function of one or more of: time, the data transmitted to or from the user or locations the user accesses. Willens discloses modifying the list of sites a user is permitted to access. The reference states that "the subsystem 12 provides a central, sever based permit list that can be easily updated on a daily or hourly basis." Also, "Willens teaches modifying a user's filtering rules based on a user's accessing of a login location and providing login information, such as password." See page 21 of Exhibit AA.

Although Willens teaches updating the permit list, the update does not necessarily include "removal or reinstatement" of a portion of the rule set. The process of updating requires

Art Unit: 3992

making information current; thus, the action of deleting or restoring data is not compulsory.

That is, updating could include inserting new data. Willens does not expressly define updating as reinstating data or removing data. Therefore, this rejection is withdrawn.

**Rejection of Claims 6, 7, 13, 14, 16-24, 26-44, 49-56, and 61-90 under 35 U.S.C. 103(a) over Radia in view of Wong '726 and further in view of Stockwell**

***Radia 5,848,233; Wong 5,835,727; Wong 6,073,178***

**PO:** Patentee argues that these rejections should be withdrawn for the same reasons cited in Sections V and VI of the response.

Patent owner asserts that nothing in Radia suggests or teaches nor is there any motivation to change a configuration of a router or modem during a session. Also, the reconfiguration would have to be done by the ANCS, not the router itself as required by the '118 patent.

**TPR:** See Requesters comments regarding Sections V and VI at pages 8-23 above.

The Requester does not provide any comments regarding Patent owner's arguments that Radia does not teach or suggests nor is there any motivation to change a configuration of a router or modem during a session. Also, no comments are provided with regards to the ANCS performing reconfiguration not the router.

**Examiner:** See the Examiner's comments regarding Sections V and VI at pages 8-23 above.

The Examiner respectfully disagrees with Patent owner. As per the comment that "nothing in Radia suggest or teaches nor is there any motivation to change a configuration of a router or modem during a session," the Examiner notes that claims 16-24, 26-43, and 68-90

Art Unit: 3992

recite modifying the rule set. Radia teaches changing filtering rules when a user is connected to a client system, logged into the system or logged out. See col. 3, lines 29-55. The reference states that when the user is successfully logged in, a filtering profile sequence is selected or generated then downloaded by the SMS to the ANCS. "The ANCS uses the rules included in the downloaded login filtering profile sequence to establish a new packet filter for IP packets originating from the newly logged in client system. The new packet filter is established by reconfiguring the components of the network to replace the packet filter established for the login filtering profile." Therefore, the new packet filter is created during a user session.

Patentee also argues that "the reconfiguration would have to be done by the ANCS, not the router itself as required by the '118 patent." However, '118 patent states that "the redirection server is configured to allow modification..," In response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e., the router itself is required to do the reconfiguration) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also note that the Office action relies on the ANCS together with the router of Radia to teach the redirection server. See page 6 of Exhibit BB.

***Rule Set – Radia, Wong '727 and Wong '178***

**PO:** Patent owner argues that a rule set defined by the '118 patent includes "allow" and "deny" and "redirect" actions on the data packets from the user computer, and "element or conditions"

Art Unit: 3992

that need not be related to the header data of the data packet itself but that may instead relate to factors other than the packet data.

Patent owner asserts that The Examiner has given no rationale as to how these references, alone or in any combination, would result in even an approximation of a redirection server with a programmed rule set as claimed in the '118 patent.

Lastly, Patentee notes that the absence of any interaction between the router and the ANCS while the router is processing data packets from the user and the absence of any interaction between the router and the ANCS while the packet filter is being created by the ANCS, preclude viewing the combination of the two as a redirection server.

**TPR:** The Requester argues that the '118 patent does not support Patent owner's definition of rule set.

Regarding "elements or conditions" argument, Requester states that this proposed interpretation of rule set is inconsistent with the broadest reasonable interpretation of the claims in view of the '118 specification.

As for the argument that Radia's ANCS and router cannot together constitute the claimed "redirection server", the Requester asserts that Patent owner has not provided any citation to the MPEP or any other legal authority in support of this argument. Also, the Requester states that Patent owner has taken the position in litigation that the redirection server may comprise multiple separate components. (See Request Ex. D2 at 18 ("In the alternative, the redirection server can be combination of the SSG and SESM.")).

**Examiner:** The Examiner agrees with the Requester.

The specification describes the rule sets at col. 4, lines 41-49 as follows:

Art Unit: 3992

The rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed, a location, which may or may not be accessed, how long to keep the rule set active, under what condition the rule set should be removed, when and how to modify the rule set during a session.

During reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)).

The router along with the ANCS functions as the redirection server. In Radia, the profile filtering database can be stored at ANCS. The ANCS utilizes the filtering profiles to reconfigure the router, which uses the filtering rules to selectively discard or forward IP packets received from the client systems (see at least abstract and claim 11 of Radia). Thus, the ANCS and the router together teach the redirection server.

**Modification of Rule Set by Redirection Server During Session – Rejected Claims 16-24, 26-29, 33-34, 36-43, 64, and 68-90**

**PO:** Patent owner argues that Radia does not teach, suggest or provide any motivation for modifying a rule during a user session, that is, after the rule set has been programmed into the redirection server for processing data packet from the user computer to the network. Also, Patentee asserts that Radia does not teach modifying the packet filter by the redirection server. It is noted that there is no teaching in Radia (or any of the other references) that the router or modem itself reconfigures or modifies the downloaded packet filter once that packet filter has

Art Unit: 3992

been programmed into router/modem, or that a rule set include elements or conditions that enable the router to change the rule set during a session.

**TPR:** Requester submits that the claims do not require the redirection server itself to modify the rule set. Claim 16 recites the redirection server is configured to allow modification of at least a portion of a rule set. Claim 83 recites a method that includes modifying step, but does not recite who or what must perform that step.

Requester notes that Patent owner's argued claim interpretation is inconsistent with the broadest reasonable interpretation in light of the specification. Regarding Patent owner's comments that there is no teaching whatever in Radia... that the router and modem itself reconfigures or modifies the downloaded packet filter once that packet filter has been programmed into the router/modem, Requester states that the Examiner's rejection provided substantial analysis of Radia's teachings with respect to modifying a user's rule set.

**Examiner:** The specification describes the rule sets at col. 4, lines 41-49 as follows:

The rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed, a location, which may or may not be accessed, how long to keep the rule set active, under what condition the rule set should be removed, when and how to modify the rule set during a session.

During reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)). However, column four's description of rule set does not limit the rule set to modification during a session. Instead, it is

Art Unit: 3992

states that the rule set may contain information about "when and how to modify the rule set during a session, but is not limited to this function.

**Rejection – Rejected Claims 31, 35, 61, 66, and 67**

**PO:** Patent owner argues that Radia does not teach, suggest nor provide any motivation for redirection as an action in the event of a match. Also, the queries of Stockwell do not occur during a session but only at the start of the session. Finally, the rejected claims are dependent from claims previously discussed as being allowable over the cited references, alone or in any possible combination, and for the same reasons presented for those claims, the rejections of claims 31, 35, 61, 66-67 should also be withdrawn.

**TPR:** Requester notes that "One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Also, it is noted that proposed rejections provided reasons to combine Radia and Stockwell with particular focus on incorporating Stockwell's redirection feature into Radia's overall system.

**Examiner:** The Examiner agrees with the Requester. The Office Action provided reasons for combining Radia and Stockwell.

In response to Patent owner arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 3992

**Rejection of Claims 2-5, 9-12, 45-48 and 57-60 under 35 U.S.C. 103(a) over Radia in view of Wong'726 and Stockwell and further in view of Wong '178**

**PO:** Patent owner states that the rejection of the above claims should be withdrawn for the same reasons as set forth in Sections V-VII of the response.

**TPR:** Requester states that the Examiner's rejections are proper and should be made final.

**Examiner:** The Examiner respectfully disagrees with patent owner for reasons indicated above.

**Rejection of Claims 7, 14, 16-24, 50-56 and 62-90 under 35 U.S. C. 103(a) over Radia in view of Wong '726 and further in view of Admitted Prior Art**

**PO:** Patent owner states that the rejection of the above claims should be withdrawn for the same reasons as set forth in Sections V-VII of the response.

**TPR:** Requester states that the Examiner's rejections are proper and should be made final.

**Examiner:** The Examiner respectfully disagrees with patent owner for reasons indicated above.

**Rejection of Claims 2-5, 9-12, 45-48 and 57-60 under 35 U.S. C. 103(a) over Radia in view of Wong '726 and further in view of Admitted Prior Art in view of Wong '178**

**PO:** Patent owner states that the rejection of the above claims should be withdrawn for the same reasons as set forth in Sections V-VII of the response.

**TPR:** Requester states that the Examiner's rejections are proper and should be made final.

**Examiner:** The Examiner respectfully disagrees with patent owner for reasons indicated above.



Art Unit: 3992

**Rejection of Claims 2-7, 9-14, 16-24, 26-54, 60-66, 68-81 and 83-89 under 35 U.S.C. 103(a) over He, Zenchelsky and Admitted Prior Art**

**Rejection of Claims 2-7, 9-14, 16-24, 26-54, 60-66, 68-81 and 8-89 under 35 U.S.C. 103(a) over He, Zenchelsky, Fortinsky and Admitted Prior Art**

**PO:** Patent owner argues that the no reasonable likelihood of success with respect to the above claims has been shown and the decision to even grant the present Reexamination should be withdrawn and such action is courteously requested.

**TPR:** Requester notes that new analysis was applied in rejecting the claims not previously considered by the Patent Office of Zenchelsky's teachings and Fortinsky is new prior art. Also, decision to order reexamination is not subject to review by petition or otherwise. MPEP 2646 (II).

**Examiner:** The Examiner agrees with the Requester.

**Claims 2-7, 9-14, 16-24, 26-64, 60-66, 68-81 and 83-89**

**PO:** Patent owner argues that none of the references, alone or in any possible combination, teach, suggest or provide any motivation for a redirection server to control access to the network itself. Also, Patentee submits that the references do not teach or suggest a redirection server between the user and the network that is programmed with a "rule set" that includes "elements or conditions" which can change during a user session to enable the redirection server to modify the rule set during a user session according to the programmed rule set.

**TPR:** The Requester asserts that the claims do not recite controlling access to the network itself.

Art Unit: 3992

**Examiner:** Regarding claims 2-7, 9-14, 28-35, 44-54, and 60-66, the Examiner respectfully disagrees with Patent owner. These do not recite modifying the rule set during a session. Patent '118 recites "the rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed... when and how to modify the rule set during a session and the like." See col. 4, lines 41-47. Hence, it is not always a requirement for the rule set to always contain information regarding how and when to modify the rule set during a session.

Additionally, in response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e. redirection server to control access to the network itself and redirection server between the user and the network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, as per claims 16-24, 26, 27, 36-39, 68-82, 84, and 85, the rejection of these claims are withdrawn for the following reasons.

Claims 16-23 recite "wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user access". The rejection relied upon the Board decision which stated that "blocking a website based on these bases would have been obvious" (Board decision at 10) and also on He for teaching this feature. Upon further review, the Examiner notes that He's authentication lifetime does not teach the time condition. "He does

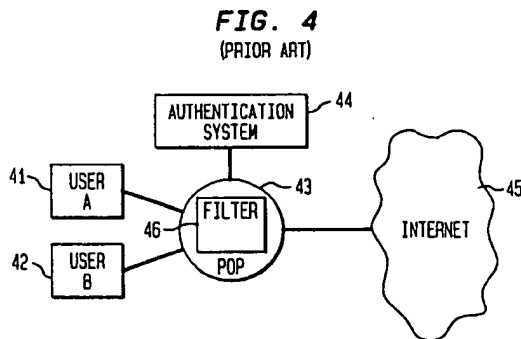
Art Unit: 3992

not, however, draw a connection between the authentication lifetime and the administrator's use of the database tool." (Board decision page 7).

Additionally, the statement from the Board decision that "blocking a website based on these bases would have been obvious" is referring to redirecting data and not to modifying the rule set as recited in the claims. See Board decision, pages 8 and 9.

Regarding claims 40-42, in response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e. redirection server to control access to the network itself and redirection server between the user and the network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per claim 83 and 86-90, in response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e. redirection server to control access to the network itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, as per the limitation, "a redirection server connected between a user computer and a public network," Zenchelsky discloses this feature at Fig. 4. Note. The filter is between the Internet and user.



### **Rule Set**

As per Patent owner's arguments regarding the rule set, during reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)).

### **Radia in view of Admitted Prior Art and further in view of Coss**

#### **Redirection according to rule set programmed in the redirection server**

Patent owner argues that Radia does not mention redirection and does not suggest any reason why redirection would be beneficial in accomplishing the goal of Radia. Similarly, Coss mentions redirection but only as a means to unburden the firewall. See Coss at 2:45. The purpose of "unburdening the firewall" is wholly unrelated to and not suggestive of redirection for purposes of controlling access to a network itself.

During reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)).

Art Unit: 3992

In response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e., redirection for purposes of controlling access to a network itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Modification of a Portion of the Rule Set During a Session**

Patent owner argues that the requirement of modification of the rule set during a user session is an explicit aspect of the definition of "rule set" in the '118 patent, and none of the cited references, either singly or in any possible combination, teach, suggest or provide any motivation for modification of a rule set by a redirection server during a user session after the rule set has been programmed into the redirection server and while the temporary network address is assigned.

As per claims 2-7, 9-14, and 44-67, the Examiner respectfully disagrees with Patent owner that modifying the rule set during a session is a requirement of the claims. Patent '118 recites "the rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed...when and how to modify the rule set during a session and the like." See col. 4, lines 41-47. Hence, it is not always a requirement for the rule set to always contain information regarding how and when to modify the rule set during a session. Also, these claims do not recite modifying the rule set during the user session. Although the claims are interpreted in light of the specification, limitations from

Art Unit: 3992

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per claims 16-24, 26-43, and 68-90, modification of the rule set is required, which is taught by Coss. The claims recite “wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address.” Coss teaches dynamic rules are rules which are included with the access rules as a need arises. These rules can be loaded at any time to authorize specific network sessions. The dynamic rules allow a given rule set to be modified based on events happening in the network. See col. 8, lines 24-36. Hence, the rule set, which can be used to authorized network sessions, can be modified.

### Radia

Patent owner argues that in Radia, the static filter created by the ANCS and used to configure the router is not the same as the individualized rule set with elements or conditions that can change the rule set during a user session and that the filter configuration in the router of Radia is static through a user session.

The Examiner respectfully disagrees with Patent owner. In response to Patent owner arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 3992

Coss

(1) Patent owner argues that Coss is not “new art” and this Reexamination based on Coss as “new art” was improvidently grant and should be withdrawn.

In response, the Examiner notes that "neither the patent owner nor the third party requester has a right to petition, or request reconsideration of, a finding that the prior art patents or printed publications raise a substantial new question." See MPEP 2646 (II)

(2) Patent owner argues that Coss does not teach, disclose or suggest an authentication server that generates a user specific individualized rule set in response to a user ID as required by all the claims of the '1118 patent.

However, the claims do not recite generating a user specific individualized rule set. Hence, in response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e., an authentication server that generates a user specific individualized rule set in response to a user ID ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(3) Patentee asserts that Coss does not teach, suggest or disclose a rule set consisting of elements or conditions as defined and claimed in the '118 patent.

However, the Examiner respectfully disagrees. The specification describes the rule sets at col. 4, lines 41-49 as follows:

The rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed, a location, which may or may not be accessed, how long to keep the rule set active, under what condition the rule set should be removed, when and how to modify the rule set during a session.

Coss teaches dynamic rules are rules which are included with the access rules as a need arises. These rules can be loaded at any time to authorize specific network sessions. See col. 8, lines 24-36. The rules of Coss authorizes specific network session, which is the same as "type of service which may or may not be accessed, a location, which may or may not be accessed."

(4) Patent owner argues that Coss does not teach, suggest or disclose a redirection server into which a different rule set is programmed for each individual user session. Also, it is asserted that the set of rules is not unique for an individual user or an individual session, nor is the rule set removed and replaced for different user and user session.

In response to Patent owner arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Office action states that Radia discloses filtering profiles that is associated with each user (see col. 9, lines 46-59) and Coss teaches categorizing the rule set such as "host group identifier or IP address", "destination host group identifier or IP address" (see col. 4, lines 39-43).



In response to Patent owner argument that the references fail to show certain features of the invention, it is noted that the features upon which Patent owner relies (i.e., the rule set removed and replaced for different user and user session) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(5) Patent owner submits that no motivation to combine the Radia and Coss was provided.

However, the Examiner respectfully disagrees. The Office action states:

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

(6) Patentee argues that Coss does not teach or suggest a redirection server programmed with a user's rule set or one correlated with a temporarily assigned network address.

However, the Examiner respectfully disagrees. Coss teaches dynamic rules are rules which are included with the access rules as a need arises. These rules can be loaded at any time to authorize specific network sessions. See col. 8, lines 24-36. The rules of Coss authorizes

Art Unit: 3992

specific network session, which is the same as "type of service which may or may not be accessed, a location, which may or may not be accessed."

As per Coss not teaching a temporarily assigned network address, the Office action states at page 340 and 341 of Request that that Coss does not teach the rule set being correlated to a temporarily assigned network address, but that this is an obvious over Admitted Prior art. Specially, pages 340 and 341 stated the following:

Cosset al. do not explicitly disclose the firewall 211 is programmed with a user's rule set correlated to a temporarily assigned network address.

"In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user

ID and password. The dial-up networking server then passes the user ID and password, alone with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104. A detailed description of the IP communications protocol is discussed in *Internetworking with TCP/IP*, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 to allow the user to use the temporary IP address assigned to that user by the dial-up networking server and then logs the connection and assigned IP address. For the duration of that session, whenever the user would make a request to the Internet 110 via a gateway 108, the end user would be identified by the temporarily assigned IP address." [" 118 patent, 1st paragraph of Background of the Invention section, emphasis added]

Firewall 211 is programmed with a user's rule set correlated to an IP address. It would have been obvious that this IP address may be temporarily assigned. A first reason is this is simply combining prior art elements (temporary IP addresses) to known methods (assigning a user with an IP address) to yield predictable results. A second reason is this would allow dial-up users to temporarily connect their computers to the user site 201, as suggested by the APA systems.

Art Unit: 3992

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-7, 9-14, 16-18, 23, 24, 26, 28-71, 76-84, and 86-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willens in view of RFC 2138 and Stockwell.**

The proposed rejection of claims 2-7, 9-14, 16-18, 23, 24, 26, 28-71, 76-84, and 86-90 (see Exhibit AA, pages 2-55) of the request is hereby incorporated by reference.

**Claims 2-7, 9-14, 16-18, 23, 24, 26, 28-71, 76-84 and 86-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willens in view of RFC 2138 and Admitted Prior Art.**

The proposed rejection of claims 2-7, 9-14, 16-18, 23, 24, 26, 28-71, 76-84 and 86-90 (see Exhibit AA, pages 56-112) of the request is hereby incorporated by reference.

**Claims 6, 7, 13, 14, 16-24, 26-44, 49-56, and 61-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in view of Wong '727 and further in view of Stockwell.**

The proposed rejection of claims 6, 7, 13, 14, 16-24, 26-44, 49-56, and 61-90 (see Exhibit BB, pages 2-47) of the request is hereby incorporated by reference.

**Claims 2-5, 9-12, 45-48, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in of Wong '727 and Stockwell and further in view of Wong '178.**

The proposed rejection of claims 2-5, 9-12, 45-48, and 57-60 (see Exhibit BB, pages 48-53) of the request is hereby incorporated by reference.

**Claims 7, 14, 16-24, 50-56, and 62-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in view of Wong '727 and further in view of Admitted Prior Art,**

The proposed rejection of claims 7, 14, 16-24, 50-56, and 62-90 (see Exhibit BB, pages 55-102) of the request is hereby incorporated by reference.

**Claims 2-5, 9-12, 45-48, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in view of Wong '727 and Admitted Prior art and further in view of Wong '178.**

The proposed rejection of claims 2-5, 9-12, 45-48, and 57-60 (see Exhibit BB, pages 103-109) of the request is hereby incorporated by reference.

**Claims 2-7, 9-14, 28-35, 40-54, 56, 60-66, 83, and 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over He, Zenchelsky, and the Admitted Prior Art .**

The proposed rejection of claims 2-7, 9-14, 28-35, 40-54, 56, 60-66, 83, and 86-89 (see Exhibit CC) of the request is hereby incorporated by reference with modifications.

The modification is to include an additional motivation to combine the references. The Examiner notes, as illustrated by the Board (see page 10 of previous reexamination proceeding – 90/009,301), “since redirection would have been an obvious extension of blocking, it follows that the combination of He and Zenchelsky in view of Ikudome’s admission would have made redirection based on the same bases obvious as well.”

**Claims 2-7, 9-14, 28-35, 40-67, 83, and 86-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over He, Zenchelsky, and the Admitted Prior Art .**

The proposed rejection of claims 2-7, 9-14, 28-35, 40-67, 83, and 86-90 (see Exhibit CC) of the request is hereby incorporated by reference.

**Claims 2-7, 9-14, 28-35, and 44-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in view of the Admitted Prior Art (APA) and in further in view of Coss.**

**2. The system of claim 1, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the *redirection server* further provides control over a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

Art Unit: 3992

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data to host B, and rule No. 30 controlling Telnet data from host B.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

### **3. The system of claim 1, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data from host A; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data to host A.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Art Unit: 3992

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**4. The system of claim 1, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.*

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**5. The system of claim 1, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.*

Art Unit: 3992

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**6. The system of claim 1, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]



Art Unit: 3992

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**7. The system of claim 1, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems**. This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects; for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to set the login profile for the newly connected computer."** [3:23-33, emphasis added]

**9. The method of claim 8, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.**

Art Unit: 3992

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the step of controlling a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data to host B, and rule No. 30 controlling Telnet data from host B.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**10. The method of claim 8, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

Art Unit: 3992

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**11. The method of claim 8, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data to and from the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., '**pass**', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

Art Unit: 3992

**12. The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**13. The method of claim 8, further including the step of redirecting the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

Art Unit: 3992

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**14. The method of claim 8, further including the step of creating database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems.** This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects;** for example, since a client system that connects may do a

Art Unit: 3992

DHCP operation, this event can trigger the SMS to **set the login profile for the newly connected computer.**" [3:23-33, emphasis added]

**28. The system of claim 1, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8,emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet.** Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any

Art Unit: 3992

individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**29. The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS .... **Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. discloses:

Art Unit: 3992

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a **time-limited rule which is used only for a specified time period**, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**30. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded**, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]



Art Unit: 3992

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a *request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**31. The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Art Unit: 3992

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**32. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8, emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet.** Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and

Art Unit: 3992

"Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**33. The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS .... **Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

Art Unit: 3992

For instance, Coss et al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a time-limited rule which is used only for a specified time period, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**34. The method of claim 8, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded, or that a matched IP packet will be discarded.**" [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the

Art Unit: 3992

filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**35. The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

Art Unit: 3992

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

#### 44. A system comprising:

Radia et al. Figure 1: computer network 100 is a system

**a database with entries correlating each of a plurality of user IDs with an individualized rule set;**

Radia et al. Figure 3: filtering profiles 316 are a database with entries correlating each of a plurality of user IDs with an individualized rule set

For instance, Radia et al. disclose:

"In step 908, which follows, a sequence of **filtering profiles 400 associated with the user** are retrieved, by SMS 114, from **filtering profile database 316**. In general, it may be appreciated that various users of network 100 will have varying types of allowed access. As a result, **different network users will require different filtering profiles 400. Generally, these filtering profiles 400 are defined separately for each user** using either automatic or manual generation techniques. For the present invention, **these filtering profiles 400 are preferably maintained in filtering profile database 316 and retrieved using the identity of the particular user.**" [9:46-56, emphasis added]

**a dial-up network server that receives user IDs from users' computers;**

Radia et al. disclose in Figure 1 that modems 104 (which may be telephone - i.e., dial-up) and DHCP server 110 establish a communications link with the user's PC. A login applet on the user's computer (one of PCs 102) communicates with a login server and allows users to login to the network 100.

For instance, Radia et al. disclose:

"A **cable modem 104** is connected to each client system 102." [1:11-12, emphasis added]

Art Unit: 3992

"For example, an internet service provider (ISP) may have users who connect, login, logoff and disconnect to its network over time **using telephone or cable modems.**" [2:45-48, emphasis added]

"The client systems, which are typically personal computers using cable modems, connect to the router. **As part of the connection process, each client system receives a dynamically allocated IP address**"

For a preferred embodiment of network 100, user logins are handled by downloading small, specifically tailored applications, known as "login applets," to client systems 102. The login applets are downloaded from a server system, such as server system 108, or in some cases, from SMS 114." [8:30-34, emphasis added]

"More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:39-42, emphasis added]

However, Radia et al. do not explicitly disclose a *dial-up network server* that receives user IDs from users' computers.

Admitted prior art (APA) systems in Figure 1 of the '118 patent include a dial-up networking server 102 that receives user IDs from users' computers 100.

The APA systems are described as follows:

"In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user ID and password. The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104. A detailed description of the IP communications protocol is discussed in *Internetworking with TCP/IP*, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 **to allow the user to use the temporary IP address assigned to that user by the dial-up networking server** and then logs the connection and assigned IP address." [" 118 patent, col. 1, lines 15-37, emphasis added]

It would have been obvious to substitute the DHCP server 110 and login applet disclosed by Radia et al. with the dial-up networking server 102 included in the APA systems to thereby obtain the predictable results of: 1) allowing dial-up users to login through the dial-up networking server rather than through an applet running on the user's computer, and 2) assigning a temporary IP address to the user's computer by the dial-up networking server 102 rather than by the DHCP server 110.

Art Unit: 3992

**a redirection server connected between the dial-up network server and a public network, and**

Radia et al. Figure 1 : router 106 is connected between the dial-up network server (substituted for DHCP server 110 and login applet) and server systems 108 of the network 100. Router 106 is similar to a redirection server because router 106 is connected between the user's computer (PC 102) and the network's server systems 108, and control the user's access to the network's server systems 108.

Radia et al. further disclose that the network is a public network such as the Internet:

"For example, assume that a company uses a router to link its internal intranet with an external network **such as the Internet.**" [2:5-7, emphasis added]

However, Radia et al. do not explicitly disclose the router 106 controls the user's access to the public network *by utilizing redirection functionality.*

Coss et al. disclose a firewall that is connected between a user's computer and a public network that controls the user's access to the network by utilizing redirection functionality:

"FIG. 2 shows a user site 201 connected to the Internet 105 via a firewall processor 211." [3:53-54]

"This invention relates to the **prevention of unauthorized access in computer networks** and, more particularly, to firewall protection within computer networks." [1:6-8, emphasis]

"Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They **can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.**" [8:24-31, emphasis added]

"To unburden the firewall of application proxies, the firewall can be enabled to redirect a network session to a separate server for processing." [Abstract, emphasis added]

"Proxy reflection in accordance with the present invention involves redirecting a network session to another, "remote" proxy server for processing, and then later passing it back via the firewall to the intended destination. When a new session enters the firewall, a decision is made to determine whether service by a proxy server is required. If so, **the firewall replaces the destination address in the packet with the host address of the proxy application and, if necessary, it can also change the service port.**" [Coss et al., col. 8, lines 56-65, emphasis added]



Art Unit: 3992

It would have been obvious to replace the router 106 of Radia et al. with the firewall 211 of Coss et al. to not only allow discarding and forwarding traffic as taught by Radia et al., but to also allow controlling the user's access to the network by redirecting traffic at the firewall 211 to thereby prevent the router 106 from having to utilize application proxies, as suggested by Coss et al.

Radia et al. further disclose that other networking technologies may be used instead of router 106, stating:

"The use of cable router 106 and cable modems 104 is also intended to be exemplary and it should be appreciated **that other networking technologies and topologies are equally practical.**" [1:13-16, emphasis added]

Therefore, it would have been further obvious to a person of ordinary skill in the art that the firewall 211 of Coss et al. could substitute the router 106 because the firewall 211 disclosed by Coss et al. is another type of networking technology and Radia et al. suggest other types of network technology is equally practical.

It would have been further obvious that simple substitution of the known firewall 211 for the router 106 obtains predictable results that the network 100 of Radia et al. may now benefit from the redirection functionality included in firewall 211.

**an authentication accounting server connected to the database, the dial-up network server and the redirection server;**

In Radia et al. Figure 1, access network control server ANCS 112 and services management system SMS 114 together are an authentication accounting server because ANCS 112 and SMS 114 are connected to the database (filtering profiles 316 within SMS 114 - see Figure 3), the dial-up network server (substituted for DHCP server 110 and login applet), and the redirection server (Coss' firewall 211 in the position of router 106 in Radia's FIG. 1).

Radia et al. further disclose that the ANCS 112 and SMS 114 determine whether a user ID is authorized to access the network.

For instance, Radia et al. disclose:

"FIG. 9 is a flowchart showing the steps associated with a preferred embodiment of a method for **allocation of privileges to a user in a computer network.**" [4:59-61, emphasis added]

"Method 900 includes step performed by SMS 114 **and** ANCS 112." [9:35-36, emphasis added]

"In step 908, which follows, a sequence of filtering profiles 400 associated with **the user** are retrieved by SMS 114, from filtering profile database 316. In general, it may be appreciated that

Art Unit: 3992

**various users of network 100 will have varying types of allowed access.**" [9:46-50, emphasis added]

"In FIG. 1, ANCS 112 and SMS 114 are shown as separate entities. It should be appreciated, however that the present invention specifically anticipates **that ANCS 112 and SMS 114 may be implemented using a single computer system** that includes ANCS process 214, SMS process 314 and filtering profile database 316." [5:65-6:4, emphasis added]

**wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;**

Radia et al. disclose a login applet on a PC 102 and the DHCP server 110 respectively communicate a first user ID (entered using the login applet) for one of the users' computers (one of PCs 102) and a temporarily assigned network address (dynamically assigned IP address) for the first user ID to the authentication accounting server (SMS 114).

For instance, Radia et al. disclose the login applet communicates from PC 102 to SMS 114:

"Method 900 begins with step 906 where SMS 114 **waits for a user login**. More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114**" [9:37-42, emphasis added]

Radia et al. also disclose the DHCP server 110 passes the temporarily assigned network address for the first user ID to the SMS 114:

"Method 700 begins with step 706 where **SMS 114 waits for the allocation of an IP address to a client system 102**. More specifically, for a preferred embodiment of network 100, power-on or reset of a client system 102 is followed by connection of the client system 102 to router 106. As part of this connection, the connecting client system 102 requests and receives a dynamically allocated IP address from DHCP server 110. This allocation requires that a number of messages pass between DHCP server 110 and the client system 102 requesting a new IP address. The last of these messages is a DHCPACK message sent by the DHCP server 110 to the client system 102. **To monitor the allocation of IP addresses, SMS 114 monitors DHCP messages within network 100**. Step 706 corresponds, in a general sense, to the methods and procedures that are executed by SMS 114 to wait for and detect DHCPACK messages within network 100." [7:21-34, emphasis added]

With reference to FIG. 9, it is inherent that the SMS 114 also receives the IP address of the client system 102 from the dial-up network server because Radia et al. disclose "At the same time, **the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112.**" [9:62-64, emphasis added]

Art Unit: 3992

Radia et al. further disclose that the IP address of the client system (one of PCs 102) is temporarily assigned:

"More specifically, in systems that use the DHCP protocol for allocation of IP addresses, each IP address is allocated for a finite period of time. Systems that do not renew their IP address leases may lose their allocated IP addresses." [7:51-55, emphasis added]

However, Radia et al. do not explicitly disclose that *the dial-up network server* communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server.

In the admitted prior art (APA) system of FIG. 1, the dial-up network server 102 communicates a first user ID for one of the users' computers 100 and a temporarily assigned network address for the first user ID to the authentication accounting server 104.

For instance, the APA systems are described as follows:

"The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104." [" 118 patent, Col. 1, lines 15-37, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the APA dial-up networking server 102 for the DHCP 110 and login applet in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. dial-up networking server 102) for another (DHCP server and login applet) producing a predictable result renders the claim obvious.

It would further have been obvious that the dial-up network server should continue to behave in this way because, rather than the SMS 114 receiving the user ID and IP address respectively from the login applet and DHCP server 110, the SMS 114 would receive this information from the dial-up networking server; as suggested by the APA.

**wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first set that correlates with the first user ID and the temporary assigned network address to the redirection server; and**

Radia et al. disclose the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set (sequence of filtering profiles 400) that correlates with the first user ID (identity of the user) and the temporarily assigned network address (dynamic IP address) to the router 106.

For instance, Radia et al. disclose:

Art Unit: 3992

FIG. 9: step 906 "wait for user login", step 908 "retrieve user filter profile from database", step 910 "download user profile to ancs", and step 920 "reconfigure network components"

"In step 908, which follows, a sequence of filtering profiles 400 associated with the user are retrieved, by SMS 114, from filtering profile database 316".  
[9:46-48, emphasis added]

"For the present invention, these filtering profiles 400 are preferably maintained in filtering profile database 316 and **retrieved using the identity of the particular user.**" [9:53 -56, emphasis added]

"Step 908 is followed by step 910 where the sequence of user filtering profiles 400 is downloaded by SMS 114 to ANCS 112. At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112." [9:60-64, emphasis added]

"In the following step, the ANCS 112 uses each of the filtering rules 404 included in the sequence of user filtering profiles 400 **to establish a packet filter for IP packets originating from the client system 102 acting as a host for the user.**" [9:64-10:1, emphasis added]

"The packet filter is established by reconfiguring one or more of the components of the network 100 that forward packets originating at the client system 102 acting as a host for the user. For example, in some cases, the packet filter may be established by reconfiguring the modem 104 connected to the client system 102. Alternatively, the packet filter may be established by reconfiguring router 106." [10:1-7, emphasis added]

It is inherent that the "packet filter for IP packets originating from the client system 102" communicated to the router 106 includes the temporarily assigned (i.e., dynamic) IP address of the client system 102 in order to identify the IP packets originating from the client system 102.

However, Radia et al. do not explicitly disclose the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address *to the redirection server.*

It would have been obvious to have the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the firewall 211 of Coss et al. A first reason is Radia et al. teach reconfiguring one or more network components that forward packets originating at the client system 102, and the firewall 211 of Coss et al. is a network component that forwards packets originating at a client system. As such, Radia et al. suggest reconfiguring the firewall 211.

It would have further been obvious to use a known technique (i.e., communicating an individualized rule set to thereby reconfiguring a router 106) to improve a similar device (firewall 211) in the same way.

Art Unit: 3992

Additionally, Coss et al. disclose dynamic rules can be loaded into the firewall 211 at any time by trusted applications to thereby authorize specific network sessions. For instance, Coss et al. teach:

"Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions." [8:26-31, emphasis added]

It therefore would have further been obvious to have the ANCS 112 communicate the individualized rule set to the firewall 211 of Coss et al. because the ANCS 112 is a trusted application that authorizes specific network sessions, as suggested by Coss et al.

**wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.**

Radia et al. disclose that data directed toward the public network from the one of the users' computers (one of PCs 102) are processed by the router 106 according to the individualized rule set.

For instance, Radia et al. disclose:

"Subsequently, the packet filter established by the ANCS 112 is used to filter IP packets that originate from the client system 102 acting as a host for the user, allowing the packets that are associated with the network privileges of the user." [10:11-14,emphasis added]

However, Radia et al. do not explicitly disclose that data directed toward the public network from the one of the user's computers is processed *by the redirection server* according to the individualized rule set.

Coss et al. disclose data directed toward the public network from the one of the users' computers are processed by firewall 211 according to the individualized rule set.

For instance, Coss et al. disclose:

"In accordance with a fourth aspect of the invention, a computer network firewall may make use of dynamic rules which are added to a set of access rules for processing packets." [2:29-32, emphasis added]

**"With a capability for supporting multiple security domains, a single firewall can support multiple users, each with a separate security policy."** [3:31-34, emphasis added]

Art Unit: 3992

"The particular rule set that is applied for any packet can be determined based on information such as the **incoming and outgoing network interfaces** as well as the **network source and destination addresses.**" [1:67-2:4, emphasis added]

It would have been obvious that when substituting router 106 in the network of Radia et al. with the firewall 211 of Coss et al., subsequent to the firewall 211 of Coss et al. being reconfigured by the ANCS 112, data directed toward the public network from the one of the user's computers would be processed by the firewall 211 according to the individualized rule set.

A first reason is the ANCS 112 is disclosed to reconfigure the router 106 to process data in this way, and the firewall 211 is simply another type of networking component. In other words, simple substitution of the known firewall 211 for the router 106 obtains predictable results that the firewall 211 is reconfigured to process data directed toward the public network in the same way.

Another reason is it would have been obvious to use a known technique (reconfiguring a router 106 to process outgoing data according to the individualized rule set) to improve a similar device (firewall 211) in the same way.

**45. The system of claim 44, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the *redirection server* further provides control over a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'"

Art Unit: 3992

[4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**46. The system of claim 44, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**47. The system of claim 44, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.**

Art Unit: 3992

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., '**pass**', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**48. The system of claim 44, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall,**



Art Unit: 3992

**as each packet is received from the proxy and sent to the destination."** [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or '**proxy**'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**49. The system of claim 44, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

Art Unit: 3992

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**50. The system of claim 44, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems.** This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects; for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to set the login profile for the newly connected computer."** [3:23-33, emphasis added]

**51. The system or claim 44, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Art Unit: 3992

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8,emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet**. Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**52. The system of claim 44, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering

Art Unit: 3992

rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.** [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS .... **Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a **time-limited rule which is used only for a specified time period**, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**53. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.**

Art Unit: 3992

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded, or that a matched IP packet will be discarded.**" [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a *request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one

Art Unit: 3992

known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**54. The system of claim 44, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**55. The system of claim 44, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.**

Radia et al. do not disclose that the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

Art Unit: 3992

For instance, Coss et al. disclose:

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a designation of a special service which can be called for in a packet, **and a specification of an action to be taken on a packet.**" [4:1-6, emphasis added]

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy; if configured, the destination port can be changed as well; the original packet header data is recorded in the session cache along with any changed values;" [9:39-44, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

#### **56. In a system comprising**

Radia et al. Figure 1: computer network 100 is a system

**a database with entries correlating each of a plurality of user IDs with an individualized rule set;**

Radia et al. Figure 3: filtering profiles 316 are a database with entries correlating each of a plurality of user IDs with an individualized rule set.

For instance, Radia et al. disclose:

"In step 908, which follows, **a sequence of filtering profiles 400 associated with the user** are retrieved, by SMS 114, from **filtering profile database 316**. In general, it may be appreciated that various users of network 100 will have varying types of allowed access. As a result, different **network users will** require different **filtering** profiles 400. Generally, these filtering profiles 400 are defined separately for each user using either automatic or manual generation techniques. For the present invention, these filtering profiles 400 are preferably **maintained in** filtering profile

Art Unit: 3992

**database 316 and retrieved using the identity of the particular user.**" [9:46-56, emphasis added]

**a dial-up network server that receives user IDs from users' computers;**

Radia et al. disclose in Figure 1 that modems 104 (which may be telephone - i.e., dial-up) and DHCP server 110 establish a communications link with the user's PC. A login applet on the user's computer (one of PCs 102) allows users to login to the network 100.

For instance, Radia et al. disclose:

"A **cable modem** 104 is connected to each client system 102." [1:11-12, emphasis added]

"For example, an internet service provider (ISP) may have users who connect, login, logoff and disconnect to its network over time **telephone or cable modems.**" [2:45-48, emphasis added]

"The client systems, which are typically personal computers using cable modems, connect to the router. **As part of the connection process, each client system receives a dynamically allocated IP address from the DHCP server.**" [2:67-3:4, emphasis added]

"For a preferred embodiment of network 100, user logins are handled by downloading small, specifically tailored applications, known as "login applets," to client systems 102. The login applets are downloaded from a server system, such as server system 108, or in some cases, from SMS 114." [8:30-34, emphasis added]

"More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:39-42, emphasis added]

However, Radia et al. do not explicitly disclose a *dial-up network server* that receives user IDs from users' computers.

Admitted prior art (APA) systems in Figure 1 of the '118 patent include a dial-up networking server 102 that receives user IDs from users' computers 100.

The APA systems are described as follows:

"In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), **the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user ID and password.** The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104. A detailed description of the IP



Art Unit: 3992

communications protocol is discussed in Internetworking with TCP/IP, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 **to allow the user to use the temporary IP address assigned to that user by the dial-up networking server** and then logs the connection and assigned IP address." [118 patent, 1<sup>st</sup> paragraph of Background of the Invention section, emphasis added]

It would have been obvious to substitute the DHCP server 110 and login applet disclosed by Radia et al with the dial-up networking server 102 included in the APA systems to thereby obtain the predictable results of: 1) allowing dial-up users to login through the dial-up networking server rather than through an applet running on the user's computer, and 2) assigning a temporary IP address to the user's computer by the dial-up networking server 102 rather than by the DHCP server 110.

**a redirection server connected between the dial-up network server and a public network, and**

Radia et al. Figure 1 : router 106 is connected to the dial-up network server (substituted for DHCP server 110 and login applet) and server systems 108 of the network 100. Router 106 is similar to a redirection server because router 106 is connected between the user's computer (PC 102) and the network's server systems 108, and controls the user's access to the network's server systems 108.

Radia et al. further disclose that the network is a public network such as the Internet:

"For example, assume that a company uses a router to link its internal intranet with an external network, **such as the Internet.**" [2:5-7, emphasis added]

However, Radia et al. do not explicitly disclose that the router 106 controls the user's access to the public network *by utilizing redirection functionality.*

Coss et al. disclose a firewall that is connected between a user's computer and a public network that controls the user's access to the network by utilizing redirection functionality.

For instance, Coss et al. disclose:

"FIG. 2 shows a user site 201 connected to the Internet 105 via a firewall processor 211 ." [3:53-54]

"This invention relates to the **prevention of unauthorized access in computer networks** and, more particularly, to firewall protection within computer networks." [1:6-8, emphasis]

Art Unit: 3992

"Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They **can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.**" [8:24-31, emphasis added]

"To unburden the firewall of application proxies, the firewall can be enabled to redirect a network session to a separate server for processing." [Abstract, emphasis added]

"Proxy reflection in accordance with the present invention involves redirecting a network session to another, "remote" proxy server for processing, and then later passing it back via the firewall to the intended destination. When a new session enters the firewall, a decision is made to determine whether service by a proxy server is required. If so, **the firewall replaces the destination address in the packet with the host address of the proxy application and, if necessary, it can also change the service port.**" [Coss et al., col. 8, lines 56-65, emphasis added]

It would be obvious to replace the router 106 of Radia et al. with the firewall 211 of Coss et al. to not only allow discarding and forwarding traffic as taught by Radia et al., but to also allow controlling the user's access to the network by redirecting traffic at the firewall 211 to thereby prevent the router 106 from having to utilize application proxies, as suggested by Coss et al.

Radia et al. further disclose that other networking technologies may be used instead of router 106, stating:

"The use of cable router 106 and cable modems 10d is also intended to be exemplary and it should be appreciated **that other networking technologies and topologies are equally practical.**" [1:13-16, emphasis added]

Therefore, it would have been further obvious to a person of ordinary skill in the art that the firewall 211 of Coss et al. could substitute the router 106 because the firewall 211 disclosed by Coss et al. is another type of networking technology and Radia et al. suggest other types of network technology is equally practical.

It would have been further obvious that simple substitution of the known firewall 211 for the router 106 obtains predictable results that the network 100 of Radia et al. may now benefit from the redirection functionality included in firewall 211.

**an authentication accounting server connected to the database, the dial-up network server and the redirection server,**

Radia et al. Figure 1 disclose access network control server ANCS 112 and services management system SMS 114 together are an authentication accounting server because ANCS 112 and SMS 114 are connected to the database (filtering profiles 316 within SMS 114 - see Figure 3), the dial-

Art Unit: 3992

up network server (substituted for DHCP server 110 and login applet), and the redirection server (Coss' firewall 211 in the position of router 106 in Radia's FIG. 1).

Radia et al. further disclose that the ANCS 112 and SMS 114 determine whether a user ID is authorized to access the network.

For instance, Radia et al. disclose:

"FIG. 9 is a flowchart showing the steps associated with a preferred embodiment of a method for **allocation of privileges to a user in a computer network.**" [4:59-61, emphasis added]

"Method 900 includes step **performed by SMS 114 and ANCS 112.**" [9:35-36, emphasis added]

"In step 908, which follows, a sequence of filtering profiles 400 **associated with the user** are retrieved, by SMS 114, from filtering profile database 316. In general, it may be appreciated that **various users of network 100 will have varying types of allowed access.**" [9:46-50, emphasis added]

"In FIG. 1, ANCS 112 and SMS 114 are shown as separate entities. It should be appreciated, however, that the present invention specifically anticipates that ANCS 112 and SMS 114 maybe **implemented using a single computer system** that includes ANCS process 214, SMS process 314 and filtering profile database 316." [5:65-6:4, emphasis added]

**a method comprising the steps of:**

Method disclosed by Radia et al. in Figure 9

**communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;**

Radia et al. disclose a login applet on a PC 102 and the DHCP server 110 respectively communicate a first user ID (entered using the login applet) for one of the users' computers (one of PCs 102) and a temporarily assigned network address (dynamically assigned IP address) for the first user ID to the authentication accounting server (SMS 114).

For instance, Radia et al. disclose the login applet communicates from PC 102 to SMS 114:

"Method 900 begins with step 906 where SMS 114 **waits for a user login.** More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:37-42, emphasis added]

Art Unit: 3992

Radia et al. also disclose the DHCP server 110 passes the temporarily assigned network address for the first user ID to the SMS 114:

"Method 700 begins with step 706 where **SMS 114 waits for the allocation of an IP address to a client system 102**. More specifically, for a preferred embodiment of network 100, power-on or reset of a client system 102 is followed by connection of the client system 102 to router 106. As part of this connection, the connecting client system 102 requests and receives a dynamically allocated IP address from DHCP server 110. This allocation requires that a number of messages pass between DHCP server 110 and the client system 102 requesting a new IP address. The last of these messages is a DHCPACK message sent by the DHCP server 110 to the client system 102. **To monitor the allocation of IP addresses, SMS 114 monitors DHCP messages within network 100**. Step 706 corresponds, in a general sense, to the methods and procedures that are executed by SMS 114 to wait for and detect DHCPACK messages within network 100." [7:21-34, emphasis added]

With reference to FIG. 9, it is inherent that the SMS 114 also receives the IP address of the client system 102 from the dial-up network server because Radia et al. disclose "**At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112.**" [9:62-64, emphasis added]

Radia et al. further disclose that the IP address of the client system (one of PCs 102) is temporarily assigned:

"More specifically, in systems that use the DHCP protocol for allocation of IP addresses, each IP address is allocated for a finite period of time. Systems that do not renew their IP address leases may lose their allocated IP addresses." [7:51-55, emphasis added]

However, Radia et al. do not explicitly disclose communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID *from the dial-up network server* to the authentication accounting server.

In the admitted prior art (APA) system of FIG. 1, the dial-up network server 102 communicates a first user ID for one of the users' computers 100 and a temporarily assigned network address for the first user ID to the authentication accounting server 104.

For instance, the APA systems are described as follows:

"The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104." ["118 patent, 1<sup>st</sup> paragraph of Background of the Invention section, emphasis added]

It would have been obvious to not remove these useful features of the *APA* systems when substituting the *APA* dial-up networking server 102 for the DHCP server 110 and login applet in FIG. 1 of Radia et al. This would have been obvious because simple substitution of the known

Art Unit: 3992

dial-up networking server 102 for the DHCP server 110 and login applet obtains predictable results that the dial-up networking server 102 continues to include the above disclosed features.

It would further have been obvious that the dial-up network server should continue to behave in this way because, rather than the SMS 114 receiving the user ID and IP address respectively from the login applet and DHCP server 110, the SMS 114 would receive this information from the dial-up networking server, as suggested by the APA.

**communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;**

Radia et al. disclose the ANCS 112 and SMS 114 access the database 316 and communicate the (identity of the user) and the temporarily assigned network address (dynamic IP address) to the router106.

For instance, Radia et al. disclose:

FIG. 9: step 906 "wait for user login", step 908 "retrieve user filter profile from database", step 910 "download user profile to ancs", and step 920 "reconfigure network components"

"In step 908, which follows, a sequence of filtering profiles 400 associated with the user are retrieved, by SMS 114, from filtering profile database 316". [9:46-48, emphasis added]

"For the present invention, these filtering profiles 400 are preferably maintained in filtering profile database **316 and retrieved using the identity of the particular user.**" [9:53 -56, emphasis added]

"Step 908 is followed by step 910 where the sequence of user filtering profiles 400 is downloaded by SMS 114 to ANCS 112. At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112." [9:60-64, emphasis added]

"In the following step, the ANCS 112 uses each of the filtering rules 404 included in the sequence of user filtering profiles 400 **to establish a packet filter for IP packets originating from the client system 102 acting as a host for the user.**" [9:64-10:1, emphasis added]

"The packet filter is established by reconfiguring one or more of the components of the network 100 that forward packets originating at the client system 102 acting as a host for the user. For example, in some cases, the packet filter may be established by reconfiguring the modem 104 connected to the client system 102. Alternatively, the packet filter may be established by reconfiguring router 106." [10:1-7, emphasis added]

Art Unit: 3992

It is inherent that the "packet filter for IP packets originating from the client system 102" communicated to the router 106 includes the temporarily assigned (i.e., dynamic) IP address of the client system 102 in order to identify the IP packets originating from the client system 102.

However, Radia et al. do not explicitly disclose communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address *to the redirection server* from the ANCS 112 and SMS 114.

It would have been obvious to have the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the firewall 211 of Coss et al. A first reason is Radia et al. teach reconfiguring one or more network components that forward packets originating at the client system 102, and the firewall 211 of Coss et al. is a network component that forwards packets originating at a client system. As such, Radia et al. suggest reconfiguring the firewall 211.

It would have further been obvious to use a known technique (i.e., communicating an individualized rule set to thereby reconfiguring a router 106) to improve a similar device (firewall 211) in the same way.

Additionally, Coss et al. disclose dynamic rules can be loaded into the firewall 211 at any time by trusted applications to thereby authorize specific network sessions. For instance, Coss et al. teach:

"Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions."  
[8:26-31, emphasis added]

It therefore would have further been obvious to have the ANCS 112 communicate the individualized rule set to the firewall 211 of Coss et al. because the ANCS 112 is a trusted application that authorizes specific network sessions, as suggested by Coss et al.

**and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.**

Radia et al. disclose processing data directed toward the public network from the one of the user computers (one of PCs 102) according to the individualized rule set.

For instance, Radia et al. disclose:

Art Unit: 3992

"Subsequently, the packet filter established by the ANCS 112 is used to filter IP packets that originating from the client system 102 acting as a host for the user, allowing the packets that are associated with the network privileges of the user." [10:11-14,emphasis added]

**57. The method of claim 56, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the step of computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**58. The method of claim 56, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Art Unit: 3992

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**59. The method of claim 56, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.



Art Unit: 3992

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**60. The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

Art Unit: 3992

**61. The method of claim 56, further including the step of redirecting the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**62. The method of claim 56, further including the step of creating database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Art Unit: 3992

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems**. This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects; for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to set the login profile for the newly connected computer."** [3:23-33, emphasis added]

**63. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8, emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

Art Unit: 3992

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet**. Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**64. The method of claim 56, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS .... **Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Art Unit: 3992

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a time-limited rule which is used only for a specified time period, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**65. The method of claim 56, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded**, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Art Unit: 3992

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a *request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**66. The method of claim 56, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Art Unit: 3992

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**67. The method of claim 56, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.**

Radia et al. do not disclose that the redirection server is configured to redirect data from the users computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

For instance, Coss et al. disclose:

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a designation of a special service which can be called for in a packet, **and a specification of an action to be taken on a packet.**" [4:1-6, emphasis added]

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy; if configured, the destination port can be changed as well; the original packet header data is recorded in the session cache along with any changed values;" [9:39-44, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one

Art Unit: 3992

known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**Claims 16-24, 26, 27, 36-43, and 68-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coss et al. in view of the APA.**

The proposed rejection for claims 16-24, 26, 27, 36-43, and 68-90 on pages 338-484 of the request is hereby incorporated by reference.

**This is an ACTION CLOSING PROSECUTION (ACP);** see MPEP § 2671.02.

(1) Pursuant to 37 CFR 1.951(a), the patent owner may once file written comments limited to the issues raised in the reexamination proceeding and/or present a proposed amendment to the claims which amendment will be subject to the criteria of 37 CFR 1.116 as to whether it shall be entered and considered. Such comments and/or proposed amendments must be filed within a time period of 30 days or one month (whichever is longer) from the mailing date of this action. Where the patent owner files such comments and/or a proposed amendment, the third party requester may once file comments under 37 CFR 1.951(b) responding to the patent owner's submission within 30 days from the date of service of the patent owner's submission on the third party requester.

(2) If the patent owner does not timely file comments and/or a proposed amendment pursuant to 37 CFR 1.951(a), then the third party requester is precluded from filing comments under 37 CFR 1.951(b).

(3) Appeal **cannot** be taken from this action, since it is not a final Office action. Extensions of time under 37 CFR 1.136(a) will not be permitted in *inter partes* reexamination proceedings because the provisions of 37 CFR 1.136 apply on to "an applicant" and not the patent owner in a reexamination proceedings. Additionally, 35 U.S.C. 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a



Art Unit: 3992

comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent 6,779,118 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §2686 and 2686.04.

Any paper filed with the USPTO, i.e., any submission made, by either the Patent Owner or the Third Party Requester must be served on every other party in the reexamination proceedings, including any other third party requester that is part of the proceeding due to merger of the proceedings. As proof of service, the party submitting the paper to the Office must attach a Certificate of Service to paper which sets forth the name and address of the party served and the method of service. Papers filed without the required Certificate of Service may be denied consideration. 37 CFR 1.903; MPEP 2666.06.

All correspondence relating to this *inter partes* reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:  
Mail Stop *Inter Partes* Reexam  
ATTN: Central Reexamination Unit Commissioner for Patents  
P.O. Box 1450

Art Unit: 3992

Alexandria, VA 22313-1450

By FAX to:  
(571) 273-9900  
Central Reexamination Unit

By Hand:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number (571)272-7705.


/Jalatee Worjloh/  
Primary Examiner, Art Unit 3992

Conferees:

/FOF/

**WOO H. CHOI**  
Supervisory Patent Reexamination Specialist  
CRU - Art Unit 3992



<b>Reexamination</b> 	<b>Application/Control No.</b> 95002035 & 90012342	<b>Applicant(s)/Patent Under Reexamination</b> 6779118
	<b>Certificate Date</b>	<b>Certificate Number</b>

<b>Requester Correspondence Address:</b>	<input type="checkbox"/> <b>Patent Owner</b>	<input checked="" type="checkbox"/> <b>Third Party</b>
David L. McCombs (For the Inter Partes Requester) Haynes & Boone, LLP, IP Section 2323 Victory Ave., Suite 700 Dallas, TX 75219		
James J. Wong (For the Ex Parte Requester) 2108 Gossamer Avenue Redwood City, CA 94065		

<b>LITIGATION REVIEW</b> <input checked="" type="checkbox"/>	/J.W./ (examiner initials)	04/05/2013 (date)
<b>Case Name</b>		<b>Director Initials</b>
(OPEN) 8:12cv522		
(CLOSED) 2:10cv277		
(CLOSED) 2:09cv26		
(CLOSED) 2:09cv26		
(CLOSED) 2:08cv385		
(CLOSED) 2:08cv304		
(CLOSED) 2:08cv264		

<b>COPENDING OFFICE PROCEEDINGS</b>	
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
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March 21, 2013

HERSHKOVITZ & ASSOCIATES, LLC  
2845 DUKE STREET  
ALEXANDRIA, VA 22314  
US

Dear Sir/Madam,

Your refund request for 90012342 in the amount of \$200.00 has been denied .

The fee was due when the papaer was filed.

Sincerely,

A handwritten signature in cursive script that reads "Denise Boyd".

Denise Boyd  
CENTRAL REEXAM UNIT  
571-272-0992



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,342 5100235	06/08/2012	INV001 6779118	R1341006-D	5786
40401	7590	03/20/2013	EXAMINER	
Herskovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			WORLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			03/20/2013	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

Date: **MAILED**

**MAR 20 2013**

**CENTRAL REEXAMINATION UNIT**

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90012342 + 95002035  
PATENT NO. : 6779118  
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



Hershkoviz & Associates, LLC  
2845 Duke Street  
Alexandria, Virginia 22314

(For Patent Owner)

**MAILED**

**MAR 20 2013**

**CENTRAL REEXAMINATION UNIT**

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(For the *Inter Partes* Requester)

James J. Wong  
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(For the *Ex Parte* Requester)

*In re* Ikudome, *et al.*  
*Inter partes* Reexamination Proceeding  
Control No. 90/012,342  
Filed: June 08, 2012  
For: U.S. Patent No. 6,779,118 C1

*In re* Ikudome, *et al.*  
*Ex Parte* Reexamination Proceeding  
Control No. 95/002,035  
Filed: September 12, 2012  
For: U.S. Patent No. 6,779,118 C1

**DECISION  
SUA SPONTE  
MERGING  
REEXAMINATION  
PROCEEDINGS**

The above-captioned reexamination proceedings are before the Office of Patent Legal Administration for *sua sponte* consideration of whether the proceedings should be merged at this time.

*Ex Parte* Reexamination proceeding control number 90/012,342 and *Inter parte* Reexamination proceeding control number 95/002,035 **are merged** into a single proceeding.

### **BACKGROUND**

1. On August 17, 2004, U.S. Patent No. 6,779,118 (the '118 patent) was issued to Ikudome, *et al.* with claims 1-27.

2. On October 10, 2008, an *ex parte* reexamination proceeding was filed for the '118 patent and was assigned control number 90/009,301 (the '9301 proceeding).
3. On March 27, 2012, the '9301 proceeding resulted in an *Ex parte* Reexamination Certificate (8926<sup>th</sup>) cancelling claims 1,8, 15 and 25, confirming claims 2-7 and 9-14, confirming as amended 16-23 and 26-27 and determining newly added claims 28-90 as patentable. As a result of the certificate, the '118 patent contains claims 2-7, 9-14, 16-24, and 26-90.
4. On June 08, 2012, a request for *ex parte* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of the '118 patent was filed by a third party requester, which was assigned control number 90/012,342 (the '2342 proceeding).<sup>1</sup>
5. On July 25, 2013, the Office issued an order for *ex parte* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of the '118 patent in the '2342 proceeding.
6. On September 12, 2012, a request for *inter partes* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of the '118 patent was filed, which was assigned control number 95/002,035 (the '2035 proceeding).<sup>2</sup> The request identified Cisco Systems Inc., (the '2035 requester) as the real party-in-interest.
7. On October 19, 2012, the Office issued an order for *inter partes* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of the '118 patent in the '2035 proceeding. A non-final Office Action was concurrently issued, rejecting claims 2-7, 9-14, 16-24, and 26-90.
8. On December 7, 2012, the Office issued a non-final Office action in the '2342 *ex parte* proceeding rejecting claims 2-7, 9, 14, 16, 24, and 26-90.
9. On January 17, 2013, patent owner timely filed a response to the October 19, 2012 non-final Office Action in the '2035 proceeding without amendment to the claims.<sup>3</sup>
10. On February 7, 2013, patent owner timely filed a response to the December 7, 2012 non-final Office Action in the '2342 proceeding.

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<sup>1</sup> The request relates to the '118 patent as amended by *Ex parte* Reexamination Certificate 8926.

<sup>2</sup> On July 12, 2012, the third party requester deposited a request for *inter partes* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of the '118 patent. On September 06, 2012, the Office issued a Notice of Incomplete *inter parte* Reexamination Request for failing to comply with 37 CFR 1.915(b)(3). The third party requester resubmitted the corrected request for *inter parte* reexamination on September 12, 2012.

<sup>3</sup> Patent owner submitted a copy of an amendment and response from the previous '9301 reexamination proceeding for purposes of supporting patent owner arguments in the '2035 proceeding. The '9301 amendment and response were not submitted in accordance with information disclosure statement procedure (e.g. listing on a PTOL-SB08), thus making the record unclear. The '9301 amendment and response have been marked as an affidavit/declaration to restore clarity to the record.



11. On February 15, 2013, third party requester timely filed responsive comments in the '2035 proceeding.

## DECISION

### I. MERGER OF PROCEEDINGS

Reexamination has been ordered in two proceedings for the same claims (claims 2-7, 9-14, 16-24, and 26-90) of the same patent, '118. One of the proceedings (the '2342 proceeding) is an *ex parte* proceeding. The other proceeding (the '2035 proceeding) is an *inter partes* proceeding. Both proceedings are still pending, and have not been terminated. Therefore, consideration of merger is ripe at this point in time.

The general policy of the Office is that two reexamination proceedings will not be conducted separately, and at the same time, as to a particular patent. The rationale for this policy is (1) to prevent inconsistent, and possibly conflicting, amendments from being introduced into the two proceedings on behalf of the patent owner, (2) to provide a comprehensive examination of the patent based on the issues raised in both of the proceedings, and (3) to expedite the prosecution of both proceedings. In the present instance, merger of the *ex parte* '2342 proceeding and the *inter partes* '2035 proceeding would address these considerations. Thus, the 90/012,342 and 95/002,035 proceedings are merged. The merged proceeding will be conducted in accordance with the guidelines and requirements that follow.

### II. THE SAME CLAIMS MUST BE MAINTAINED IN ALL PROCEEDINGS

Presently, the claims (and the specification) are identical in both files. Patent owner is required to continue to maintain the same claims (and specification) in both files *throughout the merged proceeding*.

### III. CONDUCT OF MERGED PROCEEDINGS

#### A. Governing regulations for the merged proceedings:

The present decision merges an *ex parte* reexamination proceeding with an *inter partes* reexamination proceeding. Pursuant to 37 CFR 1.989(b), the merged proceeding is governed by 37 CFR 1.902 through 1.997, except that the rights of the third party requester of the *ex parte* reexamination are governed by 37 CFR 1.510 through 1.560.<sup>4</sup>

#### B. *Inter partes* Third Party Requester Participation

Upon merger of proceedings all *inter partes* requesters can comment pursuant to 35 U.S.C.

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<sup>4</sup> Active participation of the *ex parte* requester ends with the reply pursuant to 37 CFR 1.535 or the expiration of the time period for such reply. As such period has expired, further submissions on behalf of the *ex parte* requester will not be acknowledged or considered. See 37 CFR 1.550(g).

314(b)(2).<sup>5</sup> First, an *inter partes* requester's right to comment is contingent upon the patent owner responding to, or commenting on, an Office action. Second, an *inter partes* requester's right to comment is limited to issues raised in either the Office action or the patent owner's response to the action. Finally, the *inter partes* requester's comments must be submitted within 30 days from the date of service of the patent owner's response. No *inter partes* requester has a right to comment on any issue raised outside the confines of the statute, e.g. issues raised in a previous Office action (but not raised in the most recent Office action or response) or the request and comments from another requester. Requester comments must be submitted within the statutory time period of 30 days from date of service of patent owner's response.

#### Appeal Rights:

The *inter partes* reexamination procedures for taking appeal, and for participating in the patent owner's appeal, are explained in MPEP 2674 through 2675.02 and 2678 through 2683. As pointed out in MPEP 2674:

A notice of appeal by a third party requester must identify each rejection *that was previously proposed by that third party requester* which the third party requester intends to contest. It is not sufficient to merely appeal from the allowance of a claim (i.e., the examiner's finding of a claim patentable); the third party requester must identify each previously proposed rejection to be contested.

Thus, the *inter partes* reexamination requester's appeal must **only** be taken from the finding(s) of patentability of claims in the RAN as to the rejections the third party requester proposed in the *inter partes* reexamination request (not as to the rejections proposed in the *ex parte* reexamination request), and any that the *inter partes* third party requester properly added during the examination stage of the merged proceeding. Also, as provided by 37 CFR 41.67(c)(1)(vi):

No new ground of rejection can be proposed by a third party requester appellant, unless such ground was withdrawn by the examiner during the prosecution of the proceeding, and the third party requester has not yet had an opportunity to propose it as a third party requester proposed ground of rejection.

Thus, an appellant's brief shall present a concise statement of each issue. And, no new ground of rejection (i.e., a ground that the requester did not propose in the *inter partes* reexamination request, or during the merged proceeding) can be proposed by the *inter partes* third party requester appellant, unless that ground was withdrawn by the examiner during the prosecution of the proceeding, and the *inter partes* third party requester did not yet have an opportunity to propose it as a third party requester proposed ground of rejection.

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<sup>5</sup> Each time that the patent owner files a response to an action on the merits from the Patent and Trademark Office, the third-party requester shall have one opportunity to file written comments addressing issues raised by the action of the Office or the patent owner's response thereto, if those written comments are received by the Office within 30 days after the date of service of the patent owner's response.

### C. Papers mailed/filed:

All papers mailed by the Office throughout the merged proceeding will take the form of a single action which applies to both proceedings. All papers issued by the Office, or filed by the patent owner and the third party requesters, will contain the identifying data for both files and will be physically entered in each reexamination file. All papers filed by the patent owner and the third party requesters must consist of a single paper, **filed in duplicate**, each bearing a signature and identifying data for both files, for entry into each file.

All papers filed by the patent owner and the third party requesters should be directed:

by Mail to:           Attn: Mail Stop "*Inter Partes* Reexam"  
                          Central Reexamination Unit  
                          Commissioner for Patents  
                          P.O. Box 1450  
                          Alexandria, VA 22313-1450

by FAX to:           (571) 273-9900  
                          Central Reexamination Unit

by Hand to:          Customer Service Window  
                          Attn: Central Reexamination Unit  
                          Randolph Building, Lobby Level  
                          401 Dulany Street  
                          Alexandria, VA 22314

by EFS:              Registered users may submit papers via the  
                          electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Patent owner and requesters are reminded that every paper filed (including papers filed *via* facsimile transmission) in the merged proceeding subsequent to this decision must be served on the other parties, and every paper filed must reflect that such paper was served on the other parties, pursuant to 37 CFR 1.903. All papers are to be addressed to the Central Reexamination Unit as provided above.

### D. Amendments:

The filing of any amendments to the drawings, specification or claims must comply with 37 CFR 1.943, which incorporates the provisions of 37 CFR 1.530, and the guidelines of MPEP § 2666.01, which in turn references the guidelines of MPEP § 2250.

37 CFR 1.121 does not apply to amendments in reexamination. Accordingly, clean copies of the amended claims are not required and are not to be submitted; rather amendments are to be presented via markings pursuant to paragraph 37 CFR 1.530(f), except that a claim should be canceled by a statement canceling the claim, without presentation of the text of the claim.

Pursuant to 37 CFR 1.530(i), all amendments must be made relative to the patent specification, including the claims, and drawings, which are in effect as of the date of filing the request for reexamination. *Amendments are not to be made relative to previous amendments*. Thus, for all amendments, all words not appearing in the patent are always underlined, and only words being deleted from the patent appear in brackets.

#### E. Fees:

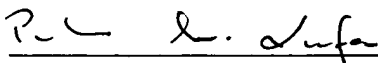
Where a paper is filed that requires payment of a fee (*e.g.*, petition fee, excess claims fee, extension of time fee, appeal fee, brief fee, oral hearing fee), only a single fee need be paid. For example, only one fee need be paid for any patent owner's appellant brief (or that of the *inter partes* reexamination requester) which may be filed, even though the brief relates to merged multiple proceedings, and copies must be filed (as pointed out above) for each file in the merged proceeding.

#### F. Citation of Patents and Printed Publications:

Upon return of the present merged proceeding to the examiner, the examiner will review the files to ensure that each file contains identical citations of prior patents and printed publications, and will cite such documents as are necessary as part of the next action in order to place the files in that condition.

### CONCLUSION

1. *Ex parte* Reexamination Control No. 90/012,342 and *inter partes* Reexamination Control No. 95/002,035 are **merged into a single proceeding**, to be conducted in accordance with the procedure set forth above in Part III of this decision.
2. Any questions concerning this communication should be directed to Joseph F. Weiss, Jr., Legal Advisor, at 571-272-7759.



Pinchus M. Laufer  
Senior Legal Advisor  
Office of Patent Legal Administration

March 20, 2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Reexamination Filed: June 8, 2012

Examiner: Jalatee Worjloh

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

**REQUEST FOR REFUND**

Mail Stop "*inter partes* Reexam"  
Attention: Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Patent Owner properly filed a Petition for Extension of Time with the USPTO on February 2, 2013 and authorized any charge of a Petition fee to Deposit Account No. 50-2929. No Decision was rendered before the Response due date of February 7, 2013, and thus, Patent Owner was forced to timely file a Response, in which withdrawal of the Petition was requested. A Decision dated February 22, 2013 properly **dismissed** the Petition as "moot" (although the Image File Wrapper and Transaction History sections of PAIR for the subject Proceeding both improperly indicate that the Petition was "denied"). **Accordingly, no fee for the dismissed Petition was due.** However, the Office charged the Petition fee of \$200 to Deposit Account No. 50-2929 on February 20, 2013 for the transaction "PETITIONS TO THE DIRECTOR NOT SPECIFICALLY PROVIDED FOR (GROUP II)-\$200.00." A copy of the Deposit Account printout for this charge is attached hereto.

In view of this improper charge, **Patent Owner respectfully requests refund of the fee of \$200.00 charged to Deposit Account No. 50-2929 on February 20, 2013.**

Patent Owner submits that no fees are necessitated by this Request. However, the Commissioner is authorized to charge any fee actually required and refund any payment to Deposit Account No. 50-2929, referencing Docket No. R1341006D.

Evidence of service on third party requester is given on the last page of this Request.

The Office is invited to direct any questions to the undersigned at the below-listed telephone/facsimile numbers and e-mail address.

Respectfully submitted,  
Koichiro Ikudome et al.

          /Abe Hershkovitz/            
Abraham Hershkovitz  
Reg. No. 45,294

Date: March 4, 2013

HERSHKOVITZ & ASSOCIATES, LLC  
2845 Duke Street  
Alexandria, VA 22314  
Telephone 703-370-4800  
Facsimile 703-370-4809  
E-Mail patent@hershkovitz.net

R1341006D.A03 AH/mc/pjj

**CERTIFICATE OF SERVICE**

It is hereby certified that the attached Request for Refund and Attachment in Reexamination Proceeding No. 95/001,431, and this Certificate, **are being served by first class mail on March 4, 2013** on the third party requester at the third party requester's address:

IP Section  
Haynes & Boone  
2323 Victory Avenue, Suite 700  
Redwood City, CA 94065

/Abe Hershkovitz/  
Abraham Hershkovitz

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15107896
<b>Application Number:</b>	90012342
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5786
<b>Title of Invention:</b>	User Specific Automatic Data Redirection System
<b>First Named Inventor/Applicant Name:</b>	6779118
<b>Customer Number:</b>	40401
<b>Filer:</b>	Abraham Hershkovitz/Brian Berman
<b>Filer Authorized By:</b>	Abraham Hershkovitz
<b>Attorney Docket Number:</b>	R1341006-D
<b>Receipt Date:</b>	04-MAR-2013
<b>Filing Date:</b>	08-JUN-2012
<b>Time Stamp:</b>	18:01:53
<b>Application Type:</b>	Reexam (Third Party)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Trans Letter filing of a response in a reexam	R1341006D-A03_Transmittal_of_Req-for-Refund.pdf	157916 <small>c350bb7f776e1a27ef39545e1b02297e6cc694dac</small>	no	1

### Warnings:

### Information:



2		R1341006D-A03_Req-for-Refund.pdf	124695 fe58ad35e921c60b911c835920a082b559df54a2	yes	3
<b>Multipart Description/PDF files in .zip description</b>					
<b>Document Description</b>		<b>Start</b>		<b>End</b>	
Refund Request		1		2	
Reexam Certificate of Service		3		3	
<b>Warnings:</b>					
<b>Information:</b>					
3	Refund Request	R1341006D-A03_PTO-DA-Search-90012342.pdf	20165 a95ad5cb3deb923c07a5f6fa988d2a5ff7ec4c06	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			302776		
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</b></p>					



# HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY

2845 DUKE STREET, ALEXANDRIA, VA 22314

TEL. 703-370-4800 ~ FACSIMILE 703-370-4809

patent@hershkovitz.net ~ www.hershkovitz.net

Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Reexamination Filed: June 8, 2012

Examiner: Jalatee Worjloh

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop "ex parte Reexam"  
Attn.: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 23313-1450

Honorable Commissioner:

Transmitted herewith are a REQUEST FOR REFUND AND ATTACHMENT and a Certificate of Service in connection with the above-captioned Proceeding.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 30=	\$	x 60=	\$
**Indep. Claims:			x125=	\$	x250=	\$
Extension Fee for	Months			\$		\$
				\$		\$
<b>Total:</b>				<b>\$</b>	<b>Total:</b>	<b>\$</b>

Fee Payment made through EFS.

Payment is made herewith by Credit Card (see attached Form PTO-2038).

The Director is hereby authorized to charge all fees, including those under 37 CFR §§1.16 and 1.17, which are required for entry of the papers submitted herewith, and any fees which may be required to maintain pendency of this Proceeding, to Deposit Account No. 50-2929.

The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: March 4, 2013

/Abe Hershkovitz/  
Abraham Hershkovitz, Reg. No. 45,294

R1341006D.A03; AH/pjj



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,342	06/08/2012	6779118	R1341006-D	5786
40401	7590	02/22/2013	EXAMINER	
Herskovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			02/22/2013	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patents and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

Date:

**MAILED**

**FEB 21 2013**

**CENTRAL REEXAMINATION UNIT**

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90012342  
PATENT NO. : 6779118  
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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**Decision on Petition for Extension  
of Time in Reexamination**

90/012,342

1. THIS IS A DECISION ON THE PETITION FILED: 02 February 2013.

2. THIS DECISION IS ISSUED PURSUANT TO:

- A.  37 CFR 1.550(c) – The time for taking any action by a patent owner in an *ex parte* reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified.
- B.  37 CFR 1.956 – The time for taking any action by a patent owner in an *inter partes* reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified.
- The petition is before the Central Reexamination Unit for consideration.

3. FORMAL MATTERS

Patent owner requests that the period for filing a response to the office action mailed 07 December 2012 be extended for a 1 month period.

- A.  Petition fee per 37 CFR §1.17(g):
- i.  Petition includes authorization to debit a deposit account.
  - ii.  Petition includes authorization to charge a credit card account.
  - iii.  Other: \_\_\_\_\_.
- B.  Proper certificate of service was provided. (Not required in reexamination where patent owner is requester.)
- C.  Petition was timely filed.
- D.  Petition properly signed.

4. DECISION (See MPEP 2265 and 2665)

- A.  Granted or  Granted-in-part for \_\_\_\_\_, because petitioner provided a factual accounting that established sufficient cause. (See 37 CFR 1.550(c) and 37 CFR 1.956).
- B.  Other/comment:
- C.  Dismissed because:
- i.  Formal matters (See unchecked box(es) (A, B, C and/or D) in section 4 above).
  - ii.  Petitioner failed to provide a factual accounting of reasonably diligent behavior by all those responsible for preparing a response to the outstanding Office action within the statutory time period.
  - iii.  Petitioner failed to explain why, in spite of the action taken thus far, the requested additional time is needed.
  - iv.  The statements provided fail to establish sufficient cause to warrant extension of the time for taking action (See attached).
  - v.  The petition is moot.
  - vi.  Other/comment:

5. CONCLUSION

Telephone inquiries with regard to this decision should be directed to Andrew J. Fischer at 571-272-6779. In his absence, calls may be directed to Dan Ryman at 571-272-3152 in the Central Reexamination Unit.

/Andrew J. Fischer/  
[Signature]

SPRS, AU 3992 Central Reexamination Unit  
(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of Ikudome et al.	§ <i>Inter Partes</i> Reexamination
U.S. Patent No. 6,779,118	§ Control No. 95/002,035
Issued: August 17, 2004	§
Title: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM	§ Group Art Unit: 3992
	§
	§ Examiner: Jalatee Worjloh
	§
	§ Confirmation No.: 1745
	§
	§

**COMMENTS BY THIRD PARTY REQUESTER**

**PURSUANT TO 37 C.F.R. § 1.947**

Mail Stop *Inter Partes* Reexam  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On January 17, 2013, the Patent Owner filed a Response regarding the Office Action of October 19, 2012. Cisco Systems submits the following Comments. It is respectfully requested, for the reasons identified below, that the Examiner:

- (i) maintain the rejection of, and issue an action closing prosecution for, claims 2-7, 9-14, 16-24, and 26-90 (all the claims in reexamination), and
- (ii) deem the arguments advanced by the Patent Owner in the Response to be erroneous, improper, and/or unpersuasive.

In the context of this *inter partes* reexamination, the standard provided in MPEP § 2111 for claim interpretation during patent examination may be applied whereas a different standard may be used by a court in litigation. The Patent Office is not required to interpret claims in the same manner as a court would interpret claims in an infringement suit.

**Table of Contents**

I.	Summary of Argument .....	1
II.	The Examiner Properly Cited and Explained Reasons to Combine the Prior Art, as Required by <i>Graham</i> and <i>KSR</i> .....	1
III.	The Combined References Render the Claims Obvious.....	2
IV.	Comments on the Patent Owner’s Analysis of ’118 Patent Claims.....	3
	A. Comments on the Patent Owner’s Proposed Claim Construction for “Rule Set” .....	3
	B. Comments on the Patent Owner’s Proposed Claim Construction for “Redirection” .....	5
	C. Comments on the Patent Owner’s Further Claim Construction for “Rule Set” .....	6
V.	Comments on the Patent Owner’s Response to the Rejection of Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as Obvious over Willens in view of RFC 2138 and Stockwell.....	6
	A. Stockwell.....	7
	B. Willens .....	8
	C. Comments on the Patent Owner’s Response on “Rule Set” in Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84, and 86-90 .....	8
	D. Comments on the Patent Owner’s Response on “Redirection” in Claims 5, 6, 12, 13, 31, 35, 48, 49, 50, 54, 55, 60, 61, 66, 67, 81, 82, and 89-90 .....	9
	E. Comments on the Patent Owner’s Response on “Modification of the Rule Set” in Claims 16-18, 23-27, 36-39, 42-43, 68-84, and 89-90 .....	12
VI.	Comments on the Patent Owner’s Response to the Rejection of Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as Obvious over Willens in view of RFC 2138 and Admitted Prior Art .....	14
VII.	Comments on the Patent Owner’s Response to the Rejection of Claims 6, 7, 13, 14, 16-24, 26-44, 48-56, and 61-90 as Obvious over Radia in view of Wong’727 and further in view of Stockwell .....	16
	A. Radia, Wong ’727 and Wong ’178 .....	16
	B. Comments on the Patent Owner’s Interpretation of “Rule Set” .....	17
	C. Comments on the Patent Owner’s Arguments Regarding Modification of a Rule Set by the Redirection Server During a Session.....	18

D.	Comments on the Patent Owner’s Arguments Regarding “Redirection” and Claims 31, 35, 61, 66-7 .....	20
VIII.	Comments on the Patent Owner’s Response to the Rejection of Claims 2-5, 9-12, 45-48, and 57-60 as Obvious over Radia in view of Wong’727 and Stockwell and further in view of Wong ’178 .....	21
IX.	Comments on the Patent Owner’s Response to the Rejection of Claims 7, 14, 16-24, 50-56, and 62-90 as Obvious over Radia in view of Wong’727 and further in view of Admitted Prior Art .....	21
A.	Comments on the Patent Owner’s Response Regarding the Interpretation of “Rule Set” in All Claims .....	22
B.	Comments on the Patent Owner’s Response Regarding the Interpretation of “Redirection” in Claims 7, 14, 16-24, 50-56, and 62-90 .....	22
C.	Comments on the Patent Owner’s Response Regarding “Modification of Rule Set” in Claims 16-24, 53 and 68-90 .....	22
D.	Comments on the Patent Owner’s Response Regarding a “Rule Set for a Plurality of User IDs” in Claims 14, 50, and 62 .....	23
X.	Comments on the Patent Owner’s Response to the Rejection of Claims 2-5, 9-12, 45-48, and 57-60 as Obvious over Radia in view of Wong’727, the Admitted Prior Art, and further in view of Wong’178 .....	23
XI.	Comments on the Patent Owner’s Response to the Rejection of Claims Based on He, Zenchelsky, Admitted Prior Art, and Fortinsky .....	23
A.	Comments on the Patent Owner’s Response to the Rejection of Claims 2-7, 9-12, 16-24, 26-54, 60-66, 68-81 and 83-89 as Obvious over He, Zenchelsky and the Admitted Prior Art .....	25
1.	Comments on the Patent Owner’s Statement Regarding the Obviousness of Combining He, Zenchelsky, and the Admitted Prior Art .....	25
2.	Comments on the Patent Owner’s Statement that “He and Fortinsky are Directed to Using Ticket-Based Security Architecture” .....	25
3.	Comments on the Patent Owner’s Statements Regarding Fortinsky’s Gateway Server .....	26
4.	Comments on the Patent Owner’s Statements Regarding Obviousness of Controlling Access to a Network with a Redirection Server Between the User and the Network .....	26
B.	Comments on the Patent Owner’s Statements on “Processing Before Network Access is Allowed” .....	27



C.	Comments on the Patent Owner’s Assertion that a “User’s Credentials Do Not Meet the Definition of ‘Rule Set’” .....	28
D.	Comments on the Patent Owner’s Statements on “Redirection” .....	28
E.	Comments on the Patent Owner’s Statements on “Modification of ‘Rule Set’” .....	28
XII.	Conclusion .....	29

**LIST OF EXHIBITS**

**Exhibit N<sup>1</sup>** Linksmart Infringement Contentions against T-Mobile.

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<sup>1</sup> Requester's Exhibits A-M were included with the Requester for Reexamination.

## COMMENTS

Requester's Comments are based on an interpretation of the claims appropriate to this proceeding. In the context of this *inter partes* reexamination, the standard provided in MPEP § 2111 for claim interpretation during patent examination may be applied whereas a different standard may be used by a court in litigation. The Patent Office is not required to interpret claims in the same manner as a court would interpret claims in an infringement suit.

With these Comments, Requester files Exhibit N as evidence of the Patent Owner's interpretation of the claim language. Because the document is not being cited or used as prior art, Requester submits that the provisions of 37 CFR 1.948 (regarding the submission of prior art by the third party requester after the order for *inter partes* reexamination) do not apply.

### **I. Summary of Argument**

Patent Owner's Response consists mostly of generalized arguments for patentability without reference to specific claim language. Patent Owner does discuss the claim terms "redirection server" and "rule set," but the Patent Owner merely argues for interpretations that are inconsistent with the broadest reasonable interpretation in view of the specification—the standard of claim interpretation that applies in this proceeding.

Patent Owner fails to show any error in the Examiner's rejections and presents no reason why the rejections should be reconsidered or withdrawn. Accordingly, the Examiner's rejections should be reaffirmed and made final in an Action Closing Prosecution.

### **II. The Examiner Properly Cited and Explained Reasons to Combine the Prior Art, as Required by *Graham* and *KSR***

Patent Owner argues that the "Examiner failed to disclose what rationale, if any, there was for combining the prior art." (Resp. at 3.) This argument is without basis.

Requester provided detailed explanations of the reasons to combine the prior art for each proposed rejection. (*See, e.g.*, Request Ex. AA at 2 & 56-57; Ex. BB at 2, 49, 55, & 104; Ex. CC at 2; Ex. DD at 2.) The Examiner properly relied on these explanations and incorporated them by reference for each adopted rejection. (*See, e.g.*, Office Action at 2.) Patent Owner does not contest, challenge, or even acknowledge the detailed explanations adopted by the Examiner. Accordingly, Patent Owner has not shown any deficiency in the Examiner's obviousness combinations, which should be affirmed and made final.

### III. The Combined References Render the Claims Obvious

Patent Owner makes a variety of generalized arguments, such as listing various purported “technical differences between the teaching of the prior art and the ’118 patent.” (Resp. at 4.) But none of these alleged differences are shown to relate in any way to language in the claims under reexamination. For example, Patent Owner asserts that the claimed redirection is “for the purpose of controlling access to the network itself, not network elements.” (*Id.*) The claims, however, do not recite any such “purpose” limitation or refer to “controlling access to the network itself.”

Requester respectfully submits that the ’118 patent specification does not provide any basis for Patent Owner’s attempted distinction between controlling access to a *network itself* and controlling access to its constituent *network elements*. Rather, the ’118 patent describes applying IP traffic filters based in part on the destination address (that is, the address of a network element). Even when discussing a configuration applicable to any request to access a website, the specification clarifies that the redirection server would check for “attempts to connect to port 80 **on any machine.**” (’118 Patent, 7:40-41 (emphasis added).) Thus, the specification’s acknowledges that the filter will control access to a destination accessible through the network (i.e., a network element) and not the “network itself” as the Patent Owner argues.

Patent Owner also argues that the rejections are improper because of the “absence of any claim construction analysis.” (Resp. at 4.) But a claim construction analysis is not required in a request for *inter partes* reexamination. (*See* 37 C.F.R. 1.915 (listing required contents of request); *cf.* 37 C.F.R. 42.104(b)(3) (requiring claim construction for new *inter partes* review proceedings).) Similarly, there is no requirement for an Examiner to set forth an express claim construction analysis. To the contrary, “Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification.” (MPEP 2111.01 (I).) Thus, Patent Owner’s argument about the “absence of any claim construction analysis” is without any legal basis.

Patent Owner further argues that the adopted rejections would require modifications that “render the prior art unsatisfactory for its intended purpose.” (Resp. at 5.) Patent Owner states that in the prior art systems, the “specific identity of the user and the user’s ‘credentials’ are essential,” but in the claims under reexamination “the actual identity of a particular user is not important.” (*Id.*) But even if this is true—a point that Requester does not concede—Patent

Owner fails to explain how it renders the prior art unsatisfactory. What about the prior art systems' ability to identify a user is "unsatisfactory" for controlling access to a network for business purposes? Patent Owner provides an example of a system for "billing for temporary internet access"—once again, a limitation not found in the claims—but such a system must identify users at least to the extent of determining which have paid and which have not. Patent Owner fails to explain any impediment to using the prior art's techniques for identifying users and providing individualized services to them. Requester submits that the prior art's techniques would be satisfactory for distinguishing between users who had paid and users who had not.

Furthermore, even accepting *arguendo* Patent Owner's argument that users need not be identified, Patent Owner's argument is essentially that the prior art teaches additional useful features that are not recited in the claims. The prior art cannot be faulted for providing an *overly* descriptive and complete disclosure. The argument is without merit.

#### **IV. Comments on the Patent Owner's Analysis of '118 Patent Claims**

##### **A. Comments on the Patent Owner's Proposed Claim Construction for "Rule Set"**

Patent Owner asserts that the "'118 patent defines 'rule set' as '...rule sets specify *elements or conditions* about the user's session.'" (Resp. at 5, quoting '118 Patent, 4:41-42 (emphasis by Patent Owner).) Patent Owner further notes that in litigation, a district court adopted a substantially similar interpretation. (Resp. at 6.)

First, Requester notes that the standard provided in MPEP § 2111 for claim interpretation applies in this reexamination proceeding. Specifically, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." (MPEP § 2111.) The Patent Office is not required to interpret claims in the same manner as a court would interpret claims in an infringement suit, where a different standard applies. Accordingly, Requester's comments in this paper have no bearing on the proper interpretation in the context of litigation. For the purposes of this proceeding, Requester respectfully submits that "rule set" should be interpreted according to the broadest reasonable interpretation in light of the '118 patent specification.

Second, as the Patent Owner acknowledged in its response, "rule set" is at least as broad as the elements or conditions about user's session, which includes packet filters. (Resp. at 5, n.3.) Indeed, interpreting "rule set" broadly enough to include packet filters is entirely consistent

with the '118 specification, which repeatedly discusses filtering packets using a rule set. (*See, e.g., '118 Patent, 5:62-67, 6:1-3, 6:37-39, and 7:26-28.*)

Thus, Patent Owner's arguments regarding the meaning of "rule set" do not distinguish the prior art's packet filters.

Patent Owner asserts, however, that a "rule set is not a static data packet filter but is a set of rules that, when programmed into the redirection server, can change the way the redirection server processes the data packets from the user computer in response to changes in the elements or conditions." (Resp. at 6.) Patent Owner also asserts that a rule set "enables the processing of the redirection server to change from one protocol to another" (*id.*) and "provide[s] directions whereby the redirection server modifies its own program – rule set." (*Id.* n. 7.) In other words, Patent Owner asserts that a "rule set" must be non-static, protocol-changing, and capable of self-modification.

Notably absent from Patent Owner's assertions is any reference or citation to the '118 patent specification. Requester cannot find any corresponding description of, for example, "chang[ing] from one protocol to another." And contrary to the Patent Owner's argument, the '118 patent specification describes a "typical user's rule set" that is static:

The following is an example of a typical user's rule set, attendant logic and operation:

If the rule set for a particular user (i.e., user UserID-2) was such as to only allow that user to access the web site www.us.com, and permit Telnet services, and redirect all web access from any server at xyz.com to www.us.com, then the logic would be as follows:

The database 206 would contain the following record for user UserID-2:

---

ID	UserID-2	
Password:	secret	
#####		
### Rule Sets ###		
#####		
#service	rule	expire
http	www.us.com	0
http	*.xyz.com=>www.us.com	0

---

('118 Patent, 6:4-22.) The specification never describes this "typical user's rule set" as being modified, let alone that the rule set modifies itself.

Even where the '118 patent discusses modifying a rule set, it does not require *self-modification*. Requester notes that various claims recite separate, express limitations in which the “redirection server is configured to allow automated modification” of the rule set. (*See, e.g.*, claims 16-23.) Since some claims require rule set modification by the redirection server, it follows that the rule set is not required to be capable of self-modification as argued by the Patent Owner. In addition, the '118 patent specification discusses examples where an *outside server* makes the modification:

Of course, the type of *modification an outside server can make to a rule set on the redirection server* is not limited to deleting a redirection rule, but can include any other type of modification to the rule set that is supported by the redirection server....

('118 Patent, 8:6-10 (emphasis added).)

Patent Owner's response failed to mention or address these examples of an unchanging “rule set” and a rule set modified by an outside server. Accordingly, Patent Owner has failed to explain why, under the broadest reasonable interpretation, the term “rule set” should be understood as being non-static, protocol-changing, and capable of self-modification. The Examiner correctly concluded that “rule set” is broad enough to include a set of rules for filtering packets.

**B. Comments on the Patent Owner's Proposed Claim Construction for “Redirection”**

Patent Owner argues that the claims should be interpreted as including “the incorporation of redirection as part of the ‘rule set.’” (Resp. at 7.) Patent Owner acknowledges that “the cited references teach redirection,” but argues that they are distinguishable because they teach redirection “at the destination,” “as a separate function,” or “at discrete events.” (*Id.*)

Patent Owner's argument is unpersuasive. Once again, Patent Owner does not cite to anything in the claim language or in the '118 specification to support its argument that the claimed “redirection” is distinct from the kinds of redirection taught in the cited references.

Patent Owner further argues that Stockwell is distinguishable because “the queries of Stockwell do not occur during a session” and “the '118 patent does not rely on generating a query.” But Stockwell discusses applying redirection as part of a rule set, and without any reference to requiring a “query”:

```
allowed_flow( source_addr(net_addr(*.*.* 0 external))
               dest_addr(net_addr(192.168.1.192 0 external))
               service(nntp tcp)
               172.17.192.48 0)
```

This rule intercepts all incoming connections that go the external side of the local Sidewinder (192.168.1.192) and redirects them to shade.sctc.com (172.17.192.48).

(Stockwell, 2:24-31.)

And the '118 patent specification similarly discusses the use of queries, for example, to verify a user and password: "The authentication accounting server 204 *queries database 206* and performs validation check of user ID and password." ('118 Patent, 5:54-56.) The '118 patent also states that the authentication accounting server "sends ... the user's rule set (contained in database 206) ... to the redirection server 208." ('118 Patent, 5:63-66.) It is unclear how the authentication accounting server could obtain the rule set from database 206 without submitting a query. Thus, Patent Owner's argument that the claim language somehow forbids the use of a "query" is not consistent with the broadest reasonable interpretation of the claims. Thus, there is no merit in the Patent Owner's assertion that the term "redirection" requires redirecting a user without ever performing a query.

**C. Comments on the Patent Owner's Further Claim Construction for "Rule Set"**

Patent Owner argues that a further limitation of a "rule set" is "the requirement of modification of the rule set during a user session." (Resp. at 8.)

Patent Owner's argument is unpersuasive. Patent Owner does not cite to anything in the claim language or in the '118 specification to support this argument. Requester notes that various claims recite separate, express limitations relating to "modification" of the rule set. (*See, e.g.,* claims 16-23.) And as noted above, the '118 specification describes a "typical user's rule set" that is static. (*See* '118 Patent, 6:4-22.) Thus, there is no basis for interpreting "rule set" as requiring a modification to have occurred.

**V. Comments on the Patent Owner's Response to the Rejection of Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as Obvious over Willens in view of RFC 2138 and Stockwell**

The Examiner properly rejected claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as obvious over Willens (US5889958) in view of RFC 2138 and Stockwell (US5950195). As



analyzed more fully in the Request for Reexamination:

- Willens teaches that each user can have an individualized set of rules that are enforced by a communication server, which blocks or allows data packets sent between the user's computer and the network. (*See, e.g.*, Willens, 5:60–6:9.)
- Stockwell teaches a similar system for controlling users' access to a network, with a further teaching that rules controlling a user's access to the network can not only block or allow data packets, but also redirect data packets to an alternate destination. (*See, e.g.*, Stockwell 2:29-31.)

Thus, Willens, RFC 2138 and Stockwell render obvious the claimed systems and methods including the "redirection server" that processes users data "according to the individualized rule set."

**A. Stockwell**

Patent Owner makes a variety of generalized statements regarding the disclosure of Stockwell (*see* Resp. at 8-11), but none of these arguments show a distinction between the claims in reexamination and the prior art as applied in the Examiner's rejections.

For example, Patent Owner acknowledges Stockwell's teaching of redirection in response to a query, but states that the queries (and thus redirection) do not occur "*while the redirection server processes data packets communicated between the user and the network according to the programmed rule set.*" (Resp. at 9 (emphasis in original).) No claim recites such a "while" limitation, and the Patent Owner does not identify any allegedly corresponding claim language. Thus, the argument fails to "point[] out the specific distinctions believed to render the claims ... patentable over any applied references." (*See* 37 CFR 1.111(b).)

As another example, Patent Owner argues that Stockwell's "ACLD cannot be the 'redirection server,' as suggested." (Resp. at 10.) The Examiner's rejection, however, did not assert that Stockwell's ACLD software was the claimed redirection server. Rather, the rejection proposed that Willens' "client software 44 on communication server 14 is a redirection server." (Request for Reexamination, Ex. AA at 7.) To the extent that Willens' client software lacked the ability to perform redirection *per se*, the rejection relied on Stockwell's disclosure of controlling access not just by allowing or denying requests, but also by *redirecting* a request to an alternate destination. (*Id.* at 7-8.) Thus, the Patent Owner's response regarding Stockwell's ACLD is not directed to the adopted rejection.

Patent Owner also argues that Stockwell is distinguishable because it teaches a software architecture that includes “agents” and the ACLD. Stockwell’s ACLD manages the “list of rules that regulate the flow of Internet connections through a firewall.” (*See* Stockwell, 5:17-37.) The “agents” are applications on the firewall that process connections and provide services. (*See* Stockwell, 5:53–6:8.) Patent Owner argues that the agents “are not programmed with a rule set” and the “ACLD never processes data from a user.” (Resp. at 11.) In other words, Patent Owner asserts that Stockwell divides the claimed “redirection server” functionality into two components: one component to determine the proper treatment for a data packet (the ACLD) and another component to implement that decision (the agent). Patent Owner’s argument fails to consider, however, that Stockwell teaches that both the ACLD and the agents are software components executing on a single firewall computer. (*See* Stockwell, 6:9-13.) Furthermore, Patent Owner asserts in litigation that a various combinations of hardware and software—including multiple distinct servers—are within the scope of the term “redirection server.” (*See* Request for Reexamination, Ex. D2 at 18.) Thus, Patent Owner’s argument not only fails to distinguish Stockwell, it contradicts the broad claim interpretation asserted by the Patent Owner in litigation. *See* 37 C.F.R. § 1.104(c)(3) (The Examiner may rely on the admissions of a Patent Owner “as to any matter affecting patentability”).

**B. Willens**

Patent Owner makes a variety of statements regarding the disclosure of Willens and RFC 2138. (*See* Resp. at 11-12.) In short, Patent Owner reiterates its position on claim interpretation that “rule sets” are “dynamic data processing protocols” that include “elements or conditions” such as the duration time defining how long a particular rule set is to be used, conditions for removing (discontinuing processing), and elements and conditions for modifying the rule set during a session.” (Resp. at 11.)

As noted previously, Patent Owner’s assertion is inconsistent with the broadest reasonable interpretation of the claims consistent with the ’118 specification. The ’118 specification includes an example of “rule set” that is a static packet filter. (*See* ’118 Patent, 6:4-22.) Thus, Patent Owner fails to distinguish Willens’ teaching of the claimed “rule set.”

**C. Comments on the Patent Owner’s Response on “Rule Set” in Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84, and 86-90**

Patent Owner argues that claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84, and 86-90 are

distinguishable based on a proposed interpretation of the term “individualized rule set.” (Resp. at 12.) As noted previously, Patent Owner’s assertion is inconsistent with the broadest reasonable interpretation of the claims consistent with the ’118 specification. The ’118 specification includes an example of “rule set” that is a static packet filter. (See ’118 Patent, 6:4-22.) In addition, various claims recite limitations requiring modification of the rule set. (See, e.g., claims 16-22.) Thus, it would be improper to interpret “rule set” as implicitly requiring “the rule set itself to change during a session” as the Patent Owner argues. (See Resp. at 12.)

**D. Comments on the Patent Owner’s Response on “Redirection” in Claims 5, 6, 12, 13, 31, 35, 48, 49, 50, 54, 55, 60, 61, 66, 67, 81, 82, and 89-90**

Patent Owner argues that claims 5, 6, 12, 13, 31, 35, 48, 49, 50, 54, 55, 60, 61, 66, 67, 81, 82, and 89-90 are distinguishable based a proposed interpretation of the term “redirection server.” (Resp. at 12-13.) The Examiner properly rejected the claims based on the prior art teachings, including:

- Willens teaches a server that controls access to computers on a network, such as the Internet, by intercepting packets transmitted between users’ computers and the network and allowing or denying the packets to pass. (See, e.g., Willens, 5:60–6:9.)
- Stockwell teaches that a firewall used for controlling access to a network could, in addition to allowing or denying packets, also redirect packets to an alternate destination. (Stockwell, 2:29-31.)

For the reasons explained more fully in the Request, it would have been obvious to incorporate Stockwell’s “redirect” capability into Willens’ server. The references’ combined teachings render obvious the claimed “redirection server.”

Patent Owner argues that Stockwell performs redirection only “in response to queries from the user computer” and “at predefined discrete times.” (Resp. at 13.)

As noted previously, Patent Owner’s assertions regarding the term “redirection” are inconsistent with the broadest reasonable interpretation of the claims consistent with the ’118 specification. Patent Owner provides no citation to the ’118 specification where “redirection” was explicitly or implicitly defined to exclude the redirection of network traffic from one host to another host, as taught by Stockwell. Thus, Patent Owner’s generalized assertion that “redirection” in Stockwell is different than “redirection” in the ’118 Patent is without merit.

Patent Owner further states that Stockwell has “no disclosure of redirection that is part of a rule set.” (Resp. at 13.) Contrary to Patent Owner’s statement, Stockwell *does* disclose redirection as part of a rule set. First, Stockwell provides a specific example of a rule that performs redirection:

```
allowed_flow( source_addr(net_addr(*.*.* 0 external))
               dest_addr(net_addr(192.168.1.192 0 external))
               service(nntp tcp)
               172.17.192.48 0)
```

This rule intercepts all incoming connections that go the external side of the local Sidewinder (192.168.1.192) and redirects them to shade.sctc.com (172.17.192.48).

(Stockwell, 2:24-31.)

Stockwell also discloses that any rule can include redirection information:

In general, ACL rules used in Sidewinder, Version 2.0, have the following matching criteria:

The source IP address. This can be expressed as a subnet by indicating the number of significant bits in the address.

The source security domain. This is always either “internal” or “external”.

The destination IP address.

The destination security domain, again either “internal” or “external”.

The service name. The names and protocols of the services are obtained from the file `/etc/services`. and they have the following two side effects:



Redirect the IP address to a different machine.

Redirect the port number to a different port.

(Stockwell, 2:32-47 (annotated).)

And Stockwell illustrates a specific example of a “ruleset with two rules” in which each rule has space for including redirection information:

Here is a ruleset with two rules:

<hr/>		
Name:	ftp__out	ftp-in
Position:	1	2
Action:	allow	allow
ignore:	no	no
Source:	*	*
Dest:	*	local
source Sec		
Domain:	internal	external
Dest Sec		
Domain:	external	external
Agents:	[proxy]	[server]
Services: [ftp]	[ftp]	
Protocol:	tcp	tcp
usergroup:	*	Anonymous
Time		
Intervals:	[]	["Sat-sun", "Mon mid-8am", "Mon-Fri 5pm-mid"]
Redir Host:		
Redir Port:		
Auth Needed:	no	yes
Min Encrypt:	none	none
Alert:	none	none
Allowed Auth		
Methods:	[]	[pas]
Service		
Parameters:	{}	{ftp:[get]}
Comments:		'anonymous FTP is allowed outside of business hours'
<hr/>		



(Stockwell, 12:10-35 (annotated).)

Patent Owner asserts that Stockwell is distinguishable because redirection in Stockwell occurs “before the user begins communication of data packets,” whereas “redirection as taught by the ‘118 patent can occur at any time....” (Resp. at 13.) This argument lacks any citation to supporting disclosure in either Stockwell or the ‘118 Patent, and Requester can find none. In addition, the argument is nonsensical in two ways. First, Patent Owner does not explain how the claimed redirection could occur *before* the user sends the data packet that is to be redirected. If there is no data packet, then there is nothing to redirect. Second, a claim cannot be distinguished by arguing that the claim is *broader* than the prior art. Redirection performed “before the user begins communication” is necessarily within the scope of redirection “at any time.” Even under Patent Owner’s illogical interpretation, Stockwell teaches the claim limitation.

Patent Owner argues that Stockwell does not teach “redirection in a rule set programmed into an ‘agent’ (redirection server).” (Resp. at 13.) As noted above, Stockwell teaches that the agents performing redirection and the software deciding that redirection should be performed are *both* running on the same firewall computer. (See Stockwell, 6:9-13.) And the Examiner’s

rejection relied on both Willens and Stockwell as rendering obvious the “redirection server.” (See Request Ex. AA at 6-8.) “One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” (MPEP 2145 (IV).)

**E. Comments on the Patent Owner’s Response on “Modification of the Rule Set” in Claims 16-18, 23-27, 36-39, 42-43, 68-84, and 89-90**

Patent Owner asserts that claims 16-18, 23-27, 36-39, 42-43, 68-84, and 89-90 are distinguishable based on a requirement to “allow modification of at least a portion of the rule set.”<sup>2</sup> (Resp. at 13.) Patent Owner states that “Willens affirmatively requires that the filter through which the user accesses the network is fixed and unchangeable throughout a user session.” (Resp. at 14.) Patent Owner cites to Willens’ teaching “to download the filter ‘F(Timmy)’, which is maintained in server 14 memory for the rest of the user 22’s session.” (Willens, 5:25-26.) This argument fails because it is based on a misunderstanding of Willens.

Willens teaches that the filter F(Timmy) includes references to filter lists, such as a “PTA List.” (See Fig. 3, elements 54 & 52.) Willens further teaches that the communication server 14 (the “redirection server”) loads and caches the PTA List from ChoiceNet server 18:

The server 14 looks at each filter rule found in "F(Timmy)" starting from the top. When it reaches the rule permit "PTA List", **the server 14 looks into its local cache 50** to see if www.playboy.com is on the PTA List. If not, the server 14 sends a filter look-up request to the server 18. This look-up contains the list name "PTA List" and the site Timmy is trying to access (www.playboy.com). The server 18 searches list 52 and sends back the result. Based on the result, the server 14 either permits or denies access **and updates it's local cache 50**.

(Willens, 5:64–6:7.) Thus, communication server 14 does not permanently store the entire PTA List as the Patent Owner argues, but rather stores recently used portions of it in a temporary cache. As is common with memory caching, over time some entries in the cache must be discarded to make room for newer entries. When a discarded entry is needed again, it is understood that communications server 14 will again contact the ChoiceNet server 18. Thus, Willens teaches that a portion of the rule set on communication server 14—specifically, the cached portion of the PTA List—may be automatically modified.

Furthermore, as noted in the Request, the ChoiceNet server 18 “automatically maintains

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<sup>2</sup> Requester notes that claim 25 has been cancelled, and therefore understands Patent Owner’s reference to claims 23-27 as implicitly excluding claim 25.

the permit list by downloading updated versions of the list over the Internet,” perhaps “on a daily or hourly basis.” (Willens 5:41-43, 4:43-44.) Thus, the PTA List—part of the F(Timmy) rule set—may be automatically modified. For example, during the course of a student’s day at school, additional websites may be discovered that should be allowed or blocked, so they could be added to the PTA List. Within an hour, the update would reach the ChoiceNet server 18 and, as needed, be obtained and applied by the communication server 14 to the student’s communications. Thus, Willens teaches that a portion of the rule set on communication server 14 may be automatically modified.

Regarding the communication server 14’s caching of access determinations, it would further have been obvious that these cache entries should include an expiration time after which they would be discarded (if they have not already been discarded for lack of recent use.) For example, Stockwell teaches that cache entries should only be relied on before their expiration, thus avoiding the use of stale data:

The reply can *include an expiration date* for the result of this query. This is *used internally for caching*. If a duplicate query is made by the same agent before the time expires, the cached reply is returned.

(Stockwell, 8:30-33, emphasis added.) It would have been obvious to apply a similar expiration timer to the cache entries in Willens’ communications server 14, thus ensuring that automatic updates received by ChoiceNet server 18 will propagate down to the communications server 14 in a timely fashion.

More generally, Requester submits that in view of Willens’ teaching to automatically update a filter list on ChoiceNet server 18, it would have been obvious to update any filter lists in active use on communications server 14. For example, when an error in a school’s filter list is discovered—whether it be a harmful site that is allowed or an educational site that is blocked—it would have been obvious for a teacher or school administrator to be able to correct the filter list and have the change applied to all students immediately. Without such a capability, a teacher’s lesson plan might be thrown into disarray because access to a needed website is being inadvertently blocked. For at least this motivation, it would have been obvious that automatic updates could be sent not just to ChoiceNet server 18, but also to communications server 14.

For similar reasons, it would have been obvious to allowing removing and reinstating a

portion of the rule set, as recited in part in claim 27. For example, a teacher's lesson plan might require students to access a website that would ordinarily be blocked, e.g., to watch an educational video on a popular general-purpose video sharing site.

Regarding claims 29, 33, 41, 52, 64, and 87, Patent Owner argues that Willens' "initial filter" and subsequently applied "user filter" are different from the claimed "temporary rule set" and "standard rule set." (Resp. at 15.) Specifically, Patent Owner argues that Willens is distinguishable because in Willens, applying the initial filter for "the initial rejection of data packets ... will always occur *before a user session starts.*" (Resp. at 15 (emphasis by Patent Owner).) This argument fails because the claims do not recite any limitation that the "temporary rule set" be applied during a "user session." Indeed, the claims do not refer to a "user session" *at all*. Instead, they recite "utilize[ing] the temporary rule set for an initial period of time." (*See, e.g.*, claim 29.) Willens teaches this. Accordingly, the Patent Owner has not shown any distinction between the prior art and the claim language.

Finally, Patent Owner states—without explanation—that Willens "*teaches away from*[]" any correlation of the rule set to a temporarily assigned network address." (Resp. at 15.) This argument fails utterly, as the Patent Owner points to nothing in Willens that would "criticize, discredit, or otherwise discourage the solution claimed." (MPEP 2145 (X.D.1) (quoting *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004).) Thus, there is no evidence of the supposed "teaching away."

Examiner's rejections are supported by the references, and Patent Owner's arguments fail to specifically point out any supposed error in the Examiner's action. Accordingly, the rejections should be reaffirmed and made final.

**VI. Comments on the Patent Owner's Response to the Rejection of Claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as Obvious over Willens in view of RFC 2138 and Admitted Prior Art**

The Examiner properly rejected claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 as obvious over Willens (US5889958) in view of RFC 2138 and the Admitted Prior Art. As analyzed more fully in the Request for Reexamination:

- Willens teaches that each user can have an individualized set of rules that are enforced by a communication server, which blocks or allows data packets sent between the user's computer and the network. (*See, e.g.*, Willens, 5:60–6:9.)



- The Admitted Prior Art teaches that it was known to redirect a user's request to an alternate destination. (*See, e.g.*, '118 Patent 1:38-67.)

Thus, Willens, RFC 2138 and the Admitted Prior Art render obvious the claimed systems and methods including the "redirection server" that processes users data "according to the individualized rule set."

Patent Owner argues that claims 2-7, 9-14, 16-18, 23, 24, 26-71, 76-84 and 86-90 are distinguished from the prior art because the Admitted Prior Art teaches "only that redirection occurs at the destination URL *after access to the network has been granted.*" (Resp. at 16.) Patent Owner states that redirection as taught by the Admitted Prior Art would "defeat[] the network access control purpose of the '118 patent." (*Id.*) These arguments fail because they are unrelated to any limitation in the claims. For example, the claims do not recite a purpose.

Additionally, the arguments are inconsistent with other Patent Owner statements. Patent Owner argues elsewhere in the Response that the claimed redirection "can occur at any time during a user session" and "at any time while the user is sending and receiving data packets." (*See, e.g.*, Resp. at 13.) Thus, it is Patent Owner's position that redirection "after access to the network has been granted" is within the scope of the claims. (*See* 37 C.F.R. § 1.104(c)(3) (The Examiner may rely on the admissions of a Patent Owner "as to any matter affecting patentability."))

Regarding claims 5, 6, 12, 13, 31, 35, 48, 49, 50, 54, 55, 60, 61, 66, 67, 81, 82 and 89-90, Patent Owner further argues that each of these claims "requires that the redirection server be located between the user computer and the network." (Resp. at 16.) This is not correct. Claims 5, 6, 12, 13, 31, and 35 do not recite any such "between" limitation. Indeed, adding such a "between" limitation was the reason the Patent Owner added claims 44-90 at the end of the previous ex parte reexamination. (*See* File History of 90/009301 (Request Ex. B), Notice of Intent to Issue Reexamination Certificate at 4 (Jan. 6, 2012).)

Regardless, the Examiner's rejection did not rely on the Admitted Prior Art as teaching the claimed "redirection server" in its entirety. Willens teaches a communications server 14 that controls access to destinations on a network by blocking or allowing data packets according to a user's individualized rules. The Admitted Prior Art teaches that it was known to use redirection to automatically direct a user from one web page to an alternate web page. (*See* '118 Patent, 1:38-67.) It was further known that redirection was not limited to web pages, but was "valid for

all IP services.” (*Id.* 1:40-42.) For the reasons explained in the Request—which the Patent Owner does not contest—it would have been obvious to incorporate IP packet redirection (as taught by the Admitted Prior Art) into Willens’ communications server 14. With this obvious addition of a redirection capability, the communications server 14 is a “redirection server” located “between” the user and the network and capable of blocking, allowing, or redirecting data packets according to a user’s individualized rules.

To the extent that the Patent Owner argues that the Admitted Prior Art fails to teach a complete “redirection server,” the Patent Owner is improperly attacking the references individually. “One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” (MPEP 2145 (IV).)

Accordingly, the Examiner’s rejections based in part on the Admitted Prior Art are well-supported and well-reasoned. The rejections should be reaffirmed and made final.

**VII. Comments on the Patent Owner’s Response to the Rejection of Claims 6, 7, 13, 14, 16-24, 26-44, 48-56, and 61-90 as Obvious over Radia in view of Wong’727 and further in view of Stockwell**

The Examiner properly rejected claims based on Radia (US5848233) in view of Wong’727 (US5835727) and Stockwell (US5950195). As analyzed more fully in the Request for Reexamination:

- Radia teaches a system in which each user’s access to a network is controlled by an individualized set of rules programmed into a router, which then blocks or allows data packets sent between the user’s computer and the network. (*See, e.g.,* Radia, 6:66–7:2 & 3:18-20.)
- Stockwell teaches that a firewall used for controlling access to a network could, in addition to allowing or denying packets, also redirect packets to an alternate destination. (Stockwell, 2:29-31.)

Thus, Radia, Wong’727, and Stockwell render obvious the claimed systems and methods including the “redirection server” that processes users’ data “according to the individualized rule set.”

**A. Radia, Wong ’727 and Wong ’178**

Patent Owner summarizes its understanding of the functionality of the Radia/Wong system on pages 17-18. As the summary is not tied to any particular claim, claim limitation, or

argument, Requester has no comment on the summary.

**B. Comments on the Patent Owner's Interpretation of "Rule Set"**

Responding to the Radia rejections, Patent Owner proposes yet another definition for "rule set" as requiring "'allow' and 'deny' and 'redirect' actions on the data packets from the user computer, and 'element or conditions' that need not be related to the header data of the data packet itself but that may instead relate to factors other than the packet data." (Resp. at 18.) Once again, Patent Owner provides no citation to the '118 Patent specification in support of this argument. Notably, Patent Owner's previously-proposed definition made no mention of "allow," "deny," or "redirect" actions (*see* Resp. at 5), and elsewhere Patent Owner argues that "blocking and allowing were additional but not necessary functions of the redirection server." (Resp. at 16.) Patent Owner's discussion of "elements or conditions" asserts that at least one "element or condition" must apply independent of a packet's data. In other words, Patent Owner argues that a rule set requires one "element or condition" would apply to all packets unconditionally and regardless of content or destination. Requester cannot find any indication of support in the '118 specification for this concept. In summary, Patent Owner's proposed definition is unsupported by the specification and inconsistent with Patent Owner's other statements.

Patent Owner argues that Radia "does not include any 'elements or conditions' as taught by the '118 patent," such as "'elements or conditions' that would enable Radia's router itself to modify the packet filter during a user session." (Resp. at 18-19.) These arguments depend on Patent Owner's argument that a "rule set" must include a capability for automatic self-modification. As refuted more fully above, this proposed interpretation of "rule set" is inconsistent with the broadest reasonable interpretation of the claims in view of the '118 specification. Requester notes again that various claims recite separate, express limitations relating to "modification" of the rule set. (*See, e.g.*, claims 16-23.) Accordingly, the argument is without merit.

Patent Owner argues that Radia's ANCS and router cannot together constitute the claimed "redirection server" because of an "absence of any interaction between the router and the ANCS while the router is processing data packets... and the absence of any interaction between the router and the ANCS while the packet filter is being created by the ANCS." (Resp. at 19.) Patent Owner provides no citation to the MPEP or any other legal authority in support of this argument, and Requester respectfully submits that there is none. Furthermore, Patent Owner

has taken the position in litigation that the “redirection server” may comprise multiple separate components. (*See* Request Ex. D2 at 18 (“In the alternative, the redirection server can be a combination of the SSG and SESM.”).) Accordingly, the Examiner can rely on the Patent Owner’s admission that the claimed “redirection server” may comprise multiple separate components. *See* 37 C.F.R. § 1.104(c)(3) (The Examiner may rely on the admissions of a Patent Owner “as to any matter affecting patentability”).

Alternatively, Radia teaches that the ANCS may be consolidated with SMS 114, thus making ANCS part of the claimed “authentication accounting server.” (*See* Radia, 5:65–6:4.) Router 116, alone, would constitute the claimed “redirection server.” In this view, the “sole function of the [router 116] is to apply a rule set that is downloaded into the [router 116] from the authentication server.” (*See* Response at 19.)

In summary, Patent Owner fails to identify any substantive differences between the teachings of the prior art and the claims. The Examiner’s rejections should be reaffirmed and made final.

**C. Comments on the Patent Owner’s Arguments Regarding Modification of a Rule Set by the Redirection Server During a Session**

Regarding claims 16-24, 26-29, 33-34, 36-43, 64, and 68-90, Patent Owner argues that Radia fails to teach “modifying a packet filter *after* it is downloaded [to the router] or modifying the packet filter *by the redirection server*,” e.g., the router. (Resp. at 20.) This argument fails because the claims do not require the redirection server *itself* to modify the rule set.

For example, claim 16 recites that the “redirection server is configured *to allow modification* of at least a portion of the rule set.” Claim 83 recites a method that includes “modifying” step, but does not recite who or what must perform that step. Notably, the ’118 Patent specification includes examples where the redirection server allows an outside server to modify the rule set:

Of course, the type of modification an outside server can make to a rule set on the redirection server is not limited to deleting a redirection rule, but can include any other type of modification to the rule set that is supported by the redirection server....

(’118 Patent, 8:6-10.) Accordingly, Patent Owner’s argued claim interpretation is inconsistent with the broadest reasonable interpretation in light of the specification, as it would exclude embodiments where the rule set is modified by an outside server.

Patent Owner further argues that “[t]here is no teaching whatever in Radia ... that the router or modem itself reconfigures or modifies the downloaded packet filter once that packet filter has been programmed into the router/modem.” (Resp. at 20.) The Examiner’s rejection provided substantial analysis of Radia’s teachings with respect to modifying a user’s rule set. (See Request Ex. BB at 15-17.) For example, Radia teaches that a user’s computer is initially associated with a login profile which permits the user to communicate with only a limited number of destinations. These destinations are essentially those “required for a user to login to network 100,” such as the login server. (Radia, 7:38–45.) After the user successfully logs in, the user’s packet filter on the router is updated appropriately. (See, e.g., Radia, 10:6-14.) Thus, the user’s packet filter is modified *after* the user has already initiated and conducted communications with certain network destinations, such as the login server.

Requester further notes that Patent Owner has taken the position in litigation that updating a user’s rule set when the user logs in is within the scope of the “automated modification” claim limitations. (See, e.g., Request Ex. D2 at 55-56 (“For example, at least of a portion of the rule set applicable to the user is automatically modified at certain times by the [accused product], such as when the user properly authenticates with the network...”).) The Examiner may rely on this statement as an admission that Radia’s teachings are within the scope of the “automated modification” claim limitations. See 37 C.F.R. § 1.104(c)(3) (The Examiner may rely on the admissions of a Patent Owner “as to any matter affecting patentability”).

Patent Owner further argues that a user’s session ends when the user logs out, and therefore reconfiguring the router when the user logs out “is not a modification *during a user session* as taught by the ’118 patent.” (Resp. at 21.) The argued claims, however, do not recite modification *during a user session* but instead modification that occurs to “the rule set correlated to the temporarily assigned network address.” (See, e.g., claim 16.) Patent Owner’s argument is untethered from the claim language and therefore fails.

In addition, the Patent Owner previously argued in litigation that a user’s “session” lasts for as long as the user retains a network address, not merely for the portion of time that the user is authenticated. (See Request Ex. D1 at 12.) Patent Owner specifically argued that the claims encompass modifications made when a user authenticates or logs off:

This rule set is dynamically modified after the user authenticates with the system.... The rule set may be dynamically modified for

other reasons as well (*e.g.*, *logging off* or the user's access expires).

...

The rule set is modified based on data transmitted from the user (*e.g.*, username and password or *a log off request*).

(Ex. N at 22 & 23, emphasis added.) The Examiner may properly rely on these statements by the Patent Owner as admissions regarding the scope of the claims under the broadest reasonable interpretation. (*See* 37 C.F.R. § 1.104(c)(3).) Even under the claim interpretation advocated by Patent Owner in litigation, Radia teaches the claimed "modification."

Patent Owner argues that in Radia, "the ANCS does the reconfiguring of the router, not the router itself." (Resp. at 21.) This argument depends on Patent Owner's argument that a "rule set" must include a capability for automatic *self*-modification. As refuted more fully above, this proposed interpretation of "rule set" is inconsistent with the broadest reasonable interpretation of the claims in view of the '118 specification. Accordingly, the argument is without merit.

Finally, Requester notes that the proposed rejection, adopted by the Examiner, included an explanation of why—even without Radia's express teaching—it would have been obvious to modify a user's rule set while the user retained an assigned network address. (*See* Request Ex. BB at 17.) For example, it would have been obvious to block a site after discovering inappropriate communications between the user and the site, or that the user spent an excessive amount of time on a site was unrelated to the user's work. Patent Owner does not contest or challenge these obviousness rationales. For this additional reason, the Examiner's rejections are proper, well-supported, and should be made final.

**D. Comments on the Patent Owner's Arguments Regarding "Redirection" and Claims 31, 35, 61, 66-67**

Patent Owner argues that Radia teaches only to forward or discard packets, and that Radia fails to teach redirection. (Resp. at 22.) This argument fails because the Examiner relied on Stockwell, not Radia, as teaching redirection. "One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." (MPEP 2145 (IV).)

Patent owner also argues that "the Examiner has further failed to articulate any such motivation for Radia to 'redirect,'" as taught by Stockwell. The proposed rejection, adopted by the Examiner, includes an extensive discussion of reasons to combine Radia and Stockwell—

with particular focus on incorporating Stockwell's redirection feature into Radia's overall system—in accordance with the legal standard in *KSR International v. Teleflex*. (See, e.g., Request Ex. BB at 2.) Patent Owner's argument overlooks this analysis. The assertion that the Examiner failed to analyze obviousness under the appropriate legal standard is therefore without merit.

**VIII. Comments on the Patent Owner's Response to the Rejection of Claims 2-5, 9-12, 45-48, and 57-60 as Obvious over Radia in view of Wong'727 and Stockwell and further in view of Wong '178**

Patent Owner does not contest that the references teach the additional limitations of claims 2-5, 9-12, 45-48, and 57-60. Accordingly, the Examiner's rejections are proper and should be made final.

Requester also notes that claims 2-5 and 9-12 depend from claims 1 and 8 that the Patent Owner has already conceded are invalid. (See '118 Patent, Reexamination Certificate C1.)

**IX. Comments on the Patent Owner's Response to the Rejection of Claims 7, 14, 16-24, 50-56, and 62-90 as Obvious over Radia in view of Wong'727 and further in view of Admitted Prior Art**

The Examiner properly rejected claims based on Radia (US5848233) in view of Wong'727 (US5835727) and the Admitted Prior Art. As analyzed more fully in the Request for Reexamination:

- Radia teaches a system in which each user's access to a network is controlled by an individualized set of rules programmed into a router, which then blocks or allows data packets sent between the user's computer and the network. (See, e.g., Radia, 6:66-7:2 & 3:18-20.)
- The Admitted Prior Art teaches that it was known to redirect a user's request to an alternate destination. (See, e.g., '118 Patent 1:38-67.)

Thus, Radia, Wong'727, and the Admitted Prior art render obvious the claimed systems and methods including the "redirection server" that processes users data "according to the individualized rule set."

With respect to the rejections based in part on Radia and the Admitted Prior Art, Patent Owner generally reiterates its arguments regarding the interpretation of "rule set" and "redirection server." Requester has already shown that these arguments are without merit. Accordingly, Requester responds here only where the Patent Owner raised a new or different

argument.

**A. Comments on the Patent Owner's Response Regarding the Interpretation of "Rule Set" in All Claims**

Patent Owner argues that the prior art fails to teach a rule set "capable of morphing itself into a modified rule set in response to elements or conditions." (Resp. at 23.) This argument depends on the Patent Owner's assertion that a "rule set" must be capable of automatic self-modification, which would be inconsistent with the broadest reasonable interpretation of the claims in view of the '118 patent specification. As such, the argument is without merit.

**B. Comments on the Patent Owner's Response Regarding the Interpretation of "Redirection" in Claims 7, 14, 16-24, 50-56, and 62-90**

Patent Owner argues that the prior art fails to teach a "redirection server at the user computer side of the network." (Resp. at 23.) This argument fails for several reasons.

First, no claim recites a limitation that the redirection server is "at the user computer side of the network" as the Patent Owner argues. Thus, the argument is untethered from the actual claim language.

Second, for those claims that specify that the redirection server is "connected between the dial-up network server and a public network" (e.g., claim 44), the Examiner's rejections included specific analysis of this "between" location limitation. (See, e.g., Request Ex. BB at 88-89.) Patent Owner has not shown any error in that analysis.

Finally, to the extent that the Patent Owner argues that the Admitted Prior Art fails to teach a complete "redirection server," the Patent Owner is improperly attacking the references individually. "One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." (MPEP 2145 (IV).)

Accordingly, the Examiner's rejections are proper and should be made final.

**C. Comments on the Patent Owner's Response Regarding "Modification of Rule Set" in Claims 16-24, 53 and 68-90**

Patent Owner reiterates its unsubstantiated assertion that the claims require "modification of a rule set by the redirection server during a user session, that is, after the redirection server begins to process data packets according to a downloaded rule set." (Resp. at 24.) Once again, Patent Owner fails to explain why such an interpretation would be consistent with the broadest reasonable interpretation, and fails to cite even a single statement in the '118 patent specification



in support of this interpretation. Patent Owner's position is unsupported and without merit.

**D. Comments on the Patent Owner's Response Regarding a "Rule Set for a Plurality of User IDs" in Claims 14, 50, and 62**

Patent Owner does not contest that the references teach the additional limitations of claims 14, 50, and 62. Accordingly, the Examiner's rejections are proper and should be made final.

**X. Comments on the Patent Owner's Response to the Rejection of Claims 2-5, 9-12, 45-48, and 57-60 as Obvious over Radia in view of Wong'727, the Admitted Prior Art, and further in view of Wong'178**

Patent Owner does not contest that the references teach the additional limitations of claims 2-5, 9-12, 45-48, and 57-60, arguing only that the "prior art, alone or in any combination, does not render obvious the independent claims from which these claims depend." (Resp. at 25.) Accordingly, the Examiner's rejections are proper and should be made final.

Requester also notes that claims 2-5 and 9-12 depend from claims 1 and 8 that the Patent Owner has already conceded are invalid. (*See* '118 Patent, Reexamination Certificate C1.)

**XI. Comments on the Patent Owner's Response to the Rejection of Claims Based on He, Zenchelsky, Admitted Prior Art, and Fortinsky**

The Examiner properly rejected claims based on He (US6088451) in view of Zenchelsky (US6233686) and the Admitted Prior Art. As analyzed more fully in the Request for Reexamination:

- He teaches a system in which each user's individualized credentials are consulted to allow or block access to network resources. (*See, e.g.*, He, 31:1-9 & 18:57-65.)
- Zenchelsky teaches controlling a user's access to a network, such as the Internet, with user-specific rules enforced by a server located between the user and the network. (*See, e.g.*, Zenchelsky, 3:46-51 & Fig. 5A.)
- The Admitted Prior Art teaches that it was known to redirect a user's request to an alternate destination. (*See, e.g.*, '118 Patent 1:38-67.)

Thus, He, Zenchelsky, and the Admitted Prior Art render obvious the claimed systems and methods including the "redirection server" that processes users data "according to the individualized rule set."

The Examiner also properly rejected claims based on He, Zenchelsky, and the Admitted

Prior Art further in view of Fortinsky (US5815574). As analyzed more fully in the Request for Reexamination:

- Fortinsky further teaches a gateway server that processes a user's credentials in determining whether to permit the user to communicate with a second network. (*See, e.g.*, Fortinsky 5:14–20.)

Thus, He, Zenchelsky, the Admitted Prior Art and Fortinsky also render obvious the claimed systems and methods including the “redirection server” that processes users data “according to the individualized rule set.”

Patent Owner asserts that these rejections “were previously fully considered by the Patent Office and the Board” and that “Requester has made no new arguments and has cited no new prior art.” (Resp. at 25-26.) This is incorrect.

Requester's analysis, adopted by the Examiner in rejecting the claims, included new analysis—not previously considered by the Patent Office—of Zenchelsky's teachings, for example, with respect to “providing control over a plurality of data to and from the users' computers as a function of the individualized rule set” in claim 2. (*See* Request Ex. CC at 10-11 & Ex. DD at 17.) Zenchelsky's teachings regarding such limitations were not considered during the previous reexamination. (*See, e.g.*, Reexam Control No.90/009301, Final Rejection at 6 (Aug. 2, 2010).)

And Fortinsky is clearly “new prior art,” as Requester is unaware of any discussion of Fortinsky anywhere in the prosecution history or previous reexamination of the '118 Patent. Patent Owner does not cite or refer to any such discussion. Patent Owner's assertion that Fortinsky is not “new prior art” is unsupported and contrary to the facts.

Patent Owner argues that “the decision to even grant the present Reexamination should be withdrawn.” (Resp. at 26.) Patent Owner's argument is without merit and procedurally improper because the decision to order reexamination “is not subject to review by petition or otherwise.” (MPEP 2646 (II).)

**A. Comments on the Patent Owner’s Response to the Rejection of Claims 2-7, 9-12, 16-24, 26-54, 60-66, 68-81 and 83-89 as Obvious over He, Zenchelsky and the Admitted Prior Art**

**1. Comments on the Patent Owner’s Statement Regarding the Obviousness of Combining He, Zenchelsky, and the Admitted Prior Art**

Patent Owner argues that the prior art teaches “controlling access to network resources” but does not teach “to control access to the network itself.” (Resp. at 26.) This argument fails because it is untethered from the claim language, which recites for example that “data directed toward the public network ... are processed by the direction server.” (See claim 44.) Thus, the claims do not recite “controlling access” to anything, much less “to the network itself” as the Patent Owner argues. Patent Owner’s argument fails to identify any deficiency in the prior art and is therefore unpersuasive.

**2. Comments on the Patent Owner’s Statement that “He and Fortinsky are Directed to Using Ticket-Based Security Architecture”**

Patent Owner argues that “He and Fortinsky and Admitted Prior Art do not teach controlling access to the network, but rather, access to information on an identified network server where access is allowed or denied based on processing of the ticket data at the network server *after access to the network itself has been allowed without restriction.*” This argument fails for several reasons.

First, Patent Owner does not identify any particular claim limitation in making the general statement that the prior art’s ticket-based architecture is distinguishable. As such, the argument is merely a “general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” (See 37 C.F.R. § 1.111(b).)

Second, Fortinsky’s gateway server is illustrated in Fig. 2 as securing access to network N2. To communicate with network N2 via the gateway server, “a client must present a complex attribute that contains a whole user profile.” (Fortinsky, 8:56-57.) Thus, Fortinsky teaches evaluating a user’s permissions *before* the user is allowed access to network N2. Patent Owner’s argument that Fortinsky teaches the opposite is without merit.

**3. Comments on the Patent Owner's Statements Regarding Fortinsky's Gateway Server**

Patent Owner asserts that Fortinsky's gateway server "does not allow or deny access to any network including the external network." (Resp. at 27.) Patent Owner states that Fortinsky's gateway server "modifies the ticket information to be reader" by a server on an external network. (*Id.*) Patent Owner's assertions are incorrect and reflect an incomplete understanding of Fortinsky.

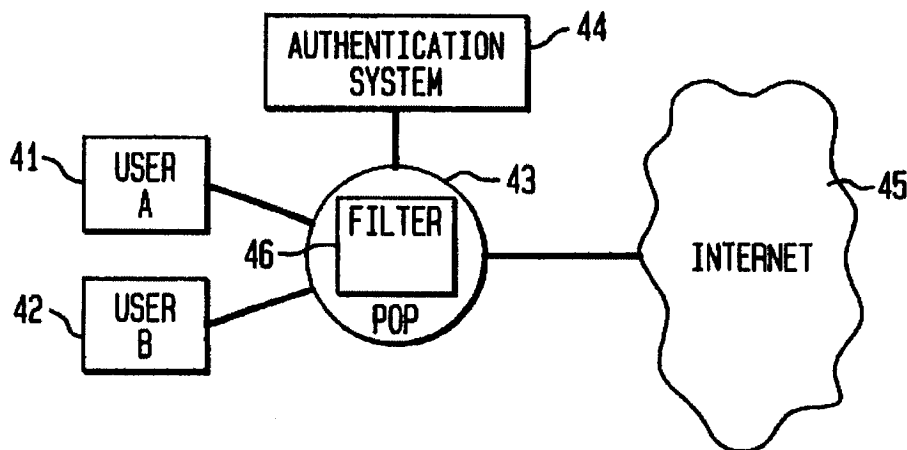
Fortinsky discusses security in the context of a Distributed Computing Environment (DCE). In DCE, a server evaluates whether to grant or deny a client's request based on the user's privilege attribute certificate (PAC). (Fortinsky, 1:57-58.) Fortinsky also discusses "DCE servers that act as gateways to non-DCE resources, i.e. resources outside the DCE environment." (*Id.* 1:63-65.) To provide access control over not just the gateway but also those outside resources, Fortinsky proposes an *extended* PAC which can store security information for non-DCE servers. (*Id.* 2:43-45.) It is this extended PAC information to which the Patent Owner's argument relates. The gateway server, as a DCE server, continues to use the ordinary PAC to decide whether to grant or deny a particular request. (*Id.* 1:57-58.) Thus, Fortinsky's gateway server provides access control over network N2. Patent Owner's arguments focus, inappropriately, on Fortinsky's additional teachings for consolidated credentials for both DCE and non-DCE servers. Patent Owner's arguments are therefore without merit.

**4. Comments on the Patent Owner's Statements Regarding Obviousness of Controlling Access to a Network with a Redirection Server Between the User and the Network**

Patent Owner argues that by combining the teachings of He, Fortinsky, and the Admitted Prior Art, "the user would either be indiscriminately blocked or given access to any destination server on the network." (Resp. at 28.) This argument fails because the Patent Owner does not explain why such a limitation would exist, and more importantly, fails to explain any relevance to the claim language.

The argument is also inconsistent with the Patent Owner's assertion that "redirection at the user side is for the purpose of controlling access to the network itself, not network elements." (*See, e.g.*, Resp. at 4.) If the combination of prior art were to "indiscriminately block[] or give[] access" as the Patent Owner asserts, then the combination would be "controlling access to the network itself"—which the Patent Owner admits is within the scope of the claims.

Finally, Fortinsky teaches that the gateway server itself will process a user's security information to control access to network N2. (*See* Fortinsky, 1:63-65 & 1:57-58.) And Zenchelsky similarly teaches the use of a "filter to regulate the flow of information between users 51 and 53 and the hosts P, U, V and W on the Internet." (Zenchelsky, 3:46-49.) Zenchelsky depicts a similar system in Fig. 4, unambiguously showing that the filter is between the users and the Internet:



**Zenchelsky Fig. 4**

Accordingly, Patent Owner's argument is unrelated to any specific claim limitation, inconsistent with the Patent Owner's own claim interpretation, and ignores the disclosures of Fortinsky and Zenchelsky. The argument is without merit.

**B. Comments on the Patent Owner's Statements on "Processing Before Network Access is Allowed"**

Patent Owner asserts that "processing of data before access to the network (public or private) is permitted is a requirement of each of the claims." (Resp. at 28.) Patent Owner further states that the '118 patent is concerned "only with controlling access to the network itself to enable a provider to be able to charge a fee for granting that access." (Resp. at 29.) These arguments fail because they are inconsistent with the broadest reasonable interpretation of the claims, which recite no express limitations relating to processing data "before access to the network ... is permitted" or "to charge a fee for granting that access." Patent Owner does not identify any claim language that it believes should be interpreted as including these limitations. "[W]ithout specifically pointing out how the language of the claims patentably distinguishes them from the references," these generalized arguments fail. (37 C.F.R. § 1.111(b).)

**C. Comments on the Patent Owner's Assertion that a "User's Credentials Do Not Meet the Definition of 'Rule Set'"**

Patent Owner argues that He, Zenchelsky, and Fortinsky all fail to teach a "'rule set' that enables the redirection server to modify the rule set during a user session." (Resp. at 29.) This argument depends on Patent Owner's proposed interpretation of "rule set" as requiring a capability for automatic self-modification. As refuted more fully above, this proposed interpretation of "rule set" is inconsistent with the broadest reasonable interpretation of the claims in view of the '118 specification. Accordingly, the argument is without merit.

**D. Comments on the Patent Owner's Statements on "Redirection"**

Patent Owner asserts that "none of the prior art teach redirection by a redirection server." (Resp. at 29.) This argument fails because the rejections were based on obviousness, not anticipation. Specifically, the Examiner's rejection included a detailed explanation of how the combination of prior art references render obvious the claimed "redirection server." (*See* Request, Ex. CC at 4-6; Ex. DD at 6-9.) Patent Owner does not point to any error or omission in this analysis. Patent Owner's argument that no single reference anticipates the claim is unpersuasive, as one "cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." (MPEP 2145 (IV).)

**E. Comments on the Patent Owner's Statements on "Modification of 'Rule Set'"**

Patent Owner repeats the argument that a "rule set" must be capable of automatic self-modification. (Resp. at 30.) As refuted more fully above, this proposed interpretation of "rule set" is inconsistent with the broadest reasonable interpretation of the claims in view of the '118 specification. Accordingly, the argument is without merit.

**XII. Conclusion**

Patent Owner's arguments are unpersuasive and without merit. Therefore, the Examiner's rejection of claims 2-7, 9-14, 16-24, and 26-90 should be reaffirmed and made final with the issuance of an Action Closing Prosecution.

As identified in the attached Certificate of Service and in accordance with MPEP § 2266.06 and 37 CFR §§1.248 and 1.903, a copy of the present response, in its entirety, is being served to the address of the attorney/agent of record at the address provided for in 37 CFR 1.33(c). Please direct all correspondence in this matter to the undersigned.


Respectfully submitted,

/David L. McCombs/

David L. McCombs  
Registration No. 32,271

Dated: February 15, 2013  
HAYNES AND BOONE, LLP  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Telephone: 214/651-5533  
Attorney Docket No.: 43614.61

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8  
I hereby certify that this correspondence and any  
corresponding filing fee are being transmitted via the  
Electronic Filing System (EFS) Web with the United States  
Patent and Trademark Office on February 15, 2013.

  
Theresa O'Connor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent of Ikudome et al.	§ <i>Inter Partes</i> Reexamination
	§ Control No. 95/002,035
U.S. Patent No. 6,779,118	§
	§ Group Art Unit: 3992
Issued: August 17, 2004	§
	§ Examiner: Jalatee Worjloh
Title: USER SPECIFIC AUTOMATIC	§
DATA REDIRECTION SYSTEM	§ Confirmation No.: 1745
	§
	§

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the COMMENTS BY THIRD PARTY REQUESTER PURSUANT TO 37 C.F.R. §1.947 and Exhibit N, in their entirety, were served on:

Herskovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

the attorney of record for the assignee of U.S. Patent No. 6,779,118 , in accordance with 37 C.F.R. § 1.915 (b)(6), on February 15, 2013.

/David L. McCombs/  
David L. McCombs, Registration No. 32,271



## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14973302
<b>Application Number:</b>	95002035
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1745
<b>Title of Invention:</b>	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
<b>First Named Inventor/Applicant Name:</b>	6779118
<b>Customer Number:</b>	40401
<b>Filer:</b>	David L. McCombs/Theresa O'Connor
<b>Filer Authorized By:</b>	David L. McCombs
<b>Attorney Docket Number:</b>	RI1341006F
<b>Receipt Date:</b>	15-FEB-2013
<b>Filing Date:</b>	12-SEP-2012
<b>Time Stamp:</b>	15:30:39
<b>Application Type:</b>	inter partes reexam

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Comments_and_CofS.pdf	1774529 <small>031000ad4729af6bbb379f73a2d6764cfaa2f7b8</small>	yes	35

Multipart Description/PDF files in .zip description			
	Document Description	Start	End
	Third Party Requester Comments after Non-final Action	1	34
	Reexam Certificate of Service	35	35

**Warnings:**

**Information:**

2	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	ExN_T_Mobile_Infr_Contention s.pdf	295823  001ebcbc1d3ff413bc63df978f2cc4d76431 c34d	no	32
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**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>		2070352
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**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**



# HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY

2845 DUKE STREET, ALEXANDRIA, VA 22314

TEL. 703-370-4800 ~ FACSIMILE 703-370-4809

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Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Reexamination Filed: June 8, 2012

Examiner: Jalatee Worjloh

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop "ex parte Reexam"

Attn.: Central Reexamination Unit

Commissioner for Patents

United States Patent & Trademark Office

P.O. Box 1450

Alexandria, Virginia 23313-1450

Honorable Commissioner:

Transmitted herewith are a RESPONSE TO OFFICE ACTION UNDER 37 CFR §1.550(b) and a Certificate of Service in connection with the above-captioned Proceeding.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 30=	\$	x 60=	\$
**Indep. Claims:			x125=	\$	x250=	\$
Extension Fee for	Months			\$		\$
				\$		\$
<b>Total:</b>				<b>\$</b>	<b>Total:</b>	<b>\$</b>

Fee Payment made through EFS.

Payment is made herewith by Credit Card (see attached Form PTO-2038).

The Director is hereby authorized to charge all fees, including those under 37 CFR §§1.16 and 1.17, which are required for entry of the papers submitted herewith, and any fees which may be required to maintain pendency of this Proceeding, to Deposit Account No. 50-2929.

The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: February 7, 2013

/Dinh X. Nguyen/

Abraham Hershkovitz, Reg. No. 45,294

Dinh X. Nguyen, Reg. No. 45,294

R1341006D.A02; AH/pjj

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Reexamination Filed: June 8, 2012

Examiner: Jalatee Worjloh

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

**RESPONSE TO OFFICE ACTION UNDER 37 CFR §1.550(b)**

Mail Stop "ex parte Reexam"  
Attn.: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 23313-1450

Dear Commissioner:

Patent Owner respectfully submits the following Response to the outstanding Office Action mailed on December 7, 2012 in the above-identified Proceeding, which set a two month period for reply, up to and including February 7, 2012. This Response is being timely submitted on that due date.

Further, it is to be noted that Patent Owner submitted a Petition on February 2, 2013 requesting additional time to respond to the Action due to the inaccuracies and inconsistencies in the Request and Action to which Patent Owner is forced to respond. However, as of the due date for response set by the Office Action on which this Response is being filed, no consideration of the Petition has been made by the USPTO. Accordingly, Patent Owner respectfully withdraws the Petition and requests the Office not to consider it so as to continue this Proceeding with special dispatch.

It is believed that no fee is required for entry and consideration of this Response, and no fee is required for the withdrawn Petition filed on February 1, 2013. However, the Commissioner is authorized to charge any fee actually necessary to maintain this Proceeding in force to Deposit Account No. 50-2929, referencing Dkt. No. R1341006D.

## I. Summary of Argument

The Examiner granted Reexamination of the claims based on the assertion that Radia's router controlled data from a user as a function of an "individualized rule set," and that it would be obvious in view of the Admitted Prior Art ("APA"), which teaches only redirection at a destination server, and further in view of USP No. 6,170,012 to Coss et al. ("Coss" or "the Coss '012 patent"), which was asserted to teach "rule set categories" which functioned as the "individualized rule set" of underlying Patent No. 6,779,118 ("the '118 patent"). The Examiner granted Reexamination based on Coss because it "has not been cited ... in the earlier examinations and is therefore considered new art" (Order, p. 11, 3<sup>rd</sup> ¶). However, contrary to the Examiner's allegation, the Coss patents cited in the earlier Reexamination have the identical specification to the Coss '012 patent cited in the Request. Therefore, Coss cannot be "new art," and this Reexamination based on Coss as "new art" was improvidently granted. On this ground alone, the grant of this Reexamination Request should be withdrawn.

Substantively, Coss does not teach or suggest an "individualized rule set" as claimed in the '118 patent; does not teach or suggest a redirection server programmed with an individualized rule set generated by an authentication server in response to a user ID as claimed in the '118 patent; and does not teach or suggest modification of the user's rule set by the redirection server during a user session, as claimed in the '118 patent. Accordingly, even if it had been "new art," Coss, either alone or in any combination with Radia or APA, would not render the '118 patent claims obvious.<sup>1</sup>

Patent Owner accordingly requests that the rejections based on Coss be withdrawn and a Reexamination Certificate be issued as to all claims in the '118 patent.

In the event Coss is inappropriately maintained as a prior art reference eligible for consideration in this Reexamination Proceeding, Patent Owner will submit Affidavits under 37 CFR §131(b) showing conception and reduction to practice of the invention claimed in the '118 patent prior to the Coss filing date of September 12, 1997.

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<sup>1</sup> *KSR v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)

## II. Legal Requirement for Finding Obviousness

Obviousness is a question of law based on underlying factual inquiries. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The first step in the *Graham v. Deere* obviousness analysis is to determine the scope and content of the prior art. The scope of the prior art includes references that are “from the same field of endeavor, regardless of the problem addressed, [or] reasonably pertinent to the particular problem with which the inventor is involved.”<sup>2</sup> The second step in the *Graham v. Deere* obviousness analysis is to determine the differences between the prior art and the claimed invention. This is performed by comparing the claimed invention to the prior art. The third step is to determine the level of ordinary skill in the relevant art. The level of ordinary skill is determined from several factors, including the sophistication of the technology involved and the educational background of those active in the field.<sup>3</sup> The level of ordinary skill is used to determine whether, given the prior art, the invention as a whole would have been obvious at the time that it was made.

According to the Federal Circuit, “[w]hat matters in the §103 obviousness determination is whether a person of ordinary skill in the art, having all the teachings of the [prior art] references before him, is able to produce the structure defined by the claim.”<sup>4</sup> While rejecting a rigid approach relating to a finding of a teaching, suggestion or motivation, the Supreme Court recently stated that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

An articulation of a rationale is especially important when references or teachings are combined in an attempt to render an invention obvious. An example of a rationale supporting obviousness based on a combination of references is when the references themselves teach, suggest or would motivate one to make such a combination. This test is not exclusive.<sup>5</sup> Accordingly, the MPEP provides additional exemplary rationales:

(A) Combining prior art elements according to known methods to yield predictable results;

<sup>2</sup> *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060 (Fed. Cir.1992).

<sup>3</sup> *Orthopedic Equipment Co. v. United States*, 702 F.2d 1005, 1011, 217 USPQ 193 (Fed. Cir. 1983); *Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc.*, 807 F.2d 955, 962, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986); see also *In re GPAC Inc.*, 57 F.3d 1573, 1579, 35 USPQ2d 1116, 1121 (Fed. Cir.1995).

<sup>4</sup> *Ibidem* at 200.

<sup>5</sup> *Ibidem* 1 at 418.

- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) "Obvious to try" - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art; and
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See M.P.E.P. §2141.III.

As will be explained more fully hereafter, the Examiner failed to articulate any rationale as to how the static packet filters and "corporate" non-individualized set of filter rules taught by the applied references, alone or in any combination, renders obvious the redirection server programmed with an individualized rule set consisting of "elements or conditions" capable of changing during a user session as required by the claimed invention in the '118 patent.

### **III. Combining References, Even if Justified, Does Not Render the Claims Obvious.**

Setting aside the lack of any rationale in the Office Action for combining the cited references, the references cited in each of the rejections, whether alone or in the combinations proposed (or any other reasonable combination), do not teach or suggest to arrive at an approximation of the invention claimed in the '118 patent, and do not provide any motivation to combine. For example, the references do not teach a redirection server that is programmed with an individualized rule set from an authentication server that is capable of performing "allow," "deny" and "redirect" actions based on the rules in the user's rule set or a user's rule set that can be modified by the redirection server during a user session<sup>6</sup> in response to "elements or conditions" which are also part of the programmed rule set.

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<sup>6</sup> As used herein, "session" means the period of time during which the same temporarily assigned network address is assigned to a user computer and the redirection server processes data packets communicated between the user and the network according to the user's rule set.

The technical differences between the teaching of the cited references and the '118 patent include: that the user's rule set incorporates "elements or conditions" programmed into a redirection server that affirmatively "allow," "deny" or "redirect" according to the rule set<sup>7</sup> itself rather than a static data packet filter (Radia) that only allows or denies without any teaching or reason for redirection or a common, fixed set of rules used for all users (Coss); that the redirection server be able to modify the user's rule set during a user session in response to "elements or conditions" in the rule set in contrast to the static filter configuration of the "router" in Radia or the additions or deletions of a rule to the set of rules in a rule processing engine by, e.g., an administrator; and redirection at the user side by the redirection server in response to an user's rule set programmed into the redirection server.

#### IV. Summary Analysis of '118 Patent Claims

##### A. The Examiner Failed to Consider the Meaning of "Individualized Rule Set" in the '118 Patent Claims.

The '118 patent defines "rule set" as "...rule sets specify *elements or conditions* about the user's session" (emphasis added). See '118 patent at 4:41-42. The '118 patent further defines "*element or conditions*" as:

...data about a type of service which may or may not be accessed,<sup>8</sup> a location which may or may not be accessed<sup>9</sup>, how long to keep the rule set active<sup>10</sup>, under what conditions the rule set should be removed<sup>11</sup>, *when and how to modify the rule set during a session*<sup>12</sup>, and the like (emphasis and footnotes added). (See the '118 patent at 4:43-47).

As to functionality, the redirection server can dynamically change the individualized rule set based on "conditions":

The redirection server receives the IP address and the rule set, and is programmed to implement the rule set ... blocking or allowing the packets as a function of the rule sets, performing the physical redirection of data packets

<sup>7</sup> The court in *Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., et al.*, Case No. 2:08-cv-00264-DF-CMC, USDC, Eastern District of Texas, citing the '118 patent at 4:41-47, construed "user's rule set" as "*elements or conditions that apply during a user's or users' session.*"

<sup>8</sup> This would, for example, include packet filters used to process data from a user's computer directed to the network.

<sup>9</sup> *Ibidem*

<sup>10</sup> Information in the rule set responsive to "conditions."

<sup>11</sup> *Ibidem*

<sup>12</sup> The "elements or conditions" aspect of the rule set provide directions whereby the redirection server modifies its own program -- rule set.



based on the rule sets, and *dynamically changing the rule sets based on conditions*. (emphasis added) (See the '118 patent at 4:59-66)

Accordingly, “rule set” in the '118 patent is not a static data packet filter which remains the same throughout a user session as taught, for example, by Radia, but is a set of rules that, when selected in response to a user ID by an authentication server and programmed into the redirection server, is capable of changing the way the redirection server processes the data packets from the user computer during a user session in response to changes in the “elements or conditions.” Furthermore, the elements or conditions that enable this change of the individualized rule set protocol during a user session are themselves included in “elements or conditions” of the rule set used by the redirection server to process data packets. Consistent with this meaning of “rule set,” the District Court in *Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., et al.*, Case No. 2:08-cv-00264-DF-CMC, USDC, Eastern District of Texas, construed “user’s rule set” as “*elements or conditions that apply during a user’s or users’ session.*” See the '118 patent at 4:41-47.

The Examiner failed to articulate any rationale supporting the assumption that the '118 patent’s “rule set” was the same as static data packet filters taught by Radia, or the same as the single set of rules through which data packets are filtered until a match is found, as in Coss. See Coss at 4:22-25 (single set of rules); 3:32 and 6:10-12 (multiple users, non-individualized); 8:24-36 (“dynamic” rules are inserted and removed extrinsically – no teaching of modification by operation of “rule processing engine” itself as in '118 patent).

According to the Federal Circuit, “[w]hat matters in the § 103 obviousness determination is whether a person of ordinary skill in the art, having all the teachings of the references before him, is able to produce the structure defined by the claim.” See *Orthopedic Equipment Co. v. United States* at 200. Furthermore, the Supreme Court recently stated that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”<sup>13</sup> On this ground alone, the rejection of the claims, all of which required an individualized rule set, should be withdrawn.

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<sup>13</sup> *Ibidem* 1 at 398,418.

## **B. Redirection According To Rule Set Programmed In The Redirection Server**

Related to the meaning of “rule set” in the ‘118 patent is that redirection be incorporated as part of the “rule set”; that redirection can occur at any time during a user session in response to a change in an “element or condition”; or that redirection by the redirection server would occur before access to the network is permitted. For example, Radia does not mention redirection and does not suggest any reason why redirection would be beneficial in accomplishing the goal of Radia. Similarly, Coss mentions redirection but only as a means to “unburden the firewall...” See Coss at 2:45. The purpose of “unburdening the firewall” is wholly unrelated to and not suggestive of redirection for purposes of controlling access to a network itself. APA likewise is inapplicable because the redirection taught was redirection at the network destination, not redirection at the user side. None of these reference or any combination of them teach or suggest redirection at a user side of a network by a redirection server in response to an individualized rule set from an authentication server programmed into a redirection server for controlling access to a network where the individualized rule set can change at any time during a user session in response to a change in “elements or conditions” that occur during a session.

Finally, none of the references cited, whether singly or in combination, teach, suggest or provide any motivation for placing a redirection server between the user computer and the network to control access to the network based on a rule set programmed into the redirection server where the rule set, including redirection, can change during a user session in response to “elements or conditions.”

## **C. Modification of a Portion of the Rule Set During A Session**

As above discussed, if the “elements or conditions” of a “rule set” programmed in the redirection server change, the redirection server will change the “rule set” and the modified rule set will be applied to process the data packets thereafter. Therefore, the requirement of modification of the rule set during a user session is an explicit aspect of the definition of “rule set” in the ‘118 patent, and none of the cited references, either singly or in any possible combination, teach, suggest or provide any motivation for modification of a rule set by a redirection server during a user session after the rule set

has been programmed into the redirection server and while the temporary network address is assigned.

**V. Rejection of Claims 2-7, 9-14, 28-35 and 44-67 Under 35 U.S.C. 103(a) Over Radia in View of Admitted Prior Art (APA) and Further in View of Coss.**

Patent Owner first addresses the cited references generally, and then will address the rejection of specific claims based on the references.

**A. Radia et al. 5,848,233**

Radia is a system for filtering data packets based on events within a network. The system of Radia includes an access network control server (ANCS) which controls the configuration of a router that processes data packets passing from user computers to a network. A services management system (SMS) includes filtering profiles defined by one or more filtering rules which are downloaded to the ANCS. The ANCS uses the rules in the downloaded profiles to establish a filtering profile which is then used to configure the router which processes the data packets passing from the user. This process occurs once at log-in before a user session begins and again after log-in at the beginning of a user session. See Radia 2:60-3:50. The only element of Radia that processes packet data from the user computer to the network is the router/modem positioned between the user computer and the network. Radia 4:5-7 and 10:6-13. The Examiner cites this latter section of Radia at page 3 of the Office Action, agreeing that it is the router/modem component of Radia that controls the passage of data packets from the “users’ computers” to the network. The Examiner goes on to state that the router processes the data according to an “individualized rule set.” This conclusion is based on the erroneous assumption that the static filter created by the ANCS and used to configure the router is the same as the ‘118 patent’s “individualized rule set” with “elements or conditions” that can change the rule set during a user session. However, the filter configuration in the router of Radia is static throughout a user session.

Radia also requires that the IP address (an example of a “temporarily assigned network address”) be passed initially to the SMS by the user computer. See Radia 7:21-28. Thereafter the IP-assigned address is sent by the SMS to the ANCS (not to the router) but *only after* the initial login process between the SMS and ANCS (not the

router) has been completed. Radia 9:60-10:4. Only after the log-in process does the ANCS establish a filtering profile associated with the IP address that is used to configure the router/modem of the particular user computer associated with that IP address. During the initial login steps, the four “filter rules” are passed from the SMS to the ANCS, not the router or the user computer. Consequently, the initial filter rules are not used to process data packets destined for the network. Also, in the login process of Radia, the IP address is not required because the login process is described as the same for all user computers (Radia 3:23-28) and the four rules provided by SMS and used by ANCS generally consist of a standardized template. See Radia 9:1-9. After log-in is completed, the router is configured by the ANCS with a static packet filter to start a session. Thereafter, all data packets passing between the user computer and the network are processed by the router configured with the static filter. No processing of data from the user computer to the network is ever done by the SMS or ANCS. This is contrary to the teaching of the ‘118 patent, where the individualized rule set programmed in the redirection server is not static during a user session, but can be changed by the redirection server in response changes of the rule set’s “element or conditions.”

Finally, once the components (router or modem) are configured with a packet filter, that configuration *remains constant during the remainder of a user session*. Nothing in Radia suggests or teaches, nor is there any motivation, to change the configuration of a router or modem during a user session after the log in process has been completed. See Radia 3:51-55. Furthermore, even if Radia could be interpreted to teach reconfiguration of a router during a session, Radia only suggests reconfiguration being done by ANCS and not a router, which is also contrary to the ‘118 patent claims.

## **B. Coss et al. 6,170,012**

Coss is not “new art” justifying the grant of the Request for Reexamination in the first instance. Furthermore, Coss does not, alone or in any combination with APA or Radia, render the claimed invention of the ‘118 patent obvious. Finally, if necessary,

Patent Owner will demonstrate that the '118 patent was invented prior to Coss, and Coss is therefore not prior art as to the '118 patent<sup>14</sup>.

### 1. The Examiner Erred in Concluding That Coss '012 is "New Art"

The Examiner stated in the Order Granting / Denying Request of Ex Parte Reexamination dated July 25, 2012 that:

During the first reexamination proceedings, U.S. Patent No. 6154775, 6098172 ... to Coss et al. were cited as prior art. However, the Coss references cited during the proceedings are not the same as the Coss reference cited in this request. Thus, Coss (U.S. Patent No. 6170012) has not been cited by the examiner during earlier examinations and is therefore considered new art. (See Order at page 11, Issue 2)

The Examiner is incorrect. The Coss '775 and '172 patents cited in the first Reexamination Proceeding and the Coss '012 patent *have identical specifications*,<sup>15</sup> and hence, Coss '012 cannot be considered "new art" relative to Coss '775 and '172<sup>16</sup>. Since the only grounds recited for granting this Reexamination is that the Coss'012 patent is allegedly "new art," and because the disclosures of the Coss'012 patent and the previously-cited Coss patents are identical, the Coss '012 patent cannot be properly considered as "new art." Patent Owner therefor requests that the grant of Reexamination based on the conclusion that the Coss '012 patent is "new art" be withdrawn as objectively erroneous, the prior grant of Reexamination be withdrawn as to both Issues 2 and 3, and a Reexamination Certification be issued confirming all rejected claims as patentable over the prior art.

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<sup>14</sup> If necessary, Patent Owner is prepared to file Affidavits under 37 CFR §131 in support of prior conception and reduction to practice before the filing date of Coss.

<sup>15</sup> The first sentence of the Abstract in the '172 Coss patent was slightly rearranged relative to that in the '012 and '775 Coss patents, but the specifications of the '775 Coss patent and the '012 Coss patent are *identical*.

<sup>16</sup> The only difference in the four Coss patents are the claims. Each patent merely claims one of four disclosed "aspects" of the invention described in the identical summary of each patent specification: The '775 patent ("*Methods and apparatus for a computer network firewall with dynamic rule processing with the ability to dynamically alter the operations of rules*" – Dynamic Rules Aspect); the '749 patent ("*Methods and apparatus for a computer network firewall with stateful packet filtering*" – Stateful Packet Filtering Aspect); the '172 patent ("*Methods and apparatus for a computer network firewall with proxy reflection*" – Proxy Reflection Aspect); and the '012 patent ("*Methods and apparatus for a computer network firewall with cache query processing*" – Dependency Mask Aspect).

## **2. Coss, Alone or in Any Combination With the Cited References, Would Not Render the '118 Patent Claims Obvious**

Coss is cited as teaching a firewall with an “individualized rule set.” However, Coss does not teach, disclose or suggest a authentication server that generates a user specific “individualized” rule set in response to a user ID as required by all of the claims of the '118 patent; does not teach, suggest or disclose a “rule set” consisting of “elements or conditions” as defined and claimed in the '118 patent; does not teach, suggest or disclose a redirection server into which a different rule set is programmed for each individual user session, as claimed in the '118 patent; and does not teach modification of the individualized rule set by the redirection server during a user session in response to “elements or conditions” that are part of the rule set itself, as claimed in the '118 patent. Indeed, in Coss, there is no authentication server to generate an individualized rule set in response to a user ID nor is an individualized rule set programmed into a redirection server for each user session. Rather, the set of rules through which data packets pass in Coss originate from an administrator and remain for multiple users and user sessions. Furthermore, the set of rules is not unique for an individual user or an individual session, nor is the rule set removed and replaced for different user and user sessions. The data packets passing through the Coss set of rules in the processing device originate from multiple user computers and therefore cannot be “individualized.”

The Examiner cites the set top box referenced at Coss 2:57-60 in support of the assertion that Coss teaches an “individualized” rule set. However, there is no disclosure as to how that set-top box is programmed, configured, or how it functions. Furthermore, there is no disclosure that the set-top box filter includes a redirection server programmed with a rule set created in an authentication server in response to a user ID or that the set-top box requires a temporary network address. As to the system firewall taught and claimed by Coss, there is only one set of rules for all users in that firewall filter. See Coss 4:22-25. The combination of the firewall and set-top unit does not teach an individualized rule set.

Finally, the Examiner failed to articulate why Radia and Coss can be combined or, if possible to combine, how such combination would result in even an approximation of the disclosed and claimed system of the '118 patent. Radia teaches creation of a

fixed static filter downloaded into a processor connected to a user computer while Coss teaches a single set of rules through which all data packets from multiple user computers are passed without regard to the identity of the user or the particular user session. How the disparate teachings of Coss and Radia can be combined to render the '118 patent obvious has not been articulated by the Examiner. Accordingly, the obviousness rejection in response to issue 2 must be withdrawn.

### **3. Coss is Not Prior Art to the '118 Patent**

In the event that the obviousness rejection based on Coss is maintained, Patent Owner will submit Declarations and evidence under 37 CFR §131(b) demonstrating that the invention described in the '118 patent was conceived and reduced to practice prior to the September 12, 1997 filing date of Coss.

#### **C. Individualized Rule Set - Claims 2-7, 9-14, 28-35 and 44-67**

As noted by the Examiner in the Office Action, Radia does not disclose a "redirection server" that controls data *to and from the user computer* "as a function of the individualized rule set." The Examiner, apparently focusing on the "to and from" language of claim 2, cites Coss as disclosing a firewall that provides control over a plurality of data *to and from the users' computers* "as a function of the individualized rule set." The Examiner further asserts that Coss teaches all other limitations of claim 2, and specifically that the firewall 211 of Coss can be substituted for the router 106 of Radia without articulating how that can be done. However, neither Coss nor Radia teach the "individualized rule set" required by all of the rejected claims. As demonstrated above in Section IV(A), a rule set as claimed in the '118 patent is not simply a static "packet filter" as taught by Radia, or a list of non-individualized rules arranged in priority sequence through which all data packets for all users pass as in Coss. Rather, the '118 patent's "individualized rule set," generated by an authentication server in response to a user ID, defines a processing protocol that is programmed into the redirection server that allows, denies or redirects data packets passing through the redirection server from the user computer to control access to the network itself. Furthermore, for the reasons set forth in Section IV above, the "elements or conditions" of the individualized rule set can change during a user session, enabling the redirection server

to change function in response to the change in the rule set itself during a user session. Neither Coss nor Radia, nor any possible combination, teach, suggest or provide any motivation to modify to process data packets as described in the '118 patent.

**D. Redirection - Claims 5 - 6, 12 -13, 31, 35, 48 - 49, 54 - 55, 60 - 61, and 66 - 67.**

The Examiner cites Coss at 9:6-16 and 4:39-43 as disclosing the redirection that is obviously missing from the teaching of Radia. As noted by the Examiner in the Office Action, Radia does not disclose a "redirection server" that controls data *to and from the user computer* "as a function of the individualized rule set." The Examiner, apparently focusing on the "to and from" language of claim 2, also apparently simply assumes that Coss and Radia teach "individualized" rule sets. However, as explained in Sections V(B) and (C) above, this is incorrect. Neither Radia nor Coss, alone or in any possible combination, teach an "individualized rule set" selected by an authentication server in response to a user ID or a rule set that is programmed into the redirection server only for the duration of a user session and can be changed during a user session by the redirection server in response to the "element or conditions" making up the rule set itself, as required by the invention claimed in the '118 patent. Quite the contrary, Radia reconfigures a router with a static filter. That router does not change the filter at all during a session and is not limited to use during just one user session. The Coss system has just one set of rules arranged in a priority sequence stored in a "rule processing engine" which is part of the firewall. The firewall receives data packets from multiple users across multiple sessions and is therefore not "individualized." There is no teaching in Coss of programming the rule processing engine with a rule set individualized for each user and used only for that user's session. In fact, Coss teaches just the opposite--retaining the set of rules so they do not need to be programmed for each user and each user session. See, e.g., Coss, at 6:10-12; 8:34-36.<sup>17</sup>

The Examiner also points to the teaching of Coss at 9:6-16 and 4:39-43 as teaching redirection via the proxy server. However, the proxy redirection is not the

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<sup>17</sup> The "dynamic rules" taught by Coss whereby individual rules can be inserted or removed by an administrator or other functionality not part of the set of rules of the rule processing engine.



redirection claimed in, e.g., claim 5 of the '118 patent. Specifically, in Coss, a redirection rule is included in the set of rules in the firewall and processes all data packets from multiple users, and is agnostic as to which session or which user. By contrast, the claims of the '118 patent require redirection by the redirection server, not the firewall, and require that redirection be a function of the individualized rule set. As explained above, neither Coss nor Radia teach or even require redirection by a redirection server located between the user and the network in response to an individualized rule set originated from an authentication server in response to a user ID and programmed into the redirection server as part of that individualized rule set.

Finally, the Examiner also fails to explain why a person skilled in the art would consider combining Coss and Radia, or how any such combination could be done in view of the significant structural and functional differences between the Radia and Coss, much less how any possible combination of Coss and Radia would result in even an approximation of the invention claimed in the '118 patent.

For the same reasons, the rejection of claim 5 as well as all of the other above-identified claims should be withdrawn.

#### **E. Modification of the Rule Set - Claims 29, 30, 64, and 67.**

Claims 29, 30, 64 and 67 each describe one way the redirection server modifies the individualized rule set in response to the programmed individualized rule set during a user session. The Examiner cites Radia as disclosing a default filter sequence to allow a user to log in. Once a user passes this log-in filter, a new filter sequence is generated and downloaded into the router and a user session of passing data packets through the router to the network occurs using the second filter. Significantly, the first filter sequence is *before the user session begins* and for the purpose of authenticating a user. Only the second filter sequence is used to process data packets from the user to the network during the session. That filter remains unchanged throughout the user session.

Therefore, Radia does not meet the limitations of the claims in the '118 patent, which require in claim 29 that the individualized rule set programmed into the redirection server (allegedly corresponding to the router in that it processes data packets from the user to the network) include both the temporary and the standard rule set, and that both

be selected in response to a user ID and that both be used in a single user session. As the Examiner acknowledges, the SMS set the default filter sequence and this filter sequence will only allow a newly-connected client system to perform login, *not process data packets from the user computer to the network*. The '118 patent does just the opposite--it uses the temporary rule set to process data packets bound for the network just like the standard rule set.

The Examiner states that Radia does not use the initial filtering sequence for a initial period of time, but asserts that Coss discloses an individualized rule set that includes an initial rule set and a standard rule set, reciting Coss' teaching of a dynamic rule. However, the dynamic rule of Coss is not an individualized rule set as claimed in the '118 patent. Also, the initial rule in the '118 patent must be part of the rule set created and programmed into the redirection server by the authentication server, and the switch from the initial rule set to the standard rule set is performed by the redirection server in response to the programmed rule set from the authentication server. That is not the case with Coss, where the rule Coss refers to as a "dynamic" rule is loaded in and removed by "trusted parties," not by a redirection server during the user session as required by the '118 patent.

For these reasons, in addition to the prior discussed distinctions between Coss and the '118 patent, Patent Owner respectfully requests that the rejection of claims 29, 30, 64 and 67 be withdrawn.

**VI. Rejection of Claims 16-24, 26, 27, 36-43, and 68-90 Uder 35 U.S.C.  
103(a) Over Coss et al. in View of the APA (Issue No. 3)**

**A. The Teaching of Coss Does Not Render Claims 16-24, 26, 27, 36-43, and  
68-90 Obvious**

For the reasons discussed in Section V(B)(1) above, Coss does not teach or suggest a redirection server programmed with a *user's* rule set or *one correlated with a temporarily assigned network address*, as asserted by the Examiner, for a number of reasons. With specific reference to the rejection of claim 16, the set of rules of Coss are inputted by "trusted parties" to enable one or more users to access a network through a system firewall. The '118 patent, by contrast, requires a user ID inputted to

an authentication server which then selects a rule set for that user ID and programs the resulting selected rule set into a redirection server which processes data packets from a user computer. Coss does not teach selecting a rule set based on a *user ID* for a particular user or that the rule set is selected from an authentication server in response to a user ID thereby *individualizing* that rule set for that particular user ID. Coss also does not teach that the individualized rule set from the authentication server be programmed into the redirection server at the beginning of a user session for use only during that session. Coss teaches that all of the rules for all of the users and user sessions are stored in a single set of rules in a predefined sequence and that the set of rules are therefore inherently *not individualized*--not associated with a user ID. To pass data packets in Coss' firewall, the data packets from all users across all sessions pass through the same set of rules and are compared in sequence to each rule in the set of rules. If a particular rule is satisfied by a data packet, that data packet is either allowed or dropped according to the rule. However, no rule in the set of rules of Coss includes or is selected using a user ID. Likewise, Coss does not teach, and in fact as above explained, teaches against, installing a set of rules associated with just one user and one user session, i.e., programming a *user's* rule set when the user's rule set is *correlated with a temporarily assigned network address*.

The Examiner also erroneously equates the "dynamic rule" of Coss with the automated modification of at least a portion of the rule set (programed in the redirection server) correlated to the temporarily-assigned network address recited in, e.g., claim 16 of the '118 patent. However, the modification of the rule set in the '118 patent is done by the redirection server and is done during a user session--the modification can only be done to a rule set programmed in the redirection server which occurs only when the rule set is correlated with a temporarily-assigned network address. The only "modification" of the set of rules taught by Coss is the addition or deletion of "dynamic rule" by a "trusted source." There is no teaching or even a suggestion of modification of an individualized rule set by a redirection server, or that the modification occur during a user session, as recited in the claims of the '118 patent. The so called "dynamic rule" taught by Coss is in reality a static rule added to the set of rules by the "trusted source," not by a redirection server that processes data packets as required by the '118

patent. For these reasons, the modification of the rule set claimed by the '118 patent is not taught or suggested by the dynamic rule of Coss.

The citation of the APA, which only discloses redirection at the destination site, and Coss for redirection, does not render any of the claims of the '118 patent obvious for the reasons set out above in Sections I and IV(B).

For these same reasons, the remaining claims 17-24, 26, 27, 36-43, and 68-90, are also not obvious in view of Coss and the APA, and withdrawal of the rejections of these claims is therefore respectfully requested.

**B. The Rejection Must be Withdrawn Because Coss et al. is Not “New Art” and the Reexamination Based on Coss is Improvidently Granted**

Coss is not “new art,” as above discussed in Section V(B)(2). Accordingly, the grant of this Reexamination based on Coss as “new art” is improper and must be withdrawn. Such action is respectfully requested

**VII. Conclusion**

For all of the above reasons, the Examiner is respectfully requested to withdraw the rejections of all claims and issue a Reexamination Certificate allowing all claims, or to otherwise withdraw the grant of this Reexamination and issue a denial of the Request.

The Examiner is invited to direct any questions regarding this matter to the undersigned at the below-listed contact numbers and addresses.

Respectfully submitted,  
Koichiro Ikudome et al.

Date: February 7, 2013

/Dinh X. Nguyen/  
Abraham Hershkovitz, Reg. No. 45,294  
Dinh X. Nguyen, Reg. No. 54,923

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**CERTIFICATE OF SERVICE**

It is hereby certified that the attached RESPONSE UNDER 37 CFR §1.945 and this Certificate of Service **are being served on February 7, 2013 by first class mail** on the third party requester at the third party requestor's address:

IP Section  
HAYNES & BOONE  
2323 Victory Avenue, Suite 700  
Dallas, TX 75219

          /Dinh X. Nguyen/            
Abraham Hershkovitz  
Dinh X. Nguyen

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14898776
<b>Application Number:</b>	90012342
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5786
<b>Title of Invention:</b>	User Specific Automatic Data Redirection System
<b>First Named Inventor/Applicant Name:</b>	6779118
<b>Customer Number:</b>	40401
<b>Filer:</b>	Abraham Hershkovitz/Dinh Nguyen
<b>Filer Authorized By:</b>	Abraham Hershkovitz
<b>Attorney Docket Number:</b>	R1341006-D
<b>Receipt Date:</b>	07-FEB-2013
<b>Filing Date:</b>	08-JUN-2012
<b>Time Stamp:</b>	11:16:17
<b>Application Type:</b>	Reexam (Patent Owner)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Trans Letter filing of a response in a reexam	R1341006D_A02_Transmittal-of-Response.pdf	137045 <small>a2ad5937303bceaf82b8622b86156695fc892a7f</small>	no	1

### Warnings:

### Information:

2		R1341006D-A02_Response.pdf	239219 bc3ab5b5529811b77cd7975792d9b70d1d98617d	yes	18
<b>Multipart Description/PDF files in .zip description</b>					
<b>Document Description</b>		<b>Start</b>	<b>End</b>		
Response after non-final action-owner timely		1	17		
Reexam Certificate of Service		18	18		
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				376264	
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</b></p>					



# HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY

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Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Reexamination Filed: June 8, 2012

Examiner: Jalatee Worjloh

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop "ex parte Reexam"

Attn.: Central Reexamination Unit

Commissioner for Patents

United States Patent & Trademark Office

P.O. Box 1450

Alexandria, Virginia 23313-1450

Honorable Commissioner:

Transmitted herewith are a PETITION FOR EXTENSION OF TIME UNDER 37 CFR §1.550 and a Certificate of Service in connection with the above-captioned Proceeding.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 30=	\$	x 60=	\$
**Indep. Claims:			x125=	\$	x250=	\$
Extension Fee for	Months			\$		\$
				\$		\$
<b>Total:</b>				<b>\$</b>	<b>Total:</b>	<b>\$</b>

Fee Payment made through EFS.

Payment is made herewith by Credit Card (see attached Form PTO-2038).

The Director is hereby authorized to charge all fees, including those under 37 CFR §§1.16 and 1.17, which are required for entry of the papers submitted herewith, and any fees which may be required to maintain pendency of this Proceeding, to Deposit Account No. 50-2929.

The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: February 1, 2013

/Abe Hershkovitz/

Abraham Hershkovitz  
Registration No. 45,294

R1341006D.A01; AH/pjj



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Koichiro Ikudome et al.

Art Unit: 3992

Reexamination Proceeding: 90/012,342  
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 5786

Examiner: Jalatee Worjloh

Reexamination Filed: June 8, 2012

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR §1.550**

Mail Stop "ex parte Reexam"  
Attn.: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 23313-1450

Dear Commissioner:

Patent Owner respectfully petitions for an extension of time for filing a Response to the outstanding Office Action mailed on December 7, 2012 in the above-identified Proceeding.

As required by 37 CFR §1.550, a Petition for an extension of time in *ex parte* Reexamination must (1) be filed on or before the day on which action by the patent owner is due and (2) must set forth sufficient reason for the extension, and (3) must be accompanied by the petition fee set forth in 37 CFR **1.17(g)**.

This Petition is being filed prior to the shortened statutory due date for response set by the Action, i.e., before February 7, 2013, with ample time to be granted prior to the due date, and is therefore timely.

Proceeding:

On June 8, 2012, third party requester filed a 484-page Request for *ex parte* Reexamination;

on July 25, 2012, an Order granting *inter partes* Reexamination was mailed; and

on December 7, 2012, an Office Action was mailed in connection with this Proceeding.

### Sufficient Cause

The Order indicates that at least one significant new question of patentability of claims 2-7, 9-14, 16-24 and 26-90 appears to be raised by the remarks in the Request regarding the combination of Radia, Coss and Admitted Prior Art (APA). However, there is no explanation of the Examiner's position on all the Issues identified in the Request. Rather, the Order merely recites the Issues from the Request, the proceedings from the examination of the underlying patent and the previous Reexamination Proceeding, excerpts from the MPEP regarding Reexamination procedures, and further reproduction of comments made in the Request. Additionally, the Order appears to contain contradictory statements, e.g., at page 11, Issue 2, the Order states, "Radia is old art that was previously before the examiner; however, Radia was never used in the context of a rejection during earlier examinations. Thus, Radia is now being viewed in a new light." Patent Owner respectfully traverses all such inaccurate statements in the Request or as restated in the Order and Action, since mere bald statements such as this do not provide any support for a holding that an old reference which was previously considered but, as alleged by Requester at the top of page 11 of the Request, neither discussed in the record nor cited in any rejection of the claims, is being viewed in a new light.

The 60-page Office Action mailed December 7, 2012 rejects all 86 claims under combinations of the references but then recites substantially in whole parts the Request, and **includes not only the same bolding but also the same typographical and grammatical errors, and further, also contains the same inaccuracies and mischaracterizations, the entirety of which is haphazardly interspersed with substantially recitation of the entire references**, while other sections of the Action also appear to be large portions of the incorporated Request but contain additional comments requiring slower and longer comparison for analysis to determine which, if either, is the accurate statement to be traversed.

Accordingly, it has been necessary for Patent Owner's representative to attempt to unravel a 484-page convoluted Request replete with errors and in comparison to the

60 page Action in an attempt to prepare the necessary proper and complete Response in the present Proceeding. However, Patent Owner also points out that not only other delays in the same shortened statutory period set by the Office Action in the present Proceeding include committed business travel, litigation/arbitration matters in which the court dates could not be rescheduled by the parties, and attempts to obtain sufficient information from a long-distance inventor regarding the Request (and the present Action) to support a proper Rule 131 Declaration, but as well, a substantial portion of the same time frame also has been spent in preparing the required complete Response to an Office Action mailed in Reexamination Proceeding No. 95/002,035 of the same underlying patent in which the Office Action also merely incorporated the Request and 30 exhibits totaling more than 2600 pages.

Over the last six weeks since issuance of the Office Action (much of which has overlapped the period to prepare the Response to the other Action), Patent Owner's representative has spent a very high number of hours so far studying the Request and preparing supporting arguments over the inaccuracies and mischaracterizations. Additionally, Patent Owner's counsel has prepared some of the initial arguments to rebut and overcome Requester's remarks, and these arguments have been submitted to the inventor for review, with the consequent revisions of these statements being received from the inventor with further comments and changes. It is likely that at least several more weeks of work will be required to complete the analysis of the Request for review by the inventor and other counsel, which also may result in even further revisions required.

Patent Owner courteously points out that it is not possible to complete arguments over the Request in the time set for response to the Action. Patent Owner also notes that a complete and *bona fide* Response to the Action must as well include remarks directed to rebuttal of every other issue raised in the Request which Patent Owner intends to contest.

**Accordingly, Patent Owner respectfully petitions the Office for a reasonable amount of time, i.e., one (1) month in extension of the period for response set by the Office Action, up to and including February 7, 2013.**

The Petition fee under 37 CFR §1.17(g) is being submitted concurrently herewith through EFS. It is believed that no other fee is required. However, should any additional fee be necessary for consideration of this Petition, please charge any fee necessary to maintain this Proceeding in force and any deficiency in fees (and refund any excess payments) to Deposit Account No. 50-2929, referencing Docket no. R1341006D.

Evidence of Service of this Petition on 3<sup>rd</sup> party requester is found after the last page of this paper.

All of the requirements under 37 CFR §1.550 are met in this Petition.

The Examiner is invited to direct any questions regarding this matter to the undersigned at the below-listed contact numbers and addresses.

Respectfully submitted,  
Koichiro Ikudome et al.

                  /Abe Hershkovitz/  
Abraham Hershkovitz  
Reg. No. 45,294

Date: February 1, 2013

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R1341006F.A02; AH/pjj

**CERTIFICATE OF SERVICE**

It is hereby certified that the attached PETITION FOR EXTENSION OF TIME UNDER 37 CFR §1.550 and this Certificate of Service **are being served on February 1, 2013 by first class mail** on the third party requester at the third party requestor's address:

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

          /Abe Hershkovitz/            
Abraham Hershkovitz

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14859346
<b>Application Number:</b>	90012342
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5786
<b>Title of Invention:</b>	User Specific Automatic Data Redirection System
<b>First Named Inventor/Applicant Name:</b>	6779118
<b>Customer Number:</b>	40401
<b>Filer:</b>	Abraham Hershkovitz
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	R1341006-D
<b>Receipt Date:</b>	02-FEB-2013
<b>Filing Date:</b>	08-JUN-2012
<b>Time Stamp:</b>	01:10:24
<b>Application Type:</b>	Reexam (Third Party)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Trans Letter filing of a response in a reexam	R1341006D_A01_Transmittal-of-Pet_for_EoT.pdf	158046 <small>1db5fe3d356df8ac6311e867436e2aeba15f7b0</small>	no	1

### Warnings:

### Information:

2		R1341006D_A01_Pet_for_EoT.pdf	138621 06eda0de4453fb4e624f07837442003cde0031e2	yes	5
<b>Multipart Description/PDF files in .zip description</b>					
<b>Document Description</b>		<b>Start</b>	<b>End</b>		
Reexam Request for Extension of Time		1	4		
Reexam Certificate of Service		5	5		
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			296667		
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</b></p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,342	06/08/2012	6779118	R1341006-D	5786
40401	7590	12/19/2012	EXAMINER	
Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			12/19/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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Table with 4 columns: APPLICATION NO./ CONTROL NO., FILING DATE, FIRST NAMED INVENTOR / PATENT IN REEXAMINATION, ATTORNEY DOCKET NO.

Table with 2 main columns: Applicant information (Hershkovitz & Associates, LLC) and Examiner information (EXAMINER: Jalatee Worjlloh, ART UNIT: 3992, PAPER: 20121212A)

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Patent owner called on December 11, 2012 regarding the Non-Final Action dated December 7, 2012. This communication is responsive to that call.

The Non-Final Action included a typographical error in the "Introduction" and "Notification of Concurrent Proceedings" sections. That is, the those paragraphs referred to U.S. Patent No. 5,251,294 to Abelow instead of United States Patent No. 6,779,118 to Ikudome et al.

As indicated on Office Action Summary form (PTOL-466), the Patent under reexamination is U.S. Patent No. 6,779,118 to Ikudome. Thus, the Non-Final Action mailed December 7, 2012 is directed to U.S. Patent 6,779,118.

/Jalatee Worjlloh/
Primary Examiner
Art Unit: 3992



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hershkovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

EXAMINER

WORJLOH, JALATEE

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/012,342.

PATENT NO. 6779118.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Office Action in Ex Parte Reexamination</b>	<b>Control No.</b> 90/012,342	<b>Patent Under Reexamination</b> 6779118
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3992

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

- a  Responsive to the communication(s) filed on \_\_\_\_\_.      b  This action is made FINAL.  
c  A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.      3.  Interview Summary, PTO-474.  
2.  Information Disclosure Statement, PTO/SB/08.      4.  \_\_\_\_\_.

**Part II SUMMARY OF ACTION**

- 1a.  Claims 2-7, 9-14, 16-24 and 26-90 are subject to reexamination.  
1b.  Claims \_\_\_\_\_ are not subject to reexamination.  
2.  Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.  
3.  Claims \_\_\_\_\_ are patentable and/or confirmed.  
4.  Claims 2-7, 9-14, 16-24, and 26-90 are rejected.  
5.  Claims \_\_\_\_\_ are objected to.  
6.  The drawings, filed on \_\_\_\_\_ are acceptable.  
7.  The proposed drawing correction, filed on \_\_\_\_\_ has been (7a)  approved (7b)  disapproved.  
8.  Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of the certified copies have  
1  been received.  
2  not been received.  
3  been filed in Application No. \_\_\_\_\_.  
4  been filed in reexamination Control No. \_\_\_\_\_.  
5  been received by the International Bureau in PCT application No. \_\_\_\_\_.  
\* See the attached detailed Office action for a list of the certified copies not received.  
9.  Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.  
10.  Other: \_\_\_\_\_

cc: Requester (if third party requester)

Art Unit: 3992

## DETAILED ACTION

### *Introduction*

This is an *ex parte* reexamination of claims 2-7, 9-14, 16-24, and 26-90 of United States Patent No. 5,251,294 to Abelow for which a substantial new question of patentability has been deemed to exist.

### *Status of Claims*

Claims 2-7, 9-14, 16-24, and 26-90 are rejected.

### *References Cited in Request*

The request cites the following prior art references:

- U.S. Patent No. 6099451 to He et al. ("He");
- U.S. Patent No. 6233686 to Zenchelsky et al. ("Zenchelsky");
- U.S. Patent No. 5848233 to Radia et al. ("Radia"); and
- U.S. Patent No. 6170012 to Coss et al. ("Coss").

### *Patent Owner Statement*

No Patent owner statement filed.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3992

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-7, 9-14, 28-35, and 44-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radia in view of the Admitted Prior Art (APA) and in further in view of Coss.**

**2. The system of claim 1, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the *redirection server* further provides control over a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one

Art Unit: 3992

known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**3. The system of claim 1, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**4. The system of claim 1, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

Art Unit: 3992

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data to host B, and second session key rule (B, A, TELNET) allowing data from host B.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**5. The system of claim 1, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.*

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.



Art Unit: 3992

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**6. The system of claim 1, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any

Art Unit: 3992

individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**7. The system of claim 1, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems**. This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects;** for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to **set the login profile for the newly connected computer.**" [3:23-33, emphasis added]

**9. The method of claim 8, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the step of controlling a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'"

Art Unit: 3992

[4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**10. The method of claim 8, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**11. The method of claim 8, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.**

Art Unit: 3992

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., '**pass**', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

## **12. The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall,**

Art Unit: 3992

**as each packet is received from the proxy and sent to the destination."** [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or **'proxy'**" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

### **13. The method of claim 8, further including the step of redirecting the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

Art Unit: 3992

**Additionally, Coss teaches “a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination.” See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**14. The method of claim 8, further including the step of creating database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems**. This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects; for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to set the login profile for the newly connected computer."** [3:23-33, emphasis added]

**28. The system of claim 1, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Art Unit: 3992

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8,emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet**. Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**29. The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering

Art Unit: 3992

rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS ....**Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Cos set al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a **time-limited rule which is used only for a specified time period**, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**30. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.**



Art Unit: 3992

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be** forwarded, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one

Art Unit: 3992

known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**31. The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**32. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Art Unit: 3992

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8, emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet**. Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**33. The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering

Art Unit: 3992

rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS ....**Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, **a time-limited rule which is used only for a specified time period**, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

Art Unit: 3992

**34. The method of claim 8, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded**, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on *a request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any

Art Unit: 3992

individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**35. The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**44. A system comprising:**

Radia et al. Figure 1: computer network 100 is a system

**a database with entries correlating each of a plurality of user IDs with an individualized rule set;**

Radia et al. Figure 3: filtering profiles 316 are a database with entries correlating each of a plurality of user IDs with an individualized rule set

For instance, Radia et al. disclose:

Art Unit: 3992

"In step 908, which follows, a sequence of **filtering profiles 400 associated with the user** are retrieved, by SMS 114, from **filtering profile database 316**. In general, it may be appreciated that various users of network 100 will have varying types of allowed access. As a result, **different network users will require different filtering profiles 400. Generally, these filtering profiles 400 are defined separately for each user** using either automatic or manual generation techniques. For the present invention, **these filtering profiles 400 are preferably maintained in filtering profile database 316 and retrieved using the identity of the particular user.**" [9:46-56, emphasis added]

**a dial-up network server that receives user IDs from users' computers;**

Radia et al. disclose in Figure 1 that modems 104 (which may be telephone - i.e., dial-up) and DHCP server 110 establish a communications link with the user's PC. A login applet on the user's computer (one of PCs 102) communicates with a login server and allows users to login to the network 100.

For instance, Radia et al. disclose:

"A **cable modem** 104 is connected to each client system 102." [1:11-12, emphasis added]

"For example, an internet service provider (ISP) may have users who connect, login, logoff and disconnect to its network over time **using telephone or cable modems.**" [2:45-48, emphasis added]

"The client systems, which are typically personal computers using cable modems, connect to the router. **As part of the connection process, each client system receives a dynamically allocated IP address**"

For a preferred embodiment of network 100, user logins are handled by downloading small, specifically tailored applications, known as "login applets," to client systems 102. The login applets are downloaded from a server system, such as server system 108, or in some cases, from SMS 114." [8:30-34, emphasis added]

"More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:39-42, emphasis added]

However, Radia et al. do not explicitly disclose a *dial-up network server* that receives user IDs from users' computers.

Admitted prior art (APA) systems in Figure 1 of the '118 patent include a dial-up networking server 102 that receives user IDs from users' computers 100.

The APA systems are described as follows:

Art Unit: 3992

"In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user ID and password. The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104. A detailed description of the IP communications protocol is discussed in *Internetworking with TCP/IP*, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 **to allow the user to use the temporary IP address assigned to that user by the dial-up networking server** and then logs the connection and assigned IP address." [118 patent, col. 1, lines 15-37, emphasis added]

It would have been obvious to substitute the DHCP server 110 and login applet disclosed by Radia et al. with the dial-up networking server 102 included in the APA systems to thereby obtain the predictable results of: 1) allowing dial-up users to login through the dial-up networking server rather than through an applet running on the user's computer, and 2) assigning a temporary IP address to the user's computer by the dial-up networking server 102 rather than by the DHCP server 110.

**a redirection server connected between the dial-up network server and a public network, and**

Radia et al. Figure 1 : router 106 is connected between the dial-up network server (substituted for DHCP server 110 and login applet) and server systems 108 of the network 100. Router 106 is similar to a redirection server because router 106 is connected between the user's computer (PC 102) and the network's server systems 108, and control the user's access to the network's server systems 108.

Radia et al. further disclose that the network is a public network such as the Internet:

"For example, assume that a company uses a router to link its internal intranet with an external network **such as the Internet.**" [2:5-7, emphasis added]

However, Radia et al. do not explicitly disclose the router 106 controls the user's access to the public network *by utilizing redirection functionality*.

Coss et al. disclose a firewall that is connected between a user's computer and a public network that controls the user's access to the network by utilizing redirection functionality:

"FIG. 2 shows a user site 201 connected to the Internet 105 via a firewall processor 211." [3:53-54]



Art Unit: 3992

"This invention relates to the **prevention of unauthorized access in computer networks** and, more particularly, to firewall protection within computer networks." [1:6-8, emphasis]

"Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They **can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.**" [8:24-31, emphasis added]

"To unburden the firewall of application proxies, the firewall can be enabled to redirect a network session to a separate server for processing." [Abstract, emphasis added]

"Proxy reflection in accordance with the present invention involves redirecting a network session to another, "remote" proxy server for processing, and then later passing it back via the firewall to the intended destination. When a new session enters the firewall, a decision is made to determine whether service by a proxy server is required. If so, **the firewall replaces the destination address in the packet with the host address of the proxy application and, if necessary, it can also change the service port.**" [Coss et al., col. 8, lines 56-65, emphasis added]

It would have been obvious to replace the router 106 of Radia et al. with the firewall 211 of Coss et al. to not only allow discarding and forwarding traffic as taught by Radia et al., but to also allow controlling the user's access to the network by redirecting traffic at the firewall 211 to thereby prevent the router 106 from having to utilize application proxies, as suggested by Coss et al.

Radia et al. further disclose that other networking technologies may be used instead of router 106, stating:

"The use of cable router 106 and cable modems 104 is also intended to be exemplary and it should be appreciated **that other networking technologies and topologies are equally practical.**" [1:13-16, emphasis added]

Therefore, it would have been further obvious to a person of ordinary skill in the art that the firewall 211 of Coss et al. could substitute the router 106 because the firewall 211 disclosed by Coss et al. is another type of networking technology and Radia et al. suggest other types of network technology is equally practical.

It would have been further obvious that simple substitution of the known firewall 211 for the router 106 obtains predictable results that the network 100 of Radia et al. may now benefit from the redirection functionality included in firewall 211.

**an authentication accounting server connected to the database, the dial-up network server and the redirection server;**

Art Unit: 3992

In Radia et al. Figure 1, access network control server ANCS 112 and services management system SMS 114 together are an authentication accounting server because ANCS 112 and SMS 114 are connected to the database (filtering profiles 316 within SMS 114 - see Figure 3), the dial-up network server (substituted for DHCP server 110 and login applet), and the redirection server (Coss' firewall 211 in the position of router 106 in Radia's FIG. 1).

Radia et al. further disclose that the ANCS 112 and SMS 114 determine whether a user ID is authorized to access the network.

For instance, Radia et al. disclose:

"FIG. 9 is a flowchart showing the steps associated with a preferred embodiment of a method for **allocation of privileges to a user in a computer network.**" [4:59-61, emphasis added]

"Method 900 includes step performed by SMS 114 **and** ANCS 112." [9:35-36, emphasis added]

"In step 908, which follows, a sequence of filtering profiles 400 associated with **the user** are retrieved by SMS 114, from filtering profile database 316. In general, it may be appreciated that **various users of network 100 will have varying types of allowed access.**" [9:46-50, emphasis added]

"In FIG. 1, ANCS 112 and SMS 114 are shown as separate entities. It should be appreciated, however that the present invention specifically anticipates **that ANCS 112 and SMS 114 may be implemented using a single computer system** that includes ANCS process 214, SMS process 314 and filtering profile database 316." [5:65-6:4, emphasis added]

**wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;**

Radia et al. disclose a login applet on a PC 102 and the DHCP server 110 respectively communicate a first user ID (entered using the login applet) for one of the users' computers (one of PCs 102) and a temporarily assigned network address (dynamically assigned IP address) for the first user ID to the authentication accounting server (SMS 114).

For instance, Radia et al. disclose the login applet communicates from PC 102 to SMS 114:

"Method 900 begins with step 906 where SMS 114 **waits for a user login.** More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114**" [9:37-42, emphasis added]

Radia et al. also disclose the DHCP server 110 passes the temporarily assigned network address for the first user ID to the SMS 114:

Art Unit: 3992

"Method 700 begins with step 706 where **SMS 114 waits for the allocation of an IP address to a client system 102**. More specifically, for a preferred embodiment of network 100, power-on or reset of a client system 102 is followed by connection of the client system 102 to router 106. As part of this connection, the connecting client system 102 requests and receives a dynamically allocated IP address from DHCP server 110. This allocation requires that a number of messages pass between DHCP server 110 and the client system 102 requesting a new IP address. The last of these messages is a DHCPACK message sent by the DHCP server 110 to the client system 102. **To monitor the allocation of IP addresses, SMS 114 monitors DHCP messages within network 100**. Step 706 corresponds, in a general sense, to the methods and procedures that are executed by SMS 114 to wait for and detect DHCPACK messages within network 100." [7:21-34, emphasis added]

With reference to FIG. 9, it is inherent that the SMS 114 also receives the IP address of the client system 102 from the dial-up network server because Radia et al. disclose "At the same time, **the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112**." [9:62-64, emphasis added]

Radia et al. further disclose that the IP address of the client system (one of PCs 102) is temporarily assigned:

"More specifically, in systems that use the DHCP protocol for allocation of IP addresses, each IP address is allocated for a finite period of time. Systems that do not renew their IP address leases may lose their allocated IP addresses." [7:51-55, emphasis added]

However, Radia et al. do not explicitly disclose that *the dial-up network server* communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server.

In the admitted prior art (APA) system of FIG. 1, the dial-up network server 102 communicates a first user ID for one of the users' computers 100 and a temporarily assigned network address for the first user ID to the authentication accounting server 104.

For instance, the APA systems are described as follows:

"The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104." [" 118 patent, Col. 1, lines 15-37, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the APA dial-up networking server 102 for the DHCP 110 and login applet in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. dial-up networking server 102) for another (DHCP server and login applet) producing a predictable result renders the claim obvious.

Art Unit: 3992

It would further have been obvious that the dial-up network server should continue to behave in this way because, rather than the SMS 114 receiving the user ID and IP address respectively from the login applet and DHCP server 110, the SMS 114 would receive this information from the dial-up networking server, as suggested by the APA.

**wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first set that correlates with the first user ID and the temporary assigned network address to the redirection server; and**

Radia et al. disclose the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set (sequence of filtering profiles 400) that correlates with the first user ID (identity of the user) and the temporarily assigned network address (dynamic IP address) to the router 106.

For instance, Radia et al. disclose:

FIG. 9: step 906 "wait for user login", step 908 "retrieve user filter profile from database", step 910 "download user profile to ancs", and step 920 "reconfigure network components"

"In step 908, which follows, a sequence of filtering profiles 400 associated with the user are retrieved, by SMS 114, from filtering profile database 316".  
[9:46-48, emphasis added]

"For the present invention, these filtering profiles 400 are preferably maintained in filtering profile database 316 and **retrieved using the identity of the particular user.**" [9:53 -56, emphasis added]

"Step 908 is followed by step 910 where the sequence of user filtering profiles 400 is downloaded by SMS 114 to ANCS 112. At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112." [9:60-64, emphasis added]

"In the following step, the ANCS 112 uses each of the filtering rules 404 included in the sequence of user filtering profiles 400 **to establish a packet filter for IP packets originating from the client system 102 acting as a host for the user.**" [9:64-10:1, emphasis added]

"The packet filter is established by reconfiguring one or more of the components of the network 100 that forward packets originating at the client system 102 acting as a host for the user. For example, in some cases, the packet filter may be established by reconfiguring the modem 104 connected to the client system 102. Alternatively, the packet filter may be established by reconfiguring router 106." [10:1-7, emphasis added]

Art Unit: 3992

It is inherent that the "packet filter for IP packets originating from the client system 102" communicated to the router 106 includes the temporarily assigned (i.e., dynamic) IP address of the client system 102 in order to identify the IP packets originating from the client system 102.

However, Radia et al. do not explicitly disclose the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address *to the redirection server*.

It would have been obvious to have the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the firewall 211 of Coss et al. A first reason is Radia et al. teach reconfiguring one or more network components that forward packets originating at the client system 102, and the firewall 211 of Coss et al. is a network component that forwards packets originating at a client system. As such, Radia et al. suggest reconfiguring the firewall 211.

It would have further been obvious to use a known technique (i.e., communicating an individualized rule set to thereby reconfiguring a router 106) to improve a similar device (firewall 211) in the same way.

Additionally, Coss et al. disclose dynamic rules can be loaded into the firewall 211 at any time by trusted applications to thereby authorize specific network sessions. For instance, Coss et al. teach:

"Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions." [8:26-31, emphasis added]

It therefore would have further been obvious to have the ANCS 112 communicate the individualized rule set to the firewall 211 of Coss et al. because the ANCS 112 is a trusted application that authorizes specific network sessions, as suggested by Coss et al.

**wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.**

Radia et al. disclose that data directed toward the public network from the one of the users' computers (one of PCs 102) are processed by the router 106 according to the individualized rule set.

For instance, Radia et al. disclose:

"Subsequently, the packet filter established by the ANCS 112 is used to filter IP packets that originate from the client system 102 acting as a host for the user, allowing the packets that are associated with the network privileges of the user." [10:11-14,emphasis added]

Art Unit: 3992

However, Radia et al. do not explicitly disclose that data directed toward the public network from the one of the user's computers is processed *by the redirection server* according to the individualized rule set.

Coss et al. disclose data directed toward the public network from the one of the users' computers are processed by firewall 211 according to the individualized rule set.

For instance, Coss et al. disclose:

"In accordance with a fourth aspect of the invention, a computer network firewall may make use of dynamic rules which are added to a set of access rules for processing packets." [2:29-32, emphasis added]

"With a capability for supporting multiple security domains, **a single firewall can support multiple users, each with a separate security policy.**" [3:31-34, emphasis added]

"The particular rule set that is applied for any packet can be determined based on information such as the **incoming and outgoing network interfaces** as well as the **network source and destination addresses.**" [1:67-2:4, emphasis added]

It would have been obvious that when substituting router 106 in the network of Radia et al. with the firewall 211 of Coss et al., subsequent to the firewall 211 of Coss et al. being reconfigured by the ANCS 112, data directed toward the public network from the one of the user's computers would be processed by the firewall 211 according to the individualized rule set.

A first reason is the ANCS 112 is disclosed to reconfigure the router 106 to process data in this way, and the firewall 211 is simply another type of networking component. In other words, simple substitution of the known firewall 211 for the router 106 obtains predictable results that the firewall 211 is reconfigured to process data directed toward the public network in the same way.

Another reason is it would have been obvious to use a known technique (reconfiguring a router 106 to process outgoing data according to the individualized rule set) to improve a similar device (firewall 211) in the same way.

**45. The system of claim 44, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Art Unit: 3992

Radia et al. do not explicitly disclose the *redirection server* further provides control over a plurality of data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Rdia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**46. The system of claim 44, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

Art Unit: 3992

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**47. The system of claim 44, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., '**pass**', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.



Art Unit: 3992

**48. The system of claim 44, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.*

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**49. The system of claim 44, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.*

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

Art Unit: 3992

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches "a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination." See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**50. The system of claim 44, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems.** This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects;** for example, since a client system that connects may do a

Art Unit: 3992

DHCP operation, this event can trigger the SMS to **set the login profile for the newly connected computer.**" [3:23-33, emphasis added]

**51. The system or claim 44, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet.** Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8,emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet.** Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any

Art Unit: 3992

individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**52. The system of claim 44, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS ....**Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. disclose:

Art Unit: 3992

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, a **time-limited rule which is used only for a specified time period**, and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**53. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded**, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

Art Unit: 3992

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on a *request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**54. The system of claim 44, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Art Unit: 3992

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**55. The system of claim 44, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.**

Radia et al. do not disclose that the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

For instance, Coss et al. disclose:

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a designation of a special service which can be called for in a packet, **and a specification of an action to be taken on a packet.**" [4:1-6, emphasis added]

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy; if configured, the destination port can be changed as well; the original packet header data is recorded in the session cache along with any changed values;" [9:39-44, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

Art Unit: 3992

### **56. In a system comprising**

Radia et al. Figure 1: computer network 100 is a system

**a database with entries correlating each of a plurality of user IDs with an individualized rule set;**

Radia et al. Figure 3: filtering profiles 316 are a database with entries correlating each of a plurality of user IDs with an individualized rule set.

For instance, Radia et al. disclose:

"In step 908, which follows, **a sequence of filtering profiles 400 associated with the user** are retrieved, by SMS 114, from **filtering profile database 316**. In general, it may be appreciated that various users of network 100 will have varying types of allowed access. As a result, different **network users will** require different **filtering** profiles 400. Generally, these filtering profiles 400 are defined separately for each user using either automatic or manual generation techniques. For the present invention, these filtering profiles 400 are preferably **maintained in** filtering profile **database 316 and retrieved using the identity of the particular** user." [9:46-56, emphasis added]

**a dial-up network server that receives user IDs from users' computers;**

Radia et al. disclose in Figure 1 that modems 104 (which may be telephone - i.e., dial-up) and DHCP server 110 establish a communications link with the user's PC. A login applet on the user's computer (one of PCs 102) allows users to login to the network 100.

For instance, Radia et al. disclose:

"A **cable modem** 104 is connected to each client system 102." [1:11-12, emphasis added]

"For example, an internet service provider (ISP) may have users who connect, login, logoff and disconnect to its network over time **telephone or cable modems**." [2:45-48, emphasis added]

"The client systems, which are typically personal computers using cable modems, connect to the router. **As part of the connection process, each client system receives a dynamically allocated IP address from the DHCP server.**" [2:67-3:4, emphasis added]

"For a preferred embodiment of network 100, user logins are handled by downloading small, specifically tailored applications, known as "login applets," to client systems 102. The login applets are downloaded from a server system, such as server system 108, or in some cases, from SMS 114." [8:30-34, emphasis added]



Art Unit: 3992

"More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:39-42, emphasis added]

However, Radia et al. do not explicitly disclose a *dial-up network server* that receives user IDs from users' computers.

Admitted prior art (APA) systems in Figure 1 of the '118 patent include a dial-up networking server 102 that receives user IDs from users' computers 100.

The APA systems are described as follows:

"In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), **the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user ID and password.** The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104. A detailed description of the IP communications protocol is discussed in *Internetworking with TCP/IP*, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 **to allow the user to use the temporary IP address assigned to that user by the dial-up networking server** and then logs the connection and assigned IP address." [" 118 patent, 1<sup>st</sup> paragraph of Background of the Invention section, emphasis added]

It would have been obvious to substitute the DHCP server 110 and login applet disclosed by Radia et al with the dial-up networking server 102 included in the APA systems to thereby obtain the predictable results of: 1) allowing dial-up users to login through the dial-up networking server rather than through at applet running on the user's computer, and 2) assigning a temporary IP address to the user's computer by the dial-up networking server 102 rather than by the DHCP server 110.

**a redirection server connected between the dial-up network server and a public network, and**

Radia et al. Figure 1 : router 106 is connected to the dial-up network server (substituted for DHCP server 110 and login applet) and server systems 108 of the network 100. Router 106 is similar to a redirection server because router 106 is connected between the user's computer (PC 102) and the network's server systems 108, and controls the user's access to the network's server systems 108.

Radia et al. further disclose that the network is a public network such as the Internet:

Art Unit: 3992

"For example, assume that a company uses a router to link its internal intranet with an external network, **such as the Internet.**" [2:5-7, emphasis added]

However, Radia et al. do not explicitly disclose that the router 106 controls the user's access to the public network *by utilizing redirection functionality.*

Coss et al. disclose a firewall that is connected between a user's computer and a public network that controls the user's access to the network by utilizing redirection functionality.

For instance, Coss et al. disclose:

"FIG. 2 shows a user site 201 connected to the Internet 105 via a firewall processor 211 ." [3:53-54]

"This invention relates to the **prevention of unauthorized access in computer networks** and, more particularly, to firewall protection within computer networks." [1:6-8, emphasis]

"Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They **can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.**" [8:24-31, emphasis added]

"To unburden the firewall of application proxies, the firewall can be enabled to redirect a network session to a separate server for processing." [Abstract, emphasis added]

"Proxy reflection in accordance with the present invention involves redirecting a network session to another, "remote" proxy server for processing, and then later passing it back via the firewall to the intended destination. When a new session enters the firewall, a decision is made to determine whether service by a proxy server is required. If so, **the firewall replaces the destination address in the packet with the host address of the proxy application and, if necessary, it can also change the service port.**" [Coss et al., col. 8, lines 56-65, emphasis added]

It would be obvious to replace the router 106 of Radia et al. with the firewall 211 of Coss et al. to not only allow discarding and forwarding traffic as taught by Radia et al., but to also allow controlling the user's access to the network by redirecting traffic at the firewall 211 to thereby prevent the router 106 from having to utilize application proxies, as suggested by Coss et al.

Radia et al. further disclose that other networking technologies may be used instead of router 106, stating:

Art Unit: 3992

"The use of cable router 106 and cable modems 10d is also intended to be exemplary and it should be appreciated **that other networking technologies and topologies are equally practical.**" [1:13-16, emphasis added]

Therefore, it would have been further obvious to a person of ordinary skill in the art that the firewall 211 of Coss et al. could substitute the router 106 because the firewall 211 disclosed by Coss et al. is another type of networking technology and Radia et al. suggest other types of network technology is equally practical.

It would have been further obvious that simple substitution of the known firewall 211 for the router 106 obtains predictable results that the network 100 of Radia et al. may now benefit from the redirection functionality included in firewall 211.

**an authentication accounting server connected to the database, the dial-up network server and the redirection server,**

Radia et al. Figure 1 disclose access network control server ANCS 112 and services management system SMS 114 together are an authentication accounting server because ANCS 112 and SMS 114 are connected to the database (filtering profiles 316 within SMS 114 - see Figure 3), the dial-up network server (substituted for DHCP server 110 and login applet), and the redirection server (Coss' firewall 211 in the position of router 106 in Radia's FIG. 1).

Radia et al. further disclose that the ANCS 112 and SMS 114 determine whether a user ID is authorized to access the network.

For instance, Radia et al. disclose:

"FIG. 9 is a flowchart showing the steps associated with a preferred embodiment of a method for **allocation of privileges to a user in a computer network.**" [4:59-61, emphasis added]

"Method 900 includes step **performed by SMS 114 and ANCS 112.**" [9:35-36, emphasis added]

"In step 908, which follows, a sequence of filtering profiles 400 **associated with the user** are retrieved, by SMS 114, from filtering profile database 316. In general, it may be appreciated that **various users of network 100 will have varying types of allowed access.**" [9:46-50, emphasis added]

"In FIG. 1, ANCS 112 and SMS 114 are shown as separate entities. It should be appreciated, however, that the present invention specifically anticipates that ANCS 112 and SMS 114 maybe **implemented using a single computer system** that includes ANCS process 214, SMS process 314 and filtering profile database 316." [5:65-6:4, emphasis added]

Art Unit: 3992

**a method comprising the steps of:**

Method disclosed by Radia et al. in Figure 9

**communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;**

Radia et al. disclose a login applet on a PC 102 and the DHCP server 110 respectively communicate a first user ID (entered using the login applet) for one of the users' computers (one of PCs 102) and a temporarily assigned network address (dynamically assigned IP address) for the first user ID to the authentication accounting server (SMS 114).

For instance, Radia et al. disclose the login applet communicates from PC 102 to SMS 114:

"Method 900 begins with step 906 where SMS 114 **waits for a user login**. More specifically, as discussed with regard to method 700, for a preferred embodiment of network 100, **users login to network 100 using a login applet that communicates with a login server, such as SMS 114.**" [9:37-42, emphasis added]

Radia et al. also disclose the DHCP server 110 passes the temporarily assigned network address for the first user ID to the SMS 114:

"Method 700 begins with step 706 where **SMS 114 waits for the allocation of an IP address to a client system 102**. More specifically, for a preferred embodiment of network 100, power-on or reset of a client system 102 is followed by connection of the client system 102 to router 106. As part of this connection, the connecting client system 102 requests and receives a dynamically allocated IP address from DHCP server 110. This allocation requires that a number of messages pass between DHCP server 110 and the client system 102 requesting a new IP address. The last of these messages is a DHCPACK message sent by the DHCP server 110 to the client system 102. **To monitor the allocation of IP addresses, SMS 114 monitors DHCP messages within network 100.** Step 706 corresponds, in a general sense, to the methods and procedures that are executed by SMS 114 to wait for and detect DHCPACK messages within network 100." [7:21-34, emphasis added]

With reference to FIG. 9, it is inherent that the SMS 114 also receives the IP address of the client system 102 from the dial-up network server because Radia et al. disclose "**At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112.**" [9:62-64, emphasis added]

Radia et al. further disclose that the IP address of the client system (one of PCs 102) is temporarily assigned:

Art Unit: 3992

"More specifically, in systems that use the DHCP protocol for allocation of IP addresses, each IP address is allocated for a finite period of time. Systems that do not renew their IP address leases may lose their allocated IP addresses." [7:51-55, emphasis added]

However, Radia et al. do not explicitly disclose communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID *from the dial-up network server* to the authentication accounting server.

In the admitted prior art (APA) system of FIG. 1, the dial-up network server 102 communicates a first user ID for one of the users' computers 100 and a temporarily assigned network address for the first user ID to the authentication accounting server 104.

For instance, the APA systems are described as follows:

"The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server 104." ["118 patent, 1<sup>st</sup> paragraph of Background of the Invention section, emphasis added]

It would have been obvious to not remove these useful features of the APA systems when substituting the APA dial-up networking server 102 for the DHCP server 110 and login applet in FIG. 1 of Radia et al. This would have been obvious because simple substitution of the known dial-up networking server 102 for the DHCP server 110 and login applet obtains predictable results that the dial-up networking server 102 continues to include the above disclosed features.

It would further have been obvious that the dial-up network server should continue to behave in this way because, rather than the SMS 114 receiving the user ID and IP address respectively from the login applet and DHCP server 110, the SMS 114 would receive this information from the dial-up networking server, as suggested by the APA.

**communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;**

Radia et al. disclose the ANCS 112 and SMS 114 access the database 316 and communicate the (identity of the user) and the temporarily assigned network address (dynamic IP address) to the router 106.

For instance, Radia et al. disclose:

FIG. 9: step 906 "wait for user login", step 908 "retrieve user filter profile from database", step 910 "download user profile to ancs", and step 920 "reconfigure network components"

"In step 908, which follows, a sequence of filtering profiles 400 associated with the user are retrieved, by SMS 114, from filtering profile database 316". [9:46-48, emphasis added]

Art Unit: 3992

"For the present invention, these filtering profiles 400 are preferably maintained in filtering profile database **316 and retrieved using the identity of the particular user.**" [9:53 -56, emphasis added]

"Step 908 is followed by step 910 where the sequence of user filtering profiles 400 is downloaded by SMS 114 to ANCS 112. At the same time, the IP address of the client system 102 acting as a host for the user is passed by the SMS 114 to the ANCS 112." [9:60-64, emphasis added]

"In the following step, the ANCS 112 uses each of the filtering rules 404 included in the sequence of user filtering profiles 400 **to establish a packet filter for IP packets originating from the client system 102 acting as a host for the user.**" [9:64-10:1, emphasis added]

"The packet filter is established by reconfiguring one or more of the components of the network 100 that forward packets originating at the client system 102 acting as a host for the user. For example, in some cases, the packet filter may be established by reconfiguring the modem 104 connected to the client system 102. Alternatively, the packet filter may be established by reconfiguring router 106." [10:1-7, emphasis added]

It is inherent that the "packet filter for IP packets originating from the client system 102" communicated to the router 106 includes the temporarily assigned (i.e., dynamic) IP address of the client system 102 in order to identify the IP packets originating from the client system 102.

However, Radia et al. do not explicitly disclose communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address *to the redirection server* from the ANCS 112 and SMS 114.

It would have been obvious to have the ANCS 112 and SMS 114 access the database 316 and communicate the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the firewall 211 of Coss et al. A first reason is Radia et al. teach reconfiguring one or more network components that forward packets originating at the client system 102, and the firewall 211 of Coss et al. is a network component that forwards packets originating at a client system. As such, Radia et al. suggest reconfiguring the firewall 211.

It would have further been obvious to use a known technique (i.e., communicating an individualized rule set to thereby reconfiguring a router 106) to improve a similar device (firewall 211) in the same way.

Additionally, Coss et al. disclose dynamic rules can be loaded into the firewall 211 at any time by trusted applications to thereby authorize specific network sessions. For instance, Coss et al. teach:

"Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted

Art Unit: 3992

application, remote proxy or firewall administrator, to authorize specific network sessions." [8:26-31, emphasis added]

It therefore would have further been obvious to have the ANCS 112 communicate the individualized rule set to the firewall 211 of Coss et al. because the ANCS 112 is a trusted application that authorizes specific network sessions, as suggested by Cosset al.

**and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.**

Radia et al. disclose processing data directed toward the public network from the one of the user computers (one of PCs 102) according to the individualized rule set.

For instance, Radia et al. disclose:

"Subsequently, the packet filter established by the ANCS 112 is used to filter IP packets that originating from the client system 102 acting as a host for the user, allowing the packets that are associated with the network privileges of the user." [10:11-14,emphasis added]

**57. The method of claim 56, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further provides control over a plurality of data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose the step of computers as a function of the individualized rule set.

However, Cosset al. disclose firewall 211 further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

For instance, Cosset al. disclose:

"The latter embodiment can allow the firewall techniques of the invention to provide, for example, parental control of Internet and video access in the home." [2:57-60]

See FIG. 3, rule No. 10 controlling FTP data **to host B**, and rule No. 30 controlling Telnet data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'"

Art Unit: 3992

[4:39-43] allowing the firewall 211 to control data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**58. The method of claim 56, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further blocks data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further blocks the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further blocks the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 3, rule No. 20 blocking data **from host A**; and FIG. 4, fifth session key rule (D, A, Telnet) blocking data **to host A**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', '**drop**', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to block (i.e., drop) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.



Art Unit: 3992

**59. The method of claim 56, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.**

Radia et al disclose that router 106 in FIG. 1 further allows the data from the users' computers as a function of the individualized rule set (FIG. 6, step 606, "filter IP packets in accordance with filtering profile" and col. 10, lines 6-14).

Radia et al. do not explicitly disclose *the redirection server* further allows the data *to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further allows the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

FIG. 4, first session key rule (A, B, TELNET) allowing data **to host B**, and second session key rule (B, A, TELNET) allowing data **from host B**.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., '**pass**', 'drop', or 'proxy'" [4:39-43, emphasis added] allowing the firewall 211 to allow (i.e., pass) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**60. The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server further redirects the data to and from* the users' computers as a function of the individualized rule set.

However, Coss et al. disclose firewall 211 further redirects the data to and from the users' computers as a function of the individualized rule set.

For instance, Coss et al. disclose:

"For some users and proxy applications, the connection should appear at the destination to be coming from the original source rather than the remote system. This applies, e.g., to services which check the source IP address to ensure that it matches the user who signed up for the

Art Unit: 3992

requested service. **This capability is provided by "dual reflection" (or "two-way reflection"), with the source address of the outgoing connection changed back from the remote proxy to the original user's source address. This change is effected at the firewall, as each packet is received from the proxy and sent to the destination.**" [9:6-16, emphasis added]

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or '**proxy**'" [4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data to and from the users' computers as a function of the individualized rule set.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**61. The method of claim 56, further including the step of redirecting the data from the users' computers to multiple destinations as a function of the individualized rule set.**

Radia et al. do not explicitly disclose *the redirection server* further redirects the data from the users' computers *to multiple destinations* as a function of the individualized rule set.

However, Coss et al. disclose that firewall 211 further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

For instance, Coss et al. disclose:

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy" [9:39-42]

"Proxy processes have also been developed for other special-purpose applications, e.g., to perform services such as **authentication, mail handling, and virus scanning.**" [1:45-49, emphasis added]

Coss et al. also gives examples of redirecting data to both a Telnet proxy and an FTP proxy. For example, Figure 3, rule No. 30 redirects TELNET data to a Telnet proxy server. Coss et al. further state, "For example, an FTP proxy **application** could use a dynamic rule to authorize establishment of an FTP data channel in response to a data request." It is inherent that data was also redirected to the FTP proxy application as a function of the individualized rule set.

Coss et al. also disclose rule set categories such as "Source host group identifier or IP address", "Destination host group identifier or IP address", and "Rule action, e.g., 'pass', 'drop', or 'proxy'"

Art Unit: 3992

[4:39-43, emphasis added] allowing the firewall 211 to redirect (i.e., proxy) data from the users' computers to multiple destinations as a function of the individualized rule set.

**Additionally, Coss teaches “a computer network firewall can be instructed to redirect network session to a separate server for processing, so as to unburden the firewall application proxies. The server processes the redirected network session, and then passes the session back through the firewall to the intended original destination.” See col. 2, lines 42-48.**

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**62. The method of claim 56, further including the step of creating database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.**

Radia et al. disclose that the database entries for a plurality of the plurality of the users' IDs are correlated with a common individualized rule set.

For instance, "In the above description, we have set a default profile called the default login profile. The default login profile is a static profile that **applies to ALL newly connected client systems**. This way the SMS does not need to be aware as new client systems are connected.

**"One may also consider setting the default profile to a null profile and for each client system as the client system connects; for example, since a client system that connects may do a DHCP operation, this event can trigger the SMS to set the login profile for the newly connected computer." [3:23-33, emphasis added]**

**63. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of type of IP (Internet Protocol) service.**

Radia et al. disclose that the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) packet.

For instance, Radia et al. disclose:

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP,UDP, ICMP, etc. To match a particular

Art Unit: 3992

filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

Radia et al. also disclose that at least one rule forwards packets associated with a DNS (domain name service):

"The second of the login filtering profiles 400 forwards packets **associated with DNS (domain name service)** address resolution." [8:6-8, emphasis added]

However, Radia et al. do not explicitly disclose at least one rule as a function of *a type of IP service*.

Coss et al. disclose that the individual rule set includes at least one rule as a function of a type of IP service.

For instance, Coss et al. disclose:

"Service" column in rule table of Figure 3 providing rules as a function of types of IP services such as "FTP", "TELNET", and "MALL".

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a **designation of a special service which can be called for in a packet, and a specification of an action to be taken on a packet**. Special services can include proxy services, network address translation, and encryption, for example. In FIG. 3, the categories "Source Host," "Destination Host" and "Service" **impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet.**" [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**64. The method of claim 56, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.**

Radia et al. disclose the individualized rule set includes a default filter sequence for a newly connected client system that allows the newly connected client system to perform login. Radia et al. also disclose that after a user of the newly connected client logs in, the filter sequence associated with the client device is changed to another sequence. For example:

Art Unit: 3992

"The SMS maintains a series of filtering profiles, each of which includes one or more of filtering rules. **The SMS sets a default filter sequence for the newly connected client system** by downloading the sequence by the SMS to the ANCS .... Subsequently, the packet filter uses the rules of the login filtering profile sequence to selectively forward or discard IP packets originating from the client system. **This filtering sequence will allow newly connected client systems to perform login but nothing else.**" [3:5- 22, emphasis added]

"A preferred embodiment of the present invention also generates or selects filtering profiles for users. With the login filtering profile sequence in place, a user can use the newly connected client system to login to the network. The user login is monitored by the SMS. **If the user login is successful, the SMS selects or generates a user filtering profile sequence.** The user filtering profile sequence is then downloaded by the SMS to the ANCS ....**Subsequently, the new packet filter uses the rules of the user filtering profile sequence to selectively forward or discard IP packets originating from the client system.**" [3:34-50, emphasis added]

However, Radia et al. do not explicitly disclose utilizing the login filtering *sequence for an initial period of time*. (Instead Radia et al. only disclose utilizing the login filtering sequence until the user logs in.)

Coss et al. disclose that the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the firewall 211 is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

For instance, Coss et al. disclose:

"Exemplary dynamic rules include a 'one-time' rule which is only used for a single session, **a time-limited rule which is used only for a specified time period,** and a threshold rule which is used only when certain conditions are satisfied." [8:37-40, emphasis added]

Accordingly, Coss et al. disclose utilizing an initial rule set being a set of rules including the time-limited rule before the specified time period has expired, and utilizing a standard rule set being the set of rules not including the time-limited rule after the specified time period has expired.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

Art Unit: 3992

**65. The method of claim 56, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address.**

Radia et al. disclose that the individualized rule set includes at least one rule allowing access based on a type of IP (Internet Protocol) packet and destination address.

For instance, Radia et al. disclose:

"In FIG. 5, it may be seen that each filtering rule 404 includes an action 500. Action 500 specifies the disposition of IP packets that match by a particular filtering rule 404. In particular, **action 500 may indicate that a matched IP packet will be forwarded**, or that a matched IP packet will be discarded." [6:14-18]

"Filtering rule 404 also includes a **protocol type 506. Protocol type 506 corresponds to the protocol type of an IP packet**. Thus, the protocol type 506 of each filtering rule 404 has a value that corresponds to an IP packet type, such as TCP, UDP, ICMP, etc. To match a particular filtering rule 404, an IP packet must have a protocol type that matches the protocol type 506 included in the filtering rule 404" [6:30-36, emphasis added]

"Filtering rule 404 also includes a destination IP address 502 and a destination IP mask 504. Destination IP address 502 corresponds to the destination address included in the header of an IP packet. Destination IP mask 504 is similar to destination IP address 502 but corresponds to a range of destination addresses. To match a particular filtering rule 404, an IP packet must either have a destination address that matches the destination address 502 included in the filtering rule 404 or have a destination address that is covered by the destination address mask 504 of the filtering rule 404." [6:18-29, emphasis added]

However, Radia et al. do not explicitly disclose the individualized rule set includes at least one rule allowing access based on *a request type* and a destination address.

Coss et al. disclose that the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

For instance, Coss et al. disclose:

Rule No. 40 in Figure 3 allowing access (i.e., action= "PASS") based on a request type of "MAIL" and a destination host of "D".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any

Art Unit: 3992

individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**66. The method of claim 56, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.**

Radia et al. do not explicitly disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

However, Coss et al. disclose that the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

For instance, Coss et al. disclose:

Rule No. 30 in Figure 3 redirecting data (i.e., action = "PROXY") based on a request type of "TELNET" and attempted destination host of "C".

"In FIG. 3, the categories "Source Host," "Destination Host" and "Service" impose conditions which must be satisfied by data included in a packet for the specified action to be taken on that packet." [4:2-11, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**67. The method of claim 56, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.**

Radia et al. do not disclose that the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

Art Unit: 3992

However, Coss et al. disclose that firewall 211 is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

For instance, Coss et al. disclose:

"As illustrated in FIG. 3, such a table can provide for categories including rule number, designations of source and destination hosts, a designation of a special service which can be called for in a packet, **and a specification of an action to be taken on a packet.**" [4:1-6, emphasis added]

"1004: if the action indicates a remote proxy, the packet's destination address is replaced with the address of the remote proxy; if configured, the destination port can be changed as well; the original packet header data is recorded in the session cache along with any changed values;" [9:39-44, emphasis added]

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the firewall 211 of Coss for the router 106 in Fig. 1 of Radia. Thus, the simple substitution of one known element (i.e. firewall 211 for the router 106) for another producing a predictable result renders the claim obvious.

**Claims 16-24, 26, 27, 36-43, and 68-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coss et al. in view of the APA.**

The proposed rejection for claims 16-24, 26, 27, 36-43, and 68-90 on pages 338-484 of the request is hereby incorporated by reference.

### ***Conclusion***

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.



Art Unit: 3992

***Extension of Time***

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to “an applicant” and not to parties in a reexaminations proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

***Amendment in Reexamination Proceedings***

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR §1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP §2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

***Service of Papers***

After the filing of a request for reexamination by a third party requester, any document filed by either the Patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

Art Unit: 3992

***Notification of Concurrent Proceedings***

The Patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,251,294 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to:

Mail Stop Ex Parte Reexam  
Central Reexamination Unit  
Commissioner of Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900  
Central Reexamination Unit

By Hand:

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Art Unit: 3992

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at (571) 272-7705.

/Jalatee Worjloh/

Primary Examiner, Art Unit 3992

Conferees:


/C. S./

/Fred Ferris/

Acting SPE, Art Unit 3992





<b>Reexamination</b> 	<b>Application/Control No.</b> 90012342	<b>Applicant(s)/Patent Under Reexamination</b> 6779118
	<b>Certificate Date</b>	<b>Certificate Number</b>

<b>Requester Correspondence Address:</b>	<input type="checkbox"/> <b>Patent Owner</b>	<input checked="" type="checkbox"/> <b>Third Party</b>
<p>James J. Wong          2108 Gossamer Avenue          Redwood City, CA 94065</p>		

<b>LITIGATION REVIEW</b> <input checked="" type="checkbox"/>	<i>/J.W./</i> (examiner initials)	11/29/2012 (date)
Case Name	Director Initials	
(OPEN) 8:12cv522		
(CLOSED) 2:10cv277		
(CLOSED) 2:09cv26		
(CLOSED) 2:08cv385		
(CLOSED) 2:08cv304		
(CLOSED) 2:08cv264		

<b>COPENDING OFFICE PROCEEDINGS</b>	
<b>TYPE OF PROCEEDING</b>	<b>NUMBER</b>
1. Inter Partes Reexamination	95002035

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,342	06/08/2012	6779118		5786

40401 7590 07/25/2012

Hershkovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/25/2012

Please find below and/or attached an Office communication concerning this application or proceeding.



**MAILED**

**JUL 25 2012**

**CENTRAL REEXAMINATION UNIT**

**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

James J. Wong

2108 Gossamer Avenue

Redwood City, CA 94065

## **EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/012,342.

PATENT NO. 6779118.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



<b>Order Granting / Denying Request For Ex Parte Reexamination</b>	Control No. 90/012,342	Patent Under Reexamination 6779118
	Examiner Jalatee Worjloh	Art Unit 3992

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 08 June 2012 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892,      b)  PTO/SB/08,      c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2.  The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a)  by Treasury check or,  
b)  by credit to Deposit Account No. \_\_\_\_\_, or  
c)  by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/Jalatee Worjloh/ Primary Examiner, Art Unit 3992		
--	--	--

cc:Requester ( if third party requester )

Art Unit: 3992

**DETAILED ACTION*****Decision on Request***

A substantial new question of patentability affecting claims 2-7, 9-14, 16-24 and 26-90 of U.S. Patent No. 6,779,118 to Ikudome et al. ("Ikudome") is raised by the request for *ex parte* reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

***References cited in Request***

- U.S. Patent No. 6099451 to He et al. ("He");
- U.S. Patent no. 6233686 to Zenchelsky et al. ("Zenchelsky");
- U.S. Patent No. 5848233 to Radia et al. ("Radia");
- U.S. Patent No. 6170012 to Coss et al. ("Coss");

***Issue(s) Raised by Request*****Issue 1: He in view of Zenchelsky and Patent owner's admitted prior art**

The Requester alleges that He in combination with Zenchelsky and Patent owner's admitted prior art raise(s) a substantial new question of patentability with regard to claims 2-7, 9-14, 16-24, and 26-43. The Ikudome patent has an effective filing date of April 21, 1999. As for

Art Unit: 3992

Zenchelsky, the reference has a filing date of January 17, 1997. Thus, the prior art reference predates the effective filing date of Ikudome.

Issue 2: Radia in view of Patent owner's admitted prior art and Coss

The Requester alleges that Radia in combination with Patent owner's admitted prior art and Coss raise(s) a substantial new question of patentability with regard to claims 2-7, 9-14, 28-35, and 44-67. The Ikudome patent has an effective filing date of April 21, 1999. Coss has a filing date of September 12, 1997 and Radia has an effective filing date of December 9, 1996. Thus, the prior art references predate the effective filing date of Ikudome.

Issue 3: Coss in view of Patent owner's admitted prior

The Requester alleges that Coss in combination with Patent owner's admitted prior art raise(s) a substantial new question of patentability with regard to claims 16-24, 26-27, 36-43, and 68-90. The Ikudome patent has an effective filing date of April 21, 1999. As for Coss, the reference has a filing date of September 12, 1997. Thus, the prior art reference predates the effective filing date of Ikudome.

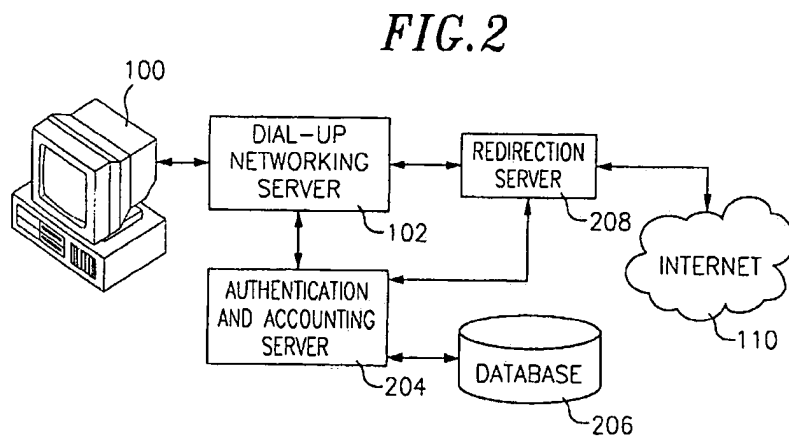
***Background***

Claims 2-7, 9-14, 16-24, and 26-90 in the instant request for reexamination are claims in the Ikudome patent issued from 09/295,966.

Ikudome is directed to a user specific automatic data redirection system. The system utilizes a redirection server to redirect user's data based on a stored rule set (see abstract).

Art Unit: 3992

Ikudome teaches receiving a user's credentials when a user connects to a local network, sending the credentials to an authentication accounting server for verification, communicating the user's rule set to the redirection server from the authentication accounting server, and processing data directed toward the public network from the user's computer according to the rule set. (See claim 8 of Ikudome and col. 2, line 65 - col. 3, line 20). Fig. 2 illustrates one embodiment of the system.



### ***Original prosecution***

During the original prosecution of Ikudome patent, a second non-final action was mailed November 6, 2003 rejecting all pending claims. An interview summary was mailed on November 20, 2003 indicating that an agreement was made between the Examiner and the Applicant. Particularly, the summary stated that they are patentable differences between the claimed invention and the prior art of record. On March 16, 2004, a Notice of Allowance was issued allowing claims 1-18 and 20-26. The Notice of Allowance also included an Examiner's Amendment cancelling claims 19 and 29 and amending claims 15 and 26.

Art Unit: 3992

The Examiner noted that the closest prior art of record, Grube, fails to teach "wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server, and wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set" with respect to claims 1 and 8.

As per claim 15, it was noted by the original Examiner that Grube does not expressly disclose "wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address."

Regarding claim 26, the Examiner stated that the prior art fails to teach "modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server, and wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server."

### ***First Reexamination Proceedings***

- An Order was mailed February 27, 2009 indicating that a substantial new question of patentability affecting claims 1-27 of the Ikudome patent was raised.

Art Unit: 3992

- A Non-Final action was issued on September 15, 2009 rejecting claims 1-27 under 35 U.S.C. 103(a) as being unpatentable over He in view of Zenchelsky.
- Patent owner filed a response amending claims 15, 18, 21, 26, and 27 and adding claims 28-47.
- A final rejection was mailed August 8, 2010 rejecting claims 1-31, 33-36, 38-41, and 43-46 over He in view of Zenchelsky. Claims 32, 37, 42, and 47 were rejected over He in view of Zenchelsky and further in view of admitted prior art. An After Final amendment was filed October 2, 2010.
- An After Final amendment requesting entry of amendments to claims 15, 18, 21, 26, and 27 and amending claims 28-31, 33-36, and 38-47.
- An Advisory Action mailed November 15, 2010 indicating that Patent owner's proposed response filed October 2, 2010 has overcome the 35 U.S.C. 112, 2nd paragraph rejection and entering the proposed amendments.
- A Notice of Appeal was filed December 1, 2010 and Appeal Brief filed by Patent owner on February 1, 2011.
- An Examiner's Answer was issued on March 31, 2011 maintaining the rejections of claims 1-47.
- Reply Brief filed May 27, 2011.
- A BPAI decision was issued August 23, 2011. Claims 1 and 32 were the representative claims of the claims on appeal. The Board affirmed the rejection in part and reversed in part with a new ground of rejection. Specifically, claims 32, 37, 42, and 47 were

Art Unit: 3992

affirmed. As for claims 1, 8, 15, and 25 reversed, but a new ground of rejection was provided. The rejections of the other claims on appeal were reversed.

- An interview was held discussing the Board decision.
- An amendment, dated October 21, 2011, following the BPAI decision was filed cancelling rejected claims 1, 8, 15, 25, 32, 37, 42, and 47 and placing claims 16-23 and 38-41 in independent form. As expressed by Patent owner, new "claims 48-94 corresponding to independent claims 1, 8, 15, and 25 respectively, with additional terms to clarify the 'between' location of the redirection server." "new dependent claims 49-59, 61-71, 73-86, and 88-94 depend from allowable independent claims 48, 60, 72, and 87, respectively, and generally correspond respectively, to dependent claims 2-7, 28-32, 9-14, 33-37, 16-24, 38-42, 26-27 and 43-47, depending from independent claims 1, 8, 15, and 25."
- An interview summary, dated November 8, 2011, stated that Patent owner's proposal would overcome He et al.
- A supplemental response was filed by Patent owner requesting the Examiner to reopen prosecution in order to enter the claim amendments in the October 21 response and proposed amendment and to confirm patentability of claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46, and 48-94.
- A NIRC was issued January 6, 2012. The status of the claims is as follows:
  - Patent claim(s) confirmed: 2-7, 9-14, 26, and 27.
  - Patent claim(s) amended (including dependent on amended claim(s)): 16-24.
  - Newly presented claim(s) patentable: 28-31, 33-36, 38-41, 43-46, and 48-94.

Art Unit: 3992

- o Newly presented canceled claims: 32, 37, 42, and 47.

In the response for confirmation and patentability section it was noted that in light of the BPAI decision and remaining prior art of record not raising further issues beyond those already addressed by the BPAI, claims 2-7, 9-14, and 24 are confirmed. Claims 16-23 and 26-31, 33-36, 38-41 and 43-46, 48, 60, 72, 87, 49-59, 61-71, 73-86, and 88-94 are patentable.

### *Scope of Reexamination*

On November 2, 2002, Public Law 107-273 was enacted. Title III, Subtitle A, Section 13105, part (a) of the Act revised the reexamination statute by adding the following new last sentence to 35 U.S.C. 3030(a) and 312(a):

The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.

For any reexamination ordered on or after November 2, 2002, the effective date of the statutory revision, reliance on previously cited/considered art, i.e. "old art," does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on the old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact-specific inquiry done on a case-by-case basis.



Art Unit: 3992

*Analysis*

Issue 1: He in view of Zenchelsky and Patent owner's admitted prior art

He

He is directed to a security system and method for network element access. "The network security mechanisms include: an authentication server responsible for authentication of the network users to network elements, a credential server responsible for controlling the network user credentials or privileges, and a network element access server responsible for controlling of access to the network elements by the user elements." See abstract.

Zenchelsky

Zenchelsky is directed to a system and method for providing peer level access control on a network. Zenchelsky discloses "a filter that efficiently stores, implements and maintains access rules specific to an individual computer on a network with rapidly changing configurations and security needs." See col. 4, lines 55-58. In the system, upon a network access request, each individual peer is authenticated. "The peer's local rule base is then loaded into the filter of the present invention, either from the peer itself, or from another user, host or peer. When the peer is no longer authenticated to the POP (e.g., the peer loses connectivity or logs off from the POP), the peer's local rule base is ejected (deleted) from the filter." See col. 5, lines 17-24.

He and Zenchelsky are old art previously cited by the Examiner in the first reexamination proceedings.

MPEP 2216 states:

Art Unit: 3992

In the implementation of the 2002 Act, MPEP § 2242, subsection II.A. was revised. The revision permits raising a substantial new question of patentability based solely on old art, but only if the old art is “presented/viewed in a new light, or in a different way, as compared with its use in the earlier concluded examination(s), in view of a material new argument or interpretation presented in the request.”

The Requester alleges that He in combination with Zenchelsky and Patent owner’s admitted prior art raise(s) a substantial new question of patentability with regard to claims 2-7, 9-14, 16-24, and 26-43. However, He is not being presented in a new light. That is, the Requester relies on the same rationale and/or citations applied by the Examiner during the first reexamination proceedings, which was reversed in the BPAI decision dated October 21, 2011. Although the requester states that these claims are being rejected over He in view of Zenchelsky and further in view of admitted prior art (different combination of references). The alleged SNQ focuses on He and the rationale and/or citations, presented by the Requester, were already considered by the previous Examiner and BPAI. An old art must “be presented/viewed in a new light, or in a different way, as compared with its use in the earlier concluded examination(s).”

Additionally, prior to the claims being placed in independent form, He was used to reject claims 16-23 and 36-38 (previously claims 38-40), which was reversed by the Board. Although, the Requester alleges that He in combination with Zenchelsky and Patent owner's admitted prior art raises a substantial new question of patentability, the features deemed patentable were previously considered during earlier concluded examination proceedings and the reference is not being presented/viewed in a new light.

Art Unit: 3992

Since the Requester's rationale was already considered in an earlier examination, the Examiner notes He in combination with Zenchelsky and Patent owner's admitted prior art do not raise a substantial likelihood that a reasonable examiner would consider these teachings as important in determining the patentability of claims 2-7, 9-14, 16-24, and 26-43 of Ikudome patent.

#### Issue 2: Radia in view of Patent owner's admitted prior art and Coss

Radia is old art that was previously before the examiner; however, Radia was never used in the context of a rejection during earlier examinations. Thus, Radia is now being viewed in a new light.

During the first reexamination proceedings, U.S. Patent No. 6154775, 6098172, 6154775 to Coss et al. were cited as prior art. However, the Coss references cited during the proceedings are not the same as the Coss reference cited in this request. Thus, Coss (U.S. Patent No. 6170012) has not been cited by the examiner during earlier examinations and is therefore considered new art.

#### Radia

Radia discloses "a method and apparatus for filtering IP packets based on events within a computer network." See abstract. In the system, when a user logs in, his/hers filter profile is retrieved by SMS from a filtering profile database. The profile is downloaded to an access network control server (ANCS) then the network components are reconfigured (see fig. 9 and related text).

Art Unit: 3992

Coss

Coss is directed to methods and apparatus for computer network firewall with cache query processing. Coss discusses dynamic rules and states that “they can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.” See col. 8, lines 23-36.

Further, the Examiner notes that there is a substantial likelihood that a reasonable examiner would consider these teachings as important in determining the patentability of claims 2-7, 9-14, 28-35, and 44-67 of Ikudome patent. It is therefore agreed that Radia in view of Patent owner’s admitted prior art and Coss raise a substantial new question of patentability of claims 2-7, 9-14, 28-35, which question has not been decided in a previous examination of the Ikudome patent.

Issue 3: Coss in view of Patent owner’s admitted prior

The Examiner notes that there is a substantial likelihood that a reasonable examiner would consider these teachings as important in determining the patentability of claims 16-24, 26, 27, 36-43, and 68-90 of Ikudome patent. It is therefore agreed that Coss in view of Patent owner’s admitted prior art raise a substantial new question of patentability of claims 16-24, 26, 27, 36-43, and 68-90, which question has not been decided in a previous examination of the Ikudome patent.

Art Unit: 3992

***Waiver of Right to File Patent Owner Statement***

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37.C.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R 1.550. The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement: Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

***Amendment in Reexamination Proceedings***

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR §1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP §2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

***Service of Papers***

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

Art Unit: 3992

***Notification of Concurrent Proceedings***

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,779,118 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to:

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Central Reexamination Unit  
Commissioner of Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900  
Central Reexamination Unit

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Art Unit: 3992

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Any inquiry concerning this communication should be directed to the Central Reexamination

Unit at (571) 272-7705.

/Jalatee Worjloh/

Primary Examiner, Art Unit 3992

Conferees:



**MATTHEW L. BROOKS**  
Supervisory Patent Reexamination Specialist  
CRU -- Art Unit 3992

<b>Reexamination</b>	Application/Control No.	Applicant(s)/Patent Under Reexamination
	Certificate Date	Certificate Number


**Requester Correspondence Address:**       Patent Owner       Third Party

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

<b>LITIGATION REVIEW</b> <input type="checkbox"/>	(examiner initials)	(date)
Case Name	Director Initials	
(OPEN) 8:12cv522, Linksmart Wireless Technology LLC v. T-Mobile USA Inc. et al., U.S. District-California Central (Southern Division)	MB for IY	
(CLOSED) 2:10cv277, Linksmart Wireless Technology LLC vs. TJ Hospitality Ltd et al, U.S. District-Texas Eastern (Marshall)	MB for IY	
(CLOSED) 2:09cv26, Linksmart Wireless Technology LLC v. Six Continents Hotels Inc. et al., U.S. District-Texas Eastern (Marshall)	MB for IY	
(CLOSED) 2:08cv385, Linksmart Wireless Technology, LLC v. Sbc Internet Services, Inc., U.S. District-Texas Eastern (Marshall)	MB for IY	
(CLOSED) 2:08cv304, Linksmart Wireless Technology, LLC v. Cisco Systems, Inc. et al., U.S. District-Texas Eastern (Marshall)	MB for IY	
(CLOSED) 2:08cv264, Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc et al.	MB for IY	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER



<b>Search Notes</b>  	<b>Application/Control No.</b> 90012342	<b>Applicant(s)/Patent Under Reexamination</b> 6779118
	<b>Examiner</b> JALATEE WORJLOH	<b>Art Unit</b> 3992

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
reviewed of patented file's prosecution history	7/9/2012	J.W.

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/012,342	06/08/2012	6779118

James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

**CONFIRMATION NO. 5786**  
**REEXAMINATION REQUEST**  
**NOTICE**



Date Mailed: 06/20/2012

**NOTICE OF REEXAMINATION REQUEST FILING DATE**

*(Third Party Requester)*

Requester is hereby notified that the filing date of the request for reexamination is 06/08/2012, the date that the filing requirements of 37 CFR § 1.510 were received.

A decision on the request for reexamination will be mailed within three months from the filing date of the request for reexamination. (See 37 CFR 1.515(a)).

A copy of the Notice is being sent to the person identified by the requester as the patent owner. Further patent owner correspondence will be the latest attorney or agent of record in the patent file. (See 37 CFR 1.33). Any paper filed should include a reference to the present request for reexamination (by Reexamination Control Number).

cc: Patent Owner  
40401  
Hershkovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

/cefswuset/

Legal Instruments Examiner  
Central Reexamination Unit 571-272-7705; FAX No. 571-273-9900



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/012,342	06/08/2012	6779118

40401  
Hershkovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

**CONFIRMATION NO. 5786**  
**REEXAM ASSIGNMENT NOTICE**



Date Mailed: 06/20/2012

**NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST**

The above-identified request for reexamination has been assigned to Art Unit 3993. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

A copy of this Notice is being sent to the latest attorney or agent of record in the patent file or to all owners of record. (See 37 CFR 1.33(c)). If the addressee is not, or does not represent, the current owner, he or she is required to forward all communications regarding this proceeding to the current owner(s). An attorney or agent receiving this communication who does not represent the current owner(s) may wish to seek to withdraw pursuant to 37 CFR 1.36 in order to avoid receiving future communications. If the address of the current owner(s) is unknown, this communication should be returned within the request to withdraw pursuant to Section 1.36.

cc: Third Party Requester(if any)  
James J. Wong  
2108 Gossamer Avenue  
Redwood City, CA 94065

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Legal Instruments Examiner  
Central Reexamination Unit 571-272-7705; FAX No. 571-273-9900

<b>Ex Parte Reexamination Interview Summary – Pilot Program for Waiver of Patent Owner's Statement</b>	Control No.	Patent For Which Reexamination is Requested
	90/012,342 Examiner	6,779,118 Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

**All participants (USPTO official and patent owner):**

- (1) Sharon S. Hoppe (3)
- (2) Abraham Hershsovitz, Reg. No. 45,294 (4)

Date of Telephonic Interview: 6/11/12.

The USPTO official requested waiver of the patent owner's statement pursuant to the pilot program for waiver of patent owner's statement in *ex parte* reexamination proceedings.\*

- The patent owner **agreed** to waive its right to file a patent owner's statement under 35 U.S.C. 304 in the event reexamination is ordered for the above-identified patent.
- The patent owner **did not agree** to waive its right to file a patent owner's statement under 35 U.S.C. 304 at this time.

The patent owner is not required to file a written statement of this telephone communication under 37 CFR 1.560(b) or otherwise. However, any disagreement as to this interview summary must be brought to the immediate attention of the USPTO, and no later than one month from the mailing date of this interview summary. Extensions of time are governed by 37 CFR 1.550(c).

\*For more information regarding this pilot program, see *Pilot Program for Waiver of Patent Owner's Statement in Ex Parte Reexamination Proceedings*, 75 Fed. Reg. 47269 (August 5, 2010), available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

USPTO personnel were unable to reach the patent owner.

The patent owner may contact the USPTO personnel at the telephone number provided below if the patent owner decides to waive the right to file a patent owner's statement under 35 U.S.C. 304.

/Sharon S. Hoppe/ 571-272-1586  
Signature and telephone number of the USPTO official who contacted or attempted to contact the patent owner.

cc: Requester (if third party requester)

# Patent Assignment Abstract of Title

## Total Assignments: 2

Application #: 09295966

Filing Dt: 04/21/1999

Patent #: 6779118

Issue Dt: 08/17/2004

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventors: KOICHIRO IKUDOME, MOON TAI YEUNG

Title: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

## Assignment: 1

Reel/Frame: 010062 / 0040

Received: 07/06/1999

Recorded: 06/29/1999

Mailed: 09/01/1999

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: IKUDOME, KOICHIRO

Exec Dt: 06/15/1999

YEUNG, MOON TAI

Exec Dt: 06/15/1999

Assignee: AURIC WEB SYSTEMS

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Correspondent: CHRISTIE, PARKER & HALE, LLP

WESLEY W. MONROE

P.O. BOX 7068

PASADENA, CA 91109-7068

## Assignment: 2

Reel/Frame: 021185 / 0416

Received: 07/02/2008

Recorded: 07/02/2008

Mailed: 07/02/2008

Pages: 12

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: AURIQ SYSTEMS, INC.

Exec Dt: 06/25/2008

Assignee: LINKSMART WIRELESS TECHNOLOGY, LLC

3452 E. FOOTHILL BLVD.

SUITE 320

PASADENA, CALIFORNIA 91107

Correspondent: CLARK D. GROSS

12424 WILSHIRE BOULEVARD, STE. 1200

LOS ANGELES, CA 90025

Search Results as of: 06/19/2012 08:05 AM

# Litigation Search Report CRU 3999

Reexam Control No. 90/012,342

<b>TO: Reinhart, Mark</b> <b>Location: CRU</b> <b>Art Unit: 3992</b> <b>Date: 06/12/12</b>	<b>From: Sharon S. Hoppe</b> <b>Location: CRU 3999</b> <b>MDE 5A64</b> <b>Phone: (571) 272-1586</b>
<b>Case Serial Number: 90/012,342</b>	<b>Sharon.hoppe@uspto.gov</b>

## Search Notes

U.S. Patent No. 6,779,118

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Litigation was found.

8:12cv522	Open
2:10cv277	Closed
2:09cv26	Closed
2:08cv385	Closed
2:08cv304	Closed
2:08cv264	Closed



Date of Printing: Jun 12, 2012

**KEYCITE**

**H US PAT 6779118 USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM, Assignee: Auriq Systems, Inc. (Aug 17, 2004)**

**History****Direct History**

=> **1 USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM, US PAT 6779118, 2004 WL 1841593 (U.S. PTO Utility Aug 17, 2004)**

*Construed by*

**H 2 Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., 2010 WL 2640402, 2010 Markman 2640402 (E.D.Tex. Jun 30, 2010) (NO. 2:08-CV-264-DF-CE) (Markman Order Version)**

**Related References**

**H 3 Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., 2010 WL 3816679 (E.D.Tex. Sep 02, 2010) (NO. 208CV264)**

*Report and Recommendation Adopted by*

**H 4 Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., 2010 WL 3816677 (E.D.Tex. Sep 27, 2010) (NO. 208CV264)**

**Court Documents****Trial Court Documents (U.S.A.)****E.D.Tex. Trial Pleadings**

- 5 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. 1. T-MOBILE USA, INC.; 2. Wayport, Inc.; 3. AT&T, Inc.; 4. AT&T Mobility, LLC; 5. Lodgenet Interactive Corp.; 6. Ibahn General Holdings Corp.; 7. Ethostream, LLC; 8. Hot Point Wireless, Inc.; 9. Netnearu Corp.; 10. Pronto Networks, Inc.; 11. Aptilo N, 2008 WL 3538408 (Trial Pleading) (E.D.Tex. Jul. 1, 2008) **Complaint and Demand for Jury Trial** (NO. 08CV00264)
- 6 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 4355636 (Trial Pleading) (E.D.Tex. Aug. 21, 2008) **Linksmart Wireless Technology, LLC'S Reply to Ethostream, LLC'S Counterclaim** (NO. 208CV00264)
- 7 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 4355637 (Trial Pleading) (E.D.Tex. Aug. 29, 2008) **Answer and Counterclaim** (NO. 208CV00264)
- 8 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. (1) T-MOBILE USA, INC., (2) Wayport, Inc., (3) AT&T, Inc., (4) AT&T Mobility, LLC, (5) Lodgenet Interactive Corp., (6)

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- ibahn General Holdings Corp., (7) Ethostream, LLC, (8) Hot Point Wireless, Inc., (9) Netnearu Corp., (10) Pronto Networks, Inc. (11, 2008 WL 5369919 (Trial Pleading) (E.D.Tex. Sep. 12, 2008) **Defendant ibahn General Holdings Corp.'s Answer and Counterclaims to Linksmart Wireless Technology, LLC's Complaint** (NO. 208-CV-00264-TJW-CE)
- 9 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; Wayport, Inc.; At&t, Inc.; AT&T Mobility, LLC; Lodgenet Interactive Corporation; Ibahn General Holdings Corp.; Ethostream, LLC; Hot Point Wireless, Inc.; Netnearu Corp.; Pronto Networks, Inc.; Aptilo Networks, Inc.; Freefi Network, 2008 WL 5369920 (Trial Pleading) (E.D.Tex. Sep. 12, 2008) **Defendant Aptilo Networks, Inc.'s Answer, Affirmative Defenses and Counterclaims to Plaintiff's Complaint for Patent Infringement** (NO. 208-CV-264TJW-CE)
- 10 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. 1. T-MOBILE USA, INC.; 2. Wayport, Inc.; 3. AT&T, Inc.; Jury 4. AT&T Mobility, LLC; 5. Lodgenet Interactive Corp.; 6. Ibahn General Holdings Corp.; 7. Ethostream, LLC; 8. Hot Point Wireless, Inc.; 9. Netnearu Corp.; 10. Pronto Networks, Inc.; 11. Apt, 2008 WL 5369909 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Defendant Marriott International, Inc.'s Answer and Counterclaims to Linksmart Wireless Technology, LLC's Complaint** (NO. 208-CV-00264-TJW-CE)
- 11 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 5369910 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Wayport, Inc.'s Answer, Defenses, and Counterclaims to Complaint** (NO. 208-CV-00264-TJW-CE)
- 12 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC. et al., Defendants., 2008 WL 5369911 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Defendant Barnes & Noble Booksellers, Inc. Answer to Plaintiff's Complaint** (NO. 208-CV-00264-TJW-CE)
- 13 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 5369912 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Mcdonald's Corp.'s Answer, Defenses, and Counterclaims to Complaint** (NO. 208-CV-00264-TJW-CE)
- 14 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 5369913 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Meraki, Inc.'s Answer, Defenses, and Counterclaims to Complaint** (NO. 208-CV-00264-TJW-CE)
- 15 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 5369914 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Best Western International, Inc.'s Answer to Plaintiff's Complaint and Counterclaims** (NO. 208-CV-00264-TJW-CE)
- 16 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; et al., Defendants., 2008 WL 5369921 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **T-Mobile USA, Inc.'s Answer and Counterclaims** (NO. 208-CV-00264-TJW-CE)
- 17 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, Inc. et al., Defendants., 2008 WL 5369922 (Trial Pleading) (E.D.Tex. Sep. 15, 2008) **Defendant Mail Boxes Etc., Inc.'s Answer to Plaintiff's Complaint** (NO. 208-CV-00264-TJW)
- 18 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; Wayport, Inc.; AT&T, Inc.; AT&T Mobility, LLC; Lodgenet Interactive Corporation; Ibahn General Holdings Corp.; Ethostream, LLC; Hot Point Wireless, Inc.; Netnearu Corp.; Pronto Networks, Inc.; Aptilo Networks, Inc.; Freefi Network, 2008 WL 5369915 (Trial Pleading) (E.D.Tex. Sep. 19, 2008) **Ramada Worldwide, Inc.'s Answer to Complaint and Counterclaims** (NO.



- 208-CV-00264-TJW-CE)
- 19 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2008 WL 5369916 (Trial Pleading) (E.D.Tex. Sep. 19, 2008) **Pronto Networks, Inc.'s Answer, Defenses, and Counterclaims to the Complaint** (NO. 208-CV-00264-TJW-CE)
- 20 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. 1. T-MOBILE USA, INC.; 2. Wayport, Inc.; 3. AT&T, Inc.; 4. AT&T Mobility, LLC; 5. Lodgenet Interactive Corp.; 6. Ibahn General Holdings Corp.; 7. Ethostream, LLC; 8. Hot Point Wireless, Inc.; 9. Netnearu Corp.; 10. Pronto Networks, Inc.; 11. Aptilo N, 2008 WL 5369917 (Trial Pleading) (E.D.Tex. Sep. 22, 2008) **Defendant Freefi Networks. Inc.'s Answer and Counterclaims to Original Complaint** (NO. 208CV00264TJW)
- 21 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. BEST WESTERN INTERNATIONAL, INC., Third-Party Plaintiff, v. BESTCOMM NETWORKS, INC. and Nomadix, Inc., Third-Party Defendants., 2009 WL 5819738 (Trial Pleading) (E.D.Tex. Nov. 13, 2009) **Third Party Complaint of Best Western International, Inc.** (NO. 208CV00264)
- 22 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendant., 2009 WL 5819739 (Trial Pleading) (E.D.Tex. Nov. 20, 2009) **Ramada Worldwide, Inc.'s Amended Answer to Complaint and Counterclaims** (NO. 208CV00264)
- 23 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendant., 2009 WL 5819740 (Trial Pleading) (E.D.Tex. Nov. 20, 2009) **Ethostream, LLC's Amended Answer and Counterclaim** (NO. 208CV00264)
- 24 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3050903 (Trial Pleading) (E.D.Tex. May 7, 2010) **Best Western International, Inc.'s First Amended Answer, Defenses and Counterclaims** (NO. 208-CV-00264-TJW-CE)
- 25 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. Best Western International, Inc., Third-Party Plaintiff, v. Bestcomm Networks, Inc. and Nomadix, Inc., Third-Party Defendants., 2010 WL 4953062 (Trial Pleading) (E.D.Tex. Oct. 7, 2010) **First Amended Third Party Complaint of Best Western International, Inc.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

#### E.D.Tex. Expert Testimony

- 26 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2008 WL 8039590 (Expert Report and Affidavit) (E.D.Tex. 2008) **Declaration of Tal Lavian, Ph.D. in Support of Plaintiff Linksmart Wireless Technology, LLC's Response to Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 27 LINKSMART WIRELESS TECHNOLOGIES, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3711476 (Expert Report and Affidavit) (E.D.Tex. Apr. 14, 2010) **Declaration of Kevin Jeffay, Ph.D.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

- 28 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., Wayport, Inc., At&t, Inc., At&t Mobility, LLC, Lodgenet Interactive Corporation, Ibahn General Holdings Corp., Ethostream, LLC, Hot Point Wireless Inc., Netnearu Corp., Pronto Networks, Inc., Aptilo Networks, Inc., Freefi Networks,, 2010 WL 3842257 (Expert Deposition) (E.D.Tex. Apr. 22, 2010) (**Deposition of Kevin Jeffay, Ph.D.**) (NO. 208-CV-00264-TJW-CE)
- 29 LINKSMART WIRELESS TECHNOLOGY LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendant., 2010 WL 3711477 (Expert Report and Affidavit) (E.D.Tex. Apr. 30, 2010) **Declaration Of Tal Lavian, Ph.D. in Support of Plaintiff Linksmart Wireless Technology, LLC'S Reply Claim Construction Brief** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

#### **E.D.Tex. Trial Motions, Memoranda And Affidavits**

- 30 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, Inc. et al., Defendants., 2008 WL 5369918 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 22, 2008) **Defendant At&T Mobility LLC's Motion to Dismiss** (NO. 208-CV-00264-TJW-CE)
- 31 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc.; Et Al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. d/b/a AT&T Internet Services, Defendants;; 2009 WL 721149 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 23, 2009) **Joint Motion to Consolidate** (NO. 208-CV-00264TJW-CE, 208-CV-00304-DF-CE, 208-CV-00385-TJW, 209-CV-00026-TJW-CE)
- 32 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc.; et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. d/b/a At&t Internet Services, Defendants;; 2009 WL 721433 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 23, 2009) **Joint Motion to Consolidate** (NO. 208-CV-00264-TJW-CE, 208-CV-00304-DF-CE, 208-CV-00385-TJW, 209-CV-00026-TJW-CE)
- 33 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2009 WL 714069 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 27, 2009) **Plaintiff Linksmart Wireless Technology, LLC's Motion for Default Judgment Against Hot Point Wireless, Inc. and Second Rule LLC** (NO. 208-CV-00264-DF-CE)
- 34 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al, Defendants. Best Western International, Inc., Third-Party Plaintiff, v. Bestcomm Networks, Inc. and Nomadix, Inc., Third-Party Defendants., 2010 WL 974673 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 25, 2010) **Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint of Best Western International, Inc.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 35 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155255 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 19, 2010) **Plaintiff Linksmart Wireless Technology, LLC's Opening Claim Construction Brief** (NO. 208CV00264)
- 36 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. BEST WESTERN INTERNATIONAL, INC., Third-Party Plaintiff, v. BESTCOMM

- NETWORKS, INC. and Nomadix, Inc., Third-Party Defendants., 2010 WL 2155256 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 31, 2010) **Best Western International's Opposition to Nomadix's Motion to Strike or Dismiss Third Party Complaint** (NO. 208CV00264)
- 37 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. BEST WESTERN INTERNATIONAL, INC., Third-Party Plaintiff, v. BESTCOMM NETWORKS, NOMADIX, INC., Third-Party Defendants. BESTCOMM NETWORKS, INC., Third-Party Defendant, v. NOMADIX, INC., Third-Party Defendant., 2010 WL 2155257 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 16, 2010) **Nomadix, Inc.'s Motion to Dismiss Bestcomm Networks, Inc.'s Crossclaims** (NO. 208CV00264)
- 38 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155258 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 16, 2010) **Claim Construction Brief of Defendants** (NO. 208CV00264)
- 39 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155259 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 19, 2010) **Best Western's Supplemental Claim Construction Brief** (NO. 208CV00264)
- 40 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155260 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 29, 2010) **Defendants' Motion to Exclude the Expert Declaration of Dr. Tal Lavian in Support of Plaintiff's Claim Construction Reply Brief** (NO. 208CV00264)
- 41 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155261 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 30, 2010) **Plaintiff Linksmart Wireless Technology, LLC's Reply Claim Construction Brief** (NO. 208CV00264)
- 42 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2010 WL 3050762 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 7, 2010) **iBAHN's Claim Construction Surreply Brief** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 43 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2010 WL 3050763 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 11, 2010) **Claim Construction Sur-Reply Brief of Defendants** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 44 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3050764 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 17, 2010) **Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.C. | 112, ¶2** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 45 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2010 WL 3050765 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 17, 2010) **Plaintiff Linksmart Wireless Technology, LLC's Response to Defendants' Motion to Exclude the Expert Declaration of Dr. Tal LA Vian Addressing the Declaration of Dr. Kevin Jeffay** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

- 46 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al, Defendants. And Related Counterclaims., 2010 WL 3050766 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2010) **Plaintiff Linksmart Wireless Technology, LLC's Response to Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.C. | 112, i2** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 47 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al, Defendants., 2010 WL 3050767 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 2, 2010) **Defendants' Reply in Support of Their Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.C. | 112, i2** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 48 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2010 WL 4927709 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 15, 2010) **Defendants' Motion for a Stay Pending the Reexamination of the Patent in Suit** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 49 LINKSMART WIRELESS TECHNOLOGY, LLC, Linksmart, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 4927710 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Oct. 7, 2010) **Defendant Choice Hotels International, Inc.'s Reply in Support of Its Motion for Summary Judgment of Non-Infringement** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

#### E.D.Tex. Exhibits

- 50 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 4024689 (Exhibit) (E.D.Tex. Mar. 31, 2010) **Direct Sales Agreement** (NO. 208CV00264)
- 51 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 4024690 (Exhibit) (E.D.Tex. Mar. 31, 2010) **Nomadix, Inc. Reseller Agreement** (NO. 208CV00264)

#### E.D.Tex. Expert Resumes

- 52 Kevin Jeffay, curriculum vitae filed in Linksmart Wireless Technology, LLC V. T-Mobile USA, Inc. et al, 2010 WL 5779215 (Court-filed Expert Resume) (E.D.Tex. Jan. 18, 2010) **Expert Resume of Kevin Jeffay** (NO. 208CV00264)
- 53 Tal Lavian, Ph.D., curriculum vitae filed in Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., et al, 2010 WL 3515006 (Court-filed Expert Resume) (E.D.Tex. May 23, 2010) **Expert Resume of Tal Lavian** (NO. 208CV00264)

#### E.D.Tex. Trial Filings

- 54 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC; Plaintiff, v. SBC Internet Services, Inc. D/B/A AT&T Internet Services, Defendants;; 2009 WL 3147057 (Trial Filing) (E.D.Tex. Jun. 1, 2009)

- Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 55 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. D/B/A AT&T Internet Services, Defendants,; 2009 WL 3147069 (Trial Filing) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 56 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. D/B/A AT&T Internet Services, Defendants,; 2009 WL 3147139 (Trial Filing) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)
- 57 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 1733529 (Trial Filing) (E.D.Tex. Feb. 19, 2010) **Claim Construction Chart** (NO. 208CV00264)
- 58 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC., et al., 2010 WL 3053062 (Trial Filing) (E.D.Tex. May 14, 2010) **Agreed Constructions** (NO. 08CV00264)

#### **E.D.Tex. Verdicts, Agreements and Settlements**

- 59 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; Wayport, Inc.; AT&T, Inc.; AT&T Mobility, LLC; Lodgenet Interactive Corp.; Ibahn General Holdings Corp.; Ethostream, LLC; Hot Point Wireless, Inc.; Netnearu Corp.; Pronto Networks, Inc.; Freefi Networks, Inc.; Meraki, Inc. Second, 2008 WL 5533263 (Verdict, Agreement and Settlement) (E.D.Tex. Dec. 9, 2008) **Jury** (NO. 208CV00264)
- 60 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. d/b/a AT&T Internet Services, Defendants,; 2009 WL 3147112 (Verdict, Agreement and Settlement) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

#### **Dockets (U.S.A.)**

#### **E.D.Tex.**

- 61 LINKSMART WIRELESS TECHNOLOGY, LLC v. T-MOBILE USA, INC. ET AL, NO. 2:08cv00264 (Docket) (E.D.Tex. Jul. 1, 2008)

#### **Expert Court Documents (U.S.A.)**

#### **E.D.Tex. Expert Testimony**

- 62 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al.,



### Patent Family

71 AUTOMATIC DATA REDIRECTION SYSTEM FOR INTERNET COMMUNICATION,  
Derwent World Patents Legal 2000-072306+

### Assignments

72 Action: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).  
Number of Pages: 012, (DATE RECORDED: Jul 02, 2008)  
73 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).  
NUMBER OF PAGES: 003, (DATE RECORDED: Jun 29, 1999)

### Patent Status Files

.. Request for Re-Examination, (OG DATE: Apr 10, 2012)  
.. Re-Examination Certificate, (OG DATE: Mar 27, 2012)  
.. Patent Suit(See LitAlert Entries),  
.. Patent Suit(See LitAlert Entries),  
.. Patent Suit(See LitAlert Entries),  
.. Patent Suit(See LitAlert Entries),  
.. Request for Re-Examination, (OG DATE: Dec 02, 2008)  
.. Patent Suit(See LitAlert Entries),

### Docket Summaries

82 LINKSMART WIRELESS TECHNOLOGY LLC v. T-MOBILE USA INC ET AL, (C.D.CAL.  
Apr 05, 2012) (NO. 8:12CV00522), (28 USC 1331)  
83 LINKSMART WIRELESS TECHNOLOGY LLC v. TJ HOSPITALITY LTD ET AL, (E.D.TEX.  
Jul 29, 2010) (NO. 2:10CV00277), (15 USC 1126 PATENT INFRINGEMENT)  
84 LINKSMART WIRELESS TECHNOLOGY LLC v. SIX CONTINENTS HOTELS INC ET AL,  
(E.D.TEX. Jan 21, 2009) (NO. 2:09CV00026), (28 USC 1338 PATENT INFRINGEMENT)  
85 LINKSMART WIRELESS TECHNOLOGY, LLC v. SBC INTERNET SERVICES, INC.,  
(E.D.TEX. Oct 09, 2008) (NO. 2:08CV00385), (15 USC 1126 PATENT INFRINGEMENT)  
86 LINKSMART WIRELESS TECHNOLOGY, LLC v. CISCO SYSTEMS, INC. ET AL,  
(E.D.TEX. Aug 04, 2008) (NO. 2:08CV00304), (35 USC 271 PATENT INFRINGEMENT)  
87 LINKSMART WIRELESS TECHNOLOGY, LLC v. T-MOBILE USA, INC. ET AL, (E.D.TEX.  
Jul 01, 2008) (NO. 2:08CV00264), (15 USC 1126 PATENT INFRINGEMENT)

### Litigation Alert

88 Derwent LitAlert P2012-16-134 (Apr 05, 2012) Action Taken: CAUSE - 28 USC 1331 - COM-  
PLAINT FOR PATENT INFRINGEMENT  
89 Derwent LitAlert P2010-36-12 (Jul 29, 2010) Action Taken: 15 USC 1126 - COMPLAINT FOR  
PATENT INFRINGEMENT

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- 90 Derwent LitAlert P2009-07-58 (Jan 21, 2009) Action Taken: Complaint
- 91 Derwent LitAlert P2009-06-09 (Aug 04, 2008) Action Taken: Complaint
- 92 Derwent LitAlert P2008-47-12 (Jul 01, 2008) Action Taken: Complaint

**Prior Art (Coverage Begins 1976)**

- C** 93 METHOD OF PROVIDING TEMPORARY ACCESS OF A CALLING UNIT TO AN ANONYMOUS UNIT, US PAT 6157829 Assignee: Motorola, Inc., (U.S. PTO Utility 2000)
- C** 94 SECURITY SYSTEM FOR INTERNET PROVIDER TRANSACTION, US PAT 5845070 Assignee: Auric Web Systems, Inc., (U.S. PTO Utility 1998)
- C** 95 SYSTEM AND METHOD FOR DATABASE ACCESS CONTROL, US PAT 5696898 Assignee: Lucent Technologies Inc., (U.S. PTO Utility 1997)
- C** 96 SYSTEM AND METHOD FOR PROVIDING PEER LEVEL ACCESS CONTROL ON A NETWORK, US PAT 6233686 Assignee: AT & T Corp., (U.S. PTO Utility 2001)

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**US District Court Civil Docket****U.S. District - California Central  
(Southern Division)****8:12cv522****Linksmart Wireless Technology Llc v. T-Mobile USA Inc et al****This case was retrieved from the court on Tuesday, June 12, 2012**

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<b>Date Filed: 04/05/2012</b>	<b>Class Code: OPEN</b>
<b>Assigned To: Judge Josephine Staton Tucker</b>	<b>Closed: No</b>
<b>Referred To: Magistrate Judge Arthur Nakazato</b>	<b>Statute: 28:1331</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Both</b>
<b>Cause: Fed. Question: Trademark</b>	<b>Demand Amount: \$75,000</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: None</b>	
<b>Jurisdiction: Federal Question</b>	

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Date	#	Proceeding Text	Source
04/05/2012	1	COMPLAINT against Defendants Best Western International Inc, Choice Hotels International Inc, Ethostream LLC, Ibahn General Holdings Corp, Intercontinental Hotels Group Resources Inc, Lodgenet Interactive Corp, Marriott International Inc, Ramada Worldwide Inc, Six Continents Hotels Inc and T-Mobile USA Inc. Case assigned to Judge Josephine Staton Tucker for all further proceedings. Discovery referred to Magistrate Judge Arthur Nakazato.(Filing fee \$ 350 Paid). Jury Demanded. Filed by Plaintiff Linksmart Wireless Technology LLC.(lwag) (lwag). (Entered: 04/06/2012)	
04/05/2012	--	21 DAY Summons Issued re Complaint - (Discovery), Complaint - (Discovery), Complaint - (Discovery) 1 as to Defendants Best Western International Inc, Choice Hotels International Inc, Ethostream LLC, Ibahn General Holdings Corp, Intercontinental Hotels Group Resources Inc, Lodgenet Interactive Corp, Marriott International Inc, Ramada Worldwide Inc, Six Continents Hotels Inc and T-Mobile USA Inc. (lwag) (Entered: 04/06/2012)	
04/05/2012	2	CERTIFICATION and Notice of Interested Parties filed by Plaintiff Linksmart Wireless Technology LLC. (lwag) (lwag). (Entered: 04/06/2012)	
04/05/2012	3	NOTICE of Related Case(s) filed by Plaintiff Linksmart Wireless Technology LLC. Related Case(s): 2:08-cv-00264-JRG-RSP; 2:09-cv-00026-DF-CE; 2:08-cv-00385-DF-CE and 2:08-cv-00304-DF-CE. (lwag) (lwag). (Entered: 04/06/2012)	
04/05/2012	4	REPORT ON THE FILING OF AN ACTION Regarding a Patent or a Trademark (Initial Notification) filed by Linksmart Wireless Technology LLC. (lwag) (Entered: 04/06/2012)	
04/05/2012	5	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed.(lwag) (Entered: 04/06/2012)	

- 04/09/2012 6 INITIAL STANDING ORDER for cases assigned to Judge Josephine Staton Tucker. (Guerrero, Terry) (Entered: 04/09/2012)
- 04/17/2012 7 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant T-Mobile USA Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 8 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Lodgenet Interactive Corp served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 9 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Ibahn General Holdings Corp served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 10 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Ethostream LLC served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by method of service not specified. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 11 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Ramada Worldwide Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 12 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Marriott International Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 13 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Six Continents Hotels Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 14 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Intercontinental Hotels Group Resources Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 15 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Choice Hotels International Inc served on 4/10/2012, answer due 5/1/2012. Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)
- 04/17/2012 16 PROOF OF SERVICE Executed by Plaintiff Linksmart Wireless Technology LLC, upon Defendant Best Western International Inc served on 4/10/2012, answer due 5/1/2012.

Service of the Summons and Complaint were executed upon Counsel Pursuant to Stipulation Dated 4/3/2012 attached to Complaint as Exhibit B in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Weiss, Andrew) (Entered: 04/17/2012)

- 04/30/2012 17 NOTICE OF MOTION AND MOTION for Extend Time to File Answer to 6/11/2012 re Complaint - (Discovery), Complaint - (Discovery), Complaint - (Discovery) 1 filed by Plaintiff Linksmart Wireless Technology LLC. Motion set for hearing on 6/4/2012 at 10:00 AM before Judge Josephine Staton Tucker. (Attachments: # 1 Proposed Order)(Weiss, Andrew) (Entered: 04/30/2012)
- 05/01/2012 18 MINUTES (IN CHAMBERS): ORDER by Judge Josephine Staton Tucker: STRIKING NOTICE AND CONSENT TO EXTEND TIME 17 : (See document for details.) The Court orders the motion stricken, and orders Plaintiff's counsel to review carefully the local rules and this Court's ISO. (rla) (Entered: 05/02/2012)
- 05/08/2012 19 STIPULATION for Extension of Time to File Answer to 6/11/2012 re Complaint - (Discovery), Complaint - (Discovery), Complaint - (Discovery) 1 filed by Plaintiff Linksmart Wireless Technology LLC. (Attachments: # 1 Proposed Order EXHIBIT A) (Weiss, Andrew) (Entered: 05/08/2012)
- 05/08/2012 20 APPLICATION for attorney David E. Rogers to Appear Pro Hac Vice(PHV Fee of \$325 receipt number 0973-10343977 paid.) filed by Defendant Best Western International Inc. (Attachments: # 1 Proposed Order)(Weldon, Elizabeth) (Entered: 05/08/2012)
- 05/09/2012 21 ORDER by Judge Josephine Staton Tucker: GRANTING Stipulation to Extend Time to Respond to Complaint 19 . The time for Defendants to answer to Plaintiff's Complaint for Patent Infringement Permanent Injunction and Damages shall be extended up to and including June 11, 2012. (rla) (Entered: 05/10/2012)
- 05/09/2012 23 ORDER by Judge Josephine Staton Tucker: granting 20 Application to Appear Pro Hac Vice by Attorney David E. Rogers on behalf of Defendant Best Western International, Inc., designating Elizabeth M. Weldon as local counsel. (lt) (Entered: 05/11/2012)
- 05/11/2012 22 APPLICATION for attorney Michael D. Broaddus to Appear Pro Hac Vice(PHV Fee of \$325 receipt number 0973-10359988 paid.) filed by defendant Ibahn General Holdings Corp. (Attachments: # 1 Proposed Order)(Kinsel, Grant) (Entered: 05/11/2012)
- 05/11/2012 24 APPLICATION for attorney Sid Leach to Appear Pro Hac Vice(PHV Fee of \$325 receipt number 0973-10363942 paid.) filed by Defendant Best Western International Inc. (Attachments: # 1 Proposed Order)(Weldon, Elizabeth) (Entered: 05/11/2012)
- 05/14/2012 25 APPLICATION for attorney Craig Lytle to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Marriott International Inc. Lodged order. (twdb) (Entered: 05/15/2012)
- 05/14/2012 26 APPLICATION for attorney Jeffrey Ahdoot to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Marriott International Inc. Lodged order. (twdb) (Entered: 05/15/2012)
- 05/14/2012 27 APPLICATION for attorney John Cuddihy to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Marriott International Inc. Lodged order. (twdb) (Entered: 05/15/2012)
- 05/17/2012 28 APPLICATION for attorney Kevin P. Anderson to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Choice Hotels International Inc. (nca) (Entered: 05/21/2012)
- 05/17/2012 29 APPLICATION for attorney Gregory R. Lyons to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Choice Hotels International Inc. (nca) (Entered: 05/21/2012)
- 05/24/2012 30 APPLICATION for attorney Brian M. Koide to Appear Pro Hac Vice. (PHV FEE PAID.) filed by defendant Marriott International Inc. Lodged order. (twdb) (Entered: 05/25/2012)
- 06/06/2012 31 ORDER by Judge Josephine Staton Tucker: granting 22 Application to Appear Pro Hac Vice by Attorney Michael D. Broaddus on behalf of iBAHN General Holding Corp, designating Grant E. Kinsel as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 32 ORDER by Judge Josephine Staton Tucker: granting 24 Application to Appear Pro Hac Vice by Attorney Sid Leach on behalf of Defendant Best Western International, Inc., designating Elizabeth M. Weldon as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 33 ORDER by Judge Josephine Staton Tucker: granting 25 Application to Appear Pro Hac Vice by Attorney Craig Lytle on behalf of Defendant Marriott International, Inc., designating John S. Gibson as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 34 ORDER by Judge Josephine Staton Tucker: granting 27 Application to Appear Pro Hac Vice by Attorney John Cuddihay on behalf of Defendant Marriott International, Inc., designating John S. Gibson as local counsel. (lt) (Entered: 06/07/2012)

- 06/06/2012 35 ORDER by Judge Josephine Staton Tucker: granting 29 Application to Appear Pro Hac Vice by Attorney Gregory R. Lyons on behalf of Defendant Choice Hotels International, Inc., designating George B. Newhouse, Jr. as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 36 ORDER by Judge Josephine Staton Tucker: granting 26 Application to Appear Pro Hac Vice by Attorney Jeffrey Abbot on behalf of Defendant Marriott International, Inc., designating John S. Gibson as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 37 ORDER by Judge Josephine Staton Tucker: granting 30 Application to Appear Pro Hac Vice by Attorney Brian Koide on behalf of Defendant Marriott International, Inc., designating John S. Gibson as local counsel. (lt) (Entered: 06/07/2012)
- 06/06/2012 38 ORDER by Judge Josephine Staton Tucker: granting 28 Application to Appear Pro Hac Vice by Attorney Kevin P. Anderson on behalf of Defendant Choice Hotels International, Inc., designating George B. Newhouse, Jr. as local counsel. (lt) (Entered: 06/07/2012)
- 06/11/2012 39 NOTICE of Manual Filing filed by Defendant Best Western International Inc of Answer, Defenses and Counterclaims. (Rogers, David) (Entered: 06/11/2012)
- 06/11/2012 40 NOTICE of Appearance filed by attorney David M Stein on behalf of Defendants Ethostream LLC, Ramada Worldwide Inc (Stein, David) (Entered: 06/11/2012)
- 06/11/2012 41 Certification and Notice of Interested Parties filed by Defendant Best Western International Inc, identifying Best Western International, Inc.. (Rogers, David) (Entered: 06/11/2012)
- 06/11/2012 42 ANSWER to Complaint - (Discovery), Complaint - (Discovery), Complaint - (Discovery) 1 filed by Defendant Ibahn General Holdings Corp.(Kinsel, Grant) (Entered: 06/11/2012)
- 06/11/2012 43 NOTICE of Manual Filing filed by Defendant T-Mobile USA Inc of Defendant T-Mobile USA, Inc.s Answer And Counterclaims; Defendant T-Mobile USA, Inc.s Corporate Disclosure Statement Pursuant To Federal Rules Of Civil Procedure 7.1 And Certification As To Interested Parties Pursuant To Local Rule 7.1-1; Proof Of Service. (Jay, Michael) (Entered: 06/11/2012)
- 06/11/2012 44 NOTICE of Manual Filing filed by Defendants Ethostream LLC, Ramada Worldwide Inc of Defendant Ramada Worldwide, Inc.'s Answer and Counterclaims; Defendant EthoStream, LLC's Answer and Counterclaims. (Stein, David) (Entered: 06/11/2012)
- 06/11/2012 45 ANSWER to Complaint - (Discovery), Complaint - (Discovery), Complaint - (Discovery) 1 with JURY DEMAND filed by Defendant Choice Hotels International Inc.(Newhouse, George) (Entered: 06/11/2012)
- 06/11/2012 46 CORPORATE DISCLOSURE STATEMENT filed by Defendant Choice Hotels International Inc (Newhouse, George) (Entered: 06/11/2012)
- 06/11/2012 47 Certificate and Notice of Interested Parties filed by Defendant Choice Hotels International Inc, (Newhouse, George) (Entered: 06/11/2012)
- 06/11/2012 48 NOTICE of Manual Filing filed by Defendant Marriott International Inc of Marriott International, Inc.'s Answer and Counterclaims to Linksmart Wireless Technology, LLC's Complaint. (Gibson, John) (Entered: 06/11/2012)
- 06/11/2012 49 NOTICE of Appearance filed by attorney John S Gibson on behalf of Defendant Marriott International Inc (Gibson, John) (Entered: 06/11/2012)
- 06/11/2012 50 Certification and Notice of Interested Parties filed by Defendant Marriott International Inc, identifying T.Rowe Price Associates, Inc.. (Gibson, John) (Entered: 06/11/2012)
- 06/11/2012 51 CORPORATE DISCLOSURE STATEMENT Pursuant to Fed. R. Civ. P. 7.1 filed by Defendant Marriott International Inc (Gibson, John) (Entered: 06/11/2012)
- 06/11/2012 52 Certificate of Interested Parties filed by Defendant Ibahn General Holdings Corp, (Kinsel, Grant) (Entered: 06/11/2012)
- 06/11/2012 53 STIPULATION Extending Time to Answer the complaint as to Lodgenet Interactive Corp answer now due 6/21/2012, filed by Plaintiff Linksmart Wireless Technology LLC. (Attachments: # 1 Proposed Order re Stipulation)(Weiss, Andrew) (Entered: 06/11/2012)
- 06/11/2012 54 CORPORATE DISCLOSURE STATEMENT filed by Defendant Ethostream LLC (Stein, David) (Entered: 06/11/2012)
- 06/11/2012 55 CORPORATE DISCLOSURE STATEMENT filed by Defendant Ramada Worldwide Inc (Stein, David) (Entered: 06/11/2012)
- 06/11/2012 56 Certification and Notice of Interested Parties filed by Defendant Ramada Worldwide Inc,

(Stein, David) (Entered: 06/11/2012)

06/11/2012 57 Certification and Notice of Interested Parties filed by Defendant Ethostream LLC, (Stein, David) (Entered: 06/11/2012)

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**US District Court Civil Docket**

**U.S. District - Texas Eastern  
(Marshall)**

**2:10cv277**

**Linksmart Wireless Technology Llc VS TJ Hospitality Ltd et al**

This case was retrieved from the court on Tuesday, June 12, 2012

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<b>Date Filed: 07/29/2010</b>	<b>Class Code: CLOSED</b>
<b>Assigned To: Judge T John Ward</b>	<b>Closed: Yes</b>
<b>Referred To:</b>	<b>Statute: 15:1126</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Plaintiff</b>
<b>Cause: Patent Infringement</b>	<b>Demand Amount: \$0</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: None</b>	
<b>Jurisdiction: Federal Question</b>	

**Litigants**

Linksmart Wireless Technology, Llc  
Plaintiff

Tj Hospitality Ltd  
[Term: 11/30/2010]  
Defendant

Mmd Hotel Kilgore LP  
[Term: 11/30/2010]  
Defendant

Heritage Inn Number Xiv  
[Term: 11/30/2010]  
Defendant

Eight Pack Tyler LP  
[Term: 11/30/2010]  
Defendant

Heritage Inn Number X  
[Term: 11/30/2010]  
Defendant

B D & Sons Ltd  
[Term: 11/30/2010]  
Defendant

**Attorneys**

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Heritage Inn Number Xii  
 [Term: 11/30/2010]  
 Defendant

Carlex Hospitality Llc  
 [Term: 11/30/2010]  
 Defendant

Prus, Llc  
 [Term: 11/30/2010]  
 Defendant

Meritax, Llc  
 [Term: 11/30/2010]  
 Defendant

281 Lodging Partnership, Ltd  
 Defendant

Longview Hotel Partners Inc  
 [Term: 11/30/2010]  
 Defendant

Hwy 259 Lodging Llc  
 [Term: 11/30/2010]  
 Defendant

Nyr Property Corp  
 [Term: 11/30/2010]  
 Defendant

I-30 Hospitality Llc  
 [Term: 11/30/2010]  
 Defendant

Amit C Patel  
 [Term: 11/30/2010]  
 Defendant

Jyotika A Patel  
 [Term: 11/30/2010]  
 Defendant

Krishan Inc  
 [Term: 11/30/2010]  
 Defendant

Date	#	Proceeding Text	Source
07/29/2010	1	COMPLAINT against 281 Lodging Partnership, Ltd., B D & Sons Ltd., Carlex Hospitality LLC, Eight Pack Tyler LP, Heritage Inn Number X, Heritage Inn Number XII, Heritage Inn Number XIV, Hwy 259 Lodging LLC, I-30 Hospitality LLC, Krishan Inc., Longview Hotel Partners Inc., MMD Hotel Kilgore LP, Meritax, LLC, NYR Property Corp., Amit C. Patel, Jyotika A. Patel, Prus, LLC, TJ Hospitality Ltd. ( Filing fee \$ 350 receipt number 0540-2597118.), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(Fenster, Marc) (Additional attachment(s) added on 7/30/2010: # 3 Revised Civil Cover Sheet) (ehs, ). (Entered: 07/29/2010)	
07/29/2010	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 07/29/2010)	
07/29/2010	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 07/29/2010)	
07/29/2010	4	NOTICE by Linksmart Wireless Technology, LLC of Related Cases (Fenster, Marc) (Entered: 07/29/2010)	
07/30/2010	--	Judge T. John Ward added. (ehs, ) (Entered: 07/30/2010)	
07/30/2010	--	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that	

a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available here by clicking on the hyperlink and is also on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event Notice of Consent to Proceed Before Magistrate Judge . (ehs, ) (Entered: 07/30/2010)

- 07/30/2010 5 E-GOV SEALED SUMMONS Issued as to 281 Lodging Partnership, Ltd., B D & Sons Ltd., Carlex Hospitality LLC, Eight Pack Tyler LP, Heritage Inn Number X, Heritage Inn Number XII, Heritage Inn Number XIV, Hwy 259 Lodging LLC, I-30 Hospitality LLC, Amit C. Patel. (Attachments: # 1 281 Lodging, # 2 Amit, # 3 BD & Sons, # 4 Carlex, # 5 Eight Pack, # 6 Hwy 259, # 7 Heritage Inn No X, # 8 Heritage Inn No XIV)(ehs, ) (Entered: 07/30/2010)
- 07/30/2010 6 E-GOV SEALED SUMMONS Issued as to Krishan Inc., Longview Hotel Partners Inc., MMD Hotel Kilgore LP, Meritax, LLC, NYR Property Corp., Jyotika A. Patel, Prus, LLC, TJ Hospitality Ltd.. (Attachments: # 1 Krishan, # 2 Longview Hotel, # 3 MMD Hotel Kilgore, # 4 Meritax, # 5 NYR Property, # 6 Prus, # 7 TJ Hospitality)(ehs, ) (Entered: 07/30/2010)
- 11/29/2010 7 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 8 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 9 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 10 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 11 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 12 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 13 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 14 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 15 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 16 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 17 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 18 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 19 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 20 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 21 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 22 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 23 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/29/2010 24 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
- 11/30/2010 25 ORDER - granting 19 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Longview Hotel Partners Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on

- 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 26 ORDER - granting 16 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant I-30 Hospitality LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 27 ORDER - granting 17 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Jyotika A. Patel are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 28 ORDER - granting 20 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Meritax, LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 29 ORDER - granting 14 Notice of Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number XIV are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 30 ORDER - granting 12 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number X are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 31 ORDER - granting 13 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number XII are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 32 ORDER - granting 15 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Hwy 259 Lodging LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 33 ORDER - granting 10 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Carlex Hospitality LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 34 ORDER - granting 11 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Eight Pack Tyler LP are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 35 ORDER - granting 21 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant MMD Hotel Kilgore LP are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 36 ORDER - granting 18 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Krishan Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Magistrate Judge Charles Everingham on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 37 ORDER - granting 22 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant NYR Property Corp. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 38 ORDER - granting 23 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Prus, LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 39 ORDER - granting 24 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant TJ Hospitality Ltd. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 40 ORDER - granting - 8 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Amit C. Patel are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010.

- (ch, ) (Entered: 11/30/2010)
- 11/30/2010 41 ORDER - granting 9 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant B D & Sons Ltd. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)
- 11/30/2010 42 ORDER - granting 7 Notice of Dismissal. All claims asserted by Plaintiff against Defendant 281 Lodging Hotel Partners Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch, ) (Entered: 11/30/2010)

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**US District Court Civil Docket**

**U.S. District - Texas Eastern  
(Marshall)**

**2:09cv26**

**Linksmart Wireless Technology Llc v. Six Continents Hotels Inc et al**

**This case was retrieved from the court on Tuesday, June 12, 2012**

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<b>Date Filed: 01/21/2009</b>	<b>Class Code: CLOSED</b>
<b>Assigned To: Judge David Folsom</b>	<b>Closed: Yes</b>
<b>Referred To: Magistrate Judge Caroline Craven</b>	<b>Statute: 28:1338</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Defendant</b>
<b>Cause: Patent Infringement</b>	<b>Demand Amount: \$0</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: 2:08-cv-00385-DF</b>	
<b>Jurisdiction: Federal Question</b>	

**Litigants**

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Plaintiff

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Defendant

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Intercontinental Hotels Group Resources Inc  
Defendant

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Counter Claimant

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Counter Claimant

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Linksmart Wireless Technology Llc  
Counter Defendant

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 Email: AWEISS@RAKLAW.COM

Date	#	Proceeding Text	Source
01/21/2009	1	COMPLAINT against Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc ( Filing fee \$ 350 receipt number 0540000000001843024.), filed by Linksmart Wireless Technology LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology LLC (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	4	NOTICE by Linksmart Wireless Technology LLC of Related Cases (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	5	E-GOV SEALED SUMMONS Issued as to Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc. (Attachments: # 1 summons InterContinental Hotels)(ehs, ) (Entered: 01/21/2009)	
01/21/2009	6	ORDER REFERRING CASE for Pretrial proceedings to Magistrate Judge Charles Everingham. Signed by Judge T. John Ward on 1/21/09. (ehs, ) (Entered: 01/21/2009)	
01/21/2009	7	Magistrate Consent Form Mailed to Linksmart Wireless Technology LLC (ehs, ) (Entered: 01/21/2009)	
01/22/2009	8	NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology LLC (Weiss, Andrew) (Entered: 01/22/2009)	
01/22/2009	9	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology LLC (Spangler, Andrew) (Entered: 01/22/2009)	
01/23/2009	10	Joint MOTION to Consolidate Cases by Linksmart Wireless Technology LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 01/23/2009)	
02/03/2009	11	ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John Ward on 2/2/09. (ch, ) (Entered: 02/03/2009)	
02/06/2009	12	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology LLC. Intercontinental Hotels Group Resources Inc served on 1/21/2009 to John Guaragna DLA Piper by CM RRR, answer due 2/10/2009. (ehs, ) (Entered: 02/06/2009)	
02/06/2009	13	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology LLC. Six Continents Hotels Inc served on 1/21/2009 to John Guaragna, DLA Piper by CM RRR, answer due 2/10/2009. (ehs, ) (Entered: 02/06/2009)	
02/10/2009	14	ANSWER to 1 Complaint,, COUNTERCLAIM against Linksmart Wireless Technology LLC by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc.(Guaragna, John) (Entered: 02/10/2009)	
02/10/2009	15	CORPORATE DISCLOSURE STATEMENT filed by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc identifying Corporate Parent InterContinental Hotels Group PLC for Intercontinental Hotels Group Resources Inc, Six Continents Hotels Inc. (Guaragna, John) (Entered: 02/10/2009)	
02/27/2009	16	ANSWER to 14 Answer to Complaint, Counterclaim by Linksmart Wireless Technology LLC.(Weiss, Andrew) (Entered: 02/27/2009)	
04/22/2009	17	NOTICE of Change of Address by John M Guaragna (Guaragna, John) (Entered: 04/22/2009)	



- 04/22/2009)
- 05/01/2009 18 ORDER granting 10 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch, ) (Entered: 05/01/2009)
- 05/01/2009 -- NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 18 Order on Motion to Consolidate Cases. ALL FUTURE FILINGS TO BE FILED IN LEAD CASE 2:08cv264 ONLY (ehs, ) (Entered: 09/03/2009)
- 05/04/2009 19 NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml, ) (Entered: 05/04/2009)
- 05/06/2009 20 Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch, ) (Entered: 05/06/2009)
- 06/01/2009 21 REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm, ). (Entered: 06/01/2009)
- 06/03/2009 22 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)
- 07/06/2010 23 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR, Telephone number: (903) 663-5083. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja, ) (Entered: 07/06/2010)
- 07/19/2011 24 ORDER ADMINISTRATIVELY CLOSED. Signed by Judge David Folsom on 7/19/11. (mrm, ) (Entered: 07/19/2011)
- 02/06/2012 25 ORDER REFERRING CASE for pretrial purposes to Magistrate Judge Caroline Craven. Signed by Judge David Folsom on 2/6/12. (ehs, ) (Entered: 02/06/2012)

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**US District Court Civil Docket**

**U.S. District - Texas Eastern  
(Marshall)**

**2:08cv385**

**Linksmart Wireless Technology, Llc v. Sbc Internet Services, Inc**

**This case was retrieved from the court on Tuesday, June 12, 2012**

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<b>Date Filed: 10/09/2008</b>	<b>Class Code: CLOSED</b>
<b>Assigned To: Judge David Folsom</b>	<b>Closed: Yes</b>
<b>Referred To: Magistrate Judge Caroline Craven</b>	<b>Statute: 15:1126</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Both</b>
<b>Cause: Patent Infringement</b>	<b>Demand Amount: \$0</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: 2:09-cv-00026-DF</b>	
<b>Jurisdiction: Federal Question</b>	

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Date	#	Proceeding Text	Source
10/10/2008	1	COMPLAINT AND DEMAND FOR JURY TRIAL against SBC Internet Services, Inc. (Filing fee \$ 350 receipt number 0540000000001724676), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Civil Cover Sheet)(ch, ) (Entered: 10/10/2008)	
10/10/2008	--	Case Assigned to Judge T. John Ward. (ch, ) (Entered: 10/10/2008)	
10/10/2008	2	Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch, ) (Entered: 10/10/2008)	
10/10/2008	3	E-GOV SEALED SUMMONS Issued as to SBC Internet Services, Inc.. (ch, ) (Entered: 10/10/2008)	
10/10/2008	4	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 10/10/2008)	
10/10/2008	5	NOTICE by Linksmart Wireless Technology, LLC of Related Cases (Fenster, Marc) (Entered: 10/10/2008)	
10/10/2008	6	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 10/10/2008)	
10/23/2008	7	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. SBC Internet Services, Inc. served on 10/14/2008, answer due 11/3/2008. (ehs, ) (Entered: 10/23/2008)	
11/03/2008	8	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by SBC Internet Services, Inc..(Sayles, Richard) (Entered: 11/03/2008)	
11/03/2008	9	CORPORATE DISCLOSURE STATEMENT filed by SBC Internet Services, Inc. identifying Corporate Parent AT&T Inc., Other Affiliate AT&T Mobility LLC, Other Affiliate AT&T Mobility Corporation, Other Affiliate SBC Long Distance, LLC, Other Affiliate SBC Alloy Holdings, Inc., Other Affiliate BLS Cingular Holdings, LLC, Other Affiliate BellSouth Mobile Data, Inc. for SBC Internet Services, Inc.. (Sayles, Richard) (Entered: 11/03/2008)	
11/03/2008	10	NOTICE of Attorney Appearance by Eve L Henson on behalf of SBC Internet Services, Inc. (Henson, Eve) (Entered: 11/03/2008)	
11/17/2008	11	APPLICATION to Appear Pro Hac Vice by Attorney Rachel D Sher for SBC Internet Services, Inc. (APPROVED) (FEE PAID) 2-1-4232. (ch, ) (Entered: 11/19/2008)	
11/17/2008	12	APPLICATION to Appear Pro Hac Vice by Attorney David T Pritikin for SBC Internet Services, Inc. (APPROVED)(FEE PAID) 2-1-4232. (ch, ) (Entered: 11/19/2008)	
11/17/2008	13	APPLICATION to Appear Pro Hac Vice by Attorney Richard T McCaulley, Jr for SBC Internet Services, Inc. (APPROVED)(FEE PAID) 2-1-4232. (ch, ) (Entered: 11/19/2008)	
01/14/2009	14	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 01/14/2009)	
01/14/2009	15	NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)	
01/20/2009	16	Unopposed MOTION for Extension of Time to File Response/Reply to SBC's Counterclaims by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order) (Weiss, Andrew) (Entered: 01/20/2009)	
01/21/2009	17	ORDER granting 16 Motion for Extension of Time to File Response/Reply Responses due by 1/23/2009. Signed by Judge T. John Ward on 1/21/09. (ch, ) (Entered: 01/21/2009)	
01/21/2009	18	ANSWER to 8 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 01/21/2009)	
01/23/2009	19	Joint MOTION to Consolidate Cases by SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 01/23/2009)	
02/03/2009	20	ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John	

- Ward on 2/2/09. (ch, ) (Entered: 02/03/2009)
- 02/10/2009 21 ORDER REFERRING CASE to Magistrate Judge Charles Everingham for case management. Signed by Judge David Folsom on 2/10/09. (mrm, ) (Entered: 02/10/2009)
- 05/01/2009 22 ORDER granting 19 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch, ) (Entered: 05/01/2009)
- 05/01/2009 -- NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 22 Order on Motion to Consolidate Cases. ALL FUTURE FILINGS TO BE FILED IN LEAD CASE 2:08cv264 ONLY (ehs, ) (Entered: 09/03/2009)
- 05/04/2009 23 NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml) (Entered: 05/04/2009)
- 05/06/2009 24 Notice of Scheduling Conference, Proposed Deadlines Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch, ) (Entered: 05/06/2009)
- 05/06/2009 25 NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of SBC Internet Services, Inc. (Strachan, Mark) (Entered: 05/06/2009)
- 06/01/2009 26 REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Docket Control Order) (sm, ). (Entered: 06/01/2009)
- 06/03/2009 27 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)
- 08/14/2009 28 APPLICATION to Appear Pro Hac Vice by Attorney Hugh A Abrams for SBC Internet Services, Inc. (APPROVED FEE PAID) 2-1-4865. (ch, ) (Entered: 08/14/2009)
- 07/06/2010 29 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR, Telephone number: (903) 663-5082. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja, ) (Entered: 07/06/2010)
- 07/19/2011 30 ORDER ADMINISTRATIVELY CLOSED. Signed by Judge David Folsom on 7/19/11. (mrm, ) (Entered: 07/19/2011)
- 02/06/2012 31 ORDER REFERRING CASE for pretrial purposes to Magistrate Judge Caroline Craven. Signed by Judge David Folsom on 2/6/12. (ehs, ) (Entered: 02/06/2012)

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**US District Court Civil Docket****U.S. District - Texas Eastern  
(Marshall)****2:08cv304****Linksmart Wireless Technology, Llc v. Cisco Systems, Inc et al****This case was retrieved from the court on Tuesday, June 12, 2012**

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<b>Date Filed: 08/04/2008</b>	<b>Class Code: CLOSED</b>
<b>Assigned To: Judge David Folsom</b>	<b>Closed: Yes</b>
<b>Referred To: Magistrate Judge Caroline Craven</b>	<b>Statute: 35:271</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Plaintiff</b>
<b>Cause: Patent Infringement</b>	<b>Demand Amount: \$0</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: None</b>	
<b>Jurisdiction: Federal Question</b>	

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Date	#	Proceeding Text	Source
08/04/2008	1	COMPLAINT and Demand for Jury Trial against Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc. ( Filing fee \$ 350 receipt number 0540000000001643001.), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A to Complaint, # 2 Civil Cover Sheet)(Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	4	NOTICE by Linksmart Wireless Technology, LLC of Related Case (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	--	Case Assigned to Judge David Folsom. (ch, ) (Entered: 08/05/2008)	
08/05/2008	5	STANDING ORDER REFERRING CASE - to Magistrate Judge Charles Everingham. Signed by Judge David Folsom on 8/5/08. (ch, ) (Entered: 08/05/2008)	
08/05/2008	6	Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch, ) (Entered: 08/05/2008)	
08/05/2008	--	E-GOV SEALED SUMMONS Issued as to Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc.. (ch, ) (Entered: 08/05/2008)	
08/07/2008	--	E-GOV SEALED SUMMONS REISSUED as to Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc., attorney didn't receive the ones issued on 8/5/08. (ch, ) (Entered: 08/07/2008)	
09/02/2008	7	NOTICE by Linksmart Wireless Technology, LLC of Dismissal Without Prejudice as to Defs Juniper Networks, Inc. and Aruba Networks, Inc. ONLY (Fenster, Marc) (Additional attachment(s) added on 9/3/2008: # 1 Text of Proposed Order) (sm, ). (Entered: 09/02/2008)	
09/03/2008	8	ORDER GRANTING PLAINTIFFS REQUEST FOR DISMISSAL WITHOUT PREJUDICE; re 7 Notice (Other) filed by Linksmart Wireless Technology, LLC, Motions terminated:, Aruba Networks, Inc. and Juniper Networks, Inc. terminated.. Signed by Judge David Folsom on 9/3/08. (mrm, ) (Entered: 09/03/2008)	
10/30/2008	9	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Cisco Systems, Inc. served on 10/22/2008, answer due 11/12/2008. (ch, ) (Entered: 10/30/2008)	
11/06/2008	10	Cisco Systems, Inc.'s Answer and Counterclaims ANSWER to 1 Complaint,, COUNTERCLAIM against Linksmart Wireless Technology, LLC, Cisco Systems, Inc. by Cisco Systems, Inc..(Beck, David) (Entered: 11/06/2008)	
11/06/2008	11	CORPORATE DISCLOSURE STATEMENT filed by Cisco Systems, Inc. (Beck, David) (Entered: 11/06/2008)	
11/17/2008	12	APPLICATION to Appear Pro Hac Vice by Attorney William F Lee for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4231. (ch, ) (Entered: 11/19/2008)	
11/17/2008	13	APPLICATION to Appear Pro Hac Vice by Attorney James P Barabas for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4244. (ch, ) (Entered: 11/19/2008)	
11/17/2008	14	APPLICATION to Appear Pro Hac Vice by Attorney Noah A Levine for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4244. (ch, ) (Entered: 11/20/2008)	
11/26/2008	16	APPLICATION to Appear Pro Hac Vice by Attorney David B Bassett for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4277. (ch, ) (Entered: 12/02/2008)	
12/01/2008	15	Linksmart's ANSWER to 10 Answer to Complaint, Counterclaim of Cisco Systems, Inc. by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 12/01/2008)	
01/13/2009	17	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 01/13/2009)	

- 01/14/2009 18 NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)
- 01/21/2009 19 NOTICE of Hearing: Scheduling Conference set for 2/17/2009 02:30 PM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml, ) (Entered: 01/21/2009)
- 01/23/2009 20 Joint MOTION to Consolidate Cases by Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Beck, David) (Entered: 01/23/2009)
- 01/26/2009 21 Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order. Scheduling Conference set for 2/17/2009 02:30 PM before Magistrate Judge Charles Everingham.. Signed by Magistrate Judge Charles Everingham on 1/26/09. (ch, ) (Entered: 01/26/2009)
- 01/29/2009 22 NOTICE of Attorney Appearance by Michael Ernest Richardson on behalf of Cisco Systems, Inc. (Richardson, Michael) (Entered: 01/29/2009)
- 02/10/2009 23 NOTICE of Hearing: Scheduling Conference set for 2/17/2009, 02:30 PM, in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham is CANCELLED.(delat) (Entered: 02/10/2009)
- 02/13/2009 24 APPLICATION to Appear Pro Hac Vice by Attorney Peter M Dichiara for Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-4494. (ch, ) (Entered: 02/13/2009)
- 05/01/2009 25 ORDER granting 20 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch, ) (Entered: 05/01/2009)
- 05/01/2009 -- NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 25 Order GRANTING Motion to Consolidate Cases. ALL FUTURE FILING ARE TO BE FILED IN THE LEAD CASE ONLY 2:08cv264 (ehs, ) (Entered: 09/02/2009)
- 05/04/2009 26 NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml) (Entered: 05/04/2009)
- 05/06/2009 27 Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order, and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with the Fed. R. Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch, ) (Entered: 05/06/2009)
- 06/01/2009 28 REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm, ). (Entered: 06/01/2009)
- 06/03/2009 29 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)
- 07/10/2009 30 APPLICATION to Appear Pro Hac Vice by Attorney Joyce Chen for Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-4798. (ch, ) (Entered: 07/10/2009)
- 08/19/2009 31 NOTICE of Attorney Appearance by Robert David Daniel on behalf of Cisco Systems, Inc. (Daniel, Robert) (Entered: 08/19/2009)
- 07/06/2010 32 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR, Telephone number: (903) 663-5082. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja, ) (Entered: 07/06/2010)
- 07/19/2011 33 ORDER ADMINISTRATIVELY CLOSED. Signed by Judge David Folsom on 7/19/11. (mrm, ) (Entered: 07/19/2011)
- 02/06/2012 34 ORDER REFERRING CASE for pretrial purposes to Magistrate Judge Caroline Craven. Signed by Judge David Folsom on 2/6/12. (ehs, ) (Entered: 02/06/2012)

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**US District Court Civil Docket****U.S. District - Texas Eastern  
(Marshall)****2:08cv264****Linksmart Wireless Technology, Llc v. T-Mobile USA, Inc et al**

This case was retrieved from the court on Monday, June 11, 2012

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<b>Date Filed: 07/01/2008</b>	<b>Class Code: CLOSED</b>
<b>Assigned To: Judge Rodney Gilstrap</b>	<b>Closed: Yes</b>
<b>Referred To: Magistrate Judge Roy S Payne</b>	<b>Statute: 15:1126</b>
<b>Nature of suit: Patent (830)</b>	<b>Jury Demand: Both</b>
<b>Cause: Patent Infringement</b>	<b>Demand Amount: \$0</b>
<b>Lead Docket: None</b>	<b>NOS Description: Patent</b>
<b>Other Docket: None</b>	
<b>Jurisdiction: Federal Question</b>	

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Netnearu Corp  
[Term: 02/23/2009]  
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Pronto Networks, Inc  
[Term: 06/09/2010]  
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Meraki, Inc  
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Second Rule Llc  
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Mail Boxes Etc, Inc  
[Term: 11/12/2010]  
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Barnes & Noble Booksellers, Inc  
[Term: 11/12/2010]  
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Ramada Worldwide, Inc  
[Term: 04/05/2012]  
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Marriott International, Inc  
[Term: 04/05/2012]  
Defendant

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Intercontinental Hotels Group Plc  
[Term: 12/12/2008]  
Defendant

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Best Western International, Inc  
[Term: 04/05/2012]  
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Best Western International, Inc Thirdparty.  
[Term: 04/05/2012]  
Plaintiff

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[Term: 04/04/2012]  
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Date	#	Proceeding Text	Source
07/01/2008	1	COMPLAINT against all defendants ( Filing fee \$ 350 receipt number 0540000000001601022.), filed by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Additional attachment(s) added on 7/2/2008: # 1 Civil Cover Sheet) (mpv, ). (Entered: 07/01/2008)	
07/01/2008	2	***FILED IN ERROR; PLEASE IGNORE*** NOTICE of Disclosure by Linksmart Wireless Technology, LLC (Fenster, Marc) Modified on 7/2/2008 (mpv, ). (Entered: 07/01/2008)	
07/01/2008	3	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 07/01/2008)	
07/01/2008	4	***FILED IN ERROR; PLEASE IGNORE*** Additional Attachments to Main Document: 1 Complaint.. (Fenster, Marc) Modified on 7/2/2008 (mpv, ). (Entered: 07/01/2008)	



- 07/02/2008 -- E-GOV SEALED SUMMONS Issued as to NetNearU Corp., Pronto Networks, Inc., Aptilo Networks, Inc., FreeFi Networks, Inc., Meraki, Inc., Second Rule LLC, Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Ramada Worldwide, Inc., Marriott International, Inc., InterContinental Hotels Group PLC, Choice Hotels International Inc., Best Western International, Inc., T-Mobile USA, Inc., Wayport, Inc., AT&T, Inc., AT&T Mobility, LLC, LodgeNet Interactive Corporation, iBAHN General Holdings Corp., EthoStream, LLC, Hot Point Wireless, Inc.. (ch, ) (Entered: 07/02/2008)
- 07/02/2008 -- \*\*\*FILED IN ERROR. Document # 4, Additional attachments to main document. PLEASE IGNORE. Civil Cover Sheet now attached as an attachment to #1 Complaint by clerk\*\*\* (mpv, ) (Entered: 07/02/2008)
- 07/02/2008 -- NOTICE of Deficiency regarding #2 the NOTICE of Disclosure submitted Docketed incorrectly, attorney to refile as Corporate Disclosure Statement. Correction should be made by one business day (mpv, ) (Entered: 07/02/2008)
- 07/02/2008 -- Case Assigned to Judge T. John Ward. (ch, ) (Entered: 07/02/2008)
- 07/02/2008 5 ORDER REFERRING CASE to Magistrate Judge Charles Everingham. Signed by Judge T. John Ward on 7/2/08. (ch, ) (Entered: 07/02/2008)
- 07/02/2008 6 Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch, ) (Entered: 07/02/2008)
- 07/02/2008 7 CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 07/02/2008)
- 07/09/2008 8 APPLICATION to Appear Pro Hac Vice by Attorney Larry C Russ for Linksmart Wireless Technology, LLC. (FEE PAID) 2-1-3936 (ehs, ) (Entered: 07/09/2008)
- 07/09/2008 9 APPLICATION to Appear Pro Hac Vice by Attorney Stanley H Thompson, Jr for Linksmart Wireless Technology, LLC. (FEE PAID) 2-1-3936 (ehs, ) (Entered: 07/09/2008)
- 07/09/2008 10 APPLICATION to Appear Pro Hac Vice by Attorney Stephen M Lobbin for Linksmart Wireless Technology, LLC. (FEE PAID) 2-1-3936 (ehs, ) (Entered: 07/09/2008)
- 07/18/2008 11 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Ramada Worldwide, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 12 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. AT&T Mobility, LLC served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 13 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Barnes & Noble Booksellers, Inc. served on 7/11/2008, answer due 7/31/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 14 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Best Western International, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 15 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Choice Hotels International Inc. served on 7/14/2008, answer due 8/4/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 16 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. EthoStream, LLC served on 7/14/2008, answer due 8/4/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 17 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. iBAHN General Holdings Corp. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 18 NOTICE of Attorney Appearance by David M Stein on behalf of Ramada Worldwide, Inc. (Stein, David) (Entered: 07/18/2008)
- 07/18/2008 19 NOTICE of Attorney Appearance by Fay E Morisseau on behalf of Ramada Worldwide, Inc. (Morisseau, Fay) (Entered: 07/18/2008)
- 07/18/2008 20 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. InterContinental Hotels Group PLC served on 7/11/2008, answer due 7/31/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 21 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. LodgeNet Interactive Corporation served on 7/11/2008, answer due 7/31/2008. (ehs, )

- (Entered: 07/18/2008)
- 07/18/2008 22 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. McDonalds Corp. served on 7/11/2008, answer due 7/31/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 23 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Mail Boxes Etc., Inc. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 24 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Marriott International, Inc. served on 7/11/2008, answer due 7/31/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 25 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Second Rule LLC served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 26 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. T-Mobile USA, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/18/2008 27 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Wayport, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs, ) (Entered: 07/18/2008)
- 07/22/2008 28 NOTICE of Attorney Appearance by J Thad Heartfield on behalf of Ramada Worldwide, Inc. (Heartfield, J) (Entered: 07/22/2008)
- 07/24/2008 29 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Ramada Worldwide, Inc..( Heartfield, J) (Entered: 07/24/2008)
- 07/24/2008 30 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Pronto Networks, Inc. served on 7/11/2008, answer due 7/31/2008. (ch, ) (Entered: 07/24/2008)
- 07/24/2008 31 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Aptilo Networks, Inc. served on 7/15/2008, answer due 8/4/2008. (ch, ) (Entered: 07/24/2008)
- 07/24/2008 32 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. AT&T, Inc. served on 7/14/2008, answer due 8/4/2008. (ch, ) (Entered: 07/24/2008)
- 07/24/2008 33 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Meraki, Inc. served on 7/16/2008, answer due 8/5/2008. (ch, ) (Entered: 07/24/2008)
- 07/24/2008 34 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. NetNearU Corp. served on 7/14/2008, answer due 8/4/2008. (ch, ) (Entered: 07/24/2008)
- 07/24/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Ramada Worldwide, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.( ljw, ) (Entered: 07/24/2008)
- 07/24/2008 35 Defendant T-MOBILE USA, INC.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc, counsel for Plaintiff Linksmart Wireless Technology, LLC) (Entered: 07/24/2008)
- 07/24/2008 36 Defendant LodgeNet Interactive Corp.'s Unopposed First Application for Extension of Time to Answer Complaint(Fenster, Marc) (Entered: 07/24/2008)
- 07/24/2008 37 Defendant NetNearU Corp.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/24/2008)
- 07/24/2008 38 Defendant Best Western International, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/24/2008)
- 07/24/2008 39. Defendant InterContinental Hotels Groups PLC's Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/24/2008)
- 07/25/2008 40 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re iBAHN General Holdings Corp..( Jones, Michael) (Entered: 07/25/2008)
- 07/25/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for NetNearU Corp. to 8/29/2008; InterContinental Hotels Group PLC to 8/29/2008; Best Western International, Inc. to

- 8/29/2008; T-Mobile USA, Inc. to 8/29/2008; LodgeNet Interactive Corporation to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/25/2008)
- 07/25/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for iBAHN General Holdings Corp. to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/25/2008)
- 07/25/2008 41 NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of AT&T, Inc., AT&T Mobility, LLC (Sayles, Richard) (Entered: 07/25/2008)
- 07/25/2008 42 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re AT&T, Inc., AT&T Mobility, LLC.( Sayles, Richard) (Entered: 07/25/2008)
- 07/25/2008 43 Defendant Barnes & Noble Booksellers, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/25/2008)
- 07/28/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for AT&T, Inc. to 8/29/2008; AT&T Mobility, LLC to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/28/2008)
- 07/28/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Barnes & Noble Booksellers, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/28/2008)
- 07/28/2008 44 APPLICATION to Appear Pro Hac Vice by Attorney Jennifer L Yokoyama for Ramada Worldwide, Inc. (APPROVED)(FEE PAID)2-1-3983. (ch, ) (Entered: 07/28/2008)
- 07/29/2008 45 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Wayport, Inc..( Tyler, Marvin) (Entered: 07/29/2008)
- 07/29/2008 46 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Meraki, Inc..( Tyler, Marvin) (Entered: 07/29/2008)
- 07/30/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Wayport, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/30/2008)
- 07/30/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Meraki, Inc. to 9/4/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/30/2008)
- 07/30/2008 47 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re McDonalds Corp..( Tyler, Marvin) (Entered: 07/30/2008)
- 07/30/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for McDonalds Corp. to 8/29/2008. 29 Days Granted for Deadline Extension.( ch, ) (Entered: 07/30/2008)
- 07/30/2008 48 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Marriott International, Inc..( Guaragna, John) (Entered: 07/30/2008)
- 07/30/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Marriott International, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/30/2008)
- 07/30/2008 49 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Mail Boxes Etc., Inc.(Smith, Michael) (Entered: 07/30/2008)
- 07/30/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Mail Boxes Etc., Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 07/30/2008)
- 07/31/2008 50 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Pronto Networks, Inc..( Lobbin, Stephen) (Entered: 07/31/2008)
- 07/31/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Pronto Networks, Inc. to 8/29/2008. 29 Days Granted for Deadline Extension.( ch, ) (Entered: 07/31/2008)
- 08/01/2008 51 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Hot Point Wireless, Inc. served on 7/17/2008, answer due 8/6/2008. (ehs, ) (Entered: 08/01/2008)
- 08/01/2008 52 ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by EthoStream, LLC.(Hunt, Dean) (Entered: 08/01/2008)
- 08/01/2008 53 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re

- Choice Hotels International Inc..( Lobbin, Stephen) (Entered: 08/01/2008)
- 08/01/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Choice Hotels International Inc. to 9/2/2008. 30 Days Granted for Deadline Extension.( ch, ) (Entered: 08/01/2008)
- 08/01/2008 54 NOTICE of Attorney Appearance by Clyde Moody Siebman on behalf of Aptilo Networks, Inc. (Siebman, Clyde) (Entered: 08/01/2008)
- 08/01/2008 55 NOTICE of Attorney Appearance by Lawrence Augustine Phillips on behalf of Aptilo Networks, Inc. (Phillips, Lawrence) (Entered: 08/01/2008)
- 08/01/2008 56 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Aptilo Networks, Inc..( Phillips, Lawrence) (Entered: 08/01/2008)
- 08/04/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Aptilo Networks, Inc. to 9/3/2008. 30 Days Granted for Deadline Extension.( sm, ) (Entered: 08/04/2008)
- 08/04/2008 57 APPLICATION to Appear Pro Hac Vice by Attorney Michael T Herbst for Aptilo Networks, Inc. (APPROVED)(FEE PAID) 4-2-2335. (ch, ) (Additional attachment(s) added on 8/5/2008: # 1 Confidential Information) (ch, ). (Entered: 08/05/2008)
- 08/04/2008 58 APPLICATION to Appear Pro Hac Vice by Attorney Steven L Wiser for Aptilo Networks, Inc. (APPROVED)(FEE PAID) 4-2-2335. (ch, ) (Entered: 08/05/2008)
- 08/06/2008 59 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re FreeFi Networks, Inc..( Lobbin, Stephen) (Entered: 08/06/2008)
- 08/06/2008 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for FreeFi Networks, Inc. to 8/29/2008. 29 Days Granted for Deadline Extension.( mpv, ) (Entered: 08/06/2008)
- 08/06/2008 60 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. FreeFi Networks, Inc. served on 8/1/2008, answer due 8/29/2008. (ehs, ) (Entered: 08/06/2008)
- 08/06/2008 62 APPLICATION to Appear Pro Hac Vice by Attorney Steven T Snyder for Mail Boxes Etc., Inc. (APPROVED)(FEE PAID) 2-1-4001. (ch, ) (Entered: 08/07/2008)
- 08/07/2008 61 APPLICATION to Appear Pro Hac Vice by Attorney Holmes J Hawkins, III for Mail Boxes Etc., Inc. (APPROVED)(FEE PAID) 2-1-4001. (ch, ) (Entered: 08/07/2008)
- 08/15/2008 63 NOTICE of Attorney Appearance by Michael Edwin Jones on behalf of AT&T, Inc., AT&T Mobility, LLC (Jones, Michael) (Entered: 08/15/2008)
- 08/21/2008 64 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re T-Mobile USA, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 65 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Wayport, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 66 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re AT&T, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 67 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re AT&T Mobility, LLC.( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 68 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re LodgeNet Interactive Corporation.( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 69 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re iBAHN General Holdings Corp..( Heartfield, J).(Entered: 08/21/2008)
- 08/21/2008 70 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re NetNearU Corp..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 71 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Pronto Networks, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 72 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Aptilo Networks, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 73 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re FreeFi Networks, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 74 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Meraki, Inc..( Heartfield, J) (Entered: 08/21/2008)

- 08/21/2008 75 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Mail Boxes Etc., Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 76 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re McDonalds Corp..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 77 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Barnes & Noble Booksellers, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 78 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Ramada Worldwide, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 79 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Marriott International, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 80 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re InterContinental Hotels Group PLC.( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 81 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Choice Hotels International Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 82 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Best Western International, Inc..( Heartfield, J) (Entered: 08/21/2008)
- 08/21/2008 83 Linksmart REPLY to EthoStream's COUNTERCLAIM ANSWER to 52 Answer to Complaint, Counterclaim, filed by Ethostream (Fenster, Marc) Modified on 8/22/2008 (sm, ). (Entered: 08/21/2008)
- 08/22/2008 -- Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for NetNearU Corp. to 9/15/2008; Pronto Networks, Inc. to 9/15/2008; Aptilo Networks, Inc. to 9/15/2008; FreeFi Networks, Inc. to 9/15/2008; T-Mobile USA, Inc. to 9/15/2008; Wayport, Inc. to 9/15/2008; AT&T, Inc. to 9/15/2008; AT&T Mobility, LLC to 9/15/2008; LodgeNet Interactive Corporation to 9/15/2008; iBAHN General Holdings Corp. to 9/15/2008. 15 Days Granted for Deadline Extension.( sm, ) (Entered: 08/22/2008)
- 08/22/2008 -- Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Meraki, Inc. to 9/15/2008; Mail Boxes Etc., Inc. to 9/15/2008; McDonalds Corp. to 9/15/2008; Barnes & Noble Booksellers, Inc. to 9/15/2008; Ramada Worldwide, Inc. to 9/15/2008; Marriott International, Inc. to 9/15/2008; InterContinental Hotels Group PLC to 9/15/2008; Choice Hotels International Inc. to 9/15/2008; Best Western International, Inc. to 9/15/2008. 15 Days Granted for Deadline Extension.( sm, ) (Entered: 08/22/2008)
- 08/29/2008 84 ANSWER to 1 Complaint and , COUNTERCLAIM against Linksmart Wireless Technology, LLC by LodgeNet Interactive Corporation.(Socks, Harold) (Entered: 08/29/2008)
- 09/02/2008 85 ANSWER to 1 Complaint by Choice Hotels International Inc..(Smith, Michael) (Entered: 09/02/2008)
- 09/11/2008 86 Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re AT&T, Inc..( Sayles, Richard) (Entered: 09/11/2008)
- 09/11/2008 87 Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re AT&T Mobility, LLC.( Sayles, Richard) (Entered: 09/11/2008)
- 09/12/2008 -- Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for AT&T, Inc. to 9/22/2008; AT&T Mobility, LLC to 9/22/2008. 7 Days Granted for Deadline Extension.( sm, ) (Entered: 09/12/2008)
- 09/12/2008 88 ANSWER to 1 Complaint and , COUNTERCLAIM against Linksmart Wireless Technology, LLC by iBAHN General Holdings Corp..(Jones, Michael) (Entered: 09/12/2008)
- 09/12/2008 89 CORPORATE DISCLOSURE STATEMENT filed by iBAHN General Holdings Corp. identifying Corporate Parent None for iBAHN General Holdings Corp.. (Jones, Michael) (Entered: 09/12/2008)
- 09/12/2008 90 Defendant Aptilo Networks, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Aptilo Networks, Inc..(Siebman, Clyde) (Entered: 09/12/2008)
- 09/15/2008 91 ANSWER to 1 Complaint : T-Mobile USA, Inc.'s Answer and , COUNTERCLAIM against Linksmart Wireless Technology, LLC by T-Mobile USA, Inc..(Richardson, Michael) (Entered: 09/15/2008)
- 09/15/2008 92 NOTICE of Attorney Appearance by Roy William Hardin on behalf of FreeFi Networks, Inc.

- (Hardin, Roy) (Entered: 09/15/2008)
- 09/15/2008 93 NOTICE of Attorney Appearance by John W MacPete on behalf of FreeFi Networks, Inc. (MacPete, John) (Entered: 09/15/2008)
- 09/15/2008 94 NOTICE of Attorney Appearance by Michael Scott Fuller on behalf of FreeFi Networks, Inc. (Fuller, Michael) (Entered: 09/15/2008)
- 09/15/2008 95 Defendant FreeFi Networks, Inc.'s Second Unopposed Application for Extension of Time to Answer Complaint.( Fuller, Michael) (Entered: 09/15/2008)
- 09/15/2008 96 Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re Ramada Worldwide, Inc.( Stein, David) (Entered: 09/15/2008)
- 09/15/2008 97 ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Mail Boxes Etc., Inc..(Sayles, Richard) (Entered: 09/15/2008)
- 09/15/2008 98 NOTICE of Attorney Appearance by Cynthia Lopez Beverage on behalf of LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 09/15/2008)
- 09/15/2008 99 CORPORATE DISCLOSURE STATEMENT filed by Mail Boxes Etc., Inc. identifying Corporate Parent United Parcel Service of America, Inc. for Mail Boxes Etc., Inc.. (Sayles, Richard) (Entered: 09/15/2008)
- 09/15/2008 100 NOTICE of Attorney Appearance by Eve L Henson on behalf of Mail Boxes Etc., Inc. (Henson, Eve) (Entered: 09/15/2008)
- 09/15/2008 101 ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Marriott International, Inc..(Guaragna, John) (Entered: 09/15/2008)
- 09/15/2008 -- Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for FreeFi Networks, Inc. to 9/22/2008. 7 Days Granted for Deadline Extension.( sm, ) (Entered: 09/15/2008)
- 09/15/2008 102 CORPORATE DISCLOSURE STATEMENT filed by Marriott International, Inc. (Guaragna, John) (Entered: 09/15/2008)
- 09/15/2008 -- Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Ramada Worldwide, Inc. to 9/19/2008. 4 Days Granted for Deadline Extension.( sm, ) (Entered: 09/15/2008)
- 09/15/2008 103 ANSWER to 1 Complaint by InterContinental Hotels Group PLC.(Guaragna, John) (Entered: 09/15/2008)
- 09/15/2008 104 Wayport, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Wayport, Inc..(Villarreal, Jose) (Entered: 09/15/2008)
- 09/15/2008 105 CORPORATE DISCLOSURE STATEMENT filed by InterContinental Hotels Group PLC (Guaragna, John) (Entered: 09/15/2008)
- 09/15/2008 106 ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Barnes & Noble Booksellers, Inc..(Sayles, Richard) (Entered: 09/15/2008)
- 09/15/2008 107 CORPORATE DISCLOSURE STATEMENT filed by Barnes & Noble Booksellers, Inc. identifying Corporate Parent Barnes & Noble, Inc. for Barnes & Noble Booksellers, Inc.. (Sayles, Richard) (Entered: 09/15/2008)
- 09/15/2008 108 McDonald's Corp.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by McDonalds Corp..(Villarreal, Jose) (Entered: 09/15/2008)
- 09/15/2008 109 NOTICE of Attorney Appearance by Eve L Henson on behalf of Barnes & Noble Booksellers, Inc. (Henson, Eve) (Entered: 09/15/2008)
- 09/15/2008 110 Meraki, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Meraki, Inc..(Villarreal, Jose) (Entered: 09/15/2008)
- 09/15/2008 111 Best Western International, Inc.'s Answer to Plaintiff's Complaint and Counterclaims - ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Best Western International, Inc..(Joe, Christopher) (Entered: 09/15/2008)
- 09/15/2008 112 CORPORATE DISCLOSURE STATEMENT filed by Best Western International, Inc. (Joe, Christopher) (Entered: 09/15/2008)
- 09/15/2008 113 CORPORATE DISCLOSURE STATEMENT filed by McDonalds Corp. (Villarreal, Jose) (Entered: 09/15/2008)
- 09/15/2008 114 Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re Pronto Networks, Inc..( Villarreal, Jose) (Entered: 09/15/2008)

- 09/16/2008 -- Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Pronto Networks, Inc. to 9/19/2008. 4 Days Granted for Deadline Extension.( sm, ) (Entered: 09/16/2008)
- 09/16/2008 115 CORPORATE DISCLOSURE STATEMENT filed by Aptilo Networks, Inc. identifying Corporate Parent Aptilo Networks AB for Aptilo Networks, Inc.. (Siebman, Clyde) (Entered: 09/16/2008)
- 09/16/2008 116 CORPORATE DISCLOSURE STATEMENT filed by Meraki, Inc. (Tyler, Marvin) (Entered: 09/16/2008)
- 09/17/2008 117 CORPORATE DISCLOSURE STATEMENT (Deutsche Telecom AG is parent corporation) filed by T-Mobile USA, Inc. (Beck, David) Modified on 9/19/2008 (sm, ). (Entered: 09/17/2008)
- 09/17/2008 118 CORPORATE DISCLOSURE STATEMENT filed by Wayport, Inc. (Villarreal, Jose) (Entered: 09/17/2008)
- 09/17/2008 134 APPLICATION to Appear Pro Hac Vice by Attorney Mark E Ungerman for LodgeNet Interactive Corporation. (APPROVED)(FEE PAID) 2-1-4088 (ch, ) (Entered: 09/24/2008)
- 09/18/2008 119 Linksmart's REPLY to LodgeNet's COUNTERCLAIM ANSWER to 84 Answer to Complaint, Counterclaim of LodgeNet Interactive Corp. by Linksmart Wireless Technology, LLC. (Fenster, Marc) (Entered: 09/18/2008)
- 09/18/2008 127 APPLICATION to Appear Pro Hac Vice by Attorney Michael D Broaddus for iBAHN General Holdings Corp., David J Burman for iBAHN General Holdings Corp., Kameron Parvin for iBAHN General Holdings Corp. RECEIPT 6-1-15221. (Attachments: # 1 PHV David Burman, # 2 PHV Kameron Parvin)(rml, ) (Entered: 09/22/2008)
- 09/19/2008 120 Ramada Worldwide, Inc.'s ANSWER to 1 Complaint filed by Linksmart Wireless Technology, LLC , COUNTERCLAIM against Linksmart Wireless Technology, LLC by Ramada Worldwide, Inc..(Hunt, Dean) (Entered: 09/19/2008)
- 09/19/2008 121 CORPORATE DISCLOSURE STATEMENT filed by Ramada Worldwide, Inc. (Hunt, Dean) (Entered: 09/19/2008)
- 09/19/2008 122 Pronto Networks, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Pronto Networks, Inc..(Villarreal, Jose) (Entered: 09/19/2008)
- 09/22/2008 123 ANSWER to 1 Complaint, COUNTERCLAIM against all plaintiffs by FreeFi Networks, Inc.. (Fuller, Michael) (Entered: 09/22/2008)
- 09/22/2008 124 MOTION to Dismiss by AT&T Mobility, LLC. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) Modified on 9/25/2008 (rml, ). (Entered: 09/22/2008)
- 09/22/2008 125 CORPORATE DISCLOSURE STATEMENT filed by AT&T Mobility, LLC identifying Corporate Parent AT&T Inc. for AT&T Mobility, LLC. (Sayles, Richard) (Entered: 09/22/2008)
- 09/22/2008 126 NOTICE of Attorney Appearance by Eve L Henson on behalf of AT&T Mobility, LLC (Henson, Eve) (Entered: 09/22/2008)
- 09/22/2008 128 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Fenster, Marc) (Entered: 09/22/2008)
- 09/23/2008 129 CORPORATE DISCLOSURE STATEMENT filed by AT&T Mobility, LLC identifying Other Affiliate AT&T Mobility Corporation, Other Affiliate SBC Long Distance, LLC, Other Affiliate SBC Alloy Holdings, Inc., Other Affiliate BLS Cingular Holdings, LLC, Other Affiliate BellSouth Mobile Data, Inc. for AT&T Mobility, LLC. (Sayles, Richard) (Entered: 09/23/2008)
- 09/23/2008 130 CORPORATE DISCLOSURE STATEMENT filed by Pronto Networks, Inc. (Tyler, Marvin) (Entered: 09/23/2008)
- 09/23/2008 132 APPLICATION to Appear Pro Hac Vice by Attorney John D Kinton for Marriott International, Inc. and InterContinental Hotels Group PLC. (APPROVED)(FEE PAID) 2-1-4098 (ch, ) (Entered: 09/24/2008)
- 09/23/2008 133 APPLICATION to Appear Pro Hac Vice by Attorney Erin Penning for Marriott International, Inc. and InterContinental Hotels Group PLC. (APPROVED)(FEE PAID) 2-1-4098 (ch, ) (Entered: 09/24/2008)
- 09/24/2008 131 ORDER granting 128 Dismissal of Claims against AT&T, Mobility Inc. are hereby DISMISSED WITHOUT PREJUDICE. Signed by Judge T. John Ward on 9/24/08. (ch, ) Modified on 9/25/2008 (rml, ). (Entered: 09/24/2008)

- 09/24/2008 135 APPLICATION to Appear Pro Hac Vice by Attorney David T Pritikin for Mail Boxes Etc., Inc. and Barnes & Noble Booksellers, Inc. (APPROVED)(FEE PAID) 2-1-4107. (ch, ) (Entered: 09/24/2008)
- 09/24/2008 136 APPLICATION to Appear Pro Hac Vice by Attorney Rachel D Sher for Mail Boxes Etc., Inc. and Barnes & Noble Booksellers, Inc. (APPROVED)(FEE PAID) 2-1-4107. (ch, ) (Entered: 09/24/2008)
- 09/25/2008 -- \*\*\*Document # 131, Order Dismissing AT&T Inc. was linked to Doc 124 MOTION to Dismiss by AT&T Mobility, LLC. rather than doc 128, dismissal of AT&T Inc; AT&T Inc has now been dismissed; AT&T Mobility LLC remains pending.\*\*\* (rml, ) (Entered: 09/25/2008)
- 10/02/2008 137 Linksmart's REPLY to iBahn's Counterclaim ANSWER to 88 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/02/2008)
- 10/02/2008 138 Linksmart's REPLY to Aptilo's Counterclaim ANSWER to 90 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/02/2008)
- 10/03/2008 139 CORPORATE DISCLOSURE STATEMENT filed by LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 10/03/2008)
- 10/06/2008 140 Linksmart REPLY to T-Mobile Counterclaim ANSWER to 91 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 141 Linksmart REPLY to Wayport Counterclaim ANSWER to 104 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 142 Linksmart REPLY to Meraki Counterclaim ANSWER to 110 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 143 Linksmart REPLY to Mail Boxes Etc Counterclaim ANSWER to 97 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 144 Linksmart REPLY to McDonalds Counterclaim ANSWER to 108 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 145 Linksmart REPLY to BarnesNoble Counterclaim ANSWER to 106 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 146 Linksmart REPLY to Best Westrn Counterclaim ANSWER to 111 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/06/2008 147 Linksmart REPLY to Marriott International Counterclaim ANSWER to 101 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)
- 10/07/2008 148 Joint MOTION to Dismiss AT&T Mobility, LLC Without Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order re Joint Motion for Voluntary Dismissal of AT&T Mobility, LLC Without Prejudice)(Fenster, Marc) (Entered: 10/07/2008)
- 10/08/2008 149 ORDER granting 148 Motion to Dismiss. AT&T Mobility LLC is DISMISSED WITHOUT PREJUDICE. And the Motion to Dismiss filed on 9/22/08 124 is taken off calendar. Signed by Judge T. John Ward on 10/8/08. (ch, ) Modified on 10/8/2008 to correct text to read dismissed without prejudice (ehs, ). (Entered: 10/08/2008)
- 10/09/2008 150 Linksmart's REPLY to Ramada's Counterclaim ANSWER to 120 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/09/2008)
- 10/09/2008 151 Linksmart's REPLY to Pronto's Counterclaim ANSWER to 122 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/09/2008)
- 10/14/2008 152 Linksmart's REPLY to Freefi Networks' Counterclaim ANSWER to 123 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc)



(Entered: 10/14/2008)

- 10/16/2008 153 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Second Rule LLC served on 10/8/2008, answer due 10/28/2008. (ehs, ) (Entered: 10/16/2008)
- 10/30/2008 154 APPLICATION to Appear Pro Hac Vice by Attorney Noah A Levine for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4198. (ch, ) (Entered: 10/30/2008)
- 10/30/2008 155 APPLICATION to Appear Pro Hac Vice by Attorney David B Bassett for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4197. (ch, ) (Entered: 10/30/2008)
- 10/30/2008 156 APPLICATION to Appear Pro Hac Vice by Attorney James P Barabas for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4196. (ch, ) (Entered: 10/30/2008)
- 11/03/2008 157 APPLICATION to Appear Pro Hac Vice by Attorney William F Lee for T-Mobile USA, Inc. APPROVED (Rec# 2-1-4208 (poa, ) (Entered: 11/05/2008)
- 11/17/2008 158 APPLICATION to Appear Pro Hac Vice by Attorney Christina J Moser for EthoStream, LLC, Ramada Worldwide, Inc. and EthoStream, LLC. (APPROVED FEE PAID 2-1-4227) (ehs, ) (Entered: 11/17/2008)
- 11/21/2008 159 APPLICATION to Appear Pro Hac Vice by Attorney Kirk R Ruthenberg for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4252. (ch, ) (Entered: 11/21/2008)
- 11/21/2008 160 APPLICATION to Appear Pro Hac Vice by Attorney Kirk R Ruthenberg for T-Mobile USA, Inc.. (APPROVED FEE PAID 2-1-4252) (ehs, ) (Entered: 11/21/2008)
- 12/09/2008 161 STIPULATION of Dismissal of Intercontinental Hotels Group PLC by Linksmart Wireless Technology, LLC, InterContinental Hotels Group PLC. (Attachments: # 1 Text of Proposed Order)(Guaragna, John) (Entered: 12/09/2008)
- 12/12/2008 162 ORDER - granting 161 Stipulation of Dismissal. Intercontinental Hotels Group PLC is dismissed without prejudice. Signed by Judge T. John Ward on 12/12/08. (ch, ) (Entered: 12/12/2008)
- 12/22/2008 163 NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 12/22/2008)
- 01/14/2009 164 NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)
- 01/23/2009 165 Joint MOTION to Consolidate Cases by T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Beck, David) (Entered: 01/23/2009)
- 01/23/2009 166 NOTICE of Attorney Appearance by Rachel D Sher on behalf of Wayport, Inc. (Sher, Rachel) (Entered: 01/23/2009)
- 01/26/2009 167 NOTICE of Attorney Appearance by Richard T McCaulley, Jr on behalf of Wayport, Inc. (McCaulley, Richard) (Entered: 01/26/2009)
- 01/27/2009 168 NOTICE of Attorney Appearance by David T Pritikin on behalf of Wayport, Inc. (Pritikin, David) (Entered: 01/27/2009)
- 01/27/2009 169 Unopposed MOTION to Withdraw as Attorney by Wayport, Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order)(Tyler, Marvin) (Entered: 01/27/2009)
- 01/28/2009 170 ORDER granting 169 Motion to Withdraw as Attorney. Attorney Marvin Craig Tyler and Jose Carlos Villarreal terminated as counsel for deft Wayport Inc. Signed by Magistrate Judge Charles Everingham on 1/28/09. (ehs, ) (Entered: 01/28/2009)
- 01/29/2009 171 NOTICE of Attorney Appearance by Michael Ernest Richardson on behalf of T-Mobile USA, Inc. (Richardson, Michael) (Entered: 01/29/2009)
- 01/29/2009 172 NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of Wayport, Inc. (Sayles, Richard) (Entered: 01/29/2009)
- 01/29/2009 173 NOTICE of Attorney Appearance by Eve L Henson on behalf of Wayport, Inc. (Henson, Eve) (Entered: 01/29/2009)
- 01/30/2009 175 APPLICATION to Appear Pro Hac Vice by Attorney Brian C Bianco for Mail Boxes Etc., Inc., Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., Wayport, Inc. and Barnes & Noble Booksellers, Inc.. (APPROVED FEE PAID) 2-1-4459 (ch, ) (Entered: 02/05/2009)
- 02/03/2009 174 ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John Ward on 2/2/09. (ch, ) (Entered: 02/03/2009)

- 02/09/2009 176 Unopposed MOTION to Withdraw as Attorney by Mail Boxes Etc., Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 02/09/2009)
- 02/11/2009 177 ORDER granting 176 Motion to Withdraw as Attorney. Attorney Michael Charles Smith terminated as counsel for Mail Boxes, Etc. Signed by Magistrate Judge Charles Everingham on 2/11/09. (ch, ) (Entered: 02/11/2009)
- 02/13/2009 178 APPLICATION to Appear Pro Hac Vice by Attorney Peter M Diciara for T-Mobile USA, Inc. (APPROVED FEE PAID) 2-1-4493. (ch, ) (Entered: 02/13/2009)
- 02/18/2009 179 Request by Linksmart Wireless Technology, LLC for Clerk's Entry of Default against Second Rule LLC, Hot Point Wireless, Inc.. (Weiss, Andrew) (Additional attachment(s) added on 2/19/2009: # 1 Clerks Entry of Default) (sm, ). (Entered: 02/18/2009)
- 02/18/2009 180 Additional Attachments to Main Document: 179 Request for Entry of Default by Clerk.. (Attachments: # 1 Exhibit A)(Weiss, Andrew) (Entered: 02/18/2009)
- 02/19/2009 181 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Weiss, Andrew) (Additional attachment(s) added on 2/19/2009: # 1 Text of Proposed Order) (sm, ). (Entered: 02/19/2009)
- 02/23/2009 182 \*\*\*FILED IN ERROR. CASE IS NO LONGER JUDGE WARD'S PER ORDER #174 REASSIGNING CASE TO JUDGE FOLSOM\*\*\* Order - granting 181 Notice of Voluntary Notice of Dismissal. All claims asserted between Linksmart and NetNearU Corp are hereby DISMISSED WITHOUT PREJUDICE. All attorney's fees and costs are to be borne by the party that incurred them. Signed by Judge T. John Ward on 2/23/09. (ch, ) Modified on 2/24/2009 (ch, ). (Entered: 02/23/2009)
- 02/23/2009 183 Clerk's ENTRY OF DEFAULT as to Hot Point Wireless, Inc. (ehs, ) (Entered: 02/23/2009)
- 02/24/2009 184 ORDER OF DISMISSAL WITHOUT PREJUDICE re 181 Notice of Voluntary Dismissal filed by Linksmart Wireless Technology, LLC, ORDERED, ADJUDGED and DECREED that all claims asserted in this suit between Linksmart and Netnearu are hereby dismissed without prejudice.. Signed by Judge David Folsom on 2/23/09. (mrm, ) (Entered: 02/24/2009)
- 02/27/2009 185 MOTION for Default Judgment as to Hot Point Wireless, Inc. and Second Rule, LLC by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 02/27/2009)
- 04/10/2009 186 NOTICE of Attorney Appearance by David T Pritikin on behalf of McDonalds Corp. (Pritikin, David) (Entered: 04/10/2009)
- 04/10/2009 187 NOTICE of Attorney Appearance by Richard T McCaulley, Jr on behalf of McDonalds Corp. (McCaulley, Richard) (Entered: 04/10/2009)
- 04/10/2009 188 NOTICE of Attorney Appearance by Rachel D Sher on behalf of McDonalds Corp. (Sher, Rachel) (Entered: 04/10/2009)
- 04/10/2009 189 NOTICE of Attorney Appearance by Brian C Bianco on behalf of McDonalds Corp. (Bianco, Brian) (Entered: 04/10/2009)
- 04/22/2009 190 NOTICE of Change of Address by John M Guaragna (Guaragna, John) (Entered: 04/22/2009)
- 04/23/2009 191 Unopposed MOTION to Withdraw as Attorney by McDonalds Corp.. (Attachments: # 1 Text of Proposed Order Proposed Order)(Tyler, Marvin) (Entered: 04/23/2009)
- 04/24/2009 192 ORDER granting 191 Motion to Withdraw as Attorney. Attorney Marvin Craig Tyler and Jose Carlos Villarreal terminated as counsel for McDonald's Corp. Signed by Magistrate Judge Charles Everingham on 4/24/09. (ehs, ) (Entered: 04/24/2009)
- 05/01/2009 193 ORDER granting 165 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch, ) (Entered: 05/01/2009)
- 05/04/2009 194 NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml, ) (Entered: 05/04/2009)
- 05/06/2009 195 Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order, and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than May 27, 2009. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch, ) (Entered: 05/06/2009)
- 05/06/2009 196 NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of McDonalds Corp.

- (Sayles, Richard) (Entered: 05/06/2009)
- 05/06/2009 197 NOTICE of Attorney Appearance by Eve L Henson on behalf of McDonalds Corp. (Henson, Eve) (Entered: 05/06/2009)
- 05/06/2009 198 NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of McDonalds Corp. (Strachan, Mark) (Entered: 05/06/2009)
- 05/06/2009 199 NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Mail Boxes Etc., Inc. (Strachan, Mark) (Entered: 05/06/2009)
- 05/06/2009 200 NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Barnes & Noble Booksellers, Inc. (Strachan, Mark) (Entered: 05/06/2009)
- 05/06/2009 201 NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Wayport, Inc. (Strachan, Mark) (Entered: 05/06/2009)
- 05/29/2009 202 NOTICE of Attorney Appearance by Jennifer Parker Ainsworth on behalf of LodgeNet Interactive Corporation (Ainsworth, Jennifer) (Entered: 05/29/2009)
- 05/29/2009 203 Unopposed MOTION to Withdraw as Attorney by Locke Lord Bissell & Liddell LLP by FreeFi Networks, Inc.. (Attachments: # 1 Exhibit Proposed Order)(Fuller, Michael) (Entered: 05/29/2009)
- 06/01/2009 204 REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm, ). (Entered: 06/01/2009)
- 06/03/2009 205 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009; (Court Reporter Susan Simmons, CSR.) (jml, ) (Entered: 06/04/2009)
- 06/05/2009 206 APPLICATION to Appear Pro Hac Vice by Attorney Gregory Lyons for Choice Hotels International Inc. (APPROVED FEE PAID) 2-1-4733. (ch, ) (Entered: 06/05/2009)
- 06/05/2009 207 APPLICATION to Appear Pro Hac Vice by Attorney Kevin P Anderson for Choice Hotels International Inc. (APPROVED FEE PAID) 2-1-4733. (ch, ) (Entered: 06/05/2009)
- 06/08/2009 208 ORDER granting 203 Motion to Withdraw as Attorney. Attorney John W MacPete; Michael Scott Fuller and Roy William Hardin terminated as counsel for FreeFi. Accordingly, the court, sua sponte, provides FreeFi thirty days in which to retain counsel in the above matter. Should FreeFi not retain counsel by that date, the plaintiff is ordered to notify the court. Signed by Magistrate Judge Charles Everingham on 6/8/09. (ch, ) (Entered: 06/08/2009)
- 06/17/2009 209 MOTION for Extension of Time to File Joint Motion to Extend Deadline for Submission of Proposed Protective Order by T-Mobile USA, Inc., Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 06/17/2009)
- 06/24/2009 210 ORDER granting 209 Motion for Extension of Time for Submission of Proposed Protective Order. Deadline extended to 6/24/09. Signed by Magistrate Judge Charles Everingham on 6/24/09. (ehs, ) (Entered: 06/24/2009)
- 06/24/2009 211 Joint MOTION for Extension of Time to File Joint Motion to Extend Deadline for Submission of Proposed Protective Order by T-Mobile USA, Inc., Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 06/24/2009)
- 06/26/2009 212 JOINT GENERAL DISCOVERY ORDER. Signed by Magistrate Judge Charles Everingham on 6/26/09. (ehs, ) (Entered: 06/26/2009)
- 06/26/2009 213 DOCKET CONTROL ORDER - Joinder of Parties due by 11/13/2009., Markman Hearing set for 5/25/2010 09:00 AM before Magistrate Judge Charles Everingham., Motions due by 11/19/2010., Pretrial Order due by 2/18/2011., Scheduling Conference set for 6/3/2009 10:00 AM before Judge David Folsom. Signed by Magistrate Judge Charles Everingham on 6/26/09. (ehs, ) (Entered: 06/26/2009)
- 06/26/2009 214 ORDER granting 211 Motion for Extension of Time to File. Deadline for submission of a proposed protective order is extended until July 1,2009. Signed by Magistrate Judge Charles Everingham on 6/26/09. (ehs, ) (Entered: 06/26/2009)
- 07/01/2009 215 Joint MOTION for Extension of Time to File and to Extend Deadline for Submission of the Name of an Agreed Mediator by T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order Granting Joint Motion to Extend Deadline for Submission of the Name of an Agreed Mediator)(Richardson, Michael) Modified on 7/1/2009 (sm, ). (Entered: 07/01/2009)
- 07/01/2009 216 \*\*\*FILED IN ERROR. ORDERS ARE NOT FILED SEPARATELY. PLEASE IGNORE.\*\*\*

- Submission of Proposed Agreed Protective order by Linksmart Wireless Technology, LLC. (Weiss, Andrew) Modified on 7/2/2009 (ch, ). (Entered: 07/01/2009)
- 07/02/2009 217 ORDER granting 215 Motion for Extension of Time to File. Deadline for submission of the name of an agreed mediator is extended until July 27,2009. Signed by Magistrate Judge Charles Everingham on 7/2/09. (ch, ) (Entered: 07/02/2009)
- 07/02/2009 -- NOTICE of Deficiency regarding the 216 submitted by Linksmart Wireless Technology, LLC. Order not filed as separate document. Correction should be made by one business day (ch, ) (Entered: 07/02/2009)
- 07/02/2009 218 NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Compliance re PR 3-1 and 3-2 Disclosures (Weiss, Andrew) (Entered: 07/02/2009)
- 07/02/2009 219 \*\*\*DEFICIENT DOCUMENT. USED WRONG EVENT. PLEASE IGNORE. Submission of Proposed Agreed Protective order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) Modified on 7/6/2009 (ch, ). (Entered: 07/02/2009)
- 07/06/2009 -- NOTICE of Deficiency regarding the 219 submitted by Linksmart Wireless Technology, LLC. Joint Motion filed under wrong event.. Correction should be made by one business day (ch, ) (Entered: 07/06/2009)
- 07/06/2009 220 \*\*\*REPLACES # 219 \*\*\* Agreed MOTION for Protective Order for Entry of Protective Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order [Proposed] Agreed Protective Order)(Weiss, Andrew) Modified on 7/6/2009 (ch, ). (Entered: 07/06/2009)
- 07/08/2009 221 Unopposed MOTION for Extension of Time to File - Extending Time Allowed for Freefi to Retain Counsel by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 07/08/2009)
- 07/13/2009 222 AGREED PROTECTIVE ORDER 220 Motion for Protective Order. Signed by Magistrate Judge Charles Everingham on July 13, 2009. (jml) (Entered: 07/13/2009)
- 07/13/2009 223 ORDER granting 221 Motion for Extension of Time to File. Signed by Magistrate Judge Charles Everingham on July 13, 2009. (jml) (Entered: 07/13/2009)
- 07/21/2009 224 APPLICATION to Appear Pro Hac Vice by Attorney Joyce Chen for T-Mobile USA, Inc. and Cisco Systems, Inc.. (APPROVED, FEE PAID 2-1-4827) (ehs, ) (Entered: 07/21/2009)
- 07/27/2009 225 Joint MOTION Appointment of Mediator by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 07/27/2009)
- 07/27/2009 226 NOTICE of Attorney Appearance by Aden Martin Allen on behalf of Pronto Networks, Inc., Meraki, Inc. (Allen, Aden) (Entered: 07/27/2009)
- 07/28/2009 227 ORDER REFERRING CASE to Mediator. James W Knowles added as Mediator. Signed by Magistrate Judge Charles Everingham on July 28, 2009. (jml) (Entered: 07/28/2009)
- 08/06/2009 228 Unopposed MOTION to Withdraw as Attorney by McDonalds Corp., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Henson, Eve) (Entered: 08/06/2009)
- 08/06/2009 229 Unopposed MOTION for Extension of Time to File Allowed for Freefi to Retain Counsel by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/06/2009)
- 08/07/2009 230 ORDER granting 229 Motion for Extension of Time Allowed for Freefi to Retain Counsel. Signed by Magistrate Judge Charles Everingham on August 7, 2009. (jml) (Entered: 08/07/2009)
- 08/07/2009 231 \*\*\*DEFICIENT DOCUMENT. NOT IN PDF SEARCHABLE FORMAT. PLEASE IGNORE.\*\*\* Unopposed MOTION to Withdraw as Attorney by LodgeNet Interactive Corporation. (Socks, Harold) Modified on 8/7/2009 (ch, ). (Entered: 08/07/2009)
- 08/07/2009 -- NOTICE of Deficiency regarding the 231 submitted by LodgeNet Interactive Corporation. NOT IN PDF SEARCHABLE FORMAT. Correction should be made by 8/7/09 (ch, ) (Entered: 08/07/2009)
- 08/07/2009 232 \*\*\*REPLACES # 231 \*\*\* Unopposed MOTION to Withdraw as Attorney by LodgeNet Interactive Corporation. (Attachments: # 1 Text of Proposed Order Order Granting Unopposed Motion for Withdrawal)(Socks, Harold) Modified on 8/11/2009 (ch, ). (Entered: 08/07/2009)
- 08/10/2009 233 ORDER granting 228 Motion to Withdraw as Attorney. Attorney Richard T McCaulley, Jr terminated as counsel for Dft's SBC Internet Services, Inc., McDonalds Corp., and

- Wayport, Inc. Signed by Magistrate Judge Charles Everingham on 8/7/09. (ch, ) (Entered: 08/10/2009)
- 08/14/2009 234 APPLICATION to Appear Pro Hac Vice by Attorney Lisa A Schneider for Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc. and SBC Internet Services, Inc. (APPROVED FEE PAID) 2-1-4865. (ch, ) (Entered: 08/14/2009)
- 08/18/2009 235 APPLICATION to Appear Pro Hac Vice by Attorney Robin Lynn Brewer for Meraki, Inc. (APPROVED FEE PAID) 2-1-4871. (ch, ) (Entered: 08/19/2009)
- 08/19/2009 236 NOTICE of Attorney Appearance by Robert David Daniel on behalf of T-Mobile USA, Inc. (Daniel, Robert) (Entered: 08/19/2009)
- 08/28/2009 237 NOTICE of Disclosure by Pronto Networks, Inc. (Allen, Aden) (Entered: 08/28/2009)
- 08/28/2009 238 NOTICE of Disclosure by Choice Hotels International Inc. of Rule 26 Initial Disclosures (Smith, Michael) (Entered: 08/28/2009)
- 08/28/2009 239 Unopposed MOTION for Extension of Time to Complete Discovery , to Serve Initial Disclosures by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 08/28/2009)
- 08/28/2009 240 NOTICE of Disclosure by EthoStream, LLC (Hunt, Dean) (Entered: 08/28/2009)
- 08/28/2009 241 NOTICE of Disclosure by Ramada Worldwide, Inc. (Hunt, Dean) (Entered: 08/28/2009)
- 08/28/2009 242 NOTICE of Disclosure by LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 08/28/2009)
- 08/28/2009 243 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Initial Disclosures (Jones, Michael) (Entered: 08/28/2009)
- 08/28/2009 244 NOTICE of Disclosure by Meraki, Inc. (Brewer, Robin) (Entered: 08/28/2009)
- 08/28/2009 245 NOTICE by Marriott International, Inc. of Compliance re Initial Disclosures (Guaragna, John) (Entered: 08/28/2009)
- 08/28/2009 246 NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance re Initial Disclosures (Guaragna, John) (Entered: 08/28/2009)
- 08/28/2009 247 NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Rule 26 Initial Disclosure (Weiss, Andrew) (Entered: 08/28/2009)
- 08/28/2009 248 Consent MOTION for Extension of Time to File Initial Disclosures by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Siebman, Clyde) (Entered: 08/28/2009)
- 08/31/2009 249 NOTICE of Disclosure by T-Mobile USA, Inc., Cisco Systems, Inc. (Notice of Filing Rule 26 Initial Disclosures) (Daniel, Robert) (Entered: 08/31/2009)
- 08/31/2009 250 ORDER granting 239 Motion for Extension of Time to Complete Discovery. Defendants serve their Initial Disclosures on or before September 11, 2009.. Signed by Magistrate Judge Charles Everingham on 8/31/09. (ehs, ) (Entered: 08/31/2009)
- 08/31/2009 251 ORDER granting 248 Motion for Extension of Time to File Defendants Initial Disclosures on or before September 11, 2009.. Signed by Magistrate Judge Charles Everingham on 8/31/09. (ehs, ) (Entered: 08/31/2009)
- 09/01/2009 252 NOTICE of Disclosure by Best Western International, Inc. Notice of Compliance With Rule 26 by Best Western International, Inc. (Joe, Christopher) (Entered: 09/01/2009)
- 09/04/2009 253 MOTION to Dismiss Defendant Freefi Networks, Inc. by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 09/04/2009)
- 09/09/2009 254 ORDER granting 253 Motion to Dismiss Dft Freefi Networks, Inc.. Signed by Judge David Folsom on 9/9/2009. (sm, ) (Entered: 09/09/2009)
- 09/09/2009 255 REPORT AND RECOMMENDATIONS recommending 185 MOTION for Default Judgment as to Hot Point Wireless, Inc. and Second Rule, LLC filed by Linksmart Wireless Technology, LLC be granted. Signed by Magistrate Judge Charles Everingham on 9/9/09. (ehs, ) (Entered: 09/09/2009)
- 09/09/2009 256 ORDER granting 185 Motion for Default Judgment. Because the sum of damages is not certain, Linksmart is entitled to take discovery from Hot Point Wireless, Inc. (Hot Point) and Second Rule LLC (Second Rule) to determine the appropriate amount of compensatory damages as a result of their infringement of the 118 patent. The Court will determine a schedule to allow Linksmart to conduct such discovery. The Court will then hold a hearing to determine the exact amount of damages, pre- and post-judgment

- interest, attorneys fees and costs, and expenses to which Linksmart is entitled as a result of Hot Points and Second Rules infringement of the 118 patent. Signed by Magistrate Judge Charles Everingham on 9/9/09. (ehs, ) (Entered: 09/09/2009)
- 09/11/2009 257 NOTICE by Wayport, Inc., SBC Internet Services, Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)
- 09/11/2009 258 NOTICE by Barnes & Noble Booksellers, Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)
- 09/11/2009 259 NOTICE by Mail Boxes Etc., Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)
- 09/11/2009 260 NOTICE by McDonalds Corp. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)
- 09/14/2009 261 NOTICE of Disclosure by Aptilo Networks, Inc. (Initial Disclosures) (Siebman, Clyde) (Entered: 09/14/2009)
- 09/18/2009 262 Unopposed MOTION for Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Marriott International, Inc., Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc. (Attachments: # 1 Text of Proposed Order)(Guaragna, John) (Entered: 09/18/2009)
- 09/21/2009 263 Unopposed MOTION for Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Choice Hotels International Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 09/21/2009)
- 09/22/2009 264 ORDER granting 262 Motion Unopposed Motion for Extension of Time to Serve Invalidation Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/22/09. (ch, ) (Entered: 09/22/2009)
- 09/22/2009 265 Unopposed MOTION for Extension of Time to File Best Western International, Inc.'s Unopposed Motion for Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 09/22/2009)
- 09/22/2009 266 Unopposed MOTION Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 09/22/2009)
- 09/22/2009 267 \*\*\*FILED IN ERROR. NOT IN PDF SEARCHABLE FORMAT AND NO ORDER ATTACHED. PLEASE IGNORE.\*\*\* MOTION for Extension of Time to Complete Discovery Unopposed Motion for Extension of Time to Serve Invalidation Contentions by iBAHN General Holdings Corp.. (Broadus, Michael) Modified on 9/23/2009 (ch, ). (Entered: 09/22/2009)
- 09/22/2009 268 Unopposed MOTION for Extension of Time to File Invalidation Contentions and Accompanying Document Production by Ramada Worldwide, Inc.. (Attachments: # 1 Text of Proposed Order)(Hunt, Dean) (Additional attachment(s) added on 9/23/2009: # 2 REVISED ORDER) (ch, ). (Entered: 09/22/2009)
- 09/22/2009 269 Unopposed MOTION for Extension of Time to File Invalidation Contentions and Accompanying Document Production by EthoStream, LLC. (Attachments: # 1 Text of Proposed Order)(Hunt, Dean) (Additional attachment(s) added on 9/23/2009: # 2 REVISED ORDER) (ch, ). (Entered: 09/22/2009)
- 09/22/2009 270 Unopposed MOTION Motion for Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 09/22/2009)
- 09/23/2009 -- \*\*\*FILED IN ERROR. NOT IN PDF SEARCHABLE FORMAT AND NO ORDER ATTACHED Document # 267, Motion for Extension of Time. PLEASE IGNORE.\*\*\* (ch, ) (Entered: 09/23/2009)
- 09/23/2009 271 Unopposed MOTION For Extension of Time to Serve Invalidation Contentions and Accompanying Document Production by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Siebman, Clyde) (Entered: 09/23/2009)
- 09/23/2009 272 Unopposed MOTION for Extension of Time to File /Serve Invalidation Contentions and Accompanying Document Production by T-Mobile USA, Inc., LodgeNet Interactive Corporation, Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Daniel, Robert) (Entered: 09/23/2009)
- 09/23/2009 273 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidation Contentions and Accompanying Document Production by Mail Boxes Etc., Inc., McDonalds

- Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 09/23/2009)
- 09/23/2009 274 \*\*\*REPLACES # 267 \*\*\* Unopposed MOTION for Extension of Time to Complete Discovery with regarding to Invalidity Contentions by iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) Modified on 9/24/2009 (ch, ). (Entered: 09/23/2009)
- 09/24/2009 275 ORDER granting 266 Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/15/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 276 ORDER granting 265 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Best Western International Inc deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 277 ORDER granting 263 Unopposed Motion for extension of time to Serve Invalidity Contentions and Accompanying Document Production. Choice Hotels International Inc. deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 278 ORDER granting 232 Motion to Withdraw as Attorney. Attorney Harold L Socks terminated as counsel for LodgeNet Interactive Corp.. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 279 ORDER granting 274 Motion for Extension of Time to Complete Discovery. Deadline is 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 280 ORDER granting 273 Motion for Extension of Time to Complete Discovery. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 281 ORDER granting 272 Motion for Extension of Time to Serve Invalidity Contentions. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 282 ORDER granting 271 Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 283 ORDER granting 270 Motion Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 284 ORDER granting 269 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 09/24/2009 285 ORDER granting 268 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch, ) (Entered: 09/24/2009)
- 10/06/2009 286 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidity Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 10/06/2009)
- 10/08/2009 287 ORDER granting 286 Motion for Extension of Time to Complete Discovery. Meraki, Inc. will have through 10/22/09, to serve its invalidity contentions and accompanying document production in accordance with Patent Rules 3-3 and 3-4. Signed by Magistrate Judge Charles Everingham on 10/8/09. (ch, ) (Entered: 10/08/2009)
- 10/08/2009 288 NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. of Invalidity Contentions (Sayles, Richard) (Entered: 10/08/2009)
- 10/08/2009 289 NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance (Invalidity Contentions and Accompanying Document Production) (Guaragna, John) (Entered: 10/08/2009)
- 10/08/2009 290 NOTICE by Marriott International, Inc. of Compliance (Invalidity Contentions and Accompanying Document Production) (Guaragna, John) (Entered: 10/08/2009)

- 10/08/2009 291 NOTICE by EthoStream, LLC of Disclosure of Invalidity Contentions (Hunt, Dean) (Entered: 10/08/2009)
- 10/08/2009 292 NOTICE by Ramada Worldwide, Inc. of Disclosure of Invalidity Contentions (Hunt, Dean) (Entered: 10/08/2009)
- 10/09/2009 293 NOTICE by T-Mobile USA, Inc., Cisco Systems, Inc. (of Service of Patent Rules 3-3 and 3-4 Disclosures) (Daniel, Robert) (Entered: 10/09/2009)
- 10/09/2009 294 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding PR 3-3 and 3-4 (Jones, Michael) (Entered: 10/09/2009)
- 10/09/2009 295 NOTICE of Disclosure by LodgeNet Interactive Corporation under Patent Rules 3-3 and 3-4 (Ungerman, Mark) (Entered: 10/09/2009)
- 10/12/2009 296 NOTICE of Disclosure by Pronto Networks, Inc. (Allen, Aden) (Entered: 10/12/2009)
- 10/12/2009 297 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/12/2009)
- 10/12/2009 298 NOTICE of Disclosure by Best Western International, Inc. Defendant Best Western International, Inc.'s Notice of Compliance Regarding P.R. 3-3 and 3-4 Disclosures (Carpenter, Brian) (Entered: 10/12/2009)
- 10/12/2009 299 NOTICE by Aptilo Networks, Inc. NOTICE OF COMPLIANCE REGARDING P.R. 3-3 AND 3-4 DISCLOSURES (Siebman, Clyde) (Entered: 10/12/2009)
- 10/13/2009 300 NOTICE of Disclosure by Choice Hotels International Inc. Pursuant to PR 3-3 and 3-4 (Smith, Michael) (Entered: 10/13/2009)
- 10/13/2009 301 APPLICATION to Appear Pro Hac Vice by Attorney Elizabeth L Maxeiner for Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc. and SBC Internet Services, Inc. (APPROVED FEE PAID) 2-1-4961. (ch, ) (Entered: 10/14/2009)
- 10/14/2009 302 ORDER granting 297 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through October 21, 2009 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 10/14/09. (ehs, ) (Entered: 10/14/2009)
- 10/20/2009 303 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/20/2009)
- 10/21/2009 304 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidity Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 10/21/2009)
- 10/21/2009 305 AMENDED CORPORATE DISCLOSURE STATEMENT filed by T-Mobile USA, Inc. (Richardson, Michael) Modified on 10/21/2009 (sm, ). (Entered: 10/21/2009)
- 10/21/2009 306 ORDER granting 303 Motion for Extension of Time to Complete Discovery. Deadline extended to 10/30/09. Signed by Magistrate Judge Charles Everingham on 10/21/09. (ehs, ) (Entered: 10/21/2009)
- 10/23/2009 307 ORDER granting 304 Motion for Extension of Time to Complete Discovery. Meraki, Inc. deadline is 11/5/09 to serve its invalidity contentions and accompanying document production in accordance with Patent Rules 3-3 and 3-4. Signed by Magistrate Judge Charles Everingham on 10/23/09. (ch, ) (Entered: 10/23/2009)
- 10/30/2009 308 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/30/2009)
- 11/03/2009 309 NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. (Sayles, Richard) (Entered: 11/03/2009)
- 11/04/2009 310 ORDER granting 308 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through November 20, 2009 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 11/4/09. (ehs, ) (Entered: 11/04/2009)
- 11/04/2009 311 Joint MOTION to Dismiss Meraki, Inc. with Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 11/04/2009)



- 11/05/2009 312 ORDER granting 311 Motion to Dismiss Defendant Meraki of all claims and counterclaims between plaintiff and Meraki. Signed by Judge David Folsom on 11/5/2009. (sm, ) (Entered: 11/05/2009)
- 11/13/2009 313 THIRD PARTY COMPLAINT against BestComm Networks, Inc., Nomadix, Inc., filed by Best Western International, Inc.. (Attachments: # 1 Civil Cover Sheet)(Joe, Christopher) (Entered: 11/13/2009)
- 11/16/2009 314 E-GOV SEALED SUMMONS Issued as to BestComm Networks, Inc., (Attachments: # 1 Nomadix Inc.)(ch, ) (Entered: 11/16/2009)
- 11/17/2009 315 E-GOV SEALED SUMMONS REISSUED as to BestComm Networks, Inc., (Attachments: # 1 Nomadix Inc.)(ch, ) (Entered: 11/17/2009)
- 11/19/2009 316 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 11/19/2009)
- 11/20/2009 317 AMENDED ANSWER to 1 Complaint and , COUNTERCLAIM against Linksmart Wireless Technology, LLC by Ramada Worldwide, Inc.. (Hunt, Dean) (Entered: 11/20/2009)
- 11/20/2009 318 AMENDED ANSWER to 1 Complaint and , COUNTERCLAIM against Linksmart Wireless Technology, LLC by EthoStream, LLC. (Hunt, Dean) (Entered: 11/20/2009)
- 11/24/2009 319 ORDER granting 316 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through December 11, 2009 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 11/24/09. (ehs, ) (Entered: 11/24/2009)
- 11/24/2009 320 NOTICE of Attorney Appearance by Brian Andrew Carpenter on behalf of Best Western International, Inc. (Carpenter, Brian) (Entered: 11/24/2009)
- 11/25/2009 321 NOTICE of Disclosure by Linksmart Wireless Technology, LLC re Local Rule 4.1 (Weiss, Andrew) (Entered: 11/25/2009)
- 11/30/2009 322 NOTICE of Disclosure by T-Mobile USA, Inc., Cisco Systems, Inc. (Daniel, Robert) (Entered: 11/30/2009)
- 11/30/2009 323 NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance with Local Patent Rule 4-1 (Guaragna, John) (Entered: 11/30/2009)
- 11/30/2009 324 NOTICE by Marriott International, Inc. of Compliance with Local Patent Rule 4-1 (Guaragna, John) (Entered: 11/30/2009)
- 11/30/2009 325 NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. re: Compliance with Patent Rule 4-1 (Sayles, Richard) (Entered: 11/30/2009)
- 11/30/2009 326 NOTICE by Pronto Networks, Inc. of Compliance with Local Patent Rule 4-1 (Allen, Aden) (Entered: 11/30/2009)
- 11/30/2009 327 NOTICE of Disclosure by Choice Hotels International Inc. Pursuant to PR 4-1 (Smith, Michael) (Entered: 11/30/2009)
- 12/01/2009 328 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding PR 4-1 Compliance (Jones, Michael) (Entered: 12/01/2009)
- 12/01/2009 329 E-GOV SEALED SUMMONS Returned Executed by Best Western International, Inc.. Nomadix, Inc. served on 11/18/2009, answer due 12/9/2009. (ehs, ) (Entered: 12/01/2009)
- 12/01/2009 330 E-GOV SEALED SUMMONS Returned Executed by Best Western International, Inc.. BestComm Networks, Inc. served on 11/18/2009, answer due 12/9/2009. (ehs, ) (Entered: 12/01/2009)
- 12/01/2009 331 NOTICE by Ramada Worldwide, Inc. of Compliance Regarding Local Patent Rule 4-1 (Hunt, Dean) (Entered: 12/01/2009)
- 12/01/2009 332 NOTICE of Disclosure by EthoStream, LLC of Invalidity Contentions (Hunt, Dean) (Entered: 12/01/2009)
- 12/01/2009 333 Unopposed MOTION to Withdraw as Attorney (Withdrawal of Attorney Michael Herbst) by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Phillips, Lawrence) (Entered: 12/01/2009)
- 12/01/2009 334 NOTICE by Best Western International, Inc. of Compliance Regarding Local Patent Rule 4-1 (Carpenter, Brian) (Entered: 12/01/2009)

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- 12/01/2009 335 NOTICE of Disclosure by Aptilo Networks, Inc. (Phillips, Lawrence) (Entered: 12/01/2009)
- 12/01/2009 336 NOTICE by LodgeNet Interactive Corporation of Compliance with Local Patent Rule 4-1 (Ungerman, Mark) (Entered: 12/01/2009)
- 12/03/2009 337 ORDER granting 333 Motion to Withdraw as Attorney. Attorney Michael T Herbst terminated as counsel for Dft Aptilo Networks, Inc. Signed by Magistrate Judge Charles Everingham on 12/3/09. (ch, ) (Entered: 12/03/2009)
- 12/04/2009 338 APPLICATION to Appear Pro Hac Vice by Attorney Theodore J Koerth for Aptilo Networks, Inc. (APPROVED FEE PAID) 2-1-5066. (ch, ) (Entered: 12/04/2009)
- 12/10/2009 339 ANSWER to 317 Amended Answer to Complaint, Counterclaim of Ramada Worldwide, Inc. by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 12/10/2009)
- 12/10/2009 340 ANSWER to 318 Amended Answer to Complaint, Counterclaim of Ethnostream, LLC by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 12/10/2009)
- 12/10/2009 341 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 12/10/2009)
- 12/11/2009 342 ORDER granting 341 Motion for Extension of Time to Complete Discovery Pronto Networks, Inc. will have through 12/31/09 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 12/11/09. (ch, ) (Entered: 12/11/2009)
- 12/11/2009 343 NOTICE of Attorney Appearance by Elizabeth L DeRieux on behalf of Nomadix, Inc. (DeRieux, Elizabeth) (Entered: 12/11/2009)
- 12/11/2009 344 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Nomadix, Inc..( DeRieux, Elizabeth) (Entered: 12/11/2009)
- 12/11/2009 -- Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Nomadix, Inc. to 1/25/2010. 45 Days Granted for Deadline Extension.( ch, ) (Entered: 12/11/2009)
- 12/11/2009 345 NOTICE by Linksmart Wireless Technology, LLC of Ten Asserted Claims (Weiss, Andrew) (Entered: 12/11/2009)
- 12/17/2009 346 Defendant's Unopposed first Application for Extension of Time to Answer Complaint re BestComm Networks, Inc..( Carrington, Morris) (Entered: 12/17/2009)
- 12/17/2009 -- Defendant's Unopposed First Application for Extension of Time to Answer TP Complaint is GRANTED pursuant to Local Rule CV-12 for BestComm Networks, Inc. to 1/22/2010. 45 Days Granted for Deadline Extension.( sm, ) (Entered: 12/17/2009)
- 12/18/2009 347 NOTICE of Attorney Appearance by Sidney Calvin Capshaw, III on behalf of Nomadix, Inc. (Capshaw, Sidney) (Entered: 12/18/2009)
- 12/18/2009 348 Unopposed MOTION to Continue Extend Docket Control Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 12/18/2009)
- 12/21/2009 349 NOTICE of Attorney Appearance by Alexander Chester Giza on behalf of Linksmart Wireless Technology, LLC (Giza, Alexander) (Entered: 12/21/2009)
- 12/22/2009 350 ORDER granting 348 Motion To Extend Docket Control Order. The deadline for early mediation at Parties' request is changed to February 26, 2010. Signed by Magistrate Judge Charles Everingham on 12/22/09. (ehs, ) (Entered: 12/22/2009)
- 12/31/2009 351 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 12/31/2009)
- 01/05/2010 352 ORDER granting 351 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through January 15, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 1/5/10. (ehs, ) (Entered: 01/05/2010)
- 01/08/2010 353 APPLICATION to Appear Pro Hac Vice by Attorney David J Leonard for BestComm Networks, Inc. (APPROVED FEE PAID) 2-1-5124. (ch, ) (Entered: 01/08/2010)
- 01/13/2010 354 APPLICATION to Appear Pro Hac Vice by Attorney Alexandra B McTague for T-Mobile USA, Inc. and Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-5131. (ch, ) (Entered: 01/13/2010)

- 01/13/2010 355 APPLICATION to Appear Pro Hac Vice by Attorney Jonathan Andron for T-Mobile USA, Inc.. (APPROVED, FEE PAID 2-1-5131) (ehs, ) (Additional attachment(s) added on 1/27/2010: # 1 Confidential Information) (ch, ). (Entered: 01/13/2010)
- 01/15/2010 356 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 01/15/2010)
- 01/21/2010 357 ORDER granting 356 Motion for Extension of Time to Complete Discovery. Defendant Pronto Networks, Inc.s Seventh Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through January 29, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 1/21/10. (ehs, ) (Entered: 01/21/2010)
- 01/22/2010 358 NOTICE by EthoStream, LLC of Joinder and Notice of Compliance Regarding Local Patent Rule 4-2 (Hunt, Dean) (Entered: 01/22/2010)
- 01/22/2010 359 NOTICE by Ramada Worldwide, Inc. of Joinder and Notice of Compliance With Local Patent Rule 4-2 (Hunt, Dean) (Entered: 01/22/2010)
- 01/22/2010 360 \*\*\*FILED IN ERROR, PLEASE IGNORE.\*\*\* NOTICE by Ramada Worldwide, Inc., EthoStream, LLC of Appearance (Hunt, Dean) Modified on 1/25/2010 (sm, ). (Entered: 01/22/2010)
- 01/22/2010 361 NOTICE by Pronto Networks, Inc. of Compliance with Local Patent Rule 4-2 (Allen, Aden) (Entered: 01/22/2010)
- 01/22/2010 362 NOTICE by T-Mobile USA, Inc., Cisco Systems, Inc. (of Service of Patent Rule 4-2 Disclosure) (Daniel, Robert) (Entered: 01/22/2010)
- 01/22/2010 363 NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Preliminary Claim Constructions and Extrinsic Evidence Under P.R. 4-2 (Weiss, Andrew) (Entered: 01/22/2010)
- 01/25/2010 364 NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. re: P.R. 4-2 (Sayles, Richard) (Entered: 01/25/2010)
- 01/25/2010 365 NOTICE of Disclosure by Best Western International, Inc. Notice of Compliance Regarding P.R. 4-2 Disclosures (Joe, Christopher) (Entered: 01/25/2010)
- 01/25/2010 366 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Compliance of PR 4-2 Disclosures (Jones, Michael) (Entered: 01/25/2010)
- 01/25/2010 367 NOTICE by Marriott International, Inc., Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance with Local Patent Rule 4-2 (Guaragna, John) (Entered: 01/25/2010)
- 01/25/2010 -- \*\*\*FILED IN ERROR, WRONG EVENT USED AND ATTY WANTING TO APPEAR MUST LOGIN AND FILE. Document # 360, Notice. PLEASE IGNORE.\*\*\* (sm, ) (Entered: 01/25/2010)
- 01/25/2010 368 NOTICE of Disclosure by Choice Hotels International Inc. Regarding PR 4-2 Disclosures (Smith, Michael) (Entered: 01/25/2010)
- 01/25/2010 369 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding P.R. 4-2 (Ungerman, Mark) (Entered: 01/25/2010)
- 01/25/2010 370 Unopposed MOTION for Extension of Time to File Answer re 313 Third Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 01/25/2010)
- 01/25/2010 371 Unopposed MOTION for Extension of Time to File Answer re 313 Third Party Complaint of Best Western International Inc. by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order)(Carrington, Morris) (Entered: 01/25/2010)
- 01/26/2010 372 ORDER granting 371 Motion for Extension of Time to Answer. BestComm Networks, Inc. deadline is extended to 2/27/2010. Signed by Magistrate Judge Charles Everingham on 1/26/2010. (ch, ) (Entered: 01/26/2010);
- 01/26/2010 -- Answer Due Deadline Updated for BestComm Networks, Inc. to 2/27/2010. (ch, ) (Entered: 01/26/2010)
- 01/26/2010 373 ORDER granting 370 Motion for Extension of Time to Answer. Nomadix Inc deadline is extended to 2/25/2010. Signed by Magistrate Judge Charles Everingham on 1/26/2010. (ch, ) (Entered: 01/26/2010)

- 01/26/2010 -- Answer Due Deadline Updated for Nomadix, Inc. to 2/25/2010. (ch, ) (Entered: 01/26/2010)
- 01/28/2010 374 Unopposed MOTION for Extension of Time to Complete Discovery Eighth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 01/28/2010)
- 01/29/2010 375 ORDER granting 374 Motion for Extension of Time to Complete Discovery. Defendant Pronto Networks, Inc.s Eighth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through February 19, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 1/29/10. (ehs, ) (Entered: 01/29/2010)
- 01/29/2010 376 ORDER that the parties, including BestComm and Nomadix, are ordered to meet and confer on an amended docket control order that allows the third party defendants to meet their obligations. The parties shall jointly file the amended docket control order within 7 days after BestComm and Nomadix answer the third-party complaint. Signed by Magistrate Judge Charles Everingham on 1/29/10. (ehs, ) (Entered: 01/29/2010)
- 02/17/2010 377 BestComm Networks, Inc.'s ANSWER to 313 Third Party Complaint of Best Western International, Inc. , CROSSCLAIM against Nomadix, Inc. by BestComm Networks, Inc.. (Carrington, Morris) (Entered: 02/17/2010)
- 02/18/2010 378 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 02/18/2010)
- 02/18/2010 379 NOTICE of Change of Address by Christopher Michael Joe (Joe, Christopher) (Entered: 02/18/2010)
- 02/19/2010 380 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A)(Weiss, Andrew) (Entered: 02/19/2010)
- 02/22/2010 381 ORDER granting 378 Motion for Extension of Time to Complete Discovery. ORDERED that Defendant Pronto Networks, Inc.s Ninth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through 3/5/2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 2/22/2010. (ch, ) (Entered: 02/22/2010)
- 02/25/2010 382 MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments: # 1 Affidavit Muehlhauser Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Text of Proposed Order)(Capshaw, Sidney) (Entered: 02/25/2010)
- 03/04/2010 383 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 03/04/2010)
- 03/04/2010 384 Unopposed MOTION for Extension of Time to File Response/Reply as to 382 MOTION to Strike 313 Third Party Complaint or Dismiss Best Western International, Inc.'s Unopposed Motion For Extension of Time to Respond to Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 03/04/2010)
- 03/04/2010 385 APPLICATION to Appear Pro Hac Vice by Attorney Donald A Wall for Best Western International, Inc. (APPROVED FEE PAID) 2-1-5235. (ch, ) (Entered: 03/05/2010)
- 03/04/2010 386 APPLICATION to Appear Pro Hac Vice by Attorney David E Rogers for Best Western International, Inc. (APPROVED FEE PAID) 2-1-5235. (ch, ) (Entered: 03/05/2010)
- 03/04/2010 387 APPLICATION to Appear Pro Hac Vice by Attorney Andrea L Marconi for Best Western International, Inc. (APPROVED FEE PAID) 2-1-5235. (ch, ) (Entered: 03/05/2010)
- 03/05/2010 388 ORDER granting 383 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through 3/19/2010, to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 3/5/2010. (ch, ) (Entered: 03/05/2010)
- 03/05/2010 389 ORDER granting 384 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 3/24/2010. Signed by Magistrate Judge Charles Everingham on 3/5/2010. (ch, ) (Entered: 03/05/2010)
- 03/12/2010 390 Unopposed MOTION for Extension of Time to File Response/Reply as to 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed

- Order)(Capshaw, Sidney) (Entered: 03/12/2010)
- 03/15/2010 391 NOTICE of Attorney Appearance by Christopher Michael Joe on behalf of Best Western International, Inc. (Joe, Christopher) (Entered: 03/15/2010)
- 03/16/2010 392 ORDER granting 390 Motion for Extension of Time to File Response/Reply. Nomadix Inc deadline to respond to the Cross-Claim of BestComm Networks Inc Responses due by 4/2/2010. Signed by Magistrate Judge Charles Everingham on 3/16/2010. (ch, ) (Entered: 03/16/2010)
- 03/18/2010 393 NOTICE of Attorney Appearance by Allen Franklin Gardner on behalf of iBAHN General Holdings Corp. (Gardner, Allen) (Entered: 03/18/2010)
- 03/19/2010 394 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 03/19/2010)
- 03/19/2010 395 CLAIM CONSTRUCTION BRIEF (Supplemental Claim Construction and Prehearing Statement) filed by Best Western International, Inc.. (Attachments: # 1 Exhibit A to Best Western's Supplemental Claim Construction and Prehearing Statement)(Rogers, David) Modified on 3/22/2010 (sm, ). (Entered: 03/19/2010)
- 03/19/2010 396 CLAIM CONSTRUCTION BRIEF filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit Declaration of Andrew Weiss, # 2 Exhibit Exhibit A, # 3 Exhibit Exhibit B, # 4 Exhibit Exhibit C, # 5 Exhibit Exhibit D, # 6 Exhibit Exhibit E, # 7 Exhibit Exhibit F, # 8 Exhibit Exhibit G, # 9 Exhibit Exhibit H, # 10 Exhibit Exhibit I, # 11 Exhibit Exhibit J, # 12 Exhibit Exhibit K, # 13 Exhibit Exhibit L, # 14 Exhibit Exhibit M) (Weiss, Andrew) (Entered: 03/19/2010)
- 03/22/2010 -- NOTICE FROM CLERK re 395 Claim Construction Brief. Clerk has modified to show that it is a supplemental claim construction and prehearing statement. (sm, ) (Entered: 03/22/2010)
- 03/22/2010 397 ORDER granting 394 Motion for Extension of Time to Complete Discovery. Defendant Pronto Networks, Inc.s Eleventh Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through April 2, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 3/22/10. (ehs, ) (Entered: 03/22/2010)
- 03/23/2010 398 Second MOTION for Extension of Time to File Response/Reply as to 382 MOTION to Strike 313 Third Party Complaint or Dismiss Best Western's Unopposed Second Motion For Extension of Time to Respond to Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 03/23/2010)
- 03/24/2010 399 ORDER granting 398 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 3/31/2010. Signed by Magistrate Judge Charles Everingham on 3/24/2010. (ch, ) (Entered: 03/24/2010)
- 03/30/2010 400 Unopposed SEALED PATENT MOTION for Leave to Amend Invalidity Contentions by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Sayles, Richard) (Entered: 03/30/2010)
- 03/31/2010 401 ORDER granting 400 AT&T/Wayports Unopposed Sealed Patent Motion for Leave to Amend Invalidity Contentions. Signed by Magistrate Judge Charles Everingham on 3/31/2010. (ch, ) (Entered: 03/31/2010)
- 03/31/2010 402 RESPONSE in Opposition re 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Best Western International, Inc. . (Attachments: # 1 Affidavit Declaration of Sara V. Ransom in Support of Third Party Plaintiff Best Western International, Inc.'s Opposition to Motion to Strike or Dismiss Third-Party Complaint, # 2 Exhibit A, February 26, 2004 Direct Sales Contract, # 3 Exhibit B, March 15, 2002 Reseller Agreement, # 4 Exhibit C, July 20, 2004 Nomadix press release, # 5 Exhibit D, Purchase Order, # 6 Text of Proposed Order [Proposed] Order on Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint of Best Western International, Inc.)(Rogers, David) (Entered: 03/31/2010)
- 04/02/2010 403 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/02/2010)
- 04/02/2010 404 Unopposed MOTION for Extension of Time to File Response/Reply as to 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed

- Order)(Capshaw, Sidney) (Entered: 04/02/2010)
- 04/05/2010 405 ORDER granting 403 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through 4/16/2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 4/5/2010. (ch, ) (Entered: 04/05/2010)
- 04/05/2010 406 ORDER granting 404 Motion for Extension of Time to File Response/Reply Nomadix, Inc. be given to and including 4/16/2010 to respond to the Cross-Claim of BestComm Networks, Inc. Responses due by 4/16/2010. Signed by Magistrate Judge Charles Everingham on 4/5/2010. (ch, ) (Entered: 04/05/2010)
- 04/07/2010 407 APPLICATION to Appear Pro Hac Vice by Attorney Douglas G Muehlhauser for Nomadix, Inc., Douglas G Muehlhauser for Nomadix, Inc.(RECEIPT 2-1-5289). (rml, ) (Entered: 04/07/2010)
- 04/12/2010 408 Unopposed MOTION for Extension of Time to File Response/Reply as to 382 MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/12/2010)
- 04/13/2010 409 ORDER granting 408 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 4/26/2010. Signed by Magistrate Judge Charles Everingham on 4/13/2010. (ch, ) (Entered: 04/13/2010)
- 04/13/2010 410 NOTICE of Designation of Attorney in Charge to Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 04/13/2010)
- 04/15/2010 411 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/15/2010)
- 04/16/2010 412 ORDER granting 411 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through April 30, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 4/16/10. (ehs, ) (Entered: 04/16/2010)
- 04/16/2010 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by Nomadix, Inc.. (Attachments: # 1 Affidavit Muehlhauser Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/16/2010)
- 04/16/2010 414 CLAIM CONSTRUCTION BRIEF filed by Cisco Systems, Inc., T-Mobile USA, Inc., SBC Internet Svcs, Wayport, Inc, LodgeNet Interactive Corp, EthoStream LLC, Pronto Networks, Aptilo Networks, Mail Boxes Etc, McDonalds Corp, Barnes and Nobles Booksellers, Ramada WORldwide, Mariott Intl, Choice Hotels Intl, Best Western Intl, Six Continents Hotels, Intercontinental Hotels Group (Attachments: # 1 Affidavit Declaration of Noah Levine in Support of Claim Construction Brief of Defendants with exhibits 1 to 5, # 2 Exhibit Exhibits 6 to 9 of Declaration of Noah Levine in Support of Claim Construction Brief of Defendants, # 3 Affidavit Declaration of Kevin Jaffay, Ph.D. with exhibits a through c)(Daniel, Robert) Modified on 4/19/2010 (sm, ). (Entered: 04/16/2010)
- 04/16/2010 415 \*\*\*FILED IN ERROR, PLEASE IGNORE.\*\*\* RESPONSE in Support re 411 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 filed by Best Western International, Inc. . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) Modified on 4/19/2010 (sm, ). (Entered: 04/16/2010)
- 04/16/2010 416 \*\*\*FILED IN ERROR, PLEASE IGNORE.\*\*\* NOTICE by Best Western International, Inc. Claim Construction Brief (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) Modified on 4/19/2010 (sm, ). (Entered: 04/16/2010)
- 04/16/2010 417 \*\*\*DEFICIENT DOCUMENT, PELASE IGNORE.\*\*\* MOTION for Leave to File motion for partial summary judgment of invalidity for indefiniteness by Cisco Systems, Inc., T-Mobile USA, Inc.. (Levine, Noah) Modified on 4/19/2010 (sm, ). (Entered: 04/16/2010)
- 04/19/2010 -- \*\*\*FILED IN ERROR, WRONG EVENT USED, ATTY MUST REFILE USING CORRECT EVENT. Document # 415 and #416, Response in Support and Notice. PLEASE IGNORE.\*\*\* (sm, ) (Entered: 04/19/2010)
- 04/19/2010 -- NOTICE of DEFICIENCY regarding the #417 Motion for leave submitted by Cisco Systems, Inc., T-Mobile USA, Inc.. Not in proper pleading format which includes certificate of conference etc.. Correction should be made by 1 business day and refiled in proper motion format or as a notice, attaching the letter. (sm, ) (Entered: 04/19/2010)
- 04/19/2010 418 SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF filed by Best Western International, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) (Entered: 04/19/2010)

- 04/19/2010 419 NOTICE by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc. of Letter Requesting Leave to File Summary Judgment Motion (Attachments: # 1 Exhibit A)(Daniel, Robert) (Entered: 04/19/2010)
- 04/19/2010 420 Additional Attachments to Main Document (Certificate of Service): 414 Claim Construction Brief,.. (Daniel, Robert) Modified on 4/19/2010 (sm, ). (Entered: 04/19/2010)
- 04/19/2010 -- NOTICE FROM CLERK re 414 Claim Construction Brief. Clerk modified entry to all the defendant filers that were previously not entered when filed. (sm, ) (Entered: 04/19/2010)
- 04/22/2010 421 Unopposed MOTION for Leave to File Amended First Answers and Counterclaims by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Text of Proposed Order) (Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 422 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by SBC Internet Services, Inc..(Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 423 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Wayport, Inc..(Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 424 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by McDonalds Corp..(Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 425 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Barnes & Noble Booksellers, Inc..(Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 426 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Mail Boxes Etc., Inc..(Sayles, Richard) (Entered: 04/22/2010)
- 04/22/2010 427 NOTICE of Attorney Appearance by Adam S Hoffman on behalf of Linksmart Wireless Technology, LLC (Hoffman, Adam) (Entered: 04/22/2010)
- 04/23/2010 428 ORDER granting 421 Motion for Leave to Amend Their Respective First Answers And Counterclaims. Signed by Magistrate Judge Charles Everingham on 4/23/10. (ehs, ) (Entered: 04/23/2010)
- 04/23/2010 429 MOTION for Extension of Time to File Response/Reply as to 402 Response in Opposition to Motion,, 382 MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehhauser, Douglas) (Entered: 04/23/2010)
- 04/27/2010 430 ORDER granting 429 Motion for Extension of Time to File Response/Reply. Nomadix shall have to 5/10/2010 to reply to the Opposition of Best Western International Inc Responses due by 5/10/2010. Signed by Magistrate Judge Charles Everingham on 4/27/2010. (ch, ) (Entered: 04/27/2010)
- 04/29/2010 431 ORDER - granting 419 Dfts notice to request permission to file for partial summary judgment of invalidity. Signed by Magistrate Judge Charles Everingham on 4/29/2010. (ch, ) (Entered: 04/29/2010)
- 04/29/2010 432 MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tal Lavian in Support of Plaintiff's Claim Construction Reply Brief by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Affidavit Declaration of Alexandra McTague, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Text of Proposed Order)(Richardson, Michael) (Entered: 04/29/2010)
- 04/29/2010 433 Unopposed MOTION for Leave to File Excess Pages by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 04/29/2010)
- 04/30/2010 434 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/30/2010)
- 04/30/2010 435 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to

- Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc..  
(Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 04/30/2010)
- 04/30/2010 436 REPLY to 418 Claim Construction Brief, 414 Claim Construction Brief,, filed by Linksmart Wireless Technology, LLC . (Attachments: # 1 Affidavit of Andrew D. Weiss, # 2 Exhibit A to Weiss Decl., # 3 Affidavit of Tal Lavian, PH.D)(Weiss, Andrew) (Entered: 04/30/2010)
- 05/03/2010 439 ORDER granting 435 Unopposed Motion for Extension of Time to File Response to Nomadix Inc Mo to Dismiss BestComm Networks Crossclaims and BestComm is hereby given an extension of time up to and including Monday, May 24, 2010 to respond to Nomadix Inc's Motion to Dismiss BestComm Networks Crossclaims. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa, ) (Entered: 05/04/2010)
- 05/04/2010 437 ORDER granting 433 Unopposed Motion for Leave to File Excess Pages. Order that the Plaintiff is granted leave to exceed the page limits for its Reply Brief required by P.R.4-5 (c) by 5 pages. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa, ) (Entered: 05/04/2010)
- 05/04/2010 438 ORDER granting 434 Fourteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to PR 3-4. Pronto Networks Inc will have through May 14, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa, ) (Entered: 05/04/2010)
- 05/05/2010 440 NOTICE of Attorney Appearance by Todd Y Brandt on behalf of Linksmart Wireless Technology, LLC (Brandt, Todd) (Entered: 05/05/2010)
- 05/07/2010 441 Unopposed MOTION for Extension of Time to File Response/Reply to the Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 05/07/2010)
- 05/07/2010 442 Unopposed MOTION for Leave to File Claim Construction Sur-Reply by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order granting defendants' unopposed motion for leave to file sur-reply, # 2 Exhibit Defendants' claim construction sur-reply, # 3 Affidavit of Noah Levine in support of defendants' claim construction sur-reply)(Levine, Noah) (Entered: 05/07/2010)
- 05/07/2010 443 Unopposed MOTION for Leave to File Claim Construction Surreply Brief by Aptilo Networks, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Gardner, Allen) (Entered: 05/07/2010)
- 05/07/2010 444 CLAIM CONSTRUCTION SUR-REPLY BRIEF filed by Aptilo Networks, Inc., iBAHN General Holdings Corp.. (Gardner, Allen) (Entered: 05/07/2010)
- 05/07/2010 445 Unopposed MOTION for Leave to File Best Western's International, Inc.'s Unopposed Motion For Leave to Amend Its Answer and Counterclaims by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 05/07/2010)
- 05/07/2010 446 First Amended ANSWER to 1 Complaint Best Western International, Inc.'s First Amended Answer, Defenses and Counterclaims , COUNTERCLAIM against Linksmart Wireless Technology, LLC by Best Western International, Inc..(Joe, Christopher) (Entered: 05/07/2010)
- 05/07/2010 447 Unopposed MOTION for Leave to File Claim Construction Sur-Reply by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order, # 2 Claim Construction Brief, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4)(Rogers, David) (Entered: 05/07/2010)
- 05/10/2010 448 Linksmart Wireless Technology, LLC's Reply ANSWER to 423 Answer to Complaint, Counterclaim Wayport's Amended Counterclaim by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 05/10/2010)
- 05/10/2010 449 Linksmart Wireless Technology LLC's Reply ANSWER to 422 Answer to Complaint, Counterclaim SBC Internet Services dba ATT Internet Services Amended Counterclaim by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)
- 05/10/2010 450 Linksmart Wireless Technology LLC's Reply ANSWER to 424 Answer to Complaint, Counterclaim McDonald's Amended Counterclaims by Linksmart Wireless Technology,



- LLC.(Weiss, Andrew) (Entered: 05/10/2010)
- 05/10/2010 451 Linksmart Wireless Technology LLC's Reply ANSWER to 426 Answer to Complaint, Counterclaim Mail Boxes Etc. Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)
- 05/10/2010 452 Linksmart Wireless Technology LLC's Reply ANSWER to 446 Answer to Complaint, Counterclaim,, Best Western Internatiional, Inc's Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)
- 05/10/2010 453 Linksmart Wireless Technology LLC's Reply ANSWER to 425 Answer to Complaint, Counterclaim Barnes & Noble Booksellers Inc.'s Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)
- 05/11/2010 454 ORDER granting 441 Motion for Extension of Time to File Response/Reply to the Opposition of Best Western International Inc Responses due by 6/1/2010. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch, ) (Entered: 05/11/2010)
- 05/11/2010 455 ORDER granting 442 Motion for Leave to File Claim Construction SurReply. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch, ) (Entered: 05/11/2010)
- 05/11/2010 456 ORDER granting 443 Motion for Leave to File a Claim Construction Sur-reply Brief. Defendant iBAHN General Holdings Corp., joined by Aptilo Networks, Inc., may file its Claim Construction Sur-reply Brief. Signed by Magistrate Judge Charles Everingham on 5/11/10. (ehs, ) (Entered: 05/11/2010)
- 05/11/2010 457 ORDER granting 445 Motion for Leave to File Amend Answer and Counteclaims. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch, ) (Entered: 05/11/2010)
- 05/11/2010 458 ORDER granting 447 Motion for Leave to File Claim Construction Sur-Reply. Signed by Magistrate Judge Charles Everingham on 5/11/10. (ehs, ) (Entered: 05/11/2010)
- 05/11/2010 459 RESPONSE to 436 Reply to Claim Construction Brief, Claim Construction Sur-Reply Brief of Defendants by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc.. (Attachments: # 1 Affidavit Declaration of Noah A. Levine, # 2 Exhibit 1)(Richardson, Michael) (Entered: 05/11/2010)
- 05/12/2010 460 Unopposed MOTION for Leave to File Amended Answer by Choice Hotels International Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 05/12/2010)
- 05/12/2010 461 First Amended ANSWER to 1 Complaint by Choice Hotels International Inc..(Smith, Michael) (Entered: 05/12/2010)
- 05/13/2010 462 NOTICE of Disclosure by SBC Internet Services, Inc., Wayport, Inc. of Second Supplemental Rule 26(a) Disclosures (Sayles, Richard) (Entered: 05/13/2010)
- 05/14/2010 463 ORDER granting 460 Motion for Leave to File amended it answer. Signed by Magistrate Judge Charles Everingham on 5/14/10. (ehs, ) (Entered: 05/14/2010)
- 05/14/2010 464 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 05/14/2010)
- 05/14/2010 465 CLAIM CONSTRUCTION CHART filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit Exhibit A)(Weiss, Andrew) (Entered: 05/14/2010)
- 05/14/2010 466 NOTICE by Linksmart Wireless Technology, LLC Notice of Submission of Tutorial (Attachments: # 1 Exhibit Ex. A - Tutorial)(Giza, Alexander) (Entered: 05/14/2010)
- 05/14/2010 469 APPLICATION to Appear Pro Hac Vice by Attorney Erin P Gibson,John D Kinton for Intercontinental Hotels Group Resources Inc,Erin P Gibson,John D Kinton for Intercontinental Hotels Group Resources Inc,Erin P Gibson,John D Kinton for Six Continents Hotels Inc,Erin P Gibson,John D Kinton for Six Continents Hotels Inc. (Attachments: # 1 PHV Kinton RECEIPT 2-1-5362)(rml, ) (Entered: 05/17/2010)
- 05/17/2010 467 Unopposed SEALED PATENT MOTION for Leave to File First Supplemental Invalidity Contentions by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc.. (Attachments: # 1 Exhibit A, # 2 Text of

- Proposed Order)(Richardson, Michael) (Entered: 05/17/2010)
- 05/17/2010 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, LodgeNet Interactive Corporation, Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc.. (Attachments: # 1 Affidavit (Part 1 of 2) Declaration of Noah A. Levine, # 2 Affidavit (Part 2 of 2) Declaration of Noah A. Levine, # 3 Text of Proposed Order)(Richardson, Michael) (Entered: 05/17/2010)
- 05/17/2010 470 RESPONSE in Opposition re 432 MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tal Lavian in Support of Plaintiff's Claim Construction Reply Brief MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tal Lavian in Support of Plaintiff's Claim Construction Reply Brief MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tal Lavian in Support of Plaintiff's Claim Construction Reply Brief filed by Linksmart Wireless Technology, LLC . (Weiss, Andrew) (Entered: 05/17/2010)
- 05/18/2010 471 ORDER granting 464 Motion for Extension of Time to Complete Discovery. ORDERED that Defendant Pronto Networks, Inc.s Fifteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through 5/28/2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 5/18/2010. (ch, ) (Entered: 05/18/2010)
- 05/18/2010 472 ORDER granting 467 Sealed Patent Motion for leave to file First Supplemental Invalidity Contentions. Signed by Magistrate Judge Charles Everingham on 5/18/2010. (ch, ) (Entered: 05/18/2010)
- 05/20/2010 473 APPLICATION to Appear Pro Hac Vice by Attorney Richard A Cederoth for Barnes & Noble Booksellers, Inc.,Richard A Cederoth for Mail Boxes Etc., Inc.,Richard A Cederoth for McDonalds Corp.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for Wayport, Inc. (APPROVED FEE PAID) 2-1-5371. (ch, ) (Entered: 05/20/2010)
- 05/21/2010 474 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 05/21/2010)
- 05/23/2010 475 RESPONSE in Opposition re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 filed by Linksmart Wireless Technology, LLC . (Attachments: # 1 Affidavit of Tal Lavian, Ph.D.)(Weiss, Andrew) (Entered: 05/23/2010)
- 05/25/2010 476 ORDER granting 474 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 6/14/2010. Signed by Magistrate Judge Charles Everingham on 5/25/10. (ehs, ) (Entered: 05/25/2010)
- 05/25/2010 477 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Markman Hearing held on 5/25/2010. (Court Reporter Shelly Holmes, CSR.) (Attachments: # 1 Attorney sign-in sheet) (jml) (Entered: 05/25/2010)
- 05/28/2010 478 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 05/28/2010)
- 06/01/2010 479 ORDER granting 478 Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4. Defendant Pronto Networks, Inc.s Sixteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through June 11, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4.. Signed by Magistrate Judge Charles Everingham on 6/1/10. (ehs, ) (Entered: 06/01/2010)
- 06/01/2010 480 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 06/01/2010)

- 06/02/2010 481 ORDER granting 480 Motion for Extension of Time to File Response/Reply - reply to the Opposition of Best Western International Inc Responses due by 6/22/2010. Signed by Magistrate Judge Charles Everingham on 6/2/2010. (ch, ) (Entered: 06/02/2010)
- 06/02/2010 482 REPLY TO RESPONSE in Support re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 Defendants' Reply in Support of Their Motion for Partial Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. 112.2 filed by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp. . (Richardson, Michael) Modified on 6/2/2010 (sm, ). (Entered: 06/02/2010)
- 06/02/2010 -- NOTICE FROM CLERK re 482 Response in Support of Motion. Entry was modified by clerk to show that it is a reply to response. (sm, ) (Entered: 06/02/2010)
- 06/03/2010 483 Unopposed MOTION to Withdraw as Attorney by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Brandt, Todd) (Entered: 06/03/2010)
- 06/04/2010 484 ORDER granting 483 Motion to Withdraw as Attorney. Attorney Todd Y Brandt terminated Linksmart Wireless Technology LLC. Signed by Magistrate Judge Charles Everingham on 6/4/2010. (ch, ) (Entered: 06/04/2010)
- 06/07/2010 485 Joint MOTION to Dismiss Pronto Networks, Inc. with Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Proposed Order)(Weiss, Andrew) (Entered: 06/07/2010)
- 06/09/2010 486 ORDER, granting 485 Joint MOTION to Dismiss Pronto Networks, Inc. with Prejudice filed by Linksmart Wireless Technology, LLC., Pronto Networks, Inc. terminated.. Signed by Judge David Folsom on 6/9/10. (mrm, ) (Entered: 06/09/2010)
- 06/11/2010 487 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 06/11/2010)
- 06/15/2010 488 ORDER granting 487 Motion for Extension of Time to File Response/Reply re 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims Responses due by 7/6/2010. Signed by Magistrate Judge Charles Everingham on 6/15/2010. (ch, ) (Entered: 06/15/2010)
- 06/18/2010 489 APPLICATION to Appear Pro Hac Vice by Attorney Eric Charles Flagel for Linksmart Wireless Technology, LLC. (APPROVED, FEE PAID 2-1-5415) (ehs, ) (Entered: 06/18/2010)
- 06/22/2010 490 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order) (Muehlhauser, Douglas) (Entered: 06/22/2010)
- 06/23/2010 491 ORDER granting 490 Motion for Extension of Time to File Response/Reply re: to Best Western International Inc Opposition to Nomadix's Motion to Strike or Dismiss Third-Party complaint Responses due by 7/6/2010. Signed by Magistrate Judge Charles Everingham on 6/23/2010. (ch, ) (Entered: 06/23/2010)
- 06/30/2010 492 MEMORANDUM OPINION AND ORDER - the court issues the following order concerning the claim construction issues. Signed by Magistrate Judge Charles Everingham on 6/30/2010. (ch, ) (Entered: 06/30/2010)
- 06/30/2010 493 NOTICE of Attorney Appearance by Irene Y Lee on behalf of Linksmart Wireless Technology, LLC (Lee, Irene) (Entered: 06/30/2010)
- 07/01/2010 494 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 07/01/2010)
- 07/01/2010 495 REPORT AND RECOMMENDATIONS re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, recommending granting in part deft's motion. Signed by Magistrate Judge Charles Everingham on 7/1/10. (ehs, ) (Entered: 07/01/2010)
- 07/01/2010 496 Unopposed MOTION to Withdraw as Attorney by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Rogers, David) (Entered: 07/01/2010)
- 07/02/2010 497 ORDER granting 494 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 8/20/2010. (Entered: 07/02/2010)

- Signed by Magistrate Judge Charles Everingham on 7/2/10. (ehs, ) (Entered: 07/02/2010)
- 07/02/2010 498 ORDER granting 496 Motion to Withdraw as Attorney. Attorney Andrea L Marconi terminated. Signed by Magistrate Judge Charles Everingham on 7/2/10. (ehs, ) (Entered: 07/02/2010)
- 07/06/2010 499 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR, Telephone number: (903) 663-5082. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja, ) (Entered: 07/06/2010)
- 07/06/2010 500 MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 07/06/2010)
- 07/07/2010 501 ORDER granting 500 Motion for Extension of Time to File Response/Reply re: 402 Opposition of Best Western International Inc. Signed by Magistrate Judge Charles Everingham on 7/7/2010. (ch, ) (Entered: 07/07/2010)
- 07/14/2010 502 RESPONSE to 492 Memorandum & Opinion by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Mail Boxes Etc., Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 07/14/2010)
- 07/14/2010 503 RESPONSE OBJECTIONS to 492 Memorandum Opinion and Order by Linksmart Wireless Technology, LLC. (Weiss, Andrew) Modified on 7/28/2010 (sm, ). (Entered: 07/14/2010)
- 07/15/2010 504 OBJECTION to 495 Report and Recommendations by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 07/15/2010)
- 07/15/2010 505 Response to 492 Order filed by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order Order)(Rogers, David) Modified on 7/16/2010 (sm, ). (Entered: 07/15/2010)
- 07/16/2010 -- NOTICE FROM CLERK re 505 . Clerk has modified this entry, per atty, to add the link and entry to show it is a response to #492 Memorandum Order. (sm, ) (Entered: 07/16/2010)
- 07/22/2010 506 NOTICE of Attorney Appearance by Robert F Gookin on behalf of Linksmart Wireless Technology, LLC (Gookin, Robert) (Entered: 07/22/2010)
- 07/26/2010 507 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 07/26/2010)
- 07/27/2010 508 ORDER granting 507 Motion for Extension of Time to File Reply to Best Western International, Inc.'s Opposition to Nomadix Motion to Strike or Dismiss Third-Party Complaint. Responses due by 8/10/2010. Signed by Magistrate Judge Charles Everingham on 7/27/10. (ehs, ) (Entered: 07/27/2010)
- 07/28/2010 509 RESPONSE to 492 Memorandum & Opinion Defendants' Opposition to Plaintiff's Objections to June 30, 2010 Memorandum and Order Regarding Claim Construction by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Richardson, Michael) (Entered: 07/28/2010)
- 07/28/2010 510 RESPONSE to 504 Pla objections to Report and Recommendation by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Ho

tels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet S ervices, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Richardson, Michael) (Richardson, Michael) Modified on 7/28/2010 (sm, ). (Entered: 07/28/2010)

- 07/28/2010 -- NOTICE FROM CLERK of modifications to entries 503 Objection to Report and Recommendations - Changed the event to response to non-motion, 510 Response to Non-Motion - Changed link from 492 to 504. (sm, ) (Entered: 07/28/2010)
- 08/10/2010 511 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 08/10/2010)
- 08/11/2010 512 ORDER granting 511 Motion for Extension of Time to File Reply to Best Western International, Inc.s Opposition to Nomadixs Motion to Strike or Dismiss Third-Party Complaint. Nomadix Responses due by 8/24/2010. Signed by Magistrate Judge Charles Everingham on 8/11/10. (ehs, ) (Entered: 08/11/2010)
- 08/12/2010 513 NOTICE by Choice Hotels International Inc. of Letter Brief Requesting Permission to file Motion for Summary Judgment (Attachments: # 1 Exhibit 1 - Letter Brief)(Smith, Michael) (Entered: 08/12/2010)
- 08/13/2010 514 \*\*\*FILED IN ERROR. PER ATTORNEY. PLEASE IGNORE.\*\*\* NOTICE by LodgeNet Interactive Corporation of Unenforceability Contentions (Beverage, Cynthia) Modified on 8/16/2010 (ch, ). (Entered: 08/13/2010)
- 08/16/2010 -- \*\*\*FILED IN ERROR. PER ATTORNEY Document # 514, Notice. PLEASE IGNORE.\*\*\* (ch, ) (Entered: 08/16/2010)
- 08/16/2010 515 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding Preliminary Unenforceability Contentions (Beverage, Cynthia) (Entered: 08/16/2010)
- 08/17/2010 516 ORDER grants 513 Notice for leave to file motion for summary judgment filed by Choice Hotels International Inc.. Signed by Magistrate Judge Charles Everingham on 8/17/10. (ehs, ) (Entered: 08/17/2010)
- 08/19/2010 517 SEALED MOTION Unopposed Motion for Leave to Serve First Supplemental Invalidity Contentions by Aptilo Networks, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Marriott International, Inc., Ramada Worldwide, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Richardson, Michael) (Entered: 08/19/2010)
- 08/20/2010 518 NOTICE of Disclosure by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc. of Amended Invalidity Contentions (Sayles, Richard) (Entered: 08/20/2010)
- 08/20/2010 519 NOTICE of Disclosure by Intercontinental Hotels Group Resources Inc, Marriott International, Inc., Six Continents Hotels Inc of Amended Invalidity Contentions (Guaragna, John) (Entered: 08/20/2010)
- 08/20/2010 520 ORDER granting 517 Sealed Motion to Serve First Supplemental Invalidity Contentions. Signed by Magistrate Judge Charles Everingham on 8/20/2010. (ch, ) (Entered: 08/20/2010)
- 08/20/2010 521 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Amended Invalidity Contentions (Jones, Michael) (Entered: 08/20/2010)
- 08/20/2010 522 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 08/20/2010)
- 08/23/2010 523 ORDER granting 522 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 9/3/2010. Signed by Magistrate Judge Charles Everingham on 8/23/10. (ehs, ) (Entered: 08/23/2010)
- 08/24/2010 524 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 08/24/2010)

- 08/25/2010 525 ORDER granting 524 Motion for Extension of Time to File Reply to Best Western International, Inc.s Opposition to Nomadix Motion to Strike or Dismiss Third-Party Complaint. Nomadix shall file Response by 9/7/2010. Signed by Magistrate Judge Charles Everingham on 8/25/10. (ehs, ) (Entered: 08/25/2010)
- 08/25/2010 526 NOTICE of Disclosure by Choice Hotels International Inc. (Notice of Joinder Regarding Disclosure of Amended and Supplemental Invalidity Contentions) (Smith, Michael) (Entered: 08/25/2010)
- 08/27/2010 527 Joint MOTION to Stay Pending Finalization of Settlement by Barnes & Noble Booksellers, Inc., Linksmart Wireless Technology, LLC, Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 08/27/2010)
- 08/27/2010 528 NOTICE by Best Western International, Inc. of Letter Brief Requesting Permission to file Motion for Summary Judgment (Attachments: # 1 Exhibit Letter Brief)(Rogers, David) (Entered: 08/27/2010)
- 08/27/2010 529 Joint MOTION to Stay Deadlines Pending Finalization of Aptilo Settlement Agreement by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/27/2010)
- 08/27/2010 530 MOTION for Summary Judgment of Non-Infringement by Choice Hotels International Inc.. (Attachments: # 1 Affidavit Declaration of G. Lyons, # 2 Exhibit 2, # 3 Exhibit 4, # 4 Exhibit 5, # 5 Exhibit 6, # 6 Text of Proposed Order)(Smith, Michael) (Entered: 08/27/2010)
- 08/27/2010 531 SEALED ADDITIONAL ATTACHMENTS to Main Document: 530 MOTION for Summary Judgment of Non-Infringement . (Attachments: # 1 Exhibit 1, # 2 Exhibit 3, # 3 Exhibit 7, # 4 Exhibit 8, # 5 Exhibit 9, # 6 Exhibit 10, # 7 Exhibit 11)(Smith, Michael) (Entered: 08/27/2010)
- 08/27/2010 532 APPLICATION to Appear Pro Hac Vice by Attorney Brian F McMahon for LodgeNet Interactive Corporation. (APPROVED FEE PAID)2-1-5593(ch, ) (Entered: 08/27/2010)
- 08/30/2010 533 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding Amended Invalidty Contentions (Beverage, Cynthia) (Entered: 08/30/2010)
- 08/30/2010 542 APPLICATION to Appear Pro Hac Vice by Attorney Paul W Kletzly for LodgeNet Interactive Corporation. (APPROVED FEE PAID) 2-1-5597 (ch, ) (Entered: 09/01/2010)
- 08/31/2010 534 ORDER granting 528 request ti file a motion for summary judgment filed by Best Western International, Inc.. Signed by Magistrate Judge Charles Everingham on 8/1/10. (ehs, ) (Entered: 08/31/2010)
- 08/31/2010 535 ORDER granting 527 Motion to Stay. all proceedings in the above-captioned consolidated matter between plaintiff Linksmart Wireless LLC and defendants SBC Internet Services, Inc., d/b/a AT&T Internet Services, McDonald's Corp., Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., and Wayport, Inc. ("the AT&T/Wayport defendants") are stayed for sixty (60) days. All currently pending deadlines, as they apply to proceedings brought against the AT&T/Wayport defendants, are vacated.. Signed by Magistrate Judge Charles Everingham on 8/31/10. (ehs, ) (Entered: 08/31/2010)
- 08/31/2010 536 ORDER granting 529 Motion to Stay. All deadlines in the present case with respect to Aptilo and all deadlines of Linksmart with respect to Aptilo are stayed for 45 days, pending a motion to dismiss. All attorneys fees, costs of court and expenses shall be borne by each party incurring the same. Signed by Magistrate Judge Charles Everingham on 8/31/10. (ehs, ) (Entered: 08/31/2010)
- 08/31/2010 537 Unopposed MOTION to Amend/Correct Docket Control Order for a Temporary Extension to Facilitate Settlement Completion and Negotiations by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/31/2010)
- 08/31/2010 538 REPORT of Mediation by James W Knowles. Mediation result: Partial Settlement(Knowles, James) (Entered: 08/31/2010)
- 09/01/2010 539 ORDER granting 537 Motion to Amend docket control order. All deadlines in the Docket Control Order are continued by 60 days.. Signed by Magistrate Judge Charles Everingham on 9/1/10. (ehs, ) (Entered: 09/01/2010)
- 09/01/2010 540 \*PLEASE IGNORE. DUPLICATE ORDER\* ORDER STAYING CASE. Signed by Judge David Folsom on 9/1/10. (mrm, ) Modified on 9/1/2010 (mrm, ). (Entered: 09/01/2010)
- 09/01/2010 -- \*\*\*DUPLICATE ORDER. Document # 540, Order. PLEASE IGNORE.\*\*\* (mrm, ) (Entered: 09/01/2010)

- 09/01/2010 541 APPLICATION to Appear Pro Hac Vice by Attorney Paul E Veith for Barnes & Noble Booksellers, Inc., Paul E Veith for Mail Boxes Etc., Inc., Paul E Veith for McDonalds Corp., Paul E Veith for SBC Internet Services, Inc., Paul E Veith for SBC Internet Services, Inc., Paul E Veith for SBC Internet Services, Inc., Paul E Veith for Wayport, Inc.. (APPROVED, FEE PAID 2-1-5600) (ehs, ) (Entered: 09/01/2010)
- 09/02/2010 543 REPORT AND RECOMMENDATIONS re 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Nomadix, Inc. For the reasons stated herein, the undersigned recommends DENYING the motion to strike and GRANTING in part and DENYING in part the motion to dismiss. A party has 14 days to file written objections after being served a copy of this order. Signed by Magistrate Judge Charles Everingham on 9/1/2010. (ch, ) (Entered: 09/02/2010)
- 09/10/2010 544 Unopposed MOTION for Extension of Time to File Response/Reply as to 530 MOTION for Summary Judgment of Non-Infringement by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 09/10/2010)
- 09/13/2010 545 ORDER granting 544 Motion for Extension of Time to File Response to Choice Hotels International, Inc.'s Motion for Summary Judgment of Non-Infringement. Responses due by 9/20/2010. The deadline for Choice Hotels International, Inc. to file its reply to Choice Hotels International, Inc.'s Motion for Summary Judgment of Non-Infringement [Dkt. No. 530]. Replies due by 10/7/2010.. Signed by Magistrate Judge Charles Everingham on 9/13/10. (ehs, ) (Entered: 09/13/2010)
- 09/15/2010 546 MOTION to Stay Pending the Reexamination of the Patent in Suit by Aptilo Networks, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Marriott International, Inc., Ramada Worldwide, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Affidavit Declaration of Noah Levine, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Text of Proposed Order)(Beck, David) (Entered: 09/15/2010)
- 09/16/2010 547 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 09/16/2010)
- 09/16/2010 548 Unopposed MOTION to Withdraw as Attorney by Cisco Systems, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Chen, Joyce) (Additional attachment(s) added on 9/20/2010: # 2 REVISED ORDER) (sm, ). (Entered: 09/16/2010)
- 09/20/2010 549 ORDER granting 547 Motion for Extension of Time to File Response to Nomadix, Inc.'s Motion to Dismiss BestComm Networks, Inc.'s Crossclaims. Responses due by 9/29/2010. Signed by Magistrate Judge Charles Everingham on 9/20/10. (ehs, ) (Entered: 09/20/2010)
- 09/20/2010 550 ORDER, granting 548 Unopposed MOTION to Withdraw as Attorney filed by Cisco Systems, Inc., T-Mobile USA, Inc., Attorney Joyce Chen terminated. Signed by Judge David Folsom on 9/20/10. (mrm, ) (Entered: 09/20/2010)
- 09/20/2010 551 SEALED RESPONSE to Motion re 530 MOTION for Summary Judgment of Non-Infringement filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit Declaration of Robert Gookin in Support of Linksmart Wireless Technology, LLC's Response to Defendant Choice Hotels International, Inc.'s Motion for Summary Judgment of Non-Infringement, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K (part 1), # 13 Exhibit K (part 2), # 14 Exhibit K (part 3), # 15 Exhibit L, # 16 Exhibit M, # 17 Exhibit N, # 18 Exhibit O, # 19 Exhibit P, # 20 Exhibit Q, # 21 Exhibit R, # 22 Exhibit S, # 23 Exhibit T, # 24 Exhibit U, # 25 Exhibit V, # 26 Exhibit W, # 27 Exhibit X, # 28 Exhibit Y)(Gookin, Robert) (Entered: 09/20/2010)
- 09/21/2010 552 Additional Attachments to Main Document (Amended Cert of Service): 551 Sealed Response to Motion,,,,. (Gookin, Robert) Modified on 9/21/2010 (sm, ). (Entered: 09/21/2010)
- 09/24/2010 553 CORPORATE DISCLOSURE STATEMENT filed by Choice Hotels International Inc. identifying Corporate Parent None for Choice Hotels International Inc.. (Smith, Michael) (Entered: 09/24/2010)
- 09/27/2010 554 ORDER adopting 543 Report and Recommendations, granting in part and denying in part 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Nomadix, Inc. Signed by Judge David Folsom on 9/27/10. (mrm, ) (Entered: 09/27/2010)

- 09/29/2010 555 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 09/29/2010)
- 09/30/2010 556 ORDER granting 555 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 10/29/2010. Signed by Magistrate Judge Charles Everingham on 9/30/10. (ehs, ) (Entered: 09/30/2010)
- 10/04/2010 557 Unopposed MOTION for Extension of Time to File Response/Reply as to 546 MOTION to Stay Pending the Reexamination of the Patent in Suit by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order GRANTING UNOPPOSED MOTION FOR EXTENSION FOR PLAINTIFF LINKSMART WIRELESS TECHNOLOGY, LLC TO RESPOND TO DEFENDANTS' MOTION FOR A STAY PENDING THE REEXAMINATION OF THE PATENT IN SUIT)(Weiss, Andrew) (Entered: 10/04/2010)
- 10/05/2010 558 ORDER granting 557 Motion for Extension of Time to File Response to Defendants' Motion for a Stay Pending the Reexamination of the Patent in Suit (Motion). Responses due by 10/8/2010. Signed by Magistrate Judge Charles Everingham on 10/5/10. (ehs, ) (Entered: 10/05/2010)
- 10/05/2010 559 NOTICE of Attorney Appearance by Bruce D. Kuyper on behalf of Linksmart Wireless Technology, LLC (Kuyper, Bruce) (Entered: 10/05/2010)
- 10/07/2010 560 REPLY to Response to Motion re 530 MOTION for Summary Judgment of Non-Infringement filed by Choice Hotels International Inc. . (Attachments: # 1 Exhibit Declaration of G. Lyons)(Smith, Michael) (Entered: 10/07/2010)
- 10/07/2010 561 SEALED ADDITIONAL ATTACHMENTS to Main Document: 560 Choice Hotels International, Inc.'s Reply to Response to Motion for Summary Judgement of Noninfringement. (Attachments: # 1 Exhibit 12, # 2 Exhibit 13, # 3 Exhibit 14, # 4 Exhibit 15)(Smith, Michael) (Entered: 10/07/2010)
- 10/07/2010 562 Amended THIRD PARTY COMPLAINT of Best Western International, Inc. against BestComm Networks, Inc., Nomadix, Inc., filed by Best Western International, Inc.. (Rogers, David) (Entered: 10/07/2010)
- 10/08/2010 563 Joint MOTION Entry of Amended Protective Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Weiss, Andrew) (Additional attachment(s) added on 10/8/2010: # 3 REVISED ORDER) (sm, ). (Entered: 10/08/2010)
- 10/08/2010 564 RESPONSE to Motion re 546 MOTION to Stay Pending the Reexamination of the Patent in Suit NOTICE OF NON-OPPOSITION filed by Linksmart Wireless Technology, LLC . (Attachments: # 1 Text of Proposed Order Granting Defendants' Motion for Stay Pending the Reexamination of the Patent In Suit)(Weiss, Andrew) (Entered: 10/08/2010)
- 10/11/2010 565 Unopposed MOTION to Withdraw as Attorney Alexandra McTague by Cisco Systems, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 10/11/2010)
- 10/12/2010 566 ORDER granting 565 Motion to Withdraw as Attorney. Attorney Alexandra B McTague terminated for Defendants Cisco Systems, Inc. and T-Mobile USA. Signed by Magistrate Judge Charles Everingham on 10/12/10. (ehs, ) (Entered: 10/12/2010)
- 10/12/2010 567 NOTICE by T-Mobile USA, Inc. of Firm Name Change (Ruthenberg, Kirk) (Entered: 10/12/2010)
- 10/12/2010 568 AMENDED AGREED PROTECTIVE ORDER. Signed by Magistrate Judge Charles Everingham on 10/12/10. (ehs, ) (Entered: 10/12/2010)
- 10/13/2010 569 REPORT of Mediation by James W Knowles. Mediation result: Suspended(Knowles, James) (Entered: 10/13/2010)
- 10/13/2010 570 Unopposed MOTION in Response to First Amended Third Party Complaint of Best Western International, Inc. re 562 Third Party Complaint by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Additional attachment(s) added on 10/22/2010: # 2 REVISED ORDER) (sm, ). (Entered: 10/13/2010)
- 10/14/2010 571 Unopposed MOTION for Extension of Time to File Answer re 562 Third Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 10/14/2010)
- 10/15/2010 572 ORDER granting 571 Motion for Extension of Time to Answer. Third-Party Dft Nomadix Inc deadline to respond to Best Western International Ins First Amended Third - Party Complaint is extended to 11/12/2010. Signed by Magistrate Judge Charles Everingham on 10/15/2010. (ch, ) (Entered: 10/15/2010)



- 10/18/2010 573 SEALED LINKSMART WIRELESS TECHNOLOGY, LLCS SURREPLY TO DEFENDANT CHOICE HOTELS INTERNATIONAL, INC.S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT 530 MOTION for Summary Judgment of Non-Infringement filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 SECOND DECLARATION OF ROBERT GOOKIN IN SUPPORT OF LINKSMART WIRELESS TECHNOLOGY, LLC'S SURREPLY TO DEFENDANT CHOICE HOTELS INTERNATIONAL, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT, # 2<sup>3</sup>Exhibit A)(Gookin, Robert) (Entered: 10/18/2010)
- 10/19/2010 574 SEALED ADDITIONAL ATTACHMENTS to Main Document: 573 Attachment to Exhibit A. (Attachments: # 1 Exhibit A)(Gookin, Robert) (Entered: 10/19/2010)
- 10/26/2010 575 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 10/26/2010)
- 10/27/2010 576 ORDER granting 546 Motion to Stay Pending the Reexamination of the Patent-In-Suit (D.I. 546) and Linksmart's Notice of Non-Opposition, including the conditions set forth in Linksmart's Notice, findings set forth herein. This stay will not affect the briefing schedule for Choice's currently pending motion for summary judgment. Signed by Magistrate Judge Charles Everingham on 10/26/10. (ehs, ) (Entered: 10/27/2010)
- 10/27/2010 577 ORDER granting 575 Motion for Extension of Time to File Response/Reply re 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims Responses due by 11/29/2010. Signed by Magistrate Judge Charles Everingham on 10/27/2010. (ch, ) (Entered: 10/27/2010)
- 10/29/2010 578 ORDER granting 570 Motion Response to First Amended Third Party Complaint of Best Western International, Inc. The parties have agreed that BestComm hereby reserves the right to file a motion under Rule 12(b) of the Federal Rules of Civil Procedure and/or an amended answer to plead further and assert additional defenses in response to the First Amended Third Party Complaint of Best Western International, Inc.. Signed by Magistrate Judge Charles Everingham on 10/29/10. (ehs, ) (Entered: 10/29/2010)
- 11/10/2010 579 Joint MOTION to Dismiss SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice by Linksmart Wireless,Technology, LLC. (Attachments: # 1 Text of Proposed Order Order Dismissing SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice)(Weiss, Andrew) (Entered: 11/10/2010)
- 11/12/2010 580 ORDER, granting 579 Joint MOTION to Dismiss SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice filed by Linksmart Wireless Technology, LLC., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc., and Barnes & Noble Booksellers, Inc. terminated. Signed by Judge David Folsom on 11/12/10. (mrm, ) (Entered: 11/12/2010)
- 11/19/2010 581 Joint MOTION to Dismiss Aptilo Networks, Inc. With Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Dismissal With Prejudice) (Weiss, Andrew) (Entered: 11/19/2010)
- 11/24/2010 582 ORDER OF DISMISSAL WITH PREJUDICE, granting 581 Joint MOTION to Dismiss Aptilo Networks, Inc. With Prejudice filed by Linksmart Wireless Technology, LLC., Aptilo Networks, Inc. terminated. Signed by Judge David Folsom on 11/24/10. (mrm, ) (Entered: 11/24/2010)
- 01/12/2011 583 NOTICE by Best Western International, Inc. Notice of Change of Address for David E. Rogers, Counsel for Best Western International, Inc. (Joe, Christopher) (Entered: 01/12/2011)
- 04/25/2011 584 \*\*\*DEFICIENT DOCUMENT, PLEASE IGNORE\*\*\* NOTICE by LodgeNet Interactive Corporation of Withdrawal of attorney Cynthia Lopez Beverage (Ungerman, Mark) Modified on 4/25/2011 (sm, ). (Entered: 04/25/2011)
- 04/25/2011 -- NOTICE of DEFICIENCY regarding the #584 Notice of withdrawal submitted by LodgeNet Interactive Corporation. No certificate of service was included and a motion is required to withdraw atty of record. Correction should be made by 1 business day and refiled as a motion. (sm, ) (Entered: 04/25/2011)
- 10/19/2011 585 NOTICE by Ramada Worldwide, Inc. Notice of Compliance (Stein, David) (Entered: 10/19/2011)
- 02/01/2012 586 Unopposed MOTION to Lift Stay by Linksmart Wireless Technology, LLC. (Attachments: #

- 1 Exhibit A, # 2 Text of Proposed Order)(Weiss, Andrew) Modified on 2/2/2012 (sm, ). (Entered: 02/01/2012)
- 02/02/2012 -- NOTICE FROM CLERK re 586 Unopposed MOTION to Stay and Unopposed MOTION to Lift Stay. Clerk is going to terminate the motion to stay and modify entry to reflect that it is only 1 motion which to lift stay. (sm, ) (Entered: 02/02/2012)
- 02/03/2012 587 ORDER LIFTING STAY, granting 586 Unopposed MOTION to Lift Stay filed by Linksmart Wireless Technology, LLC. Signed by Judge David Folsom on 2/3/12. (mrm, ) (Entered: 02/03/2012)
- 02/06/2012 588 ORDER denying without prejudice 413 Motion to Dismiss; denying without prejudice 432 Motion to Strike ; denying without prejudice 468 Motion for Summary Judgment; denying without prejudice 530 Motion for Summary Judgment. Signed by Judge David Folsom on 2/6/12. (mrm, ) (Entered: 02/06/2012)
- 02/06/2012 589 ORDER REFERRING CASE to Magistrate Judge Magistrate Judge Caroline Craven for all pretrial purposes. Signed by Judge David Folsom on 2/6/12. (mrm, ) (Entered: 02/06/2012)
- 02/07/2012 590 ORDER SCHEDULING STATUS CONFERENCE, ( Status Conference set for 3/13/2012 11:00 AM in Ctrm 403 (Texarkana) before Magistrate Judge Caroline Craven.). Signed by Magistrate Judge Caroline Craven on 2/7/2012. (sm, ) (Entered: 02/07/2012)
- 02/28/2012 591 APPLICATION to Appear Pro Hac Vice by Attorney John W Holcomb for Nomadix, Inc. (APPROVED FEE PAID) 6-7416. (ch, ) (Entered: 02/28/2012)
- 02/29/2012 592 NOTICE of Attorney Appearance by Sid Leach on behalf of Best Western International, Inc. (Leach, Sid) (Entered: 02/29/2012)
- 03/01/2012 593 NOTICE of Attorney Appearance by M. Dru Montgomery on behalf of Ramada Worldwide, Inc. (Montgomery, M.) (Entered: 03/01/2012)
- 03/01/2012 594 NOTICE of Attorney Appearance by Brian G Gilpin on behalf of EthoStream, LLC, Ramada Worldwide, Inc. (Gilpin, Brian) (Entered: 03/01/2012)
- 03/01/2012 595 NOTICE by Linksmart Wireless Technology, LLC of Change of Firm Name (Spangler, Andrew) (Entered: 03/01/2012)
- 03/01/2012 596 NOTICE of Attorney Appearance by James A Fussell, III on behalf of Linksmart Wireless Technology, LLC (Fussell, James) (Entered: 03/01/2012)
- 03/06/2012 597 Unopposed MOTION for Extension of Time to File Answer re 562 Third Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Holcomb, John) (Entered: 03/06/2012)
- 03/06/2012 598 Unopposed MOTION for Extension of Time to File Answer re 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order) (Holcomb, John) (Entered: 03/06/2012)
- 03/07/2012 599 ORDER granting 598 Motion for Extension of Time to Respond to the Cross Claim of BestComm Networks, Inc. Nomadix shall have up to and including April 3, 2012 to respond to the Cross-Claim of BestComm Networks, Inc.. Signed by Magistrate Judge Caroline Craven on 3/7/12. (ehs, ) (Entered: 03/07/2012)
- 03/07/2012 600 ORDER granting 597 Motion for Extension of Time to Respond to Best Western International, Inc.s First Amended Third-Party Complaint. Nomadix deadline extended to April 3, 2012 to respond to Best WesternInternational, Inc.s First Amended Third-Party Complaint.. Signed by Magistrate Judge Caroline Craven on 3/7/12. (ehs, ) (Entered: 03/07/2012)
- 03/08/2012 601 NOTICE of Attorney Appearance by James Donald Peterson on behalf of EthoStream, LLC, Ramada Worldwide, Inc. (Peterson, James) (Entered: 03/08/2012)
- 03/12/2012 -- NOTICE of RESETING OF LIVE STATUS CONFERENCE previously set for 03/13/12 at 11:00 to 03/29/12 AT 1:30 P.M. before U. S. Magistrate Judge Caroline M. Craven in Texarkana. (lfs, ) (Entered: 03/12/2012)
- 03/16/2012 602 MISC 12-1 ORDER REASSIGNING CASE. Case reassigned to Judge Rodney Gilstrap for all further proceedings. Judge David Folsom & Magistrate Craven no longer assigned to case. Signed by Judge Leonard Davis on 3/16/2012. (rml, ) (rml, ). (Entered: 03/19/2012)
- 03/20/2012 -- MISC 12-1 ORDER Magistrate Judge Roy S Payne added to case. (rml, ) (Entered: 03/20/2012)
- 03/28/2012 603 Unopposed MOTION to Reschedule the Status Conference by Linksmart Wireless

- Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew)  
(Entered: 03/28/2012)
- 03/28/2012 -- ORDER granting 603 . The hearing is continued without date. Signed by Magistrate Judge Roy S Payne on March 28, 2012. (Payne, Roy) (Entered: 03/28/2012)
- 04/03/2012 604 Unopposed MOTION for Extension of Time to File Answer re 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order) (Capshaw, Sidney) (Entered: 04/03/2012)
- 04/03/2012 605 Unopposed MOTION for Extension of Time to File Answer re 562 Third Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/03/2012)
- 04/04/2012 606 ORDER granting 605 Motion for Extension of Time to Answer. Nomadix shall have up to and including 4/17/2012 to respond to Best Western International, Inc.s First Amended Third-Party Complaint. Signed by Magistrate Judge Roy S Payne on 4/4/2012. (ch, ) (Entered: 04/04/2012)
- 04/04/2012 607 ORDER granting 604 Motion for Extension of Time to Answer. Nomadix, Inc. be given to and including April 17, 2012 to respond to the Cross-Claim of BestComm Networks, Inc. Signed by Magistrate Judge Roy S Payne on 4/4/12. (ehs, ) (Entered: 04/04/2012)
- 04/04/2012 608 Joint MOTION to Dismiss All Remaining Defendants by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Weiss, Andrew) (Entered: 04/04/2012)
- 04/04/2012 609 STIPULATION Dismissal of Third-Party Complaint and Cross Claim Without Prejudice by Best Western International, Inc.. (Rogers, David) (Entered: 04/04/2012)
- 04/05/2012 -- NOTICE of TELEPHONE Status Conference set for 4/25/2012 09:30 AM in Mag Ctrm (Marshall) before Magistrate Judge Roy S Payne. \*\*\*The parties are to contact the Court AFTER all parties have joined the call.\*\*\* The Court's telephone number is 903-935-2730. (jml) (Entered: 04/05/2012)
- 04/05/2012 -- NOTICE: THE TELEPHONE STATUS CONFERENCE SET ON 4/25/12 AT 9:30 A.M. is cancelled. (jml) (Entered: 04/05/2012)
- 04/05/2012 610 ORDER granting 608 Motion to Dismiss. ORDERED, ADJUDGED AND DECREED that all claims and counterclaims asserted in this suit between plaintiff, Linksmart Wireless Technology, LLC, and all remaining defendants are hereby dismissed without prejudice, with each party to bear its own costs, expenses and attorneys fees. Signed by Magistrate Judge Roy S Payne on 4/5/2012. (ch, ) (Entered: 04/05/2012)
- 04/13/2012 611 NOTICE of Change of Address by Christopher Michael Joe (Joe, Christopher) (Entered: 04/13/2012)

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3)

1. 6,779,118, REEXAMINATION CERTIFICATE, C1 (8926th), Mar. 27, 2012, User Specific Automatic Data Redirection System, Ikudome, Koichiro, Arcadia, California, United States Yeung, Moon Tai, Alhambra, California, United States, Linksmart Wireless Technology, LLC, Pasadena, California, United States
2. 6779118, August 17, 2004, User specific automatic data redirection system, Ikudome, Koichiro, Arcadia, CALIFORNIA ; Yeung, Moon Tai, Alhambra, CALIFORNIA ; 295966, June 29, 1999, ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., AURIC WEB SYSTEMS 3452 EAST FOOTHILL BOULEVARD, SUITE 300PASADENA, CALIFORNIA, 91107, reel-frame:010062/0040, Auriq Systems, Inc., Pasadena, CALIFORNIA , United States company or corporation

**CORE TERMS:** user, server, redirection, network, authentication, packet, accounting, www, database, dial-up, filter, com, session, send, web, password, filtering, redirect, traffic, assigned, http, computer, protocol, proxy, site, redirected, destination, connect, remote, firewall

**6779118**

Source: **Legal > Area of Law - By Topic > Patent Law > Find Patents > Utility, Design and Plant Patents** [i](#)

Terms: **patno=6779118**

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Date/Time: Tuesday, June 12, 2012 - 7:14 AM EDT

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1. Ex parte LINKSMART WIRELESS TECHNOLOGY, LLC (U.S. Patent 6,779,118), Appeal 2011-009566 Reexamination 90/009,301 Technology Center 3900, Board of Patent Appeals and Interferences, 2011 Pat. App. LEXIS 21572, August 23, 2011, Decided

**CORE TERMS:** server, redirection, user, network, examiner, authentication, individualized, credential, database, teach ...

... K. Ikudome & M.T. Yeung, User specific automatic data redirection system, US **6,779,118** B1 (granted 17 August 2004). OPINION INTRODUCTION Rejections ...

2. Nomadix, Inc. v. Hewlett-Packard Co., Case No. CV 09-08441 DDP (VBKx), UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, 2012 U.S. Dist. LEXIS 40154, March 22, 2012, Decided, March 22, 2012, Filed, Motion denied by Nomadix, Inc. v. Hewlett-Packard Co., 2012 U.S. Dist. LEXIS 64101 (C.D. Cal., May 7, 2012)

**CORE TERMS:** invalidity, prior art, patent, discovery, good cause, supplemental, deposition, diligence, invalid, deposed ...

... U.S. Patent No. 6,636,894 ("894 Patent") is invalid in light of U.S. Patent No. **6,779,118** ("118 Patent"); and 2) U.S. Patent No. 7,689,716 ("716 Patent") ...

3. Linksmart Wireless Tech., LLC v. T-Mobile USA, Inc., CASE NO. 2:08-CV-264-DF-CE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 2010 U.S. Dist. LEXIS 65424, June 30, 2010, Decided, June 30, 2010, Filed, Magistrate's recommendation at Linksmart Wireless Tech., LLC v. T-Mobile USA, Inc., 2010 U.S. Dist. LEXIS 101444 (E.D. Tex., Sept. 1, 2010)

**CORE TERMS:** user, server, network, redirection, specification, assigned, session, database, individualized, invention ...

... Networks, Inc. infringe various claims of United States Patent No. **6,779,118** ("the '118 patent"). This memorandum addresses the parties' various claim ...







Source: **Legal > Area of Law - By Topic > Patent Law > Find Cases > Intellectual Property Cases, Administrative Decisions & Regulations** 

Terms: **6779118 or 6,779,118**

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-  - Citing Refs. With Analysis Available
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\* Click on any *Shepard's* signal to *Shepardize*® that case.

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1. Southeast Texas Record, August 5, 2010 Thursday, 2048 words, Recent patent infringement/false marking cases filed in the Eastern District of Texas, Michelle Massey, East Texas Bureau

... Inc. The plaintiff alleges that the defendants are willfully infringing on U.S. Patent No. **6,779,118** issued on Aug. 17, 2004 for User Specific Automatic Data ...

2. Patent Law Practice Center, June 12, 2012 Tuesday 5:52 AM EST, , 676 words, Troll Busters® Attack on Nucleic Acid Patent One of the Reexamination Requests Filed the Week of June 4, 2012

... Troll Busters. (7) 90/012,342 (electronically filed) U.S. Patent No. **6,779,118** entitled USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM and owned by Linksmart ...

3. Patent Law Practice Center, February 18, 2011 Friday 7:33 AM EST, , 895 words, Facebook Challenges To Three æHuman Relationships Patents, Among Reexamination Requests Filed Week Of FEBRUARY 7th, Stefanie Levine

... 2011. (9) 90/011,485 (electronically filed) " U.S. Patent No. **6,779,118** entitled USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM and owned by Koichiro ...

Source: **Legal > Area of Law - By Topic > Patent Law > Search News > News, Most Recent Two Years (English, Full Text)** [i](#)

Terms: **6779118 or 6,779,118**

View: Cite

Date/Time: Tuesday, June 12, 2012 - 7:17 AM EDT

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US006779118B1

(12) **United States Patent**  
**Ikudome et al.**

(10) **Patent No.:** **US 6,779,118 B1**  
(45) **Date of Patent:** **Aug. 17, 2004**

(54) **USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM**

(75) Inventors: **Koichiro Ikudome**, Arcadia, CA (US);  
**Moon Tai Yeung**, Alhambra, CA (US)

(73) Assignee: **Auriq Systems, Inc.**, Pasadena, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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\* cited by examiner

(21) Appl. No.: **09/295,966**

(22) Filed: **Apr. 21, 1999**

**Related U.S. Application Data**

(60) Provisional application No. 60/084,014, filed on May 4, 1998.

(51) **Int. Cl.<sup>7</sup>** ..... **G06F 12/14**

(52) **U.S. Cl.** ..... **713/201**

(58) **Field of Search** ..... 713/200, 201,  
713/202, 165, 168, 193; 709/229; 380/200,  
201, 230; 340/825.31, 825.34; 705/57,  
58

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*Primary Examiner*—Pierre Elisca

(74) *Attorney, Agent, or Firm*—Christie, Parker & Hale, LLP

(57) **ABSTRACT**

A data redirection system for redirecting user's data based on a stored rule set. The redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authentication and accounting server, and a database. Prior to using the system, users authenticate with the authentication and accounting server, and receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.

**27 Claims, 1 Drawing Sheet**

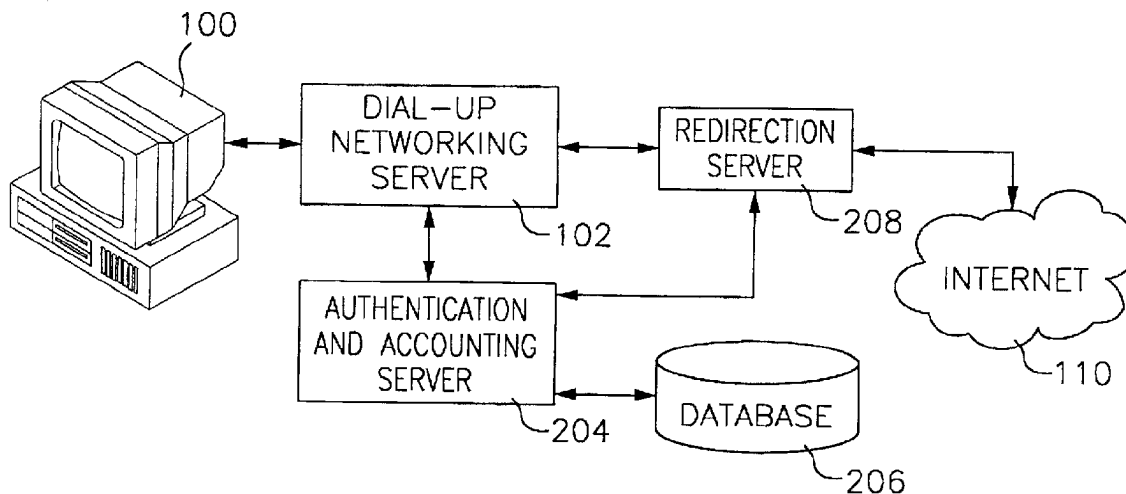


FIG. 1

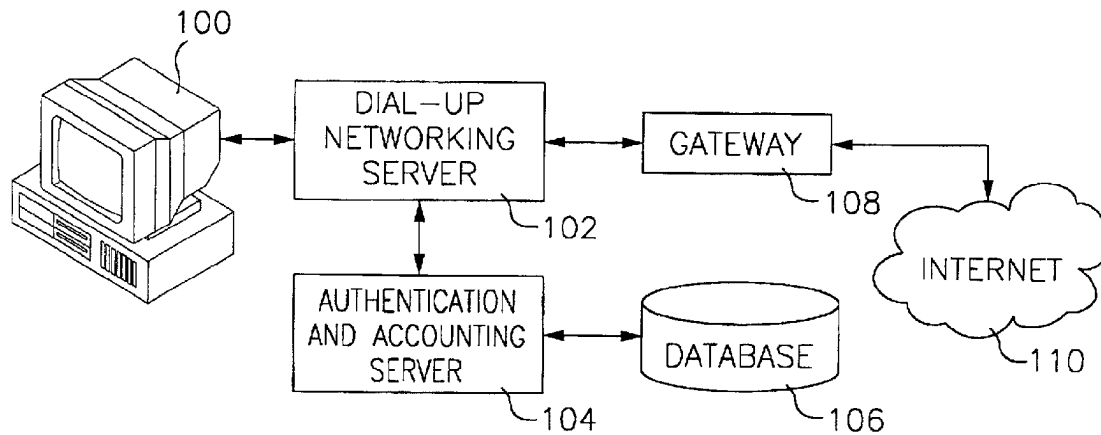
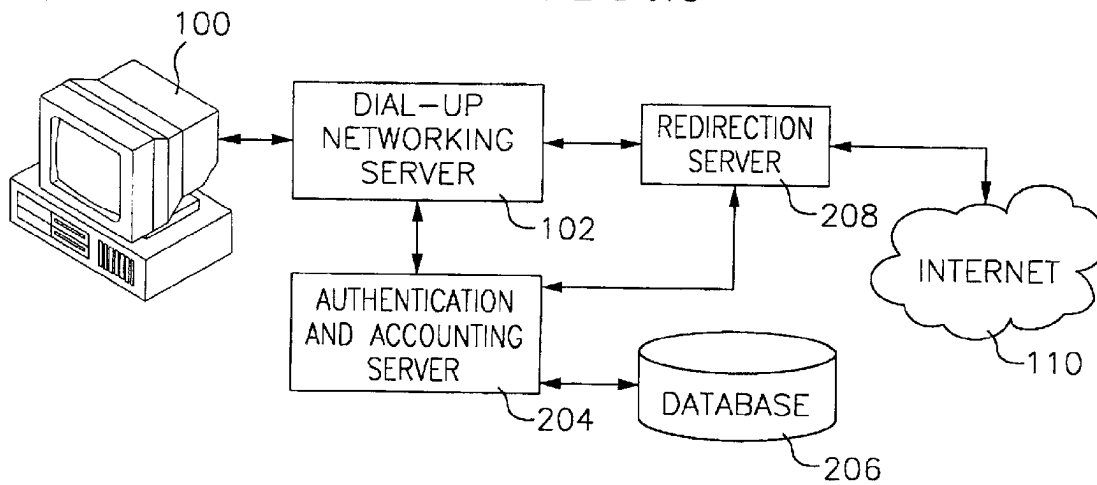


FIG. 2





1

## USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

### RELATED APPLICATION

This application claims priority of U.S. Provisional Application No. 60/084,014 filed May 4, 1998, the disclosure of which is incorporated fully herein by reference.

### FIELD OF THE INVENTION

This invention relates to the field of Internet communications, more particularly, to a database system for use in dynamically redirecting and filtering Internet traffic.

### BACKGROUND OF THE INVENTION

In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), the user first makes a physical connection between their computer **100** and a dial-up networking server **102**, the user provides to the dial-up networking server their user ID and password. The dial-up networking server then passes the user ID and password, along with a temporary Internet Protocol (IP) address for use by the user to the ISP's authentication and accounting server **104**. A detailed description of the IP communications protocol is discussed in *Internetworking with TCP/IP*, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database **106** would send an authorization message to the dial-up networking server **102** to allow the user to use the temporary IP address assigned to that user by the dial-up networking server and then logs the connection and assigned IP address. For the duration of that session, whenever the user would make a request to the Internet **110** via a gateway **108**, the end user would be identified by the temporarily assigned IP address.

The redirection of Internet traffic is most often done with World Wide Web (WWW) traffic (more specifically, traffic using the HTTP (hypertext transfer protocol)). However, redirection is not limited to WWW traffic, and the concept is valid for all IP services. To illustrate how redirection is accomplished, consider the following example, which redirects a user's request for a WWW page (typically an html (hypertext markup language) file) to some other WWW page. First, the user instructs the WWW browser (typically software running on the user's PC) to access a page on a remote WWW server by typing in the URL (universal resource locator) or clicking on a URL link. Note that a URL provides information about the communications protocol, the location of the server (typically an Internet domain name or IP address), and the location of the page on the remote server. The browser next sends a request to the server requesting the page. In response to the user's request, the web server sends the requested page to the browser. The page, however, contains html code instructing the browser to request some other WWW page—hence the redirection of the user begins. The browser then requests the redirected WWW page according to the URL contained in the first page's html code. Alternately, redirection can also be accomplished by coding the page such that it instructs the browser to run a program, like a Java applet or the like, which then redirects the browser. One disadvantage with current redirection technology is that control of the redirection is at the remote end, or WWW server end—and not the local, or user end. That is to say that the redirection is performed by the remote server, not the user's local gateway.

2

Filtering packets at the Internet Protocol (IP) layer has been possible using a firewall device or other packet filtering device for several years. Although packet filtering is most often used to filter packets coming into a private network for security purposes, once properly programed, they can filter outgoing packets sent from users to a specific destination as well. Packet filtering can distinguish, and filter based on, the type of IP service contained within an IP packet. For example, the packet filter can determine if the packet contains FTP (file transfer protocol) data, WWW data, or Telnet session data. Service identification is achieved by identifying the terminating port number contained within each IP packet header. Port numbers are standard within the industry to allow for interoperability between equipment. Packet filtering devices allow network administrators to filter packets based on the source and/or destination information, as well as on the type of service being transmitted within each IP packet. Unlike redirection technology, packet filtering technology allows control at the local end of the network connection, typically by the network administrator. However, packet filtering is very limited because it is static. Once packet filtering rule sets are programed into a firewall or other packet filter device, the rule set can only be changed by manually reprogramming the device.

Packet filter devices are often used with proxy server systems, which provide access control to the Internet and are most often used to control access to the world wide web. In a typical configuration, a firewall or other packet filtering device filters all WWW requests to the Internet from a local network, except for packets from the proxy server. That is to say that a packet filter or firewall blocks all traffic originating from within the local network which is destined for connection to a remote server on port **80** (the standard WWW port number). However, the packet filter or firewall permits such traffic to and from the proxy server. Typically, the proxy server is programed with a set of destinations that are to be blocked, and packets destined for blocked addresses are not forwarded. When the proxy server receives a packet, the destination is checked against a database for approval. If the destination is allowed, the proxy server simply forwards packets between the local user and the remote server outside the firewall. However, proxy servers are limited to either blocking or allowing specific system terminals access to remote databases.

A recent system is disclosed in U.S. Pat. No. 5,696,898. This patent discloses a system, similar to a proxy server, that allows network administrators to restrict specific IP addresses inside a firewall from accessing information from certain public or otherwise uncontrolled databases (i.e., the WWW/Internet). According to the disclosure, the system has a relational database which allows network administrators to restrict specific terminals, or groups of terminals, from accessing certain locations. Similarly limited as a proxy server, this invention can only block or allow terminals' access to remote sites. This system is also static in that rules programmed into the database need to be reprogramming in order to change which locations specific terminals may access.

### SUMMARY OF THE INVENTION

The present invention allows for creating and implementing dynamically changing rules, to allow the redirection, blocking, or allowing, of specific data traffic for specific users, as a function of database entries and the user's activity. In certain embodiments according to the present invention, when the user connects to the local network, as in the prior art system, the user's ID and password are sent to

the authentication accounting server. The user ID and password are checked against information in an authentication database. The database also contains personalized filtering and redirection information for the particular user ID. During the connection process, the dial-up network server provides the authentication accounting server with the IP address that is going to be temporarily assigned to the user. The authentication accounting server then sends both the user's temporary IP address and all of the particular user's filter and redirection information to a redirection server. The IP address temporarily assigned to the end user is then sent back to the end user for use in connecting to the network.

Once connected to the network, all data packets sent to, or received by, the user include the user's temporary IP address in the IP packet header. The redirection server uses the filter and redirection information supplied by the authentication accounting server, for that particular IP address, to either allow packets to pass through the redirection server unmolested, block the request all together, or modify the request according to the redirection information.

When the user terminates the connection with the network, the dial-up network server informs the authentication accounting server, which in turn, sends a message to the redirection server telling it to remove any remaining filtering and redirection information for the terminated user's temporary IP address. This then allows the dial-up network to reassign that IP address to another user. In such a case, the authentication accounting server retrieves the new user's filter and redirection information from the database and passes it, with the same IP address which is now being used by a different user, to the redirection server. This new user's filter may be different from the first user's filter.

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block diagram of a typical Internet Service Provider environment.

FIG. 2 is a block diagram of an embodiment of an Internet Service Provider environment with integrated redirection system.

#### DETAILED DESCRIPTION OF THE INVENTION

In the following embodiments of the invention, common reference numerals are used to represent the same components. If the features of an embodiment are incorporated into a single system, these components can be shared and perform all the functions of the described embodiments.

FIG. 2. shows a typical Internet Service Provider (ISP) environment with integrated user specific automatic data redirection system. In a typical use of the system, a user employs a personal computer (PC) 100, which connects to the network. The system employs: a dial-up network server 102, an authentication accounting server 204, a database 206 and a redirection server 208.

The PC 100 first connects to the dial-up network server 102. The connection is typically created using a computer modem, however a local area network (LAN) or other communications link can be employed. The dial-up network server 102 is used to establish a communications link with the user's PC 100 using a standard communications protocol. In the preferred embodiment Point to Point Protocol (PPP) is used to establish the physical link between the PC 100 and the dial-up network server 102, and to dynamically assign the PC 100 an IP address from a list of available addresses. However, other embodiments may employ dif-

ferent communications protocols, and the IP address may also be permanently assigned to the PC 100. Dial-up network servers 102, PPP and dynamic IP address assignment are well known in the art.

An authentication accounting server with Auto-Navi component (hereinafter, authentication accounting server) 204 is used to authenticate user ID and permit, or deny, access to the network. The authentication accounting server 204 queries the database 206 to determine if the user ID is authorized to access the network. If the authentication accounting server 204 determines the user ID is authorized, the authentication accounting server 204 signals the dial-up network server 102 to assign the PC 100 an IP address, and the Auto-Navi component of the authentication accounting server 204 sends the redirection server 208 (1) the filter and redirection information stored in database 206 for that user ID and (2) the temporarily assigned IP address for the session. One example of an authentication accounting server is discussed in U.S. Pat. No. 5,845,070, which is fully incorporated here by reference. Other types of authentication accounting servers are known in the art. However, these authentication accounting servers lack an Auto-Navi component.

The system described herein operates based on user ID's supplied to it by a computer. Thus the system does not "know" who the human being "user" is at the keyboard of the computer that supplies a user ID. However, for the purposes of this detailed description, "user" will often be used as a short hand expression for "the person supplying inputs to a computer that is supplying the system with a particular user ID."

The database 206 is a relational database which stores the system data. FIG. 3 shows one embodiment of the database structure. The database, in the preferred embodiment, includes the following fields: a user account number, the services allowed or denied each user (for example: e-mail, Telnet, FTP, WWW), and the locations each user is allowed to access.

Rule sets are employed by the system and are unique for each user ID, or a group of user ID's. The rule sets specify elements or conditions about the user's session. Rule sets may contain data about a type of service which may or may not be accessed, a location which may or may not be accessed, how long to keep the rule set active, under what conditions the rule set should be removed, when and how to modify the rule set during a session, and the like. Rule sets may also have a preconfigured maximum lifetime to ensure their removal from the system.

The redirection server 208 is logically located between the user's computer 100 and the network, and controls the user's access to the network. The redirection server 208 performs all the central tasks of the system. The redirection server 208 receives information regarding newly established sessions from the authentication accounting server 204. The Auto-Navi component of the authentication accounting server 204 queries the database for the rule set to apply to each new session, and forwards the rule set and the currently assigned IP address to the redirection server 208. The redirection server 208 receives the IP address and rule set, and is programed to implement the rule set for the IP address, as well as other attendant logical decisions such as: checking data packets and blocking or allowing the packets as a function of the rule sets, performing the physical redirection of data packets based on the rule sets, and dynamically changing the rule sets based on conditions. When the redirection server 208 receives information

5

regarding a terminated session from the authentication accounting server **204**, the redirection server **208** removes any outstanding rule sets and information associated with the session. The redirection server **208** also checks for and removes expired rule sets from time to time.

In an alternate embodiment, the redirection server **208** reports all or some selection of session information to the database **206**. This information may then be used for reporting, or additional rule set generation.

System Features Overview

In the present embodiment, each specific user may be limited to, or allowed, specific IP services, such as WWW, FTP and Telnet. This allows a user, for example, WWW access, but not FTP access or Telnet access. A user's access can be dynamically changed by editing the user's database record and commanding the Auto-Navi component of the authentication accounting server **204** to transmit the user's new rule set and current IP address to the redirection server **208**.

A user's access can be "locked" to only allow access to one location, or a set of locations, without affecting other users' access. Each time a locked user attempts to access another location, the redirection server **208** redirects the user to a default location. In such a case, the redirection server **208** acts either as proxy for the destination address, or in the case of WWW traffic the redirection server **208** replies to the user's request with a page containing a redirection command.

A user may also be periodically redirected to a location, based on a period of time or some other condition. For example, the user will first be redirected to a location regardless of what location the user attempts to reach, then permitted to access other locations, but every ten minutes the user is automatically redirected to the first location. The redirection server **208** accomplishes such a rule set by setting an initial temporary rule set to redirect all traffic; after the user accesses the redirected location, the redirection server then either replaces the temporary rule set with the user's standard rule set or removes the rule set altogether from the redirection server **208**. After a certain or variable time period, such as ten minutes, the redirection server **208** reinstates the rule set again.

The following steps describe details of a typical user session:

A user connects to the dial-up network server **102** through computer **100**.

The user inputs user ID and password to the dial-up network server **102** using computer **100** which forwards the information to the authentication accounting server **204**

The authentication accounting server **204** queries database **206** and performs validation check of user ID and password.

Upon a successful user authentication, the dial-up network server **102** completes the negotiation and assigns an IP address to the user. Typically, the authentication accounting server **204** logs the connection in the database **206**.

The Auto-Navi component of the authentication accounting server **204** then sends both the user's rule set (contained in database **206**) and the user's IP address (assigned by the dial-up network server **102**) in real time to the redirection server **208** so that it can filter the user's IP packets.

6

The redirection server **208** programs the rule set and IP address so as to control (filter, block, redirect, and the like) the user's data as a function of the rule set.

The following is an example of a typical user's rule set, attendant logic and operation:

If the rule set for a particular user (i.e., user UserID-2) was such as to only allow that user to access the web site www.us.com, and permit Telnet services, and redirect all web access from any server at xyz.com to www.us.com, then the logic would be as follows:

The database **206** would contain the following record for user UserID-2:

ID	UserID-2	
Password:	secret	
#####		
### Rule Sets ###		
#####		
#service	rule	expire
http	www.us.com	0
http	*.xyz.com=>www.us.com	0

the user initiates a session, and sends the correct user ID and password (UserID-2 and secret) to the dial-up network server **102**. As both the user ID and password are correct, the authentication accounting server **204** authorizes the dial-up network server **102** to establish a session. The dial-up network server **102** assigns UserID-2 an IP address (for example, **10.0.0.1**) to the user and passes the IP address to the authentication accounting server **204**.

The Auto-Navi component of the authentication accounting server **204** sends both the user's rule set and the user's IP address (**10.0.0.1**) to the redirection server **208**.

The redirection server **208** programs the rule set and IP address so as to filter and redirect the user's packets according to the rule set. The logic employed by the redirection server **208** to implement the rule set is as follows:

```
IF source IP-address=10.0.0.1 AND
  ( ((request type=HTTP) AND (destination address=
    www.us.com) ) OR (request type=Telnet)
  ) THEN ok.
IF source IP-address=10.0.0.1 AND
  ( (request type=HTTP) AND (destination address=
    *.xyz.com)
  ) THEN (redirect=www.us.com)
```

The redirection server **208** monitors all the IP packets, checking each against the rule set. In this situation, if IP address **10.0.0.1** (the address assigned to user ID UserID-2) attempts to send a packet containing HTTP data (i.e., attempts to connect to port **80** on any machine within the xyz.com domain) the traffic is redirected by the redirection server **208** to www.us.com. Similarly, if the user attempts to connect to any service other than HTTP at www.us.com or Telnet anywhere, the packet will simply be blocked by the redirection server **208**.

When the user logs out or disconnects from the system, the redirection server will remove all remaining rule sets.

The following is another example of a typical user's rule set, attendant logic and operation:

If the rule set for a particular user (i.e., user UserID-3) was to force the user to visit the web site www.widgetsell.com, first, then to have unfettered access to other web sites, then the logic would be as follows:

The database 206 would contain the following record for user UserID-3;

ID	UserID-3	
Password:	top-secret	
#####		
### Rule Sets ###		
#####		
#service	rule	expire
http	*=>www.widgetsell.com	1x

the user initiates a session, and sends the correct user ID and password (UserID-3 and top-secret) to the dial-up network server 102. As both the user ID and password are correct, the authentication accounting server 204 authorizes the dial-up network server 102 to establish a session. The dial-up network server 102 assigns user ID 3 an IP address (for example, 10.0.0.1) to the user and passes the IP address to the authentication accounting server 204.

The Auto-Navi component of the authentication accounting server 204 sends both the user's rule set and the user's IP address (10.0.0.1) to the redirection server 208.

The redirection server 208 programs the rule set and IP address so as to filter and redirect the user's packets according to the rule set. The logic employed by the redirection server 208 to implement the rule set is as follows:

```
IF source IP-address=10.0.0.1 AND
  (request type=HTTP) THEN (redirect=
  www.widgetsell.com)
THEN SET NEW RULE
IF source IP-address=10.0.0.1 AND
  (request type=HTTP) THEN ok.
```

The redirection server 208 monitors all the IP packets, checking each against the rule set. In this situation, if IP address 10.0.0.1 (the address assigned to user ID UserID-3) attempts to send a packet containing HTTP data (i.e., attempts to connect to port 80 on any machine) the traffic is redirected by the redirection server 208 to www.widgetsell.com. Once this is done, the redirection server 208 will remove the rule set and the user is free to use the web unmolested.

When the user logs out or disconnects from the system, the redirection server will remove all remaining rule sets.

In an alternate embodiment a user may be periodically redirected to a location, based on the number of other factors, such as the number of locations accessed, the time spent at a location, the types of locations accessed, and other such factors.

A user's account can also be disabled after the user has exceeded a length of time. The authentication accounting server 204 keeps track of user's time online. Prepaid use subscriptions can thus be easily managed by the authentication accounting Server 204.

In yet another embodiment, signals from the Internet 110 side of redirection server 208 can be used to modify rule sets being used by the redirection server. Preferably, encryption and/or authentication are used to verify that the server or other computer on the Internet 110 side of redirection server 208 is authorized to modify the rule set or rule sets that are being attempted to be modified. An example of this embodiment is where it is desired that a user be redirected to a particular web site until the fill out a questionnaire or satisfy some other requirement on such a web site. In this example,

the redirection server redirects a user to a particular web site that includes a questionnaire. After this web site receives acceptable data in all required fields, the web site then sends an authorization to the redirection server that deletes the redirection to the questionnaire web site from the rule set for the user who successfully completed the questionnaire. Of course, the type of modification an outside server can make to a rule set on the redirection server is not limited to deleting a redirection rule, but can include any other type of modification to the rule set that is supported by the redirection server as discussed above.

It will be clear to one skilled in the art that the invention may be implemented to control (block, allow and redirect) any type of service, such as Telnet, FTP, WWW and the like. The invention is easily programmed to accommodate new services or networks and is not limited to those services and networks (e.g., the Internet) now known in the art.

It will also be clear that the invention may be implemented on a non-IP based networks which implement other addressing schemes, such as IPX, MAC addresses and the like. While the operational environment detailed in the preferred embodiment is that of an ISP connecting users to the Internet, it will be clear to one skilled in the art that the invention may be implemented in any application where control over users' access to a network or network resources is needed, such as a local area network, wide area network and the like. Accordingly, neither the environment nor the communications protocols are limited to those discussed.

What is claimed is:

1. A system comprising:

- a database with entries correlating each of a plurality of user IDs with an individualized rule set;
- a dial-up network server that receives user IDs from users' computers;
- a redirection server connected to the dial-up network server and a public network, and
- an authentication accounting server connected to the database, the dial-up network server and the redirection server;
- wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;
- wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and
- wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

2. The system of claim 1, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

3. The system of claim 1, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

4. The system of claim 1, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

5. The system of claim 1, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

6. The system of claim 1, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

7. The system of claim 1, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

8. In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected to the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection server, the method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

9. The method of claim 8, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

10. The method of claim 8, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

11. The method of claim 8, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

12. The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

13. The method of claim 8, further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set.

14. The method of claim 8, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

15. A system comprising:

a redirection server programed with a user's rule set correlated to a temporarily assigned network address;

wherein the rule set contains at least one of a plurality of functions used to control passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address; and wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user access.

16. The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17. The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

18. The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user access.

19. The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20. The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

21. The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user access.

22. The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user access.

23. The system of claim 15, wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

24. The system of claim 23 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

25. In a system comprising a redirection server containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network; the method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server; and wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

26. The method of claim 25, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user access.

27. The method of claim 25, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and the location or locations the user access.

\* \* \* \* \*



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**United States Patent**

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(45) **Certificate Issued:** **Mar. 27, 2012**

(54) **USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM**

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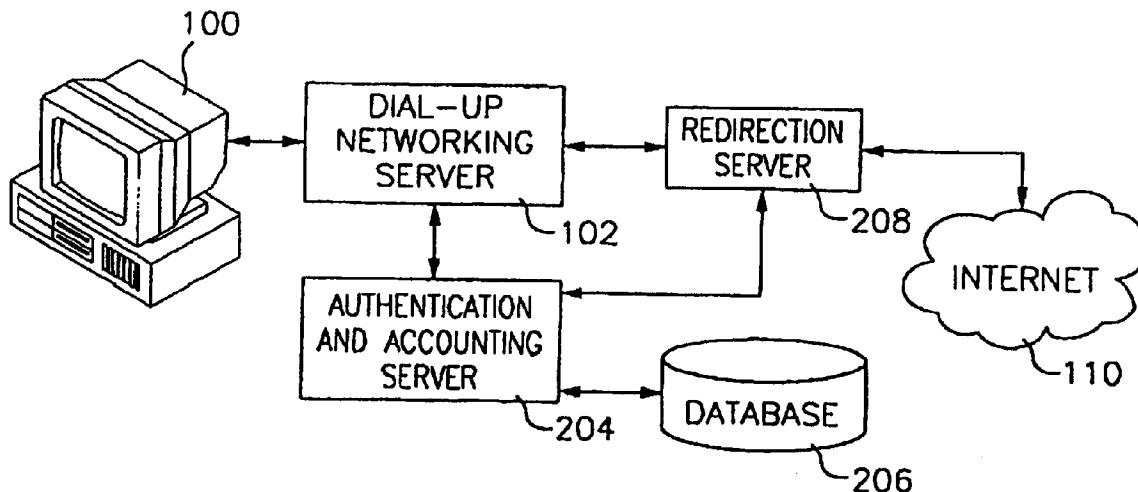
(56) **References Cited**

To view the complete listing of prior art documents cited during the proceeding for Reexamination Control Number 90/009,301, please refer to the USPTO's public Patent Application Information Retrieval (PAIR) system under the Display References tab.

*Primary Examiner*—Samuel Rimell

(57) **ABSTRACT**

A data redirection system for redirecting user's data based on a stored rule set. The redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authentication and accounting server, and a database. Prior to using the system, users authenticate with the authentication and accounting server, and receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.



**1**  
**EX PARTE**  
**REEXAMINATION CERTIFICATE**  
**ISSUED UNDER 35 U.S.C. 307**

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

**Matter enclosed in heavy brackets [ ] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.**

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

The patentability of claims 2-7 and 9-14 is confirmed.

Claims 1, 8, 15 and 25 are cancelled.

Claims 16-23 and 26-27 are determined to be patentable as amended.

Claim 24, dependent on an amended claim, is determined to be patentable.

New claims 28-90 are added and determined to be patentable.

16. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and*

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and*

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

**2**

18. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and*

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user [access] accesses.

19. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and*

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and*

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

21. [The system of claim 15.] *A system comprising: a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;*

*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;*

3

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user [access] accesses.

22. [The system of claim 15.] A system comprising:  
a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user [access] accesses.

23. [The system of claim 15.] A system comprising:  
a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

26. The method of claim 25, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user [access] accesses.

27. The method of claim 25, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the] a location or locations the user [access] accesses.

28. The system of claim 1, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

29. The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

4

30. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

31. The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

33. The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

34. The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

35. The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

36. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

37. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

38. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;



5

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

39. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

40. The method of claim 25, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

41. The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

42. The method of claim 25, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

43. The method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

44. A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirection server connected between the dial-up network server and a public network, and

an authentication accounting server connected to the database, the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

45. The system of claim 44, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

6

46. The system of claim 44, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

47. The system of claim 44, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

48. The system of claim 44, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

49. The system of claim 44, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

50. The system of claim 44, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

51. The system of claim 44, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

52. The system of claim 44, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

53. The system of claim 44, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

54. The system of claim 44, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

55. The system of claim 44, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

56. In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected between the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection servers, a method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

57. The method of claim 56, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

58. The method of claim 56, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

59. The method of claim 56, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

60. The method of claim 56, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

61. The method of claim 56, further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set.

7

62. The method of claim 56, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

63. The method of claim 56, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

64. The method of claim 56, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

65. The method of claim 56, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

66. The method of claim 56, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

67. The method of claim 56, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

68. A system comprising:

a redirection server connected between a user computer and a public network, the redirection server programmed with a users' rule set correlated to a temporarily assigned network address;

wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address; and

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

69. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

70. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

71. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.

72. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

73. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

74. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses.

75. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses.

8

76. The system of claim 68, wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

77. The system of claim 68 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

78. The system of claim 68, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

79. The system of claim 68, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

80. The system of claim 68, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

81. The system of claim 68, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

82. The system of claim 68, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the modified rule set.

83. In a system comprising a redirection server connected between a user computer and a public network, the redirection server containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network; a method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

84. The method of claim 83, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses.

85. The method of claim 83, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and a location or locations the user accesses.

86. The method of claim 83, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

87. The method of claim 83, wherein the modified rule set includes an initial temporary rule set and a standard rule

9

set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

88. The method of claim 83, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

89. The method of claim 83, wherein the modified rule set includes at least one rule redirecting the data to a new desti-

10

nation address based on a request type and an attempted destination address.

90. The method of claim 83, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.

\* \* \* \* \*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop *Ex Parte* Reexam**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR *EX PARTE* REEXAMINATION OF  
U.S. PATENT NUMBER 6,779,118**

**TABLE OF CONTENTS**

LIST OF APPENDICES.....4

REQUEST FOR *EX PARTE* REEXAMINATION OF U.S. PATENT NO. 6,779,118.....5

I. INTRODUCTION ..... 5

1 Claims 2-7, 9-14, 16-24, and 26-43 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,088,451 to He et al. in view of U.S. Patent 6,233,686 to Zenchelsky et al., and further in view of Admitted Prior Art (APA). ..... 6

2 Claims 2-7, 9-14, 28-35, and 44-67 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,848,233 to Radia et al. in view of the APA, and further in view of U.S. Patent 6,170,012 to Coss et al..... 11

3 Claims 16-24, 26-27, 36-43 and 68-90 are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,170,012 to Coss et al. in view of the APA ..... 19

II. REQUIREMENTS FOR *EX PARTE* REEXAMINATION REQUEST ..... 24

1 Fee for requesting reexamination – 37 C.F.R. § 1.510(a)..... 24

2 Prior Art Patents and Printed Publications Forming the Basis of this Request – 37 C.F.R. § 1.510(a)..... 24

3 Statement pointing out each substantial new question of patentability based on prior patents and printed publications – 37 C.F.R. § 1.510(b)(1)..... 26

4 Identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested – 37 C.F.R. § 1.510(b)(2) ..... 28

5 Copy of every patent or printed publication relied upon – 37 C.F.R. § 1.510(b)(3) ..... 28

6 Copy of the entire patent including the front face, drawings, and specification/claims (in double column format) for which reexamination is requested, and a copy of any disclaimer, certificate of correction, or reexamination certificate issued in the patent – 37 C.F.R. § 1.510(b)(4)..... 28

7 Certification that a copy of the request has been served in its entirety on the patent owner – 37 C.F.R. § 1.510(b)(5) ..... 29

III.	DETAILED EXPLANATION OF THE PERTINENCY OF EACH SNQ.....	29
1	Claims 2-7, 9-14, 16-24, and 26-43 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over He et al. in view of Zenchelsky et al., and further in view of the APA.....	29
2	Claims 2-7, 9-14, 28-35, and 44-67 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over Radia et al. in view of the APA, and further in view of Coss et al. ....	57
3	Claims 16-24, 26-27, 36-43 and 68-90 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Coss et al. in view of the APA .....	114
IV.	CLAIM CHARTS SHOWING MANNER OF APPLYING THE CITED PRIOR ART TO EVERY CLAIM FOR EACH SNQ .....	150
1	Claim chart showing how each of claims 2-7, 9-14, 16-24, and 26-43 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over He et al. in view of Zenchelsky et al., and further in view of the APA.....	150
2	Claim chart showing how each of claims 2-7, 9-14, 28-35, and 44-67 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over Radia et al. in view of the APA, and further in view of Coss et al.....	208
3	Claim chart showing how each of claims 16-24, 26-27, 36-43 and 68-90 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over Coss et al. in view of the APA .....	338
V.	CONCLUDING REMARKS.....	484

## LIST OF APPENDICES

The following appendices are provided in support of the present request for *ex parte* reexamination of the `118 patent:

- Appendix 1. Copy of U.S. Patent 6,088,451 (“He et al.”)
- Appendix 2. Copy of U.S. Patent 6,233,686 (“Zenchelsky et al.”)
- Appendix 3. Copy of U.S. Patent 5,848,233 (“Radia et al.”)
- Appendix 4. Copy of U.S. Patent 6,170,012 (“Coss et al.”)
- Appendix 5. Copy of U.S. Patent 6,779,118 (“the `118 patent”)
- Appendix 6. Copy of Reexam Certificate for U.S. Patent 6,779,118 B1
- Appendix 7. Proof of service on Patent Owner

**REQUEST FOR *EX PARTE* REEXAMINATION  
OF U.S. PATENT NO. 6,779,118**

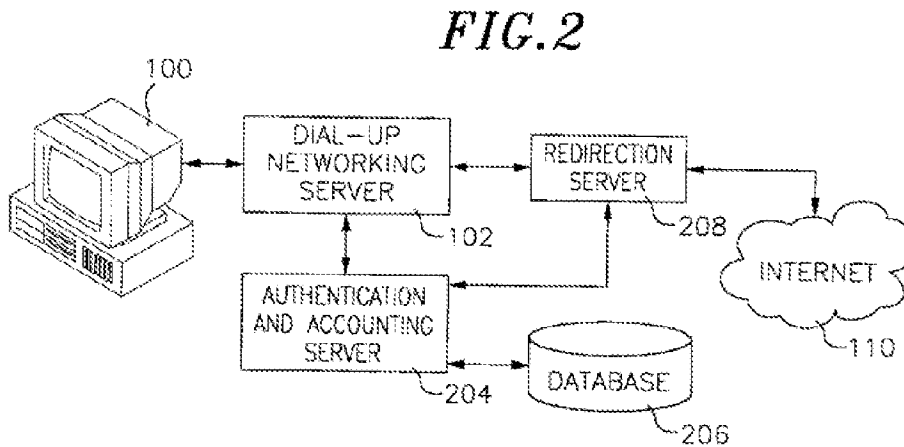
Dear Sir:

*Ex parte* reexamination of claims 2-7, 9-14, 16-24 and 26-90 of U.S. Patent No. 6,779,118 for “User Specific Automatic Data Redirection System” (“the ‘118 patent”), filed April 21, 1999 and issued August 17, 2004 is respectfully requested. The prior art described more fully herein warrants *ex parte* reexamination of the ‘118 patent.

Requester brings to the attention of the Office that a prior *ex parte* reexamination proceeding was conducted on the ‘118 patent under Application Number 90/009,301.

**I. INTRODUCTION**

The ‘118 patent pertains to a dynamic data redirection system for redirecting user's data based on a stored rule set. The only figure purporting to illustrate the invention is Figure 2:



This request for reexamination is made on the basis of three substantial new questions of patentability (“SNQs”). Each SNQ is introduced in this section; further explanations of the



pertinency and manner of applying the cited prior art to every claim for which reexamination is requested are set forth in sections III and IV below.

**1 Claims 2-7, 9-14, 16-24, and 26-43 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,088,451 to He et al. in view of U.S. Patent 6,233,686 to Zenchelsky et al., and further in view of Admitted Prior Art (APA).**

The first SNQ relates to the result of the prior reexamination proceedings (Application Number 90/009,301). In the prior reexamination, the Board of Patent Appeals and Interferences (the “Board”) entered a new ground of rejection finding independent claims 1, 8, 15, and 25 were obvious over He et al. in view of Zenchelsky et al., and further in view of the Admitted prior art (APA). However, no party considered the patentability of claims 2-7, 9-14, 16-24, and 26-43 (as they are now numbered) in view of this combination of references. In particular, the Examiner never considered whether these claims were patentable over He et al., Zenchelsky and Admitted Prior Art; the Patent Owner never argued that these claims were patentable over this combination of references; and the Board never addressed these claims.

The Patent Owner surrendered as unpatentable the scope of independent claims 1, 8, 15, and 25 in response to the Board rejecting these claims on appeal. In order for any of claims 2-7, 9-14, 16-24, and 26-43 (as they are now numbered and which were dependent upon independent claims 1, 8, 15 and 25 at the time of appeal) to be patentable, the additional limitations introduced in the dependent claim that are not found in corresponding independent claim 1, 8, 15, 25 must be the distinguishing features that renders the claim patentable. However, as described herein, the limitations introduced in claims 2-7, 9-14, 16-24, and 26-43 are nothing but obvious extensions of the unpatentable and now cancelled independent claims 1, 8, 15, and 25.

Before the appeal to the Board, the independent claims 1, 8, 15, and 25 were rejected by the Examiner based on two prior art references, namely, U.S. Patent 6,088,451 to He et al. and U.S. Patent 6,233,686 to Zenchelsky et al. Each independent claim recited a “redirection server” and the Examiner asserted this element was met by the credential server 204 of He et al., even though He et al.’s credential server 204 only performs control functions such as allowing and blocking users’ network access rather than redirection. The Examiner’s position was that the term “redirection server” was only a recitation of structure in the independent claims with the functionality performed by that structure being recited in separate dependent claims.

Dependent claims 32, 37, 42, and 47 at the time of the final rejection were new claims added by the Patent Owner during the reexamination proceeding specifically reciting redirection functionality performed by the redirection server replacing a first destination address in an IP packed header by a second destination address as a function of the individualized rule. For these claims, the Examiner applied a final rejection based on He et al. in view of Zenchelsky et al., and further in view of admitted prior art (APA) found in the background section of the '118 patent. The '118 patent background admits that redirection, and in particular web based redirection, was well known at the time of the invention. The Examiner found that redirection inherently requires replacing the destination address in the packet header and that it would be obvious to include a mechanism for destination address redirection as taught by the admitted prior art so as to permit, for example, directing users to migrated websites or directing users away from closed websites in addition to allowing and blocking as taught by He et al.

The Patent Owner appealed the final rejection of all claims. As set forth in the Appeal Brief, pages 18 to 31, separate arguments were provided for each of claims 1, 5, 6, 15, 28, 32, 37, 42, and 47 (as they were numbered at the time of appeal). All other claims on appeal were argued patentable by the Patent Owner for the sole reason that they either depend upon or are similar to a claim separately argued to be patentable.

On page 2 of the Decision on Appeal, the Appeal Board noted that “[f]or the purposes of this appeal, issued patent claim 1 and new claim 32 are broadly representative of the claims on appeal.” The Requester again notes that claim 1 was interpreted by the Examiner to not require redirection functionality and therefore only rejected on the basis of He et al. and Zenchelsky et al; whereas claim 32 explicitly recited redirection functionality and was therefore rejected by the Examiner on the basis of He et al., Zenchelsky et al., and the APA.

With respect to the construction of the term “redirection server” the Appeal Board made the following comments:

The examiner’s construction of “redirection server” is overly broad in view of the underlying disclosure. **Properly construed, the redirection server must, at a minimum, be configured to redirect something.** He’s credential server 204, while providing the control functions of blocking and allowing, does not appear to teach

or suggest redirecting, alone or in combination with Zenchelsky. [Board Decision of August 23, 2011, page 6, emphasis added]

The Board therefore reversed the Examiner's proposed rejections of independent claims 1, 8, 15, and 25.

Concerning the Examiner's proposed rejections of dependent claims 32, 37, 42, and 47 as obvious further in view of the APA admitting redirection functionality was well known, the Board found the Patent Owner's arguments were unpersuasive and affirmed the Examiner's rejection of these claims. The Board agreed with the Examiner that it would have been obvious for He's credential server to perform redirection in the claimed manner in view of the admissions found in the background section of the '118 patent.

Furthermore, because the rejections of dependent claims 32, 37, 42, and 47 were affirmed, the Board introduced a new ground of rejection for independent claims 1, 8, 15, and 25 finding that it follows that the independent claims must also be unpatentable as obvious over He et al in view of Zenchelsky et al., and further in view of the APA. The rejections of all the other dependent claims on appeal were reversed without further comment by the Board.

In response to the Decision on Appeal, the Patent Owner canceled all claims having rejections affirmed or newly entered by the Board and reopened prosecution before the Examiner. The record is thereby clear that there is nothing in canceled independent claims 1, 8, 15, and 25 or canceled dependent claims 32, 37, 42, and 47 that is patentable over the cited prior art.

However, the record indicates there was disagreement between the Examiner and the Patent Owner regarding the meaning of the Board's Decision reversing the Examiner's rejections of the other dependent claims on appeal (which were now pending before the Examiner). The following is found in the written summary of an interview conducted October 3, 2011 between the Examiner and the Patent Owner to discuss the Board's decision:

**Rep for patent owner asserted that all dependent claims except for 32, 37, 42, 47 were patentable, as evidenced by the Holding on page 10 of the Board decision ("the rejection of the other claims on appeal is Reversed").** Examiners expressed opinion that all dependent claims on appeal were rejected, as evidenced by the rejection of the independent claims and no explanation as to patentability of

any dependent claims. **Examiner expressed opinion that Board may have utilized independent claims as representative claims, with dependent claims standing or falling with the action taken on the representative claims.** Rep for patent owners strongly disagreed with this opinion, pointing to Holding on page 10 of Board Decision. Examiners indicated that patent owner's arguments would be fully considered, and the matter referred for additional supervisory/legal review. [Examiner interview summary mailed October 3, 2011, emphasis added]

The Examiner then allowed the reversed claims (renumbered as claims 2-7, 9-14, 16-24, and 26-43 in the '118 patent after reexamination) with the following comments:

“The Board of Patent Appeals and Interferences Decision of August 23, 2011 indicate the proposed rejection of these claims has been reversed (decision at page 10). **No proposed new grounds of rejection are indicated.** The remaining prior art of record has been considered and not found to raise further issues **beyond those issues already addressed by the Board of Patent Appeals and Interferences.** Accordingly, claims 2-7 and 9-14 are affirmed.” [Notice of intent to issue reexamination certification mailed January 6, 2012, pages 2-3, emphasis added, similar comments were made by the Examiner for each of claims 2-7, 9-14, 16-24, and 26-43]

The Requester believes that the conclusion by the Examiner that claims 2-7, 9-14, 16-24, and 26-43 (as they are now numbered) are patentable because the Board reversed the Examiner's rejections and did not propose a new ground of rejection was an error in both law and procedure.

Of claims 1 and 32 found representative of the claims on appeal by the Board, the Board affirmed the Examiner's rejection of claim 32 and entered a new ground of rejection for claim 1. 37 C.F.R. § 41.50(b)(1) provides that when prosecution is reopened by the Patent Owner in response to the Appeal Board introducing a new ground of rejection, the Examiner is bound by the new ground of rejection unless an amendment or new evidence not previously of record overcomes the new ground of rejection:

“(1) *Reopen prosecution.* Submit an appropriate amendment of the claims so rejected or new evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the proceeding will be remanded to the examiner. **The new ground of rejection is binding upon the examiner unless an amendment or new evidence not previously of record is made which, in the opinion of the examiner, overcomes the new ground of rejection stated in the decision.** Should the examiner reject the claims, appellant may again appeal to the Board pursuant to this subpart.” (37 C.F.R. § 41.50(b)(1), emphasis added)

Furthermore, MPEP 1214.04 provides that when the Examiner's rejections are reversed on appeal but the Examiner has specific knowledge of references that indicate nonpatentability of reversed claims, the Examiner should request authorization to reopen prosecution for the purpose of entering a new rejection:

**“If the examiner has specific knowledge of the existence of a particular reference or references which indicate nonpatentability of any of the appealed claims as to which the examiner was reversed, he or she should submit the matter to the Technology Center (TC) Director for authorization to reopen prosecution under 37 CFR 1.198 for the purpose of entering the new rejection. See MPEP § 1002.02(c) and MPEP § 1214.07. The TC Director's approval is placed on the action reopening prosecution.”** (emphasis added)

The record of the prior reexamination proceedings of the '118 patent clearly shows that the Examiner had specific knowledge of a particular combination of references (i.e., He et al., Zenchelsky et al., and the APA) which indicates nonpatentability of the appealed claims as to which the Examiner was reversed. In particular, the Board found claims 1 and 32 representative of the claims on appeal and further found both representative claims unpatentable over He et al. in view of Zenchelsky et al., and further in view of the APA. Pursuant to 37 C.F.R. § 41.50(b)(1), the Examiner was bound by the Board's new ground of rejection. Furthermore, since prosecution was already reopened by the Patent Owner, no permission from the TC Director to reopen prosecution for the purpose of entering the new rejection was required by the Examiner.

Although the independent claims including claim 1 were canceled by the Patent Owner in response to the Board's new ground of rejection, no arguments or new evidence were submitted by the Patent Owner as to why the dependent claims are patentable except for pointing out that the Board reversed the Examiner's rejection of those claims. This should not have been convincing argument because it is not a Board function to explicitly set forth new rejections for every dependent claim on appeal when a new ground of rejection is entered for the independent claims. It was sufficient for the Board to enter a new ground of rejection for the independent claims; the Board had no further obligation to separately consider or propose new rejections for any other dependent claims not separately argued on appeal by the Patent Owner. As noted by MPEP 1505.02:

“The failure of appellant to separately argue claims which appellant has grouped together **constitutes a waiver of any argument that the Board must consider the patentability of any grouped claim separately.** See *In re McDaniel*, 293 F.3d 1379, 1384, 63 USPQ2d 1462, 1465-66 (Fed. Cir. 2002)” (emphasis added)

Of claims 1, 5, 6, 15, 28, 32, 37, 42, and 47 that were separately argued on appeal by the Patent Owner, the Board’s decision explicitly rejected claims 1, 15, 32, 37, 42, and 47. The Patent Owner’s separate arguments for the patentability of dependent claims 5, 6, and 28 were not addressed by the Board and therefore cannot be said to have been found persuasive.

The Board reversed the Examiner’s rejections of the dependent claims on appeal because the Examiner’s proposed rejections did not rely on the APA for the redirection functionality implied by the term “redirection server”. Other than this formality of needing to further rely on the APA, there were no other issues identified by the Board with the Examiner’s rejections of the various dependent claims on appeal. After prosecution was reopened before the Examiner, the law and proper procedure as set forth in 37 C.F.R. § 41.50(b)(1) and MPEP 1214.04 both required the Examiner to apply a new ground of rejection to the reversed claims based on He et al., Zenchelsky et al., and the APA because the Examiner had specific knowledge that these prior art references indicate the nonpatentability of these claims.

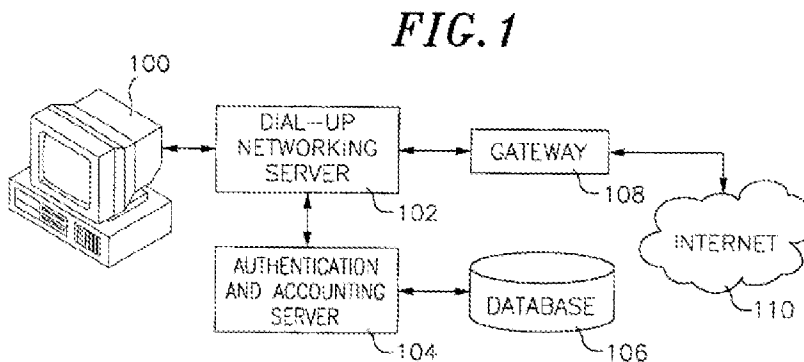
As set forth below in sections III and IV of this request, each of claims 2-7, 9-14, 16-24, and 26-43 (as they are now numbered) is unpatentable as obvious by combining the Examiner’s proposed final rejections (based on He et al. and Zenchelsky et al.) with the Board’s new ground of rejection of the representative independent claim 1 (further based on the APA). As evidenced by the below-described combination of He et al., Zenchelsky et al. and the APA, the features recited in claims 2-7, 9-14, 16-24, and 26-43 are simply obvious extensions of the independent claims 1, 8, 15, and 25 found unpatentable in the prior reexamination proceeding. The record shows that no application of this combination of prior art references was ever applied to any of requested claims 2-7, 9-14, 16-24, and 26-43 of the `118 patent.

**2 Claims 2-7, 9-14, 28-35, and 44-67 of the `118 patent are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,848,233 to Radia et al. in view of the APA, and further in view of U.S. Patent 6,170,012 to Coss et al.**

The second SNQ relates to the patentability of claims 2-7, 9-14, 28-35, and 44-67 having regard to prior art references Radia et al., Coss et al., and the APA. Although Radia et al. was

initialed by the Examiner on an applicant submitted information disclosure statement during the prior reexamination proceedings, neither Radia et al. nor Coss et al. was applied in any rejection of a claim or discussed on the record. The APA applied in this SNQ is an admission of prior art systems as illustrated in Figure 1 of the `118 patent, which is also different than the admission applied in rejections of the claims in the prior reexamination proceedings (which was related to known redirection techniques).

The background section of the `118 patent admits Figure 1 shows a prior art system:



In the admitted prior art systems, a user computer 100 connects via modem to a dial-up networking server 102 and obtains a temporary IP address upon authentication by an authentication and account server 104. The user can then make requests to the Internet 110 via a local gateway 108.

The background section of the `118 patent alleges several problems with these types of prior art systems:

1. Redirection is not performed by user's local gateway

“One disadvantage with current redirection technology is that control of the redirection is at the remote end, or WWW server end – and not the local, or user end. **That is to say that the redirection is performed by the remote server, not the user's local gateway.**” ( `118 patent, col. 1, lines 63-67, emphasis added)

2. Local control rules are static

“Unlike redirection technology, packet filtering technology allows control at the local end of the network connection, typically by the network administrator. However, **packet filtering is very limited because it is static.** Once packet

filtering rule sets are programed into a firewall or other packet filter device, **the rule set can only be changed by manually reprogramming the device.**” (‘118 patent, col. 2, lines 18-24, emphasis added)

3. User-specific local control rules are limited to either blocking or allowing (no redirection)

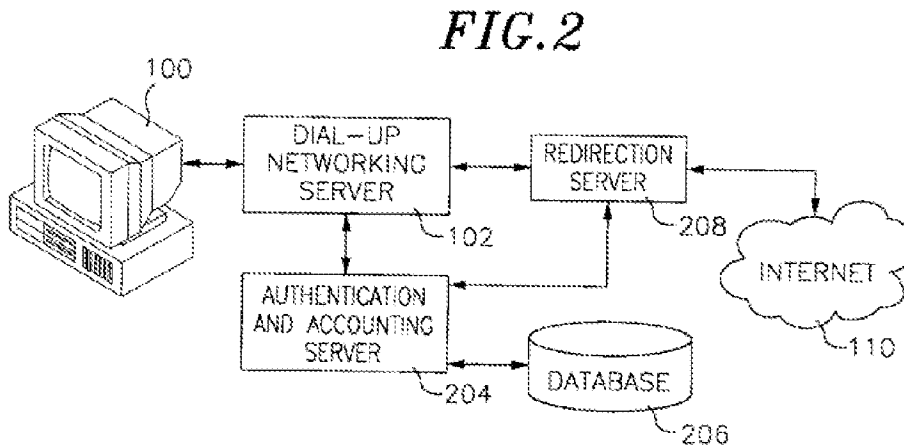
“Packet filter devices are often used with proxy server systems, ... However, proxy servers are **limited to either blocking or allowing** specific system terminals access to remote databases.” (‘118 patent, col. 2, lines 25-44, emphasis added)

“A recent system is disclosed in U.S. Pat. No. 5,696,898...Similarly limited as a proxy server, this invention can **only block or allow terminals’ access to remote sites.** This system **is also static** in that rules programmed into the database need to be reprogrammed in order to change which locations specific terminals may access.” (‘118 patent, col. 2, lines 25-44, emphasis added)

The ‘118 patent then summarizes the alleged invention as follows:

“The present invention allows for creating and implementing **dynamically changing rules**, to allow the **redirection, blocking, or allowing**, of specific data traffic **for specific users**, as a function of **database entries and the user’s activity.**” [‘118 patent, Summary of Invention, col. 2, lines 60-65, emphasis added]

Claims 2-7, 9-14, 28-35, and 44-67 of the ‘118 patent recite combined functionality of the dial-up network server 102, authentication accounting server 204, database 206, and redirection server 208 shown in Figure 2 of the ‘118 patent purported to illustrate the invention as follows:





In claims 2-7, 9-14, 28-35, and 44-67, the dial-up networking server 102 communicates a first user ID for one of the users' computers 100 and a temporarily assigned network address for the first user ID to the authentication accounting server 204. The authentication accounting server 204 communicates the individualized rule set that correlates with the first user ID in the database 206 and the temporarily assigned network address to the redirection server 208. The redirection server 208 then processes data directed toward the public network 110 from the one of the users' computers 100 according to the individualized rule set.

Concerning claims 44-67, these claims were newly added by the Patent Owner when prosecution was reopened with the Examiner after the Decision on Appeal. The Patent Owner summarized arguments for patentability of these claims due to the "between" location of the redirection server as follows:

"Additionally, a new set of claims is provided (48-94) which corresponds to the claim set that was appealed, and which further clarifies the location of the redirection server. Specifically, new independent claims 48, 60, 72, and 87 correspond to independent claims 1, 8, 15, and 25 respectively, **with additional terms to clarify the "between" location of the redirection server.** These clarifications were discussed with the Examiners at the Personal Internet held on October 3, 2011, and follow-up telephone interviews with the Examiner and **the Examiner stated that such clarifications would overcome the applied art and make these claims patentable.**" [Patent Owner arguments, page 3 of Proposed Amendment dated October 21, 2011, emphasis added]

The Examiner allowed claims 44-67 with the follow comments:

These claims are new claims, not present at the time of appeal. These claims are submitted in response to the Board of Patent Appeals and Interferences Decision of August 23, 2011, in response to the particular findings in that decision. From this claim set, claims 48 (re-numbered as 44), 60 (re-numbered as 56), 72 (re-numbered as 68) and 87 (re-numbered as 83) are independent. **These claims include the original language of claims 1, 8, 15, and 25 respectively, except that the redirection server is defined as being between the dial up network server and the public network (claims 48 and 60), or between the user computer and the public network (claims 72 and 87). This distinguishes from the network topology of He et al, applied as the primary prior art references at the time of appeal.** In view of the facts and evidence of record, including the decision of the Board of Patent Appeals and Interferences Decision of August 23, 2011, independent claims 48 (re-numbered as 44), 60 (re-numbered as 56), 72 (re-numbered as 68) and 87 (re-numbered as 83) are patentable as presented. Claims 49-59 (re-numbered as 45-55), 61-71 (renumbered as 57-67), 73-86 (re-numbered

as 69-82) and 88-94 (re-numbered as 84-90) are dependent on independent claims found patentable, and thus also patentable. [Examiner, Notice of intent to issue reexamination certification mailed January 6, 2012, page 4, emphasis added]

Regarding the assertion that the invention is somehow new because it allows dynamically changing user-specific local control rules rather than only static control rules, or that these dynamic rule modifications are done as a function of database entries and the user's activity, the Requester respectfully points out that Radia et al. disclose a "method and apparatus for *dynamic* packet filter assignment" (title, emphasis added). Radia et al. illustrates a system 100 in Figure 1 having a local router 106 for controlling access to network servers 108 according to individual rule sets for each of a plurality of user pcs 102a dynamically loaded from a database based on user activity such as logging in to the network.

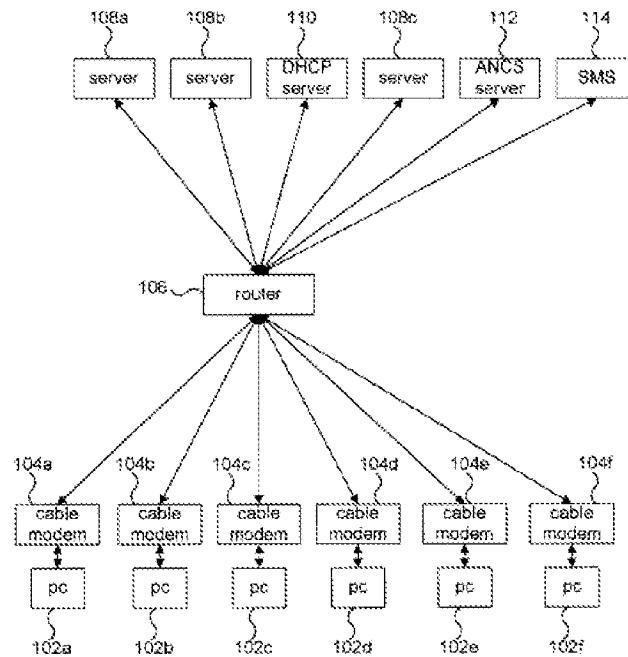


Figure 3 shows that the service management system (SMS) 114 of Figure 1 includes the filtering profiles database (316) storing filtering profile rule sets for each user:

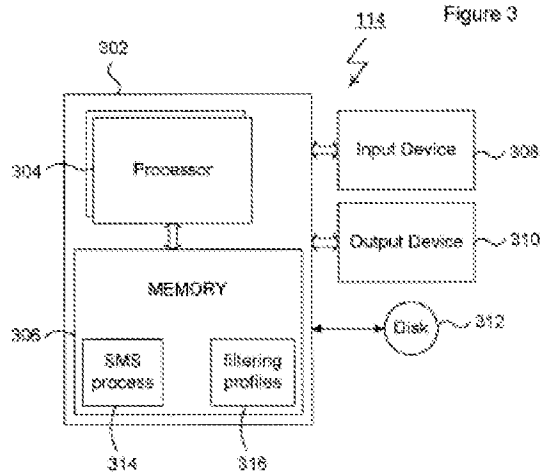
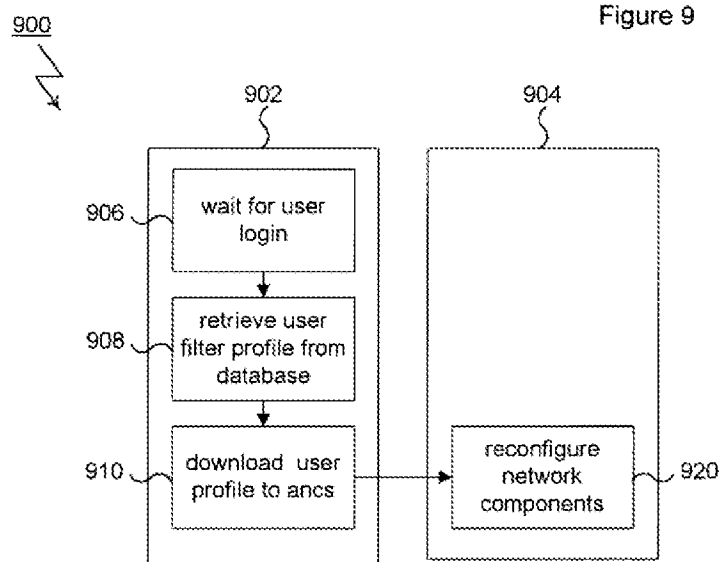
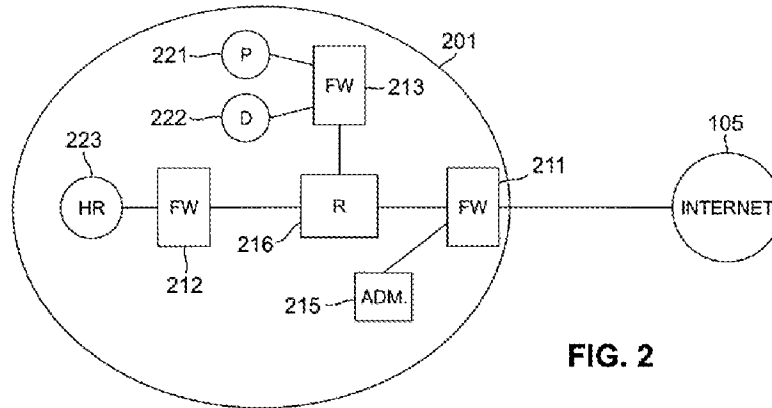


Figure 7 shows that a sequence of filtering profiles associated with a user are retrieved from the filtering profile database 316 upon that user's login and then communicated to the router 106 for dynamic reconfiguration:



The Requester further points out that Coss et al. disclose in Figure 2 a local firewall 211 connected between a user site 201 and a public network (Internet 105):



**FIG. 2**

Coss et al. disclose in col. 8, lines 23-55 that the local firewall 211 supports “dynamic rules” that can be loaded at any time as the need arises:

Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. **They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions.** A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. **The dynamic rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded.** [Coss et al., col. 8, lines 24-36, emphasis added]

Figure 3 further illustrates that the dynamic rules loaded into the firewall 211 can include individualized rules having different control actions specified for each user according to a specific source host address:

RULE NO.	SOURCE HOST	DEST. HOST	SERVICE	ACTION
10	A	B	FTP	PASS
20	A	*	*	DROP
30	B	C	TELNET	PROXY
40	*	D	MAIL	PASS

**FIG. 3**

Regarding the assertion that the invention is somehow new because it allows redirection to be performed by the user's local gateway, the Requester respectfully points out that Coss et al. disclose that firewall 211 (locally located at user site 201) supports controlling user's network sessions utilizing redirection functionality. For example Coss et al. disclose:

**“Proxy reflection in accordance with the present invention involves redirecting a network session to another, "remote" proxy server for processing, and then later passing it back via the firewall to the intended destination. When a new session enters the firewall, a decision is made to determine whether service by a proxy server is required. If so, the firewall replaces the destination address in the packet with the host address of the proxy application and, if necessary, it can also change the service port. [Coss et al., col. 8, lines 56-65, emphasis added]**

Regarding the assertion that the invention is somehow new because it allows all three of redirecting, allowing, or blocking to be performed at a local gateway, the Requester points out that Figure 3 of Coss et al. (shown above) illustrates that the local firewall 211 supports individualized rules having any of the three control actions of redirecting (“PROXY”), allowing (“PASS”), or blocking (“DROP”).

Regarding the assertion that the invention is somehow new because of the redirection server being *between* the dial up networking server 102 and the public network 110, the Requester points out that Radia et al. illustrate in Figure 1 (shown above) that router 106 is *between* the modems 104 and the servers 108 of the public network. Radia et al. describe that the

modems 104 may be telephone modems (i.e., dial-up) and the APA in Figure 1 (shown above) of the `118 patent illustrates that it is well-known to locate a gateway 108 *between* a dial-up networking server 102 and the Internet 110. Furthermore, Coss et al. illustrate in Figure 2 (shown above) that firewall 211 is connected *between* the user site 201 and the Internet 105.

As set forth below in sections III and IV of this request, each of claims 2-7, 9-14, 28-35, 44-67 is unpatentable as obvious over Radia et al. in view of the APA., and further in view of Coss et al. The record shows that no application of this combination of prior art references was ever applied to any claims of the `118 patent.

**3 Claims 16-24, 26-27, 36-43 and 68-90 are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,170,012 to Coss et al. in view of the APA**

The third SNQ relates to the patentability of claims 16-24, 26-27, 36-43 and 68-90 having regard to the prior art references of Coss et al. and the APA. This SNQ is described separately from the second SNQ above because claims 16-24, 26-27, 36-43 and 68-90 of the `118 patent focus on the capability of the redirection server 104 to have a user's programmed rule set modified during the user's ongoing session. There are no limitations in these claims related to how the user's rule set first becomes correlated to the temporarily address or how it is initially programmed in the redirection server.

In these claims, a redirection server supports dynamic modification of an already-programmed user rule correlated to a temporarily assigned network address. In some claims the modification is automated. In some claims the modification is a function of some combination of time, data transmitted to or from the user, or location the user accesses. In some claims the instructions to modify the rule set are received from either the user side or the network side of the redirection server. In some claims the modification involves removing or reinstating at least a portion of the rule set. Additionally, claims 68-90 newly added by the Patent Owner when prosecution was reopened with the Examiner after the Decision on Appeal are noted on the record to be allowed by the Examiner because the redirection server is claimed to be *between* the user computer and the public network.

Regarding the assertion that the invention is somehow new because the redirection server supports dynamic modification of an already-programmed user rule set correlated to a temporarily assigned network address, the Requester points out that Coss et al. discloses that firewall 211 supports dynamic rule modification while a rule set is loaded and remains correlated to a particular address:

Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions. A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. **The dynamic rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded.** [Coss et al., col. 8, lines 24-36, emphasis added]

Additionally, the APA describes that it was well-known to correlate temporary network addresses with specific users in a network:

“In prior art systems as shown in FIG. 1 when an Internet user establishes a connection with an Internet Service Provider (ISP), the user first makes a physical connection between their computer 100 and a dial-up networking server 102, the user provides to the dial-up networking server their user ID and password. The dial-up networking server then passes the user ID and password, **along with a temporary Internet Protocol (IP) address for use by the user** to the ISP's authentication and accounting server 104. A detailed description of the IP communications protocol is discussed in Internetworking with TCP/IP, 3rd ed., Douglas Comer, Prentice Hall, 1995, which is fully incorporated herein by reference. The authentication and accounting server, upon verification of the user ID and password using a database 106 would send an authorization message to the dial-up networking server 102 **to allow the user to use the temporary IP address assigned to that user by the dial-up networking server** and then logs the connection and assigned IP address. For the duration of that session, whenever the user would make a request to the Internet 110 via a gateway 108, **the end user would be identified by the temporarily assigned IP address.**” [118 patent, 1<sup>st</sup> paragraph of Background of the Invention section, emphasis added]