

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA CORP. AND NOKIA OF AMERICA CORP.

Petitioners

v.

PACKET INTELLIGENCE LLC,

Patent Owner

Case: IPR2019-01293

U.S. Patent No. 6,954,789

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §311-319 AND 37 C.F.R. §42**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

TABLE OF CONTENTS

TABLE OF EXHIBITS	v
I. INTRODUCTION	1
II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8.....	4
A. Real Party in Interest (37 C.F.R. §42.8(b)(1))	4
B. Related Matters (37 C.F.R. §42.8(b)(2))	4
C. Designation of Counsel (37 C.F.R. §42.8(b)(3))	5
D. Service Information (37 C.F.R. §42.8(b)(4))	5
III. PAYMENT OF FEES (37 C.F.R. §42.103)	6
IV. REQUIREMENTS FOR IPR UNDER 37 C.F.R. §42.104	6
A. Grounds for Standing (37 C.F.R. §42.104(a)).....	6
B. Summary of the Challenges (37 C.F.R. §42.104(b)(1)–(2)).....	6
C. Claim Construction (37 C.F.R. §42.104(b)(3))	7
D. Unpatentability of the Construed Claims (37 C.F.R. §42.104(b)(4))	7
E. Supporting Evidence (37 C.F.R. §42.104(b)(5)).....	7
V. SUMMARY OF THE '789 PATENT	7
A. Overview of the '789 Patent.....	7
B. Priority Date	10
C. The Prosecution History of the '789 Patent	10
VI. CLAIM CONSTRUCTION (37 C.F.R. §42.104(b)(3))	11
A. “Conversational Flow[s]”	11
B. “State of the Flow”	12
C. “State Operations”	12
D. “Flow-entry database”	13
E. “Parser Record”	13
F. “Parsing/Extraction Operations”	14
G. Means-Plus-Function Terms	14
VII. THERE IS A REASONABLE LIKELIHOOD THAT PETITIONERS WILL PREVAIL WITH RESPECT TO AT LEAST ONE CLAIM OF THE '789 PATENT	15
A. Prior Art.....	15
1. Riddle	15
a) Summary of the Problem and Solution.....	17
b) The Operation of Riddle	19
2. Wakeman	21
3. Cheriton	22

4.	Bruins.....	23
5.	Hasani	24
B.	Count 1: Claims 1, 2, and 13-17 are Anticipated by Riddle or Rendered Obvious by the Combination of Riddle and Bruins	25
1.	Claim 1.....	25
a)	Limitation [1 Pre].....	25
b)	Limitation [1a]	27
c)	Limitation [1b].....	28
d)	Limitation [1c]	30
e)	Limitation [1d].....	38
f)	Limitation [1e]	39
g)	Limitation [1f].....	40
2.	Claim 2.....	41
a)	Limitation [2].....	41
3.	Claim 13.....	42
a)	Limitation [13a]	42
b)	Limitation [13b]	43
4.	Claim 14.....	44
a)	Limitation [14]	44
5.	Claim 15.....	45
a)	Limitation [15]	45
6.	Claim 16.....	46
a)	Limitation [16]	46
7.	Claim 17.....	46
a)	Limitation [17]	46
C.	Count 2: Claims 44, 48, and 49 are Anticipated by Riddle or Rendered Obvious by Riddle in view of Bruins and Hasani	47
1.	Claim 44.....	47
a)	Limitation [44 Pre].....	47
b)	Limitation [44a]	48
c)	Limitation [44b]	48
d)	Limitation [44c]	51
e)	Limitation [44d]	51
f)	Limitation [44e]	51
2.	Claim 48.....	52
a)	Limitation [48]	52
3.	Claim 49.....	53
a)	Limitation [49]	53
D.	Count 3: Riddle in view of Cheriton and Bruins Renders Claims 19, 20, 31, and 42 as Obvious	54

1.	Claim 19.....	54
a)	Limitation [19 Pre].....	54
b)	Limitation [19a]	55
c)	Limitation [19b]	55
d)	Limitation [19c]	56
e)	Limitation [19d]	59
f)	Limitation [19e]	62
g)	Limitation [19f].....	63
h)	Limitation [19g].....	65
i)	Limitation [19h]	65
j)	Limitation [19i].....	66
2.	Claim 20.....	67
a)	Limitation [20].....	67
3.	Claim 31	67
a)	Limitation [31a]	67
b)	Limitation [31b]	68
c)	Limitation [31c]	69
4.	Claim 42.....	70
a)	Limitation [42]	70
E.	Count 4: Riddle in View Cheriton, Bruins and Further in View of Wakeman Renders Claims 33 and 34 as Obvious.....	70
1.	Claim 33.....	70
a)	Limitation [33]	70
2.	Claim 34.....	73
a)	Limitation [34]	73
VIII.	FACTORS DO NOT SUPPORT THE BOARD DENYING INSTITUTION UNDER 37 C.F.R. §§ 314 and 325	74
IX.	CONCLUSION	78

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Dynamic Drinkware, LLC, v. Nat' Graphics, Inc.,</i> 800 F.3d 1375 (Fed. Cir. 2015).....	16
STATUTES	
37 C.F.R. § 42.8.....	4, 5
37 C.F.R § 42.10(b)	5
37 C.F.R. §42.15(a).....	6
37 C.F.R. §42.103	6
37 C.F.R. §42.104	6, 7, 11
35 U.S.C. §102(b)	22, 25
35 U.S.C. §102(e)	passim
35 U.S.C. §103(a)	6, 7
35 U.S.C. §112.....	16, 17
35 U.S.C. § 314(a)	15

Explore Litigation Insights



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

Real-Time Litigation Alerts



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

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

Advanced Docket Research



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

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

Analytics At Your Fingertips



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

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

API

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

LAW FIRMS

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

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

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.