

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PERSONALWEB TECHNOLOGIES LLC,
Plaintiff,
v.
GOOGLE LLC, et al.,
Defendants.

Case No. [5:13-cv-01317-EJD](#)
Re: Dkt. No. 361

PERSONALWEB TECHNOLOGIES LLC,
Plaintiff,
v.
FACEBOOK INC.,
Defendant.

Case No. [5:13-cv-01356-EJD](#)
Re: Dkt. No. 85

PERSONALWEB TECHNOLOGIES LLC,
et al.,
Plaintiffs,
v.
EMC CORPORATION, et al.,
Defendants.

Case No. [5:13-cv-01358-EJD](#)
Re: Dkt. No. 78

**ORDER GRANTING DEFENDANTS'
MOTION FOR JUDGMENT ON THE
PLEADINGS**

Plaintiff PersonalWeb Technologies LLC owns a family of patents that claim methods for reliably identifying, locating, and processing data in a computer network. Plaintiff alleges that Defendants infringed three of these patents. Defendants argue that Plaintiff's patents are invalid pursuant to 35 U.S.C. § 101. The Court finds this motion suitable for consideration without oral

Case No. [5:13-cv-01317-EJD](#)

1 argument. *See* N.D. Cal. Civ. L.R. 7-1(b). Having considered the Parties’ papers, the Court
2 **GRANTS** Defendant’s motion for judgment on the pleadings.

3 **I. BACKGROUND**

4 **A. Factual Background**

5 Plaintiff argues that Defendants (collectively or separately) infringed U.S. Patent No. (“the
6 ’310 patent”), No. 6,415,280 (“the ’280 patent”), and No. 7,949,662 (“the ’662 patent”). The three
7 patents at issue are part of a larger family of patents that Plaintiff calls the “True Name” patents.
8 The patents are aimed at combatting the problems of data storage on larger networks. As
9 computer networking and storage systems evolve, files can be divided and stored across different
10 devices in dispersed locations. This created problems—different users can unknowingly give
11 identical names to identical files. The inventors of the “True Name” patents patented a solution;
12 they developed a system that replaces conventional file names with unique content-based
13 identifiers. This is done by applying a “hash function” (a mathematical algorithm) to the data in
14 each file. For instance, as described in the ’310 patent, an item’s unique content creates a unique
15 identifier. A myriad of data items can be used to create the unique identifier, which ensures
16 duplicate copies are not created. *See, e.g.*, ’310 patent, (2:18–21) (“[A] data item may be the
17 contents of a file, a portion of a file, a page in memory, an object in an object-oriented program, a
18 digital message, a digital scanned image, a part of a video or audio signal, or any other entity
19 which can be represented by a sequence of bits.”). The three patents acknowledge that the “True
20 Name,” *i.e.* the assigned identifier, is intended for use with “existing” operating systems and
21 “standard” data-management processes. *Id.* (6:26).

22 **The ’310 Patent.** The ’310 patent explains a method and apparatus for creating a unique
23 data-identifier for each file based on the content of the data item. The identifier is independent of
24 the data item’s user-defined name/location, which helps ensure duplicate copies are not created.
25 The identifier for a particular data item is created by applying a cryptographic hash function to the
26 data claim. The output of the hash function is the content-based identifier or “True Name,” which
27 is “virtually guaranteed” to be unique to the data item. *PersonalWeb Techs., LLC v. Apple, Inc.*,

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1 917 F.3d 1376, 1377–78 (Fed. Cir. 2019). The system uses the content-based identifier to
 2 determine whether a particular data item is present on the system. And, when the data item’s
 3 contents are changed, the content-based identifier is also changed. The identifiers are then used to
 4 determine if access to a data item is licensed or authorized. *See, e.g.*, ’310 patent (claims 24, 81,
 5 86).

6 Five claims of the ’310 patent are at issue. Plaintiff contends Defendant EMC/VMware
 7 infringed claims 24 and 31 of the patent. Plaintiff alleges Defendants Google/YouTube,
 8 Facebook, and EMC/VMware infringed claims 81, 82, and 86 of the patent. The relevant claims
 9 of the ’310 patent are as follows:

10 **24.** A computer-implemented method implemented at least in part by hardware comprising
 11 one or more processors, the method comprising:

12 (a) using a processor, receiving at a first computer from a second computer, a request
 13 regarding a particular data item, said request including at least a content-dependent name
 14 for the particular data item, the content-dependent name being based, at least in part, on at
 15 least a function of the data in the particular data item, wherein the data used by the function
 16 to determine the content-dependent name comprises at least some of the contents of the
 17 particular data item, wherein the function that was used comprises a message digest
 18 function or a hash function, and wherein two identical data items will have the same
 19 content-dependent name; and

20 (b) in response to said request:

21 (i) causing the content-dependent name of the particular data item to be compared
 22 to a plurality of values;

23 (ii) hardware in combination with software determining whether or not access to
 24 the particular data item is unauthorized based on whether the content-dependent
 25 name of the particular data item corresponds to at least one of said plurality of
 26 values, and

27 (iii) based on said determining in step (ii), not allowing the particular data item to
 28 be provided to or accessed by the second computer if it is determined that access to
 the particular data item is not authorized.

31. The method of claim **21**¹ wherein, for each particular data item of the plurality of data

1 Claim 21 claims:

A computer-implemented method implemented at least in part by hardware comprising one or
 more processors, the method comprising:

(a) obtaining a list of content-dependent names, one for each of a plurality of data items, wherein,
 for each particular data item of the plurality of data items, the corresponding content-dependent

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1 items, the corresponding content-dependent name for that particular data item was based
2 on a function of all of the contents of that particular data item.

3 **81.** A device operable in a network of computers, the device comprising hardware
4 including at least one processor and memory, to:

5 (a) receive, at said device, from another device in the network, a content-based identifier
6 for a particular sequence of bits, the content-based identifier being based at least in part on
7 a function of at least some of the particular sequence of bits, wherein the function
8 comprises a message digest function or a hash function, and wherein two identical
9 sequences of bits will have the same content-based identifier, and to

10 (b) compare the content-based identifier of the particular sequence of bits to a plurality of
11 values; and to

12 (c) selectively allow said particular sequence of bits to be provided to or accessed by other
13 devices depending on whether or not said content-dependent identifier corresponds to one
14 of the plurality of values.

15 **82.** The device of claim 81 wherein the particular sequence of bits represent data selected
16 from the group comprising: a file, a portion of a file, a page in memory, a digital message,
17 a portion of a digital message, a digital image, a portion of a digital image, a video signal,
18 a portion of a video signal, an audio signal, a portion of an audio signal, a Software
19 product, and a portion of a software product.

20 **86.** A device operable in a network of computers, the device comprising hardware,
21 including at least one processor and memory, to:

22 (a) receive at said device, from another device in the network, a digital identifier for a
23 particular sequence of bits, the digital identifier being based, at least in part, on a given
24 function of at least some of the bits in the particular sequence of bits, wherein the given
25 function comprises a message digest function or a hash function, and wherein two identical
26 sequences of bits will have the same digital identifier; and

27 (b) selectively allow the particular sequence of bits to be provided to or accessed by other
28 devices in the system, based at least in part on whether or not the digital identifier for the
29 particular sequence of bits corresponds to a value in a plurality of values, each of the

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31 name for that particular data item is based at least in part on a function of at least Some of the
32 contents of the particular data item, wherein the function comprises a message digest function or a
33 hash function, and wherein two identical data items have the same content-dependent name on the
34 list of content dependent names;

35 (b) receiving at a first location, and from a second location distinct from said first location, a
36 content-dependent identifier corresponding to a particular data item, said content-dependent
37 identifier being based at least in part on at least some of the contents of the particular data item;

38 (c) at said first location, by a processor, in combination with software, determining, based at least
39 in part on said content-dependent identifier for said particular data item, and using said list of
40 content-dependent names, whether a requestor may access the particular data item; and

41 (d) based on said determining in (c), if it is determined that the requestor may not access the
42 particular data item, causing access to the particular data item to be denied.

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1 plurality of values being based, at least in part, on the given function of at least some of the
2 bits in a corresponding sequence of bits.

3 **The '280 Patent.** The '280 patent addresses a method of identifying and requesting data
4 in a network using content-based identifiers. Specifically, it covers a situation where data items
5 are distributed across a network of servers and some of the data items are cached (stored) versions
6 from a source server. The content delivery network ("CDN") determines a "True Name," *i.e.* a
7 content-dependent identifier, for a particular data item (as in the '310 patent). In response to a
8 request for a particular data item, the CDN provides the particular data item from one of the
9 servers in the network of servers.

10 Four claims of the '280 patent are at issue. Plaintiff contends Defendants Facebook,
11 Google, and YouTube infringed claims 15 and 16. Plaintiff alleges Defendant Facebook infringed
12 claims 31 and 31. The relevant claims of the '280 patent are as follows:

13 **15.** A method as in claim **10**² further comprising:

14 resolving the request for the particular data file based on a measure of availability of at
15 least one of the servers.

16 **16.** A method as in claim **15** wherein the measure of availability is based on one or more
17 of:

18 (a) a measurement of bandwidth to the Server;

19 (b) a measurement of a cost of a connection to the server, and

20 (c) a measurement of a reliability of a connection to the SCWC.

21 **31.** A content delivery method, comprising:

22 ² Claim 10 claims:

23 A content delivery method, comprising:

24 distributing a set of data files across a network of servers;

25 determining a data identifier for a particular data file, the data identifier being determined using a
26 given function of the data, wherein said data used by the given function to determine the data
27 identifier comprises the contents of the particular data file; and

28 in response to a request for the particular data file, the request including at least the data identifier
29 of the particular data file, providing the particular data file from a given one of the servers of the
30 network of servers, said providing being based on the data identifier of the particular data file.

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