

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

INTELLECTUAL VENTURES II LLC
Patent Owner

IPR2016-01404
Patent 6,968,459

**PATENT OWNER INTELLECTUAL VENTURES II LLC'S
RESPONSE TO PETITION**

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	Introduction.....	1
II.	The '459 patent solved the important problem of authorized users copying sensitive data to unsecured removable storage devices.....	2
III.	Claim construction.....	6
	A. Device-specific security information.	7
IV.	Ground 1: Bensimon does not anticipate claims 1, 13, 14, 33, 39, 46, and 48.	11
	A. Overview of Bensimon.....	11
	B. Bensimon does not anticipate independent claims 1, 33, 39.	13
	1. Petitioner does not establish that Bensimon discloses “ <i>device specific security information.</i> ”	14
	2. Petitioner did not establish that Bensimon discloses the “restricted-access mode” step.	18
	3. Petitioner did not establish that Bensimon discloses “ <i>the computer... prevents write access to the storage device</i> ” as recited in claims 1 and 33.	29
	C. Petitioner did not establish that Bensimon anticipates independent claims 13 and 14.....	33
V.	Ground 2: The combination of Bensimon and Takahashi does not render obvious claims 2 and 34.	36
VI.	Conclusion.	38

Table of Authorities

Cases

Eli Lilly and Co. v. Zenith Goldline Pharmaceuticals, Inc.,
471 F. 3d 1369 (Fed. Cir. 2003)20

Exhibit List

<i>Exhibit #</i>	<i>Description</i>
2001	Microsoft Dictionary
2002	Schneier, B., <i>Applied Cryptography</i> , 2d. Ed., Wiley, 1996
2003	Franzon Deposition Transcript (May 4, 2017)
2004	Declaration of David M. Goldschlag, Ph.D.
2005	Curriculum Vitae of Dr. Goldschlag
2006	Definition of “specific”, <i>Merriam Webster’s Collegiate Dictionary</i> , Eleventh Edition (2008)

I. Introduction.

The Petition in this case is nothing more than an attempt to contort the Bensimon reference to read on the claims of U.S. Patent No. 6,968,459 (the '459 patent). It is rife with errors, and Petitioner's own expert admits that, if it is taken literally, the Petition cannot prove anticipation of the '459 claims.¹ Simply put, the Petition stretches the law of anticipation too far, and the Board should find all remaining challenged claims patentable.

The '459 patent addressed an important technological issue: preventing an **authorized** user from copying secure information to an unsecured removable device. The '459 claims reflect this innovation, requiring that the computer prevents writing to devices that do not have security information. Petitioner's cited references do not address that issue, and instead focus on securing removable devices against unauthorized users. When those devices are not secured, the cited references freely permit both reading and writing operations, unlike the challenged claims.

The Board should reject Petitioner's application of Bensimon to the claims under Ground 1 for four reasons. First, Petitioner relies on an improper and convoluted reading of the claims. Second, Petitioner has not shown that

¹ See Franzone Dep., 74:5–22; 73:5–22.

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