

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LIMELIGHT NETWORKS, INC.,  
Petitioner,

v.

AKAMAI TECHNOLOGIES, INC.,  
Patent Owner.

---

Case IPR2016-01894  
Patent 7,472,178 B2

---

Before GREGG I. ANDERSON, JENNIFER MEYER CHAGNON, and  
GARTH D. BAER, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Limelight Networks, Inc. (“Petitioner”) filed a Petition (“Pet.,” Paper 1) pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 2, and 9 (“the challenged claims”) of U.S. Patent No. 7,472,178 B2 (“the ’178 patent,” Ex. 1001), which was filed on April 1, 2002.<sup>1</sup> The Petition is supported by the Declaration of Michael J. Freedman, Ph.D. (“Freedman Declaration,” Ex. 1003). Akamai Technologies, Inc. (“Patent Owner”) filed a Preliminary Response (“Prelim. Resp.,” Paper 7).

Pursuant to 35 U.S.C. § 314(a), the Director may not authorize an *inter partes* review unless the information in the petition and preliminary response shows a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim. We institute an *inter partes* review of claims 1, 2, and 9. The Board has not made a final determination of the patentability of any claim.

### A. Related Proceedings

The parties advise us that the ’178 patent is involved in co-pending litigation captioned *Limelight Networks, Inc. v. XO Communications, LLC*, No. 3:15-cv-00720-JAG (E.D. Va. Nov. 30, 2015) (“District Court” or “District Court Lawsuit”). Pet. 1, Paper 4, 3.

### B. The ’178 Patent (Ex. 1001)

The ’178 patent describes a “method for content storage on behalf of participating content providers [that] begins by having a given content provider identify content for storage.” Ex. 1001, Abstract. The content provider identifies content for storage, which may be “an image file, a

---

<sup>1</sup> The ’178 patent claims priority to U.S. Provisional Patent Application No. 60/280,917, which was filed on April 2, 2001. Ex. 1001, [65], 1:6–7.

streaming media file, a graphic file, a software download, or any other digital file identifiable by a locator such as a Uniform Resource Locator (URL).” *Id.* at 2:25–28; *see id.* at 2:24–28. The content provider uploads selected content to a given one of a set of storage sites. *Id.* at 2:28–30. A given storage site is identified by “resolving a first type of URL via a traffic management system.” *Id.* at 2:31–32; *see id.* at 2:30–33. The content is then replicated from the given storage site “to at least one other storage site in the set of storage sites.” *Id.* at 2:34–35; *see id.* at 2:33–35.

Content may be identified and downloaded by a “given entity” from a given storage site, which “is identified by resolving a second type of URL via the traffic management system.” *Id.* at 2:35; *see id.* at 2:36–40. “The content is then downloaded from the identified given storage site to the given entity,” which in one embodiment is “an edge server of a content delivery network (CDN).” *Id.* at 2:40–43.

Figure 3 of the ’178 patent is reproduced below.

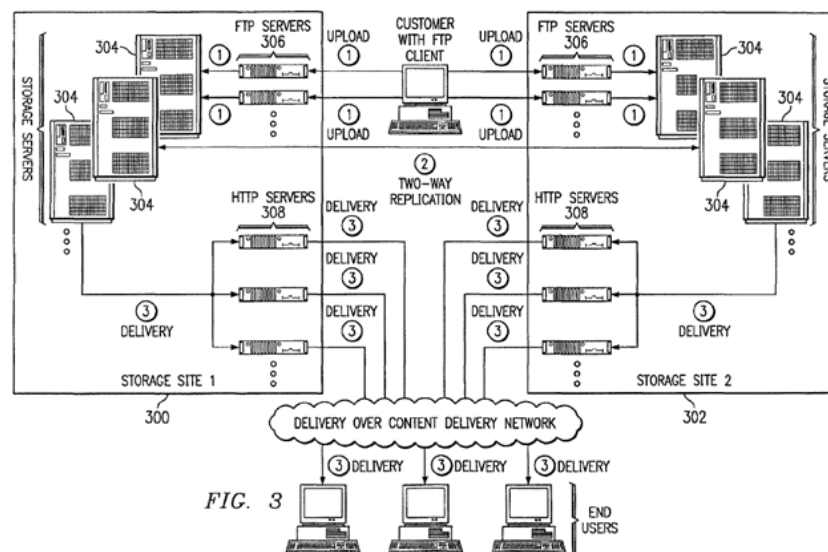


Figure 3 “illustrates the content storage system in detail, showing how the upload, replication and download services provide a full end-to-end storage

environment.” Ex. 1001, 9:6–8. Figure 3 shows “two geographically-dispersed storage sites 300 and 302.” *Id.* at 9:9–10. “Each storage site includes a set of storage servers 304, a set of FTP (upload) servers 306, and . . . a set of HTTP (download) servers 308.” *Id.* at 9:10–12. A “participating content provider machine 308” establishes an FTP or other file transfer connection “to one of the storage sites 300, 302, preferably under the control of a global traffic manager product [(‘GTM’)], system or managed service.” *Id.* at 9:12–17, 9:47; *see id.* at 9:45–47. The “GTM resolves a storage URL domain . . . to the optimal storage site based on, for example, real-time Internet traffic and server load mapping.” *Id.* at 9:49–53.

“Once content is uploaded and stored on the storage servers 304, the replication mechanism provides two-way replication such [that] the content becomes available from both sites even though it was only uploaded to one of them.” *Id.* at 9:19–23. “[E]nd users (e.g., client machines running HTTP compatible browser software with appropriate media players for streaming content) request that content, which is then delivered on an as needed basis from either the CDN edge servers or the HTTP download servers 308 via the content delivery network (CDN).” *Id.* at 9:25–31.

### *C. Illustrative Claim*

Of the challenged claims, method claim 1 is the only independent claim. Challenged claims 2 and 9 each depend from claim 1. Claim 1 is reproduced below:

1. A method of content storage and delivery, operative in a content delivery network (CDN) deployed, operated and managed by a service provider on behalf of participating content providers, where the participating content providers are distinct from the service provider, comprising:

- (a) deploying a content delivery network that comprises (i) a plurality of CDN content servers that are organized into sets, (ii) one or more CDN storage sites that are distinct from the plurality of content servers; and (iii) one or more CDN-managed domain name servers each of which is authoritative to resolve predetermined CDN specific hostnames, where each such hostname has a first portion uniquely associated with a given participating content provider and a second portion associated with the service provider;
- (b) for a first participating content provider:
  - (i) establishing a first content storage directory at a storage site;
  - (ii) providing the first participating content provider with a first CDN-specific hostname for use in association with the first content storage directory, the first CDN-specific hostname having a first portion uniquely associated with the first participating content provider, and the second portion;
  - (iii) receiving, via upload, and storing, in the first content storage directory at the storage site, first content, where the first content is one of: a web object, a media file, or a software download that the first participating content provider desires to be stored and delivered over the CDN;
- (c) for a second participating content provider distinct from the first content provider:
  - (i) establishing a second content storage directory at a storage site;
  - (ii) providing the second participating content provider with a second CDN-specific hostname for use in association with the second content storage directory, the second CDN-specific hostname having a first portion uniquely associated with the second

# 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.