

Exhibit B: Non-Invalidity Contentions with Respect to U.S. Patent No. 7,715,324 (324 Patent) Responses to Akamai's Invalidity Contentions with Respect to U.S. Patent Publication No. 2007/0156845 ("Devanneaux"), U.S. Patent No. 2007/0226375 ("Chu") and/or RFC793 (Akamai Invalidity Contentions Ex. B)

This chart is prepared without the benefit of the Court's claim constructions. Claim construction is the province of the Court, and Limelight addresses each claim construction issue based upon both parties' claim construction proposals. Limelight reserves its right to supplement or amend these contentions to the extent that the Court adopts a claim construction different from what either party has proposed in its respective claim construction briefs. Moreover, Akamai's contentions fail to address any issues of claim construction or apply the alleged prior art to the claim limitations as Akamai proposes that they should be construed. Limelight has been prejudiced by being forced to respond to invalidity contentions without applying each party's proposed constructions. Accordingly, Akamai's invalidity contentions are legally deficient and deprive Limelight of all rights including to preclude and/or strike any attempt by Akamai to later seek to apply the alleged prior art to the claim limitations as construed, whether through supplemental contentions, expert opinion, or any other means.

The following claim terms are the subject of claim construction disputes between the Parties: "Uniform Resource Locator" (Claims 1, 6). The parties have also agreed on the construction of "protocol attribute selector" (Claim 6) as "a protocol attribute selector that can analyze each request to select protocol attributes to be used to deliver requested content."

Limelight's proposed construction for "Uniform Resource Indicator" is: "a sequence of characters that identifies a resource, such as all or part of a URL." Defendants' proposed construction for "Uniform Resource Indicator" is: "a Uniform Resource Locator request's Uniform Resource Locator ('URL'), such as all or part of a URL."

In lieu of submitting a proper invalidity chart Defendants submitted Akamai's Petition for *Inter Partes* Review of the 324 Patent as their Preliminary Invalidity Contentions for the 324 Patent with no further explanation or analysis. Limelight cannot evaluate the claim limitations under the constructions proposed by the Parties in this case. Rather, the Petition for *Inter Partes* Review of the claim limitations under the "broadest reasonable construction" as required for an *Inter Partes Review* proceeding. Because the "broadest reasonable construction" not defined in this Petition it is also not the construction that should be applied.

Further, Akamai's invalidity contentions are deficient under Judge Gibney's Pretrial Order, which requires Limelight to provide to plaintiff a list of all prior art on which it relies and a complete and detailed explanation of what it alleges to be relevant.

how that prior art invalidates the claims asserted by plaintiff.” D.I. 55 at 4. Akamai’s contentions fail to do the same on a limitation-by-limitation basis within its charted contentions. Instead, Akamai’s claim chart frequently quotes certain passages of prior art without explanation on a limitation-by-limitation basis. Among those issues that Akamai does not explain in its claim chart are: what Akamai alleges the prior art shows; why Akamai alleges the quoted text discloses a claim (or not, as construed or not); and why disclosures from one prior art reference would be allegedly combinable with disclosures from another prior art reference on a limitation-by-limitation basis. Accordingly, Akamai’s contentions are deficient under the law and do not comply with Judge Gibney’s Pretrial Order. Limelight has been prejudiced by being forced to respond to Akamai’s contentions, which fail to comply with Judge Gibney’s Pretrial Order and do not offer any substantive contentions on matters that are Akamai’s burden to prove. Limelight accordingly reserves all rights including to preclude and/or to seek to remedy these deficiencies, whether that be through supplemental contentions, expert testimony, or other means.

Claims 5, 6, 7, 8, 10, and 11 of the 324 Patent are not invalid under 35 U.S.C. § 103(a) as being obvious over the prior art, including U.S. Patent Publication No. 2007/0156845 (“Devanneaux”), U.S. Patent Publication No. 2007/0226375 (“Chu”) and/or RFC 2686, as shown in the claim chart below.¹

	Claim Language	Response to Akamai’s Contention
Pre	1. A network connection method for delivering content, the network connection	<p>Claim 1 is included here for reference as to asserted dependent Claim 5, limitations of Claim 1.</p> <p>Akamai’s contention as to this claim is deficient in that it fails to provide the limitations of Claim 1 on a limitation-by-limitation basis within its charted contentions what the alleged prior art meets the claim limitations.</p>

¹ Claims 1, 2, and 4 are not presently asserted. As noted, Limelight addresses Claim 1 here because its limitation-by-limitation basis is asserted dependent Claim 5. However, although Claims 2 and 4 are addressed in Akamai’s IPR petition, on which Limelight has filed Invalidity Contentions, because those claims are not asserted here, Limelight does not separately address them here. Those claims remain in dispute in the present matter in any way then Limelight reserves its right to address them at a later time. In any event, however, Claims 2 and 4 are not invalid for at least the reasons explained herein with respect to Claim 1.

	Claim Language	Response to Akamai's Contention
	method comprising:	The evidence Akamai cites as meeting the limitations of claim 1 does not meet them for other reasons, Devanneaux, either alone or in combination with Chu or RFC793, does not disclose a network connection method for delivering content that includes at least limitations 1.7, and 1.8. Therefore the cited prior art references do not render obvious Claim 1.
1.1	receiving a first request for content from a network at a server;	Akamai's contention as to this limitation is deficient in that it fails to provide an explanation on a limitation-by-limitation basis within its charted contentions where the prior art discloses or how or why the cited evidence from the alleged prior art meets this limitation.
1.2	analyzing the first request for content to determine first attributes, wherein analyzing the first request comprises comparing a first uniform resource indicator (URI) with an alphanumeric string to correlate the first URI with the first attributes;	<p>Akamai's contention as to this limitation is deficient in that it fails to provide an explanation on a limitation-by-limitation basis within its charted contentions where the prior art discloses or how or why the cited evidence from the alleged prior art meets this limitation.</p> <p>Akamai makes no attempt to apply either party's claim construction to the evidence, and therefore, Akamai's contention is deficient. Further, the evidence Akamai cites does not meet this limitation under either party's construction of the claim language. "The limitation does not meet it including under either party's construction of the claim language. Further, Devanneaux does not disclose comparing a URI to an alphanumeric string to correlate the first URI with the first attributes." Further, Devanneaux does not disclose comparing a URI to an alphanumeric string to correlate the first URI with the first attributes. Devanneaux discloses "searching an index file for a match on a customer host for a request," but never discloses that the association is determined through parsing parts of a URI to an alphanumeric string. Devanneaux ¶¶ 83-87. Nor does Devanneaux disclose analyzing information from a URI to determine attributes for a protocol connection. Devanneaux discloses only that matched customer configurations can include customer-specific connections. Devanneaux ¶¶ 83-87. Nor does Devanneaux disclose analyzing information from a URI to determine attributes for a protocol connection, whereas the claim requires analyzing successive requests on the supported connections. Devanneaux discloses only setting TCP attributes once a connection is established, but not a request-by-request basis. Devanneaux discloses only that matched customer configurations can include customer-specific connections. Devanneaux ¶¶ 83-87. Nor does Devanneaux disclose analyzing information from a URI to determine attributes for a protocol connection, whereas the claim requires analyzing successive requests on the supported connections. Devanneaux discloses only setting TCP attributes once a connection is established, but not a request-by-request basis. Devanneaux discloses only that matched customer configurations can include customer-specific connections. Devanneaux ¶¶ 83,86,87.</p>

	Claim Language	Response to Akamai's Contention
		<p>“If desired, prefetching can be combined with other edge server features, such as path connection optimization, content compression optimizations, and the like.</p> <p>To enable edge server-to-edge server (or other client-server) TCP optimizations, the can be set in the configuration file, once again on a <i>customer-specific, domain-specific</i>.</p> <p>Devanneaux ¶¶ 83, 86-87 (emphasis added).</p>
1.3	<p>configuring a first connection for serving the content between the server and a first node;</p>	<p>Akamai's contention as to this limitation is deficient in that it fails to provide an explanation on a limitation-by-limitation basis within its charted contentions where prior art discloses or how or why the cited evidence from the alleged prior art meets this limitation.</p> <p>The evidence Akamai cites as meeting this limitation does not meet it. Akamai's Devanneaux does not disclose configuring a connection such as a TCP connection to requested content to a requesting user. Further, Devanneaux discloses no edge-to-user TCP configuration, but instead discloses only examples edge server adjustment of parameters where both devices are under the control of a CDN server.</p> <p>“Thus, the following metadata illustrates how to adjust the TCP settings used for edge server communication. The first setting is for the edge-to-child direction, and it adjusts the congestion window. The initial congestion window is also adjusted for the edge-to-parent direction. The child advertises an appropriately large window and can use that larger window for</p>

	Claim Language	Response to Akamai's Contention
		<hr/> <pre data-bbox="743 810 1243 1104"> <network:tcp.transport.size> <status>on</status> <value>6</value> <parameter>cwnd_init</parameter> <direction>edge-to-child</direction> </network:tcp.transport.size> <network:tcp.transport.size> <status>on</status> <value>6</value> </pre> <hr/> <pre data-bbox="743 1283 1256 1377"> <parameter>cwnd_init</parameter> <direction>edge-to-parent</direction> </network:tcp.transport.size> </pre> <hr/> <p data-bbox="537 1472 784 1503">Devanneaux ¶ 87.</p> <p data-bbox="537 1545 1624 1833">Nor would one of ordinary skill in the art be motivated to combine the disclosure of Devanneaux, for any of the reasons identified by Akamai. A desire to “enhance a CDN edge server” does not provide a motivation to combine the specific disclosures – one of which primarily concerns metadata configurations for preference of which concerns dynamically modifying a TCP stack to adapt to changing conditions – with the disclosure of Devanneaux, which discloses only setting TCP attributes once per connection, on a “customer-specific basis. Devanneaux ¶ 86. Devanneaux does not disclose adapting TCP attributes to be received throughout the duration of a connection. Therefore, one skilled in the art would not be motivated to combine the disclosure of Devanneaux with the disclosure of Akamai’s system to adapt to changing conditions. Therefore, one skilled in the art would not be motivated to combine the disclosure of Devanneaux with the disclosure of Akamai’s system to adapt to changing conditions.</p>

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