DOCKET NO.: 0108369-00230US3
Filed on behalf of Akamai Technologies, Inc.

By: Grant K. Rowan, Reg. No. 41,278
        Peter Dichiara, Reg. No. 38,005
        Daniel V. Williams, Reg. No. 45,221
        Wilmer Cutler Pickering Hale and Dorr LLP
        1875 Pennsylvania Ave., NW
        Washington, DC 20006
        Tel: (202) 663-6000
        Email: Grant.Rowan@wilmerhale.com
                        Peter.Dichiara@wilmerhale.com
                        Daniel.Williams@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Akamai Technologies, Inc.
Petitioner

v.

Limelight Networks, Inc.
Patent Owner

Case IPR2017-00348

PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,750,155
CHALLENGING CLAIMS 1, 8, and 13
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104

TABLE OF CONTENTS

Akamai Technologies, Inc. requests *Inter Partes* Review of claims 1, 8, and 13 of USP 8,750,155 ("'155 patent") (Ex. 1001) pursuant to 35 U.S.C. §§ 311-19 and 37 C.F.R. § 42.1 *et seq*.

I.   INTRODUCTION

The '155 patent claims a purportedly novel system that allegedly optimizes the characteristics or "attributes" of a communication connection between an Internet server and an end user computer when the server delivers "content" (*e.g.*, web pages, data, and streaming video) to the end user computer over the connection. But in fact, the claimed technique merely duplicates a well-known method—called "TCP connection optimization"—disclosed by Thomas Devanneaux in a patent application filed nearly three years before the '155 patent's alleged priority date. USPN 2007/0156845 ("Devanneaux")(Ex. 1003), ¶0023 ("TCP connection optimization involves adjusting one or more TCP settings….").

As the '155 patent explains, at the time of the patent, protocols existed to allow devices, such as servers and end user computers, to communicate with each other over the Internet. "TCP" (or "Transmission Control Protocol") was at the time (and remains today) one such widely-adopted standard protocol. Ex. 1001-'155, 1:38-44. Using TCP, an end user computer first establishes a connection – referred to as a TCP connection—with a server over the Internet. *Id.*; *see also id.*, 16:62-63. Once the TCP connection is established, the end user computer can send

a request for particular content (*e.g.*, a web page) over the connection to the server. *Id.*, 17:2-4. The server can then send the requested content to the end user. *Id.*, 17:10-18; *see also id.*4:43-51, Abstract.

The TCP protocol includes settings—referred to as "attributes"—that affect the way in which messages are sent over a connection. These include settings such as the size of messages to be sent, the timing at which messages are sent, and the pace at which messages are sent. *Id.*, 1:45-58, 17:19-34. As the patent explains, it was known that these settings could be adjusted depending on a range of factors including, for instance, the amount of congestion on the network. *Id.*, 1:45-54. As the patent also explains, it was known that these settings could be customized for particular circumstances. *Id.*

The '155 patent claims as its purported invention particular techniques for modifying these protocol settings. Specifically, the '155 patent describes a system that adjusts, or "conditionally adapts," the initial settings of the protocol attributes for a connection based on two types of information. **First,** the system adjusts the settings based on information in a request for content that the server receives over the connection. *Id.*, 5:4-6, 6:33-36. For example, the server adjusts the TCP attributes based on a "hostname" (*e.g.*, fastnet.com) that is contained in the request and that identifies the domain (and the server) where the requested content is stored. *Id.*, 13:54-14:36 (explaining that "the host name alone [in a request] may

DOCKET ALARM

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.

fastcase
Smarter legal research.