

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD**

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NETAPP, INC., LENOVO (UNITED STATES) INC., and EMC CORP.,  
Petitioner

v.

INTELLECTUAL VENTURES II, LLC  
Patent Owner

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CASE IPR: IPR2017-00467  
U.S. PATENT NO. 6,968,459

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**PETITION FOR *INTER PARTES* REVIEW**

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

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**List of Exhibits**

- Ex. 1001 U.S. Patent No. 6,968,459 (“’459 Patent”)
- Ex. 1002 Declaration of Mr. Ian Jestice
- Ex. 1003 *Curriculum Vitae* of Mr. Ian Jestice
- Ex. 1004 Prosecution History of the ’459 Patent
- Ex. 1005 U.S. Patent No. 5,677,952 to Blakley, III et al. (“Blakley”)
- Ex. 1006 U.S. Patent No. 7,124,301 to Uchida (“Uchida”)
- Ex. 1007 Ian D. Bramhill & Mathew Sims, *Copyright in a Digital Age*, BT Technol. J. Vol 15 No 2 (April 1997) (“Bramhill”)
- Ex. 1008 Petition for *Inter Partes* Review of the ’459 Patent, dated July 11, 2016, in Case No. IPR2016-01404 (Paper No. 2)
- Ex. 1009 Patent Owner Preliminary Response to Petition for *Inter Partes* Review of the ’459 Patent, dated October 19, 2016, in Case No. IPR2016-01404 (Paper No. 8)

## I. INTRODUCTION

NetApp, Inc., Lenovo (United States) Inc., and EMC Corporation (collectively “Petitioner”) hereby petition for *inter partes* review (“IPR”) of claims 15, 18, 24, and 25 of U.S. Patent No. 6,968,459 (“’459 Patent”) (Ex. 1001) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.<sup>1</sup>

In the mid to late 90s, creating secure computing environments was a challenge and priority. A specific challenge involved preventing unauthorized use of computer data. Ex. 1001, 1:21-24; Ex. 1007, 1. Particularly with the proliferation of removable storage devices, the industry experienced an increasing fear of unauthorized users accessing sensitive data. Ex. 1001, 1:21-26; Ex. 1007, 2. As a result, many security measures were created to regulate such access. These included user-specific measures based on passwords or PINs, device-specific measures based on formatting information such as bad disk sectors, and data specific measures such as encryption. Security measures were often

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<sup>1</sup> An entity unrelated to Petitioner (“Unified Patents” or “UP”) requested IPR of the ’459 Patent in case number IPR2016-01404 (“UP IPR”). That petition (Paper No. 2), which relies on different art and arguments than the instant Petition, is attached hereto as Ex. 1008. Patent Owner Intellectual Ventures II LLC (“PO”) filed a preliminary response in the UP IPR (Paper No. 8), attached hereto as Ex. 1009, on October 19, 2016.

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