#### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON DIGITAL SERVICES, INC., AMAZON FULFILLMENT SERVICES, INC., HULU, LLC, and NETFLIX, INC., Petitioners

v.

UNILOC LUXEMBOURG, S.A.,

Patent Owner

CASE: To Be Assigned

Patent No. 8,566,960

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,566,960

Mail Stop PATENT BOARD Patent Trial and Appeal Board P.O. Box. 1450 Alexandria, VA 22313-1450

February 17, 2017



## PETITION FOR INTER PARTES REVIEW UNDER 37 C.F.R. § 42.100

In accordance with 35 U.S.C. § 311 and 37 C.F.R. § 42.100, Petitioners respectfully requests *inter partes* review of Claims 1-25 of U.S. Patent No. 8,566,960 (Ex. 1001).

Petitioners' undersigned representatives authorize the Director to charge any fees required by 37 C.F.R. § 42.15(a) and not submitted with the Petition to Deposit Account No. 50-0665, charge number 122235.0002.



#### TABLE OF CONTENTS

				Page		
TAB	BLE O	F AU7	ΓHORITIES	V		
EXH	HIBIT :	LIST .		viii		
I.	INT	RODU	JCTION	1		
П.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)					
	A.	REAL PARTY IN INTEREST2				
	B.	RELATED MATTERS2				
	C.	NO	TICE OF COUNSEL AND SERVICE INFORMATION	3		
III.	REQUIREMENTS FOR INTER PARTES REVIEW					
	A.	GRO	OUND FOR STANDING	4		
	B.	IDENTIFICATION OF CHALLENGE				
		1.	Claims Challenged	4		
		2.	The Prior Art	4		
		3.	Fee for Inter Partes Review (§ 42.15(a))	5		
		4.	Supporting Evidence Relied Upon for the Challenge	5		
		5.	Statutory Ground(s) of Challenge and Legal Principles.	5		
		6.	Claim Construction	6		
		7.	How Claims Are Unpatentable Under Statutory Ground	s6		
IV.	OVERVIEW OF THE '960 PATENT					
	A.	STATE OF PRIOR ART TECHNOLOGIES BEFORE THE '960 PATENT7				
	B.	PRIORITY DATE OF THE '960 PATENT9				
	C.	SUMMARY OF THE '960 PATENT10				



## TABLE OF CONTENTS

(continued)

Page

	D.	SUMMARY OF THE PROSECUTION FILE HISTORY12				
	E.	LEVEL OF ORDINARY SKILL IN THE ART1				
	F.	PROPOSED CLAIM CONSTRUCTIONS				
		1.	"device identity"	14		
		2.	"a first time period after an initial authorization of the digital product"	16		
V.	THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '960 PATENT IS UNPATENTABLE			16		
	A.		NTIFICATION AND OVERVIEW OF THE REFERES AS PRIOR ART	16		
		1.	U.S. Patent No. 7,047,411 to DeMello, <i>et al</i>	16		
		2.	Irish Patent Application No. 02/0429 by Staruiala, et al	19		
	B.	SUMMARY OF INVALIDITY POSITIONS2				
	C.	CLA	FERENT INVALIDITY POSITIONS AGAINST EACH IM ARE INDEPENDENT, DISTINCTIVE, AND NOT UNDANT	20		
VI.	DETAILED EXPLANATION OF GROUNDS FOR UNPATENTA-BILITY OF CLAIMS 1-25 OF THE '960 PATENT21					
	A.	GROUND 1: CLAIMS 1-5, 7-10, 12-14, 16-18, AND 22-25 ARE UNPATENTABLE UNDER 35 U.S.C. § 102(b) AS AN- TICIPATED BY DEMELLO				
		1.	Claim 1 Is Anticipated by DeMello			
		2.	Claim 2 Is Anticipated by DeMello			
		3.	Claim 3 Is Anticipated by DeMello			



## TABLE OF CONTENTS

(continued)

Page

4	١.	Claim 4 Is Anticipated by DeMello	5
5	5.	Claim 5 Is Anticipated by DeMello	5
6	5.	Claim 7 Is Anticipated by DeMello36	5
7	7.	Claim 8 Is Anticipated by DeMello38	3
8	3.	Claim 9 Is Anticipated by DeMello39	)
9	).	Claim 10 Is Anticipated by DeMello40	)
1	0.	Claim 12 Is Anticipated by DeMello40	)
1	1.	Claim 13 Is Anticipated by DeMello41	
1	2.	Claim 14 Is Anticipated By DeMello41	
1	3.	Claim 16 Is Anticipated by DeMello42	2
1	4.	Claim 17 Is Anticipated by DeMello42	)
1	5.	Claim 18 Is Anticipated by DeMello42	)
1	6.	Claim 22 Is Anticipated by DeMello43	3
1	7.	Claim 23 Is Anticipated by DeMello45	5
1	8.	Claim 24 Is Anticipated by DeMello	5
1	9.	Claim 25 Is Anticipated by DeMello	5
F V	PATI VIEV	UND 2: CLAIMS 6-7, 11-12, AND 15-16 ARE UN- ENTABLE UNDER 35 U.S.C. § 103 AS OBVIOUS IN V OF DEMELLO AND THE KNOWLEDGE OF A TA48	3
1		Claim 6 Would Have Been an Obvious Modification of DeMello Within the Knowledge of a POSITA48	3



B.

# DOCKET

## 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.

