IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Ric B. Richardson	
U.S. Patent No.:	8,566,960	Attorney Docket No.: 19473-0378IP1
Issue Date:	October 22, 2013	
Appl. Serial No.:	12/272,570	
Filing Date:	November 17, 2008	
Title:	SYSTEM AND METHOD FOR ADJUSTABLE LICENSING OF DIGITAL PRODUCTS	

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

PETITION FOR _INTER PARTES_ REVIEW OF UNITED STATES PATENT NO. 8,566,960 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42

TABLE OF CONTENTS

EXHIBITS

GOOGLE1001   U.S. Patent No. 8,566,960 to Richardson ("the '960 Patent")

GOOGLE1002   Prosecution History of the '960 Patent ("the Prosecution History")

GOOGLE1003   Declaration of Anthony J. Wechselberger

GOOGLE1004   U.S. Patent No. 7,047,411 ("DeMello")

GOOGLE1005   Irish Patent Application No. 02/0429 ("Staruiala")

GOOGLE1006   U.S. Patent No. 7,962,424 ("Colosso")

GOOGLE1007   IPR2016-01271 Institution Decision

GOOGLE1008   IPR2017-00948 Patent Owner Preliminary Response to Petition

GOOGLE1009   U.S. Patent No. 6,574,612 ("Baratti")

GOOGLE1010   "The Long March to Interoperable Digital Rights Management" ("Koenen")

GOOGLE1011   U.S. Patent No. 5,671,412 ("Christiano")

GOOGLE1012   U.S. Patent No. 6,243,468 ("Pearce")

GOOGLE1013   U.S. Patent No. 7,503,072 ("Hughes")

GOOGLE1014   U.S. Patent No. 6,041,411 ("Wyatt")

GOOGLE1015   U.S. Patent No. 4,866,769 ("Karp")

I.   INTRODUCTION

Google Inc. ("Petitioner" or "Google") petitions for *Inter Partes* Review

("IPR") under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42 of claims 1-25 of U.S.

Patent 8,566,960 ("the '960 Patent"). The '960 Patent discloses a purportedly

novel "system for adjustable digital licensing over time [that] allows a software

user to increase the number of devices they can use with a particular software

license over the period of ownership of that license." GOOGLE1001-4:14-17.

According to the '960 Patent, this system allows "consumers of software [to] load

their software on new or replacement devices as they are purchased over time

without exposing the publisher to copying abuses that is [sic] common amongst

software pirates and casual software copiers." GOOGLE1001-6:8-12.

But the '960 Patent issued without full consideration of the wide body of

applicable prior art. U.S. Patent 7,047,411 to DeMello, et al. ("the '411 patent" or

"DeMello"), which was filed more than seven years before the earliest priority date

of the '960 Patent, discloses a system designed "to limit the number of activations

that any particular user may have with a single PASSPORT^{TM} ID," where "the

number of activations […] will be periodically increased, up to a defined

maximum." GOOGLE1004-24:34-58. DeMello increases the number of

permitted activations over time for precisely the reason given by the '960 Patent,

namely, to "allow users to activate readers on multiple devices that they own […]

as well as allow them to activate new devices as they upgrade their hardware, reformat their hard disks, etc., without permitting unchecked and unlimited activations of readers to the same PASSPORT credential." GOOGLE1004-24:44-51. Additionally, U.S. Patent 7,962,424 to Colosso, et al. ("the '424 patent" or "Colosso") describes a system for adjustable software licensing that "allocate[s] extra software licenses (e.g., []overdraft licenses) and distribute[s] more software licenses than are actually purchased by a respective customer." GOOGLE1006-Abstract.

In sum, consideration of these and other references should have prevented issuance of claims 1-25. Petitioner therefore requests the Board institute IPR of claims 1-25 on the grounds set forth below.

II. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Google Inc. is the real party-in-interest. No other party had access to the Petition, and no other party had any control over, or contributed to any funding of, the preparation or filing of this Petition.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

The '960 Patent was held unpatentable under 35 U.S.C. § 101 in a number of cases, including the case against Google: *Uniloc v. Google Inc.,* 2:16-cv-00571, Dkt. No. 41, (E.D.TX terminated 3/20/17). That decision is presently on appeal: *Uniloc v. Amazon.com, Inc.,* Appeal 17-2051 (CAFC). The '960 Patent was also

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.