

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMware, Inc.
Petitioner,

v.

Intellectual Ventures I LLC,
Patent Owner.

Case No. IPR2020-00470
U.S. Patent No. 7,949,752

**PETITIONER'S REPLY BRIEF TO PATENT
OWNER PRELIMINARY RESPONSE PURSUANT TO
AUTHORIZATION PROVIDED IN PAPER NO. 8**

TABLE OF CONTENTS

I. The fourth <i>Fintiv</i> factor (overlap) favors institution.	1
II. The third <i>Fintiv</i> factor (investment in parallel proceeding) favors institution....	2
III. The sixth <i>Fintiv</i> factor (merits) favors institution.	4
IV. The remaining <i>Fintiv</i> factors do not weigh in favor of denial.	8
V. Conclusion.	9

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)	1, 2
<i>Connell v. Sears, Roebuck & Co.</i> , 722 F.2d 1542 (Fed. Cir. 1983)	7
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	6
<i>Realtime Data, LLC v. Iancu</i> , 912 F.3d 1368 (Fed. Cir. 2019)	7
Statutes	
35 U.S.C. § 314(a)	1

PETITIONER'S EXHIBIT LIST

Ex. No.	Brief Description
1001	U.S. Patent No. 7,949,752
1002	File History of U.S. Patent No. 7,949,752
1003	File History of U.S. Patent No. 6,839,733
1004	File History of U.S. Patent No. 6,163,794
1005	Declaration of Darrell Long
1006	<i>HCC Ins. Holdings, Inc. v. Intellectual Ventures I LLC</i> , IPR2016-01431, Paper No. 1
1007	<i>HCC Ins. Holdings, Inc. v. Intellectual Ventures I LLC</i> , IPR2016-01431, Paper No. 6
1008	<i>HCC Ins. Holdings, Inc. v. Intellectual Ventures I LLC</i> , IPR2016-01431, Paper No. 8
1009	Report and Recommendation of United States magistrate judge, <i>Intellectual Ventures I LLC v. HCC Insurance Holdings, Inc.</i> , 6:15-cv-660 (E.D.Tx. Aug. 26, 2016), ECF No. 102
1010	Plaintiff's Objections to Magistrate Mitchell's Report and Recommendation, <i>Intellectual Ventures I LLC v. HCC Insurance Holdings, Inc.</i> , 6:15-cv-660 (E.D.Tx. Sep. 9, 2016), ECF No. 110
1011	Joint Motion to Stay All Deadlines and Notice of Settlement, <i>Intellectual Ventures I LLC v. HCC Insurance Holdings, Inc.</i> , 6:15-cv-660 (E.D.Tx. Dec. 26, 2018), ECF No. 207
1012	Scheduling Order, <i>Intellectual Ventures I LLC v. VMware, Inc.</i> , 1:19-cv-01075 (W.D.Tx. Dec. 10, 2019), ECF No. 44
1013	IV's infringement contentions for '752 patent

Ex. No.	Brief Description
1014	F. Cheong, <i>Internet Agents</i> (1996)
1015	U.S. Patent No. 7,043,532
1016	U.S. Patent No. 6,247,056
1017	U.S. Patent No. 5,740,231
1018	U.S. Patent No. 6,029,175
1019	U.S. Patent No. 5,367,635
1020	U.S. Patent No. 5,603,031
1021	Complaint, <i>Intellectual Ventures I LLC v. VMware, Inc.</i> , 1:19-cv-01075 (W.D.Tx. Dec. July 31, 2019), ECF No. 1.
1022	Curriculum vitae of Darrell Long, Ph.D.
1023	Dolan, "But <u>I</u> can't FTP" Re: shared X systems available, comp.sources.d newsgroup post (January 13, 1991)
1024	Fielding, Relative Uniform Resource Locators, IETF RFC1808 (June 1995)
1025	Berners-Lee <i>et al.</i> , Uniform Resource Locators (URL), IETF RFC1738 (December 1994)
1026	Defendant VMware, Inc.'s Stipulation of Invalidity Contentions for U.S. Patent No. 7,949,752, <i>Intellectual Ventures I LLC v. VMware, Inc.</i> , 1:19-cv-01075 (W.D.Tx. June 3, 2020), ECF No. 91.
1027	Transcript of Telephonic Markman hearing in <i>Intellectual Ventures I, LLC v. VMware, Inc.</i> , 1:19-cv-01075 (W.D.Tx. May 14, 2020)

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.