UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Patent Trial and Appeal Board

Unified Patents Inc., Petitioner,

v.

William Grecia, Patent Owner.

U.S. Patent No. 8,402,555
Filing Date: February 15, 2012
Issue Date: March 19, 2013
Title: Personalized Digital Media Access System (PDMAS)

Preliminary Response by Patent Owner William Grecia

Table of Contents

Exhibit List

Exhibit No.	Description
2001	2013-02-04 Notice of Allowability (PTOL-37)
2002	U.S. Pub. No. 2011/0288946 to Baiya *et al.*
2003	U.S. 7,526,650 to Wimmer
2004	IDS and Article (6 of 15) dated Feb. 24, 2012.

INTRODUCTION

William Grecia is the owner and inventor of U.S. Patent No. 8,402,555 (hereinafter, the "'555 patent"). The Examiner allowed the '555 patent claims over two references that, while teaching some steps of the '555 claims, did not establish a connection between the apparatus that had received and authenticated a verification token and a database related to a verified web service: "[N]either Baiya nor Wimmer . . . suggests . . . establishing connection with the at least one communications console . . . wherein the API is [related to] a verified web service . . . ." (Ex. 2001 (Reasons for Allowance).) The prior art references did not use this API connection "to complete the verification process . . . wherein the electronic identification reference comprises a verified web service account identifier of the first user . . . ." (*Id.*)

Mr. Grecia respectfully requests that the Board decline to institute *inter partes* review here for three reasons. *First*, Petitioner Unified Patents Inc. ("UPI") mischaracterizes the Examiner's reason for allowance: "[T]he Examiner found no reference where a user's membership was used to brand digital content so it could be used on multiple devices." (Petition at 10.) That does not approach an accurate representation of the file history. The '555 patent itself identifies prior art that had branded

digital content with membership data: "DRM schemes for e-books include embedding credit card information and other personal information inside the metadata area of a delivered file format and restricting the compatibility of the file with a limited number of reader devices and computer applications." (Petition Ex. 1001 ('555 patent) col. 2:18-22.)

Second, because UPI's primary references (DeMello and Pestoni) lack teaching an apparatus that establishes an API connection between it and a secondary apparatus, UPI cannot present a coherent invalidity theory. For example, UPI argues that DeMello's bookstore server is the apparatus that authenticates the verification token received from the e-book reader. Then, however, UPI changes to the e-book reader establishing an API connection with the activation server. In short, UPI fails to point to the singular apparatus that "receives," "authenticates," "establishes," "requests," "receives (a second time)," and then "writes," as claimed in the '555 patent. Instead, UPI points to an incoherent mix of devices, databases, and servers in an attempt to force DeMello and Pestoni into the '555 patent's scope.

Third, even if one gave UPI the ability to simply ignore the order of functions performed by the apparatus of the '555 patent, the invalidity

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