

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN AIRLINES, INC. AND SOUTHWEST AIRLINES CO.,

Petitioners

v.

INTELLECTUAL VENTURES I LLC,

Patent Owner.

Inter Partes Review No. IPR20254-00785

U.S. Patent No. 7,257,582 B2

Issue Date: August 14, 2007

Title: LOAD BALANCING AND SHARED DATA

**PETITIONERS' AUTHORIZED BRIEF IN REPLY TO PATENT
OWNER'S PRELIMINARY RESPONSE**

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

Patent Owner incorrectly contends that claim 1 of the '582 patent is understood to require that the number of partitions initially subdivided from the input step (a) is greater than the number of subtask processors. Patent Owner's Preliminary Response ("POPR") at 7-8.

There is no requirement in claim 1 that the number of partitions initially subdivided from the input step (a) be greater than the number of subtask processors.

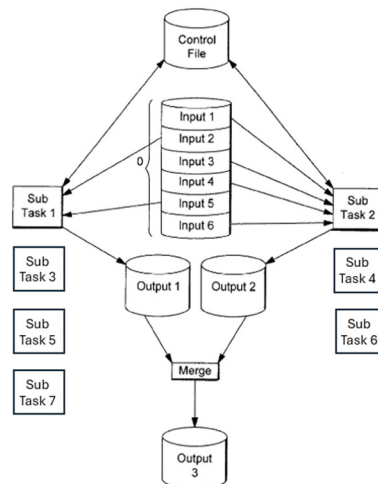
Pursuant to step (a) of claim 1, the input file is logically subdivided into "a plurality of partitions": "(a) automatically determining file allocation and logically subdividing records of said input file into *a plurality of partitions*."

Pursuant to step (b) of claim 1, descriptions of all of the partitions are distributed to "each of a plurality of subtask processors": "(b) distributing descriptions of all of said partitions to *each of a plurality of subtask processors*."

Pursuant to step (c) of claim 1, at least a respective one of the subtasks is executed in "each of at least some of said processors" on a respective one of the partitions: "(c) simultaneously executing at least a respective one of the subtasks of the computer-executable process in *each of at least some of said processors* on a respective one of the partitions . . ."

Pursuant to step (d) of claim 1, step (c) is repeated "in at least some of the subtask processors": "(d) repeating step (c) *in at least some of the subtask processors* each with another unprocessed partition on a first-come/first-served basis."

The following example demonstrates how there is no requirement in claim 1 that the number of partitions initially subdivided from the input step (a) be greater than the number of subtask processors. In the example described in Ex.1001 (6:14-40 and Figure 4)), there are *six* partitions (Input 1–Input 6) and *two* subtask processors (Sub Task 1 and Sub Task 2). Assume that, in this example, in step (b), descriptions of all of said partitions (Input 1–Input 6) are distributed to each of *seven* subtask processors (Sub Task 1–Sub Task 7). The partitions are then processed, pursuant to steps (c) and (d), in subtask processors Sub Task 1 and Sub Task 2, as described in Ex.1001 (6:14-40), *i.e.*, processed in “each of *at least some of* said processors.” No processing occurs in Sub Tasks 3-7, because, for example, those processors are busy with other tasks, as is taught in the specification. *See e.g.*, Ex. 1001 at 1:29-33 and 6:19-22, which is part of the example of Fig. 4.



Ex.1001 (Figure 4, modified to add Sub Task 3–Sub Task 7).

Thus, contrary to Patent Owner’s contention, claim 1 may be practiced where the number of partitions (six) is ***less than*** the number of subtask processors to which the descriptions of all partitions are distributed in step (b) (seven).

Patent Owner reaches its incorrect contention by ignoring the words “at least some of” of step (c), thereby changing step (c) from “each of ***at least some of*** said processors” to “each of ~~at least some of~~ said processors,” as shown in Patent Owner’s POPR statement:

This result must hold because in the first iteration of step (c) ***each of the subtask processors*** simultaneously executes a subtask on “a respective one of the partitions” and in the repetition of step (c) called for by step (d) some of the subtask processors each simultaneously execute a subtask on “a respective one of the partitions” (“unprocessed” partitions).

POPR at 7-8 (all emphasis in original removed, except for emphasis of term “each of the subtask processors”).

The emphasized language from Patent Owner’s POPR contention—“each of the subtask processors”—is ***not*** found in step (c); instead, the correct language of step (c) is—“each of ***at least some of*** said processors.”

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6 and 42.106, that a complete copy of the attached **PETITIONERS' AUTHORIZED BRIEF IN REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE** is being served, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

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