

## IPOfferings Patent Valuation - Base

**US # 7,430,686**

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### **Valuation Summary:**

High Value: \$ 1,730,822

Low Value: \$ 511,250

**Current Market Value: \$ 1,121,036**

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### **Methodology**

An Intellectual Property valuation researcher will provide an initial market approach patent valuation taking into account patent metrics such as the number of forward references, the number of backward references, the number of claims, the length of the independent claims, claim strength, the remaining life, the market score, the technology score, the commercial score, and where applicable the foreign counterpart status.

A senior licensing / patent brokerage expert will then perform a second review of the patent value metrics above to establish the current market valuation, and provide a lower and upper value range.

**Patent Bibliography:**

**Patent #: US # 7430686**

**Title:** Data processing recovery system and method spanning multiple operating system

**Current Applicant:** RPX CORPORATION, CALIFORNIA

**Applicants (Assignees):** XPOINT TECHNOLOGIES INC

**Named Inventors:**

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**Filing Date:** 4/3/2006

**Issue/Pub Date:** 9/30/2008

**Priority Date:** 10/9/2002

**Patent Termination:** 4/3/2026

**Patent Enforceability Status:** Enforceable

**US Classifications / Sub Classes:** 714/006    717/174

**IPC Classifications / Sub Classes:** G06F/01100    G06F/01200    G06F/02100    G06F/00944

**References:**

Backward Citations = 29

Backward Citations by Examiner = 8

Non- Patent Citations = 2

Forward Citations = 5

**Abstract:**

A system and method for recovering from a computer system crashing as a result of the storage disk suffering physical damage and/or the corruption of an application, operating system, and/or data. The computer system may be standalone or a part of a communication network. The computer includes a hard disk storage divided into a primary partition containing a unique operating system for executing application programs and a recovery partition containing a unique operating system for executing application programs and for backup data storage. A boot track storing a boot manager, a backup status information file for establishing communication between the operating systems of the primary and recovery partitions, and a status validation file verifying the integrity of the backup status information file.

**Claim Summary:**

Total = 62

Independent = 12

Dependent = 50

**Independent Claim #1**

1. A method comprising the steps of:

(a) storing a first copy of the content of a first storage area in a second storage area, the first storage area including a first operating system;

(b) installing a second operating system and storing a backup/restore program and a second copy of the content of the first storage area in the second storage area, the second copy comprising changes occurring in the content of the first storage area since the first copy;

(c) selectively restoring the first storage area using at least one of the copies selected from the first copy and the second copy using the backup/restore program running under at least one operating system selected from the first opening system and the second operating system; and

(d) executing the first operating system in the first storage area before and after restoring the first storage area.

**Patent Evaluation Index Summary<sup>1</sup>:**

**Remaining Life of Patent: 12 years 9 months**

**Patent Commercial Factor: 3/ 4**

The reference patent was found to be utilized in current hardware and software back-up and operating system recovery products. It was also noted this patent has a terminal disclaimer to US 7,024,581 and they should be maintained together.

**Patent Technology Factor: 3 / 4**

This patent relates to computer hardware and backup recovery software, including not only PCs, Servers, but also external hard drive back-up products. Wide use is expected currently and in the future until patent expiration in 2026.

**Total Patent PFI Evaluation Index: 3/4**

**Owners of Similar Patents<sup>1</sup>:**

ADVANCED MICRO DEVICES INC  
ALCOR MICRO CORP  
AMD INC  
ARCO COMP PRODUCTS LLC  
AT & T BELL LAB  
CANON KK  
CD ROM U S A INC  
CHEYENNE ADVANCED TECH LTD  
COMPAQ COMPUTER CORPORTION  
DATA DOMAIN INC  
DELL PRODUCTS LP  
DIGITAL EQUIPMENT CORP  
EMC CORP  
ERICSSON TELEFON AB L M  
EXABYTE CORP  
FORD MOTOR CO  
FUJITSU LTD  
GATEWAY INC  
HEWLETT PACKARD DEVELOPMENT CO  
HITACHI LTD  
IBM  
IRON MOUNTAIN INC  
KOREA ELECTRONICS TELECOMM  
LENOVO SINGAPORE PTE LTD  
LSC INC  
LSI LOGIC CORP  
MICROSOFT CORP  
MIJENIX CORP  
NEC CORP  
OLYMPUS CORP  
ORACLE CORP

**Owners of Similar Patents<sup>1</sup> ( Continued):**

ORACLE INT CORP  
PINNACLE SYSTEMS INC  
RPX CORP  
SAMSUNG ELECTRONICS CO LTD  
SUN MICROSYSTEMS INC  
SYMANTEC CORP  
T W STORAGE INC  
TECHNICOLOR DIGITAL CINEMA LLC  
TOSHIBA TEC KK  
VERITAS OPERATING CORP  
VERITAS SOFTWARE CORP  
VINCA CORP  
XIOTECH CORP

## Patent Valuation

### **Estimated Value of Patent US # 7,430,686:**

Utilizing the Market approach methodology described on Page 1 and Appendix I.

The estimated value is anticipated as:

High Value: \$ 1,730,822

Low Value: \$ 511,250

**Current Market Value: \$ 1,121,036**



## **Appendix I: Patent Valuation**

### **Appendix I:**

There are 3 classic valuation methodologies: Cost, Income and Market Approach. IPOfferings utilizes the Market Approach for providing patent valuation. This valuation is based upon market value which is realized from market transactions and makes use of prices actually paid for comparable assets.

The Patent Value Quotient (PVQ) was introduced by IPOfferings and is a quarterly report of sales of issued U.S. Patents that provides additional patent valuation data for buyers and sellers of patents and portfolios. The PVQ includes the sellers and buyers of patents (unless they have asked to be anonymous), the technology area of the patents, the total transaction, and the number of issued U.S. Patents, and the Quotient: the average price paid per patent. The report also includes the Average and Median sales prices of all transactions for the year along with a bar chart displaying the data by technology (<http://www.ipofferings.com/patent-value-quotient.html>).

In addition, the following patent value indicators are utilized which include: backward citations; forward citations; Claims; Patent family; Litigations; Licensing opportunities; Current technology in patent sector; and Life remaining.

Patents are a veritable moving target; with the price affected by the buyers perceived level of need plays a significant role in driving the price. How one or more specific buyers plan to use a particular group of assets will help determine the price it eventually sells for, as well as perceived need, cash position, and strength of their current patent coverage. IPOfferings team of analysts develop a consensus approach that reflects the actual anticipated market conditions.

**Notes:** <sup>1</sup> Pantros IP Patent Factor Report

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The information provided herein is based upon a market approach methodology. The report shall not constitute or be interpreted as legal, business or economic advice, regarding the scope of the patents or other intellectual property rights. In no event shall IPOfferings be liable for any incidental, consequential, or special damages of any kind, or any damages whatsoever associated with this report. IPOfferings is not liable in any way for its use.

## **Appendix II: Definitions**

**Citations** may be made by the author (**Backward Citations**) or by the examiner (**Backward Citations by Examiner**). They comprise a list of references that are believed to be relevant prior art and which may have contributed to the "narrowing" of the original application. The examiner can also cite references (**Non-Patent Citations**) from technical journals, textbooks, handbooks and sources.

**Forward Citations** are US patents or applications that cite this patent as a reference.

### **Claim(s)**

The definition of the monopoly rights that the applicant is trying to obtain for the invention. The claims become the actual monopoly that is given when the patent is granted. A patent consists of a specification and one or more claims. A claim in the patent consist of a preamble and one or more claim elements. The claims define, in technical terms, the extent of the protection conferred by a patent, or the protection sought in a patent application. A valid claim is one which on the invention described in the specification but does not read on any prior art.

There are two basic types of claims:

- the **independent claims**, which stand on their own, and
- the **dependent claims**, which depend on a single claim or on several claims and generally express particular embodiments as fall-back positions.

### **Patent Evaluation Index Factors Scoring:**

Applies a numeric score to each individual index from 0 to 4. Each index definition starts at zero (0) for the lowest possible value thru four (4) for the highest possible value.

- 0 = Not Used or Poor
- 1 = Low
- 2 = Average
- 3 = Very Good
- 4 = Excellent