Trials@uspto.gov
571-272-7822

Paper 7
Entered: July 1, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION OF AMERICA,
Petitioner,

v.

NETWORK-1 TECHNOLOGIES, INC.,
Patent Owner.

Case CBM2015-00078
Patent 6,218,930 B1

Before JONI Y. CHANG, JUSTIN T. ARBES, and GLENN J. PERRY, *Administrative Patent Judges.*

ARBES, *Administrative Patent Judge.*

DECISION
Denying Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

Petitioner Sony Corporation of America filed a Petition (Paper 2, "Pet.") requesting covered business method patent review of claims 6 and 8–23 of U.S. Patent No. 6,218,930 B1 (Ex. 1001, "the '930 patent") pursuant to 35 U.S.C. §§ 321–29. Patent Owner Network-1 Technologies, Inc. filed a Preliminary Response (Paper 5, "Prelim. Resp.").

We have jurisdiction under 35 U.S.C. § 324. Pursuant to 35 U.S.C. § 324(a), the Director may not authorize a covered business method patent review unless the information in the petition, if unrebutted, "would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable." For the reasons that follow, we have decided not to institute a covered business method patent review.

I. BACKGROUND

A. The '930 Patent

The '930 patent relates to "the powering of 10/100 Ethernet compatible equipment," specifically "automatically determining if remote equipment is capable of remote power feed and if it is determined that the remote equipment is able to accept power remotely then to provide power in a reliable non-intrusive way." Ex. 1001, col. 1, ll. 13–19. The '930 patent describes how it generally was known in the prior art to power telecommunications equipment, such as telephones, remotely, but doing so had not "migrated to data communications equipment" due to various problems, such as the high power levels required by data communications equipment. *Id*. at col. 1, ll. 22–32. The '930 patent describes a need in the art to power data communications equipment remotely and to "reliably determin[e] if a remote piece of equipment is capable of accepting remote

power." *Id*. at col. 1, ll. 42–44. Figure 3 of the '930 patent is reproduced below.

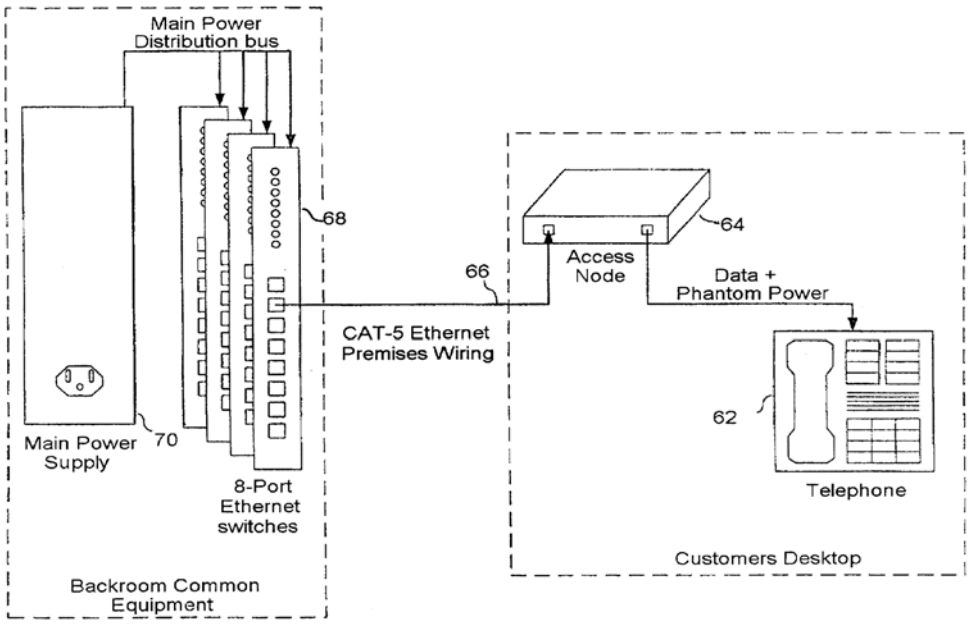

Fig. 3

Figure 3 depicts remote telephone 62, which is capable of receiving and transmitting both voice and data. *Id*. at col. 3, ll. 60–66. Telephone 62 is connected to access node 64 at the customer's premises, and access node 64 is connected to one of the ports of Ethernet switch 68 via wiring 66 comprising "a Category 5 Ethernet 100BaseX cable of 4 sets of unshielded twisted pairs." *Id*. Ethernet switch 68 comprises automatic remote power detector 22 (shown in Figure 1) and remote power supply 34 (shown in Figure 2). *Id*. at col. 4, ll. 1–4.

The preferred embodiment described in the '930 patent operates as follows. A remote access device, such as the telephone shown in Figure 3, normally is powered by "an [alternating current] ac transformer adapter plugged in to the local 110 volt supply," but may or may not be capable of being powered remotely. *Id*. at col. 2, ll. 40–44. The system detects whether the access device is capable of being powered remotely by

"delivering a low level current (approx. 20 [milliamperes (mA)])" over existing twisted pairs of an Ethernet cable used for data signaling and "measuring a voltage drop in the return path." *Id*. at col. 2, l. 66–col. 3, l. 2, col. 3, ll. 44–48. If there is no voltage drop or a fixed voltage level is detected, the device is not capable of accepting remote power. *Id*. at col. 3, ll. 2–11. If a varying or "sawtooth" voltage level occurs (caused by the access device repeatedly beginning to start up but being "unable to sustain the start up" due to the low current level), the device is capable of accepting remote power. *Id*. at col. 3, ll. 12–22. The system then increases the power being supplied remotely to the access device. *Id*. Once the access device is operating under remote power, the system looks for removal of the access device and decreases the power being supplied when the device is no longer connected. *Id*. at col. 3, ll. 49–58.

B. Illustrative Claim

Claim 23 of the '930 patent recites:

> 23. Method for remotely powering access equipment in an Ethernet data network, comprising:
>
> (a) providing an access device adapted for data transmission;
>
> (b) connecting said access device to at least one data signaling pair connected between the access device and a data node adapted for data switching, wherein said at least one data signaling pair is arranged to transmit data therebetween;
>
> (c) receiving at said access device a low level current from a main power source over said data signaling pair, wherein said main power source is connected to supply power to the data node; and wherein a voltage level is generated on the data signaling pair in response to the low level current;

(d) producing a voltage level on the data signaling pair in response to the low level current, wherein said voltage level can be sensed;

(e) receiving at said access device controlled power supplied by a secondary power source arranged to supply power from the data node via said data signaling pair to the access device, in response to a preselected condition of said voltage level.

C. The Prior Art

Petitioner relies on the following prior art:

U.S. Patent No. 5,345,592, issued Sept. 6, 1994 (Ex. 1024, "Woodmas");

International Patent Application Publication No. WO 96/23377, published Aug. 1, 1996 (Ex. 1025, "Hunter");

Japanese Unexamined Patent Application Publication No. H10-13576, published Jan. 16, 1998 (Ex. 1027) (Ex. 1028, English translation, "Matsuno");

Ron Whittaker, TELEVISION PRODUCTION 232–56 (1993) (Ex. 1026, "Television Production").

D. The Asserted Grounds

Petitioner challenges claims 6 and 8–23 of the '930 patent on the following grounds:

Reference(s)	Basis	Claim(s) Challenged
Woodmas	35 U.S.C. § 102(b)	6, 8, 9, 12–17, 19, and 22
Woodmas and Hunter	35 U.S.C. § 103(a)	6 and 8–23
Woodmas and Television Production	35 U.S.C. § 103(a)	6, 8, 9, 12–17, 19, and 22

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