

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CYPRESS SEMICONDUCTOR CORP.,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

Case IPR2014-00400
Patent 6,034,623

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. BACKGROUND

Cypress Semiconductor Corp. (“Petitioner”) requests *inter partes* review of claims 1-4 of U.S. Patent No. 6,034,623 (“the ’623 patent”) (Ex. 1001) under 35 U.S.C. §§ 311-319. Paper 5 (Petition, or “Pet.”).

Blackberry Ltd. (“Patent Owner”) did not file a preliminary response

provided for by 37 C.F.R. § 42.107. We have jurisdiction under 35 U.S.C. § 314.

For the reasons that follow, we institute an *inter partes* review of claims 3 and 4 of the '623 patent. We do not institute review of challenged claims 1 and 2.

The Challenged Patent

The '623 patent relates to the field of radio telemetry. Ex. 1001, col. 1, ll. 1-2.

Figure 4 of the '623 patent is reproduced below.

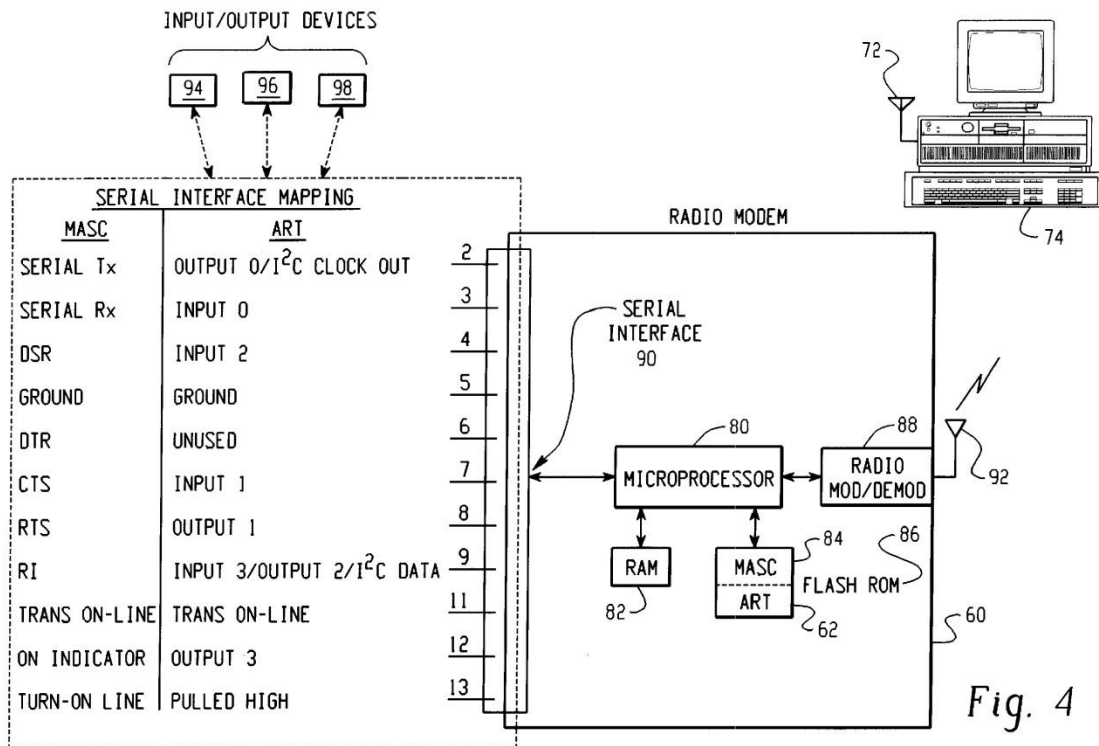


Figure 4 is said to be a block diagram of the radio telemetry system that shows the basic elements and remapping of the serial port. *Id.* at col. 3, ll. 49-52. Radio modem 60 includes antenna 92, radio interface 88,

microprocessor 80, serial interface 90, RAM 82, and Flash EEPROM 86. The radio modem receives data in packets from central computer 74 via antenna 72 and sends packet data to the central computer via antenna 92. *Id.* at col. 5, l. 63 - col. 6, l. 5.

Programming stored in Flash EEPROM 86 enables the radio modem to operate as a standard radio modem with serial port 90 configured as a RS-232 interface. The programming also enables the radio modem to operate in a telemetry mode, interfacing with I/O devices 94, 96, and 98, by remapping the radio modem serial port such that there are four general purpose TTL logic level ports. *Id.* at col. 6, ll. 19-64.

Illustrative Claims

3. A dual-mode radio modem capable of operating in a first mode as a general-purpose radio device in conjunction with a host processing system and in a second mode as a special-purpose stand-alone radio telemetry computer, comprising:

an RF transceiver for sending and receiving data;

a serial port; and

a microprocessor coupled to the RF transceiver and to the serial port, wherein the microprocessor includes a reprogrammable memory for storing a radio configuration and control program that causes the radio modem to operate in one of two modes, a first mode that configures the radio modem to operate as a general-purpose radio device coupled to the host processing system via the serial port, and a second mode that configures the radio modem to operate as a special-purpose telemetry computer by configuring the serial port to directly interface with a plurality of input/output devices.

4. A radio modem, comprising:

a radio frequency interface circuit including a modulator and a demodulator;

a microprocessor coupled to the radio frequency interface circuit;

a serial interface coupled to the microprocessor, wherein the serial interface is directly connected to a plurality of input/output devices that generate telemetry data and respond to telemetry commands; and

a programmable memory coupled to the microprocessor, the re-programmable memory encoded with a telemetry management program for directing the operations of the microprocessor in order to control and communicates with the input/output devices over the serial interface, and to manage communication with the radio frequency interface circuit,

wherein the telemetry management program includes a plurality of configurable state machines that control the reception of telemetry data from the input/output devices and the transmission of telemetry commands to the input/output devices.

Related Proceeding

According to the parties, the '623 patent is involved in the following lawsuit: *BlackBerry Limited v. Cypress Semiconductor Corp.*, No. 3:13-cv-04431 (N.D. Tex.). Pet 1; Paper 7 at 2.

Prior Art

Ehlers et al. (hereinafter "Ehlers")	US 5,572,438	Nov. 5, 1996	(Ex. 1004)
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Sainton et al. (hereinafter “Sainton”)	US 5,249,218	Sept. 28, 1993	(Ex. 1005)
Grider et al. (hereinafter “Grider”)	US 5,212,774	May 18, 1993	(Ex. 1006)
Simionescu et al. (hereinafter “Simionescu”)	US 5,963,650	Oct. 5, 1999	(Ex. 1007)
Argyroudis et al. (hereinafter “Argyroudis”)	US 5,748,104	May 5, 1998	(Ex. 1008)
Funabashi	EP 0 185 098 A1	June 25, 1986	(Ex. 1009)
McLaughlin et al. (hereinafter “McLaughlin”)	US 5,687,222	Nov. 11, 1997	(Ex. 1010)
Reagle et al. (hereinafter “Reagle”)	US 5,386,518	Jan. 31, 1995	(Ex. 1011)

Asserted Grounds of Unpatentability

Petitioner asserts the following twelve grounds of unpatentability (Pet. 3-4):

Reference(s)	Basis (35 U.S.C.)	Claim
Sainton, Ehlers, and Grider	§ 103(a)	1
Sainton, Ehlers, and Simionescu	§ 103(a)	1
Argyroudis, Reagle, and Grider	§ 103(a)	1
Sainton, Ehlers, and Funabashi	§ 103(a)	2

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