

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORPORATION and BLACKBERRY LIMITED¹
Petitioner

v.

MOBILEMEDIA IDEAS, LLC
Patent Owner

Case IPR2013-00036
Patent 6,871,048

Before JAMESON LEE, KEVIN F. TURNER, and JONI Y. CHANG,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

¹ Petitioner originally identified as Research In Motion Corporation and Research In Motion Limited changed their names to “BlackBerry Corporation” and “BlackBerry Limited,” respectively. Paper 37.

I. BACKGROUND

A. Introduction

Petitioner, BlackBerry Corporation and BlackBerry Limited (“Blackberry”), filed a petition on October 30, 2012, for an *inter partes* review of claims 1-12 of US Patent No. 6,871,048 (“the ’048 patent”) pursuant to 35 U.S.C. §§ 311-319. That petition was followed by a corrected petition (Paper 7, “Pet.”), filed on November 6, 2012. On March 18, 2013, the Board instituted trial on claims 1-12 of the ’048 patent based on all grounds of unpatentability alleged in the petition. Paper 15. The Board has jurisdiction under 35 U.S.C. § 6(c).

After institution of trial, Patent Owner, MobileMedia Ideas LLC (“MobileMedia”), filed a patent owner response (“PO Resp.”). Paper 27. Blackberry filed a reply. Paper 39. An oral hearing was held on October 18, 2013. A transcript of the oral hearing is included in the record as Paper 63.

On December 16, 2013, the parties filed a joint motion to terminate proceeding (Paper 60), which was *granted-in-part*. The Board terminated the proceeding with respect to Blackberry, but not with respect to MobileMedia. Paper 64.

For the reasons discussed below, we are unable to reach a determination on the alleged grounds of unpatentability over prior art. Accordingly, we terminate this proceeding under 37 C.F.R. § 42.72.

B. The '048 Patent

The '048 patent relates to “a mobile communication apparatus for carrying out communication through radio waves” and “an information providing system using the mobile communication apparatus.” Ex. 1001, 1:9-13. The specification of the '048 patent describes that for a wireless mobile communication apparatus, audio communication is mainstream, but there is an increasing need for “composite and multiple data communication of character information, image information, video information, or the like.” *Id.* at 1:22-28. In the Background section, the specification describes that a user of a mobile communication apparatus often carries, in addition, a portable sound device for reproducing music data recorded on a magnetic tape, an optical disc, a magneto-optical disc, or the like, or a portable radio receiver for receiving AM broadcasting, FM broadcasting, TV sound, or the like. *Id.* at 1:36-43. In the Summary section, the specification states:

In view of the fact that usage efficiency of a mobile communication apparatus is not absolutely high, and a user carries a portable sound device, a portable radio receiver, or the like in addition to the mobile communication apparatus, an object of the present invention is to provide a mobile communication apparatus and an information providing system using the mobile communication apparatus in which the functions of these devices are combined so that the user of the mobile communication apparatus can obtain information of desired contents at a desired time without additionally carrying other devices.

Id. at 1:48-58.

The claimed invention requires reproducing and outputting downloaded data when the apparatus is in a “stand-by” state. Claims 1 and 7 are the only independent claims. Claim 1 is directed to a mobile communication apparatus, and claim 7 is directed to an information providing system comprising a mobile communication apparatus.

Both claims 1 and claim 7 recite elements in means-plus-function format pursuant to 35 U.S.C. § 112, sixth paragraph, including (emphasis added):

processing means *for encrypting* the information signals prior to storage in said memory means.

For context, the entirety of claim 1 is reproduced below:

1. A mobile communication apparatus, comprising:
 - a) communication means for transmitting and receiving information signals to and from a base station via radio waves; said base station further transmitting and receiving information signals to and from a service provider through a public line network;
 - b) input/output means for a user to interact with said mobile communication apparatus; said input/output means comprising a keypad, display means, a speaker, and a microphone;
 - c) a removable semiconductor memory for storing received information signals; and
 - d) processing means for encrypting the information signals prior to storage in said memory means;
- whereby said mobile communication apparatus is selectively operable to perform one of the operations of outputting received information signals at the time of reception,

storing received information signals for output at a later time, and simultaneously outputting and storing received information signals; and

whereby said mobile communication apparatus is operable to reproduce and output downloaded data when said apparatus is in a stand-by state.

Notable features of the claimed mobile device are that it transmits and receives information signals to and from a base station via radio waves, that the base station further transmits and receives information to and from a service provider through a public line network, that the device encrypts received information signals prior to storing them, and that the device may perform one of three selectable operations: (1) outputting received information at the time of reception; (2) storing the received signals for outputting at a later time; and (3) simultaneously outputting and storing the received information. The device is also operable, while in stand-by mode, to reproduce and output downloaded data.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.