

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2014-01033  
Patent 5,894,506

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Before MIRIAM L. QUINN, MEREDITH C. PETRAVICK, and  
SCOTT A. DANIELS, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### *A. Background*

Apple, Inc. (“Petitioner”) filed a Corrected Petition requesting *inter partes* review of claims 8–14, 19, and 21 (“the challenged claims”) of U.S. Patent No. 5,894,506 (Ex. 1001, “the ’506 patent”) pursuant to 35 U.S.C. § 311–319. Paper 6 (“Pet.”). Mobile Telecommunications Technologies, LLC (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons discussed below, we conclude that Petitioner has not demonstrated that there is a reasonable likelihood that it would prevail with respect to any of the challenged claims. Institution of an *inter partes* review is denied.

### *B. Related Proceedings*

The parties indicate that the ’506 patent is involved in numerous district court cases, including *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, No. 2:13-cv-258-JRG-RSP (E.D. Tex.). Pet. 1; Paper 4, 2. In addition, the ’506 patent is the subject of another petition for *inter partes* review, *Apple, Inc. v. Mobile Telecommunications Technologies, LLC*, Case IPR2014-01034 (PTAB). Pet. 1; Paper 4, 2–3.

*C. The '506 Patent*

The '506 patent is titled “Method and Apparatus for Generating and Communicating Messages Between Subscribers to an Electronic Messaging Network” and issued from an application filed on September 5, 1996. Ex. 1001, at [22], [54]. The '506 patent describes an electronic messaging network that conserves communication link capacity by compressing certain messages. *Id.* at col. 1, ll. 37–41. Commonly used phrases are treated as “canned” messages and replaced by a short message code. *Id.* at col. 1, ll. 46–49. Commonly used responses and parameters may also be treated as “canned” responses and “canned” parameters, and may also be replaced by response codes and parameter codes. *Id.* at col. 4, ll. 35–55.

For example, the compressed message for “Can we meet for lunch at noon, 12:30 or call me?” is:

<26>10<26>15<29>12:30<31><26>15<31><26>8

where:

<26> is the ASCII control character serving as the canned message and multiple response option indicator[;]

<31> is the ASCII control character servicing as a delineator for separating the canned message and multiple response options from each other[;]

<29> is the parameter separator[;]

10 is the code associated with the canned message “Can we meet for lunch at or ?”[;]

8 is the code associated with the canned parameter and response option “call me”[;]

15 is the code associated with the canned parameter and response option “noon”[;] and

12:30 is the keyed-in parameter.

*Id.* at col. 5, ll. 24–44.

A calling terminal sends the compressed message via a network operation center to a receiving terminal. *Id.* at Abstract. If the network

operation center determines that the receiving terminal may receive canned messages in code form, the network operation center relays the compressed message to the receiving terminal. *Id.* at col. 6, ll. 7–15. The calling terminal, the network operation center, and the receiving terminal have multiple files of identical canned messages and canned response options. *Id.* at col. 6, ll. 3–6. Using these files, the receiving terminal retrieves the message using the received codes and displays the message for the receiving party. *Id.* at col. 6, ll. 33–41.

Claims 8, 19, and 21, reproduced below, are illustrative of the subject matter of the '506 patent.

8. A method of communicating messages between subscribers to an electronic message network, comprising the steps of:
  - maintaining, at a network operation center, a first file of canned messages and message codes respectively assigned to the canned messages;
  - maintaining at a first terminal of a first subscriber, a second file of canned messages and message codes corresponding to the first file;
  - maintaining, at a second terminal of a second subscriber, a third file of canned messages and message codes corresponding to the first file;
  - selecting an appropriate canned message from the second file for transmission to the second terminal;
  - sending the message code assigned to the selected canned message to the network operation center;
  - relaying the message code assigned to the selected canned message from the network operation center to the second terminal;

retrieving the selected canned message from the third file using the assigned message code received from the network operation center; and

displaying the selected canned message retrieved from the third file.

19. A message terminal for use in an electronic messaging network, comprising:

a memory storing a file of canned messages and message codes respectively assigned thereto and a file of canned multiple response options and response codes respectively assigned thereto;

means for retrieving the file of canned messages and the file of canned multiple response options from the memory;

a display for displaying the canned messages and the multiple response options in the retrieved file;

means for selecting one of the canned messages and at least one of the multiple response options appropriate for the selected canned message for communication to a designated other message terminal; and

a transmitter for transmitting the message code assigned to the selected canned message and the response code assigned to the at least one multiple response option over a communications link of the network.

21. A message terminal for use in an electronic messaging network, comprising:[]

a memory storing a file of canned messages, and message codes respectively assigned thereto and a file of canned multiple

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