UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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GOOGLE, INC.,
Petitioner,

v.

TLI COMMUNICATIONS LLC,
Patent Owner.

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Case IPR2015-00283
Patent 6,038,295

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Before TRENTON A. WARD, BART A. GERSTENBLITH, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges.*

KOKOSKI, *Administrative Patent Judge.*

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

I. INTRODUCTION

Google, Inc. ("Petitioner") filed a Corrected Petition ("Pet.") to institute an *inter partes* review of claims 17–24 of U.S. Patent No. 6,038,295 ("the '295 patent," Ex. 1001). Paper 6. TLI Communications LLC ("Patent Owner") filed a Preliminary Response ("Prelim. Resp."). Paper 15. We have jurisdiction under 35 U.S.C. § 314.

Upon consideration of the Petition and Preliminary Response and the evidence of record, we determine that Petitioner has established a reasonable likelihood of prevailing with respect to the unpatentability of claims 17–24 of the '295 patent. Accordingly, we institute an *inter partes* review of those claims.

A.   *Related Proceedings*

Petitioner indicates that the '295 patent is involved in a district court infringement action, in which it is a party, captioned *TLI Communications LLC v. AV Automotive, L.L.C.*, No. 14-cv-0142 TSE (E.D. Va.). Pet. 1. Petitioner also indicates that there are seventeen other pending district court cases involving the '295 patent. *Id.* The '295 patent was also the subject of a petition for *inter partes* review in IPR2014-00566, a proceeding in which institution was denied on September 15, 2014. *See Facebook, Inc. v. TLI Commc'ns. LLC*, Case IPR2014-00566 ("*Facebook, Inc.*"), slip op. at 18 (PTAB Sept. 15, 2014) (Paper 14).

B.   *The '295 Patent (Ex. 1001)*

The '295 patent, titled "Apparatus and Method for Recording, Communicating and Administering Digital Images," is directed to an apparatus and method that "simplif[y] transmission of digital images which have been recorded, optimize[] the communication of the image data[,] and

provide[] a method for administering the storage of the digital images, which is simple, fast and surveyable so that the digital images may be archived." Ex. 1001, 1:66–2:4.

The '295 patent describes a communication system that includes "an arbitrary number of telephone units TE, a server S, and a transmission system US that is coupled to the telephone units TE as well as to the server S and that is used for transmitting data between the telephone units and the server S." *Id.* at 4:62–67. Figure 1 of the '295 patent is reproduced below:
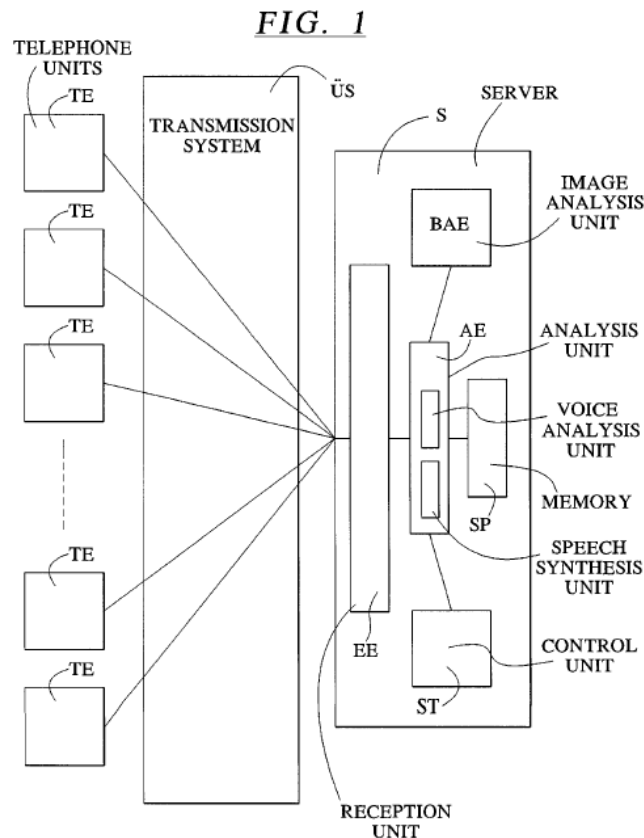

FIG. 1

Figure 1 depicts a block diagram of an embodiment of the '295 patent's communication system.

Server S "is a computer system which serves for organizing a database which includes a large number of digital images as well as

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classification information OM which may potentially be allocated to the digital images." *Id.* at 5:1–4. Server S includes a number of components, for example receiving unit EE that receives data sent from telephone unit TE, analysis unit AE that is coupled to receiving unit EE and extracts the classification information from the data, and memory SP for storing the data and digital images. *Id.* at 5:5–13.
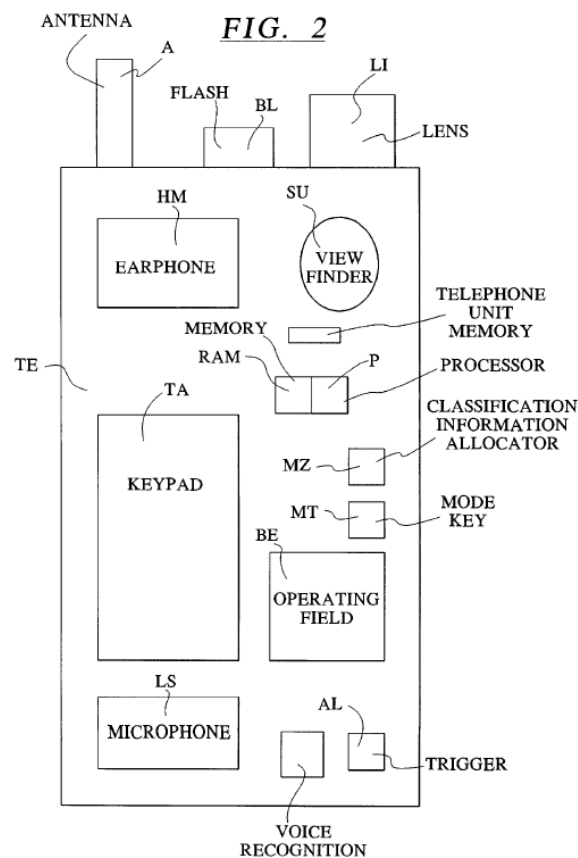
Figure 2 of the '295 patent is reproduced below:

Figure 2 depicts a plan view of telephone unit TE used in an embodiment of the '295 patent's communication system. In addition to standard features such as keypad TA, earphone HM, and microphone LS, "[t]he telephone unit also includes a digital image pick up unit for recording images." *Id.* at 5:58–59. Telephone unit TE may be operated via a

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telephone line, or wirelessly as a mobile telephone. *Id.* at 6:36–39. The '295 patent states that "classification information OM may be prescribed by a user of the telephone unit TE, for example, by simply speaking the information into the microphone LS of the telephone unit TE or by inputting a character sequence into the key pad TA." *Id.* at 8:6–10.

Figure 3 of the '295 patent is set forth below:
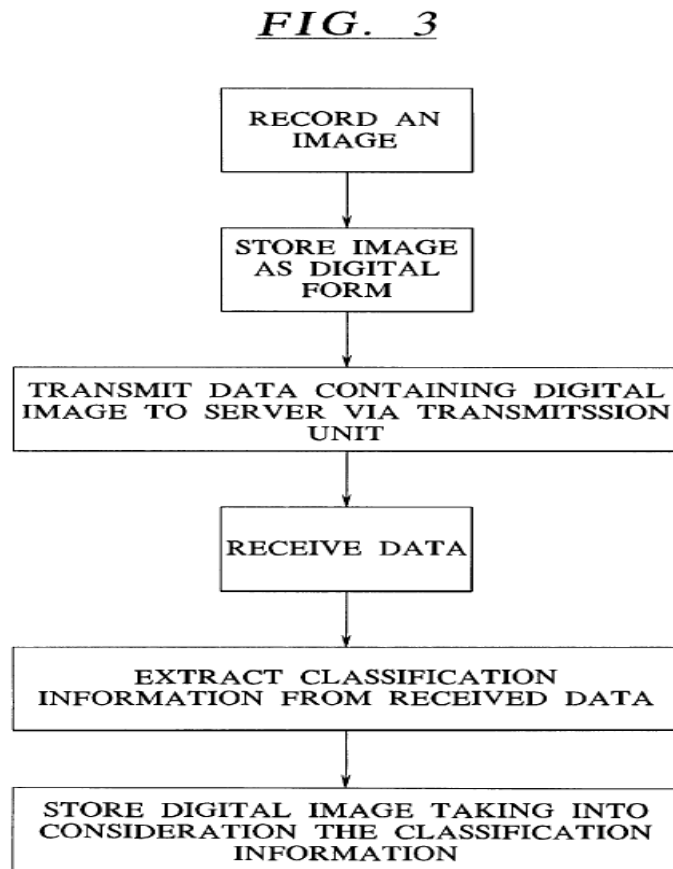

FIG. 3

Figure 3 is a flow chart illustrating the method steps described in the '295 patent. In step 301, images are recorded using a digital pick up unit integrated into telephone unit TE. *Id.* at 7:56–59. In step 302, the images are stored in digital form, as digital images, in telephone unit memory TS. *Id.* at 7:59–61. In step 303, the images are transmitted from telephone unit TE to server S, and in step 304, server S receives the transmitted data. *Id.* at

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