

Ex. GOOG 1019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

TLI COMMUNICATIONS LLC,
Patent Owner.

Case IPR2014-00566
Patent 6,038,295

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

KOKOSKI, *Administrative Patent Judge*.

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

I. INTRODUCTION

Facebook, Inc. (“Petitioner”) filed a Petition (“Pet.”) to institute an *inter partes* review of claims 1, 2, 6–11, 14–17, and 21–24 of U.S. Patent No. 6,038,295 (“the ’295 patent,” Ex. 1001). Paper 1. Patent Owner TLI Communications LLC (“Patent Owner”) filed a Preliminary Response on July 9, 2014. Paper 13 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

Upon consideration of the Petition and Preliminary Response, we determine that Petitioner has not established a reasonable likelihood of prevailing with respect to any of the challenged claims of the ’295 patent. Accordingly, we deny the Petition, and decline to institute *inter partes* review.

A. *Related Proceedings*

Petitioner indicates that the ’295 patent is involved in a district court infringement action, in which it is a party, titled *TLI Communications LLC v. AV Automotive, L.L.C.*, Case No. 14-cv-0142 TSE (E.D. Va.). Pet. 1. Petitioner also indicates that there are sixteen other pending cases involving the ’295 patent. *Id.*

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, optimiz[e] the communication of the image data[,] and provid[e] 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:

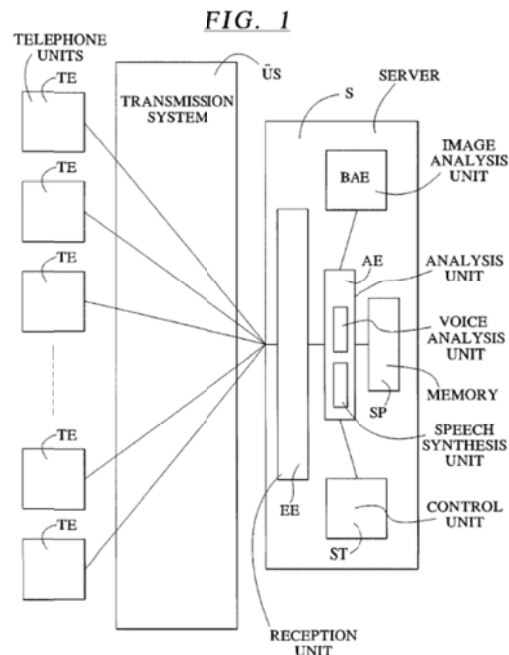


Figure 1 depicts a block diagram of an embodiment of the '295 patent's communication system.

The server “is a computer system which serves for organizing a database which includes a large number of digital images as well as classification information OM which may potentially be allocated to the digital images.” *Id.* at 5:1–4. The server includes a number of components, including 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:

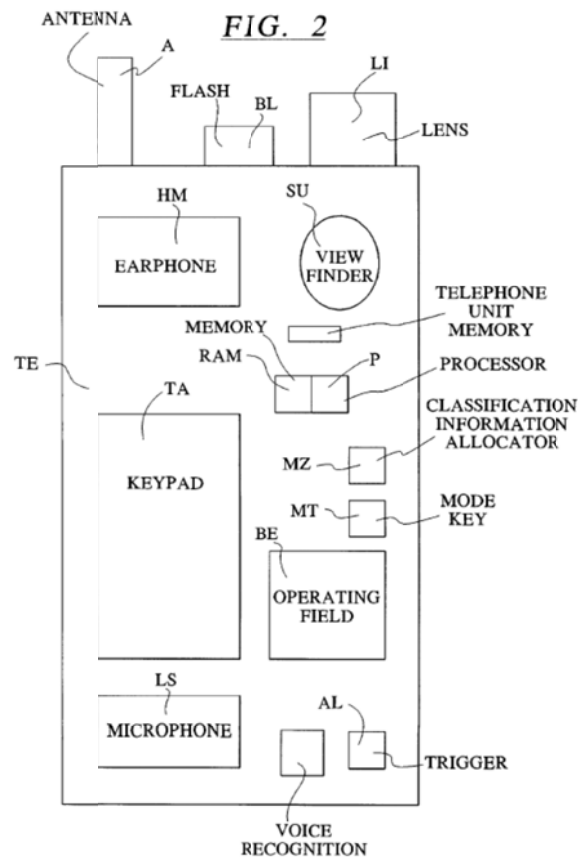


Figure 2 depicts a plan view of telephone unit TE used in an embodiment of the '295 patent's communication system. In addition to standard features such as keypad TA, earphone HM, and microphone LS, "[t]he telephone unit also includes a digital image pick up unit for recording images." *Id.* at 5:58–59. The '295 patent states that "a means MZ is provided in the telephone unit TE for allocating classification information OM which are prescribed by the user to the digital images." *Id.* at 6:42–45. The '295 patent further states that, "[i]n terms of its function, the allocation means MZ may be integrated into the keypad TA, for example, by using key combinations." *Id.* at 6:45–47. Telephone unit TE may be operated via a telephone line, or wirelessly as a mobile telephone. *Id.* at 6:36–39.

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