

Case IPR2015-_____
Petition for *Inter Partes* Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T MOBILITY, LLC
AND
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
Petitioners

v.

SOLOCRON MEDIA, LLC
Patent Owner

Case IPR2015-_____
Patent No. 7,742,759

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,742,759
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.***

Mail Stop: Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I. INTRODUCTION AND BACKGROUND.....	1
II. NOTICES, STATEMENTS AND PAYMENT OF FEES	2
A. Real Parties In Interest Under 37 C.F.R. § 42.8(b)(1)	2
B. Related Matters Under 37 C.F.R. § 42.8(b)(2)	2
C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	2
D. Service Information Under 37 C.F.R. § 42.8(b)(4).....	3
E. Grounds for Standing Under 37 C.F.R. § 42.104(a)	3
F. Fees Under 37 C.F.R. § 42.103	3
III. THE '759 PATENT.....	4
A. Background.....	4
IV. IDENTIFICATION OF CHALLENGE UNDER 37 C.F.R. § 42.104(B).....	6
V. HOW THE CHALLENGED CLAIM IS TO BE CONSTRUED UNDER 37 C.F.R. § 42.104 (B) (3).....	8
VI. DETAILED EXPLANATION AND SUPPORTING EVIDENCE UNDER 37 C.F.R. §§ 42.104(B)(4) AND (B)(5).....	8
A. Claims 53, 54, 56, 59, 64, and 65 Are Anticipated by <i>Merritt</i>	8
B. Claim 59 is Obvious over <i>Merritt</i>	24
C. Claims 53, 54, and 59 Are Anticipated by <i>Gaffney</i>	25
D. Claims 53, 54, 56, 59, 64, and 65 Are Obvious Over <i>Merritt</i> in View of <i>Gaffney</i>	34
E. Claims 53, 56, 64, and 65 Are Anticipated by <i>Apache</i>	41
F. Claims 53, 54, 56, 59, 64, and 65 Are Obvious Over <i>Merritt</i> in View of <i>Apache</i>	49
VII. CONCLUSION	55

PETITIONER'S EXHIBIT LIST

Exhibit 1001	U.S. Patent No. 7,742,759 (the '759 patent)
Exhibit 1002	Excerpts of Documents Showing Mr. Shanahan's Prosecution and Litigation Experience and Former Clients
Exhibit 1003	Complaint filed in <i>Solocron v. AT&T Mobility, LLC, et al.</i> , (E.D. Tex.) (Case No. 2:13-cv-1059)
Exhibit 1004	U.S. Patent App. 08/175,022
Exhibit 1005	U.S. Patent No. 6,421,429
Exhibit 1006	International Publication Number WO98/19438, filed on October 28, 1996 and published on May 7, 1998
Exhibit 1007	Excerpts from: Lincoln Stein and Doug MacEachern, "Writing Apache Modules with Perl and C" (March 1999).
Exhibit 1008	Solocron's Opening Claim Construction Brief, Dkt. No. 119, dated 11/21/2014, in <i>Solocron v. AT&T Mobility, LLC, et al.</i> , (E.D. Tex.) (Case No. 2:13-cv-1059)
Exhibit 1009	Declaration of Mr. Mark Lanning Regarding U.S. Patent No. 7,742,759, dated 12/05/2014
Exhibit 1010	Schneidawind, John (November 23, 1992). "Poindexter Putting Finger on PC Bugs; Big Blue Unveiling". USA Today. p. 2B. ISSN 0734-7456 (1992 USA Today article describing IBM's unveiling of a PDA cellular phone at Comdex)
Exhibit 1011	"Bellsouth, IBM unveil personal communicator phone". Mobile Phone News, Nov. 8, 1993
Exhibit 1012	Maney, Kevin "Simon says: Super-phone is giant step". USA Today, Nov. 3, 1993

Petitioners AT&T Mobility, LLC and Cellco Partnership d/b/a Verizon Wireless (“Petitioners”) hereby request *inter partes* review of claims 53, 54, 56, 59, 64, and 65 of U.S. Patent No. 7,742,759 (“the ’759 Patent”). Exhibit 1001.

I. INTRODUCTION AND BACKGROUND

The ’759 patent is part of a family of nearly twenty patents owned by Solocron Media, LLC (“Solocron”), a small company based in Tyler, Texas near the Eastern District of Texas courthouse. Solocron acquired this portfolio from Michael Shanahan, a telecommunications and electronics patent prosecutor formerly of Fish & Neave and McDermott Will & Emery. *See, e.g.*, Exhibit 1002. Mr. Shanahan’s clients over the past fifteen years include Nokia, Inc. (“Nokia”) and other well-known electronics companies. Exhibit 1002.

Solocron alleges that the ’759 patent relates to converting video files at an intermediate server. File conversion was well-known long before the ’759 patent, as evidenced by AT&T’s U.S. Patent No. 6,421,429 (“*Merritt*”), which discloses the claimed concepts using nearly identical terminology. *Merritt* is one example of invalidating prior art that was not presented to the Patent Office during the prosecution of the ’759 patent or any of the applications to which it claims priority.

For the reasons below, there is a reasonable likelihood that claims 53, 54, 56, 59, 64, and 65 of the '759 patent are unpatentable in light of the prior art, warranting *inter partes* review.

II. NOTICES, STATEMENTS AND PAYMENT OF FEES

A. Real Parties In Interest Under 37 C.F.R. § 42.8(b)(1)

The real parties in interest are AT&T Mobility, LLC and Cellco Partnership d/b/a Verizon Wireless.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Solocron sued the following entities (in addition to AT&T Mobility, LLC and Verizon Wireless) for infringement of the '759 Patent in the Eastern District of Texas on December 6, 2013 (Case No. 2:13-cv-01059) (hereinafter, “the Litigation”): Sprint Corporation, Sprint Communications Company L.P., Sprint Solutions Inc., and T-Mobile USA, Inc. *See* Exhibit 1002.

C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)

Petitioners designate lead and back-up counsel as noted below. Powers of attorney pursuant to 37 C.F.R. § 42.10(b) accompany this Petition.

For Petitioner Cellco Partnership d/b/a Verizon Wireless	
Lead Counsel	Backup Counsel
Kevin P. Anderson, Reg. No. 43,471	Floyd B. Chapman, Reg. No. 40,555 Scott A. Felder, Reg. No. 47,558
WILEY REIN LLP, ATTN: Patent Administration, 1776 K Street NW, Washington, DC 20006, Phone: 202.719.7000 / Fax: 202.719.7049	

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.