Trials@uspto.gov
571.272.7822

Paper No. 63
Filed: September 6, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. and SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

SUMMIT 6 LLC,
Patent Owner.

Case IPR2015-00806[1]
Patent 7,765,482 B2

Before HOWARD B. BLANKENSHIP, GEORGIANNA W. BRADEN, and KERRY BEGLEY, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318 and 37 C.F.R. § 42.73

[1] Samsung Electronics Co., Ltd., who filed a Petition in IPR2016-00029, has been joined as a petitioner in the instant proceeding.

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6(c), and this Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 12, 13, 16, 18, 19, 21–25, 35–38, 40–42, 44–46, and 49 of U.S. Patent No. 7,765,482 B2 (Ex. 1001, "the '482 patent") are unpatentable.

A. Procedural History

Google Inc., HTC Corporation, and HTC America, Inc.[2] (collectively "Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 12, 13, 16, 18, 19, 21–25, 35–38, 40–42, 44–46, and 49 of the '482 patent. Summit 6 LLC ("Patent Owner") filed a Preliminary Response (Paper 12, "PO Resp."). Pursuant to 35 U.S.C. § 314(a), we instituted an *inter partes* review of claims 12, 13, 16, 18, 19, 21–25, 35–38, 40–42, 44–46, and 49 as (1) unpatentable under 35 U.S.C. § 103 in view of Creamer[3] and Aihara[4] and (2) unpatentable under 35 U.S.C. § 103 in view of Mayle[5] and Narayen[6]. *See* Paper 19 ("Dec. to Inst."), 33.

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[2] Subsequent to filing the Petition, HTC Corporation and HTC America, Inc. settled with Patent Owner and sought to terminate their participation in this proceeding. *See* Paper 9. The request was granted, and HTC Corporation and HTC America, Inc. are no longer a party. *See* Paper 11.

[3] U.S. Patent No. 6,930,709 B1 (issued Aug. 16, 2005, filed Dec. 3, 1998) ("Creamer," Ex. 1004).

[4] U.S. Patent No. 6,223,190 B1 (issued April 24, 2001, filed Apr. 13, 1998) ("Aihara," Ex. 1005).

[5] U.S. Patent No. 6,018,774 (issued Jan. 25, 2000, filed July 3, 1997) ("Mayle," Ex. 1006).

[6] U.S. Patent No. 6,035,323 (issued Mar. 7, 2000, filed Oct. 24, 1997) ("Narayen," Ex. 1007).

After institution of trial, Patent Owner filed a Patent Owner Response (Paper 28, "PO Resp."), to which Petitioner filed a Corrected Reply (Paper 46, "Reply"). In addition, Patent Owner filed Observations on the Cross-Examination of Petitioner's declarant (Paper 52), to which Petitioner filed a response (Paper 58). Petitioner filed a Motion to Exclude Evidence (Paper 51), to which Patent Owner filed an Opposition (Paper 57), and Petitioner filed a Reply in support of its motion (Paper 61).

An oral argument was held on May 18, 2016. A transcript of the oral argument is included in the record. Paper 62 ("Tr.").

B. Related Proceedings

Petitioner informs us that the '482 patent and related U.S. Patent No. 8,612,515 B2 ("'515 patent") are the subject of district court case *Summit 6 LLC v. HTC Corp.*, Case No. 7:14-cv-00014-O (N.D. Tex.). Pet. 3. In addition, Petitioner informs us that the '482 patent was the subject of a district court case, resulting in a verdict of infringement and validity, that was appealed to the U.S. Court of Appeals for the Federal Circuit, *Summit 6 LLC v. Samsung Electronics Co.*, No. 2013-1648 (Fed. Cir.). *See id.* The Federal Circuit affirmed the final judgment entered on the jury verdict on September 21, 2015. *See Summit 6, LLC v. Samsung Elec. Co. Ltd.*, Nos. 2013-1648, -1651 (Fed. Cir. Sept. 21, 2015). Petitioner also informs us that the '482 patent is the subject of *ex parte* reexamination no. 90/012,987, and four other petitions for *inter partes* review (IPR2015-00685, IPR2015-00686, IPR2015-00687, and IPR2015-00688). Pet. 3–4.

C. The '482 Patent

According to the '482 patent, at the time of the disclosed invention, sharing digital images over the Internet was complex and required "a level

of sophistication . . . beyond that of the ordinary user." Ex. 1001, 1:20–34. The patent purports to solve this problem with a "web-based media submission tool," which "allows submission of media objects in a convenient, intuitive manner" that does not require the user to make any modifications to media objects before sending or uploading them. *Id.* at 1:45–48, 2:60–67.

The tool disclosed in the '482 patent allows a user to select media objects stored at a first location (e.g., a client). *Id.* at [57], 2:3–6, 2:44–47, 4:46–47. The media objects may be "pictures (images), movies, videos, graphics, sound clips." *Id.* at 2:47–48. The user selects the media objects through either a "drag and drop" or a file browsing functionality. *Id.* at 3:20–48. The tool then may allow the user to confirm the selected media objects with a visual representation, such as a thumbnail image. *Id.* at [57], 2:9–11, 3:65–4:3.

Next, the tool pre-processes the selected media objects, "automatically prepar[ing]" the objects "to meet the requirements of [a] second location" (e.g., a server or web site). *Id.* at [57], 2:14–17, 2:44–3:12, 5:1–4, 5:26–33. The media objects may be pre-processed in "any number of ways," such as changing the file format or quality setting, cropping, adding text or annotations, and resizing, which includes "compression." *Id.* at [57], 4:52–4:67. After this pre-processing is complete, the tool transmits or uploads the media objects to the second location. *Id.* at [57], 3:17–19.

D. Illustrative Claims

As noted above, an *inter partes* review was instituted as to claims 12, 13, 16, 18, 19, 21–25, 35–38, 40–42, 44–46, and 49 of the '482 patent, of

which claims 12, 13, 24, 25, and 35–38 are independent claims. Claim 12 is illustrative of the challenged claims and is reproduced below.

> 12. A computer implemented method of pre-processing media objects in a local device for subsequent transmission to a remote device, comprising:
>
> a. receiving pre-processing parameters from a remote device, said pre-processing parameters including a specification of an amount of media data;
>
> b. receiving an identification of a group of one or more media objects for transmission, a collective media data of said group of one or more media objects being limited by said received pre-processing parameters;
>
> c. pre-processing said identified group of one or more media objects using said received pre-processing parameters, wherein said pre-processing comprises encoding or otherwise converting said media object; and
>
> d. transmitting said pre-processed group of one or more media objects to the remote device.

Ex. 1001, 10:40–55.

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) ("We conclude that the regulation represents a reasonable exercise of the rulemaking authority that Congress delegated to the Patent Office."). Under that standard, and absent any special definitions, we give claim terms their ordinary and customary meaning, as would be understood by one of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

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