

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., and APPLE INC.,  
Petitioner,

v.

IXI IP, LLC,  
Patent Owner.

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Case IPR2015-01444  
Patent 7,039,033 B2

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Before TRENTON A. WARD, KRISTINA M. KALAN, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Apple Inc. (collectively “Petitioner”) filed a Petition (“Pet.”) (Paper 2) to institute an *inter partes* review of claims 1, 4–7, 12, 14, 15, 22, 23, 25, 28, 34, 39, 40, 42, and 46 of U.S. Patent No. 7,039,033 B2 (“the ’033 patent”) (Ex. 1001) pursuant to 35 U.S.C. §§ 311–319. IXI IP, LLC (“Patent Owner”) filed a Preliminary Response (“Prelim. Resp.”) (Paper 6) to the Petition. We have jurisdiction under 35 U.S.C. § 314.

Pursuant to 35 U.S.C. § 314(a), the Director may not authorize an *inter partes* review unless the information in the petition and preliminary response “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 that follow, we institute an *inter partes* review as to claims 1, 4–7, 12, 14, 15, 22, 23, 25, 28, 34, 39, 40, 42, and 46 of the ’033 patent on certain grounds of unpatentability.

## II. BACKGROUND

### A. *Related Proceedings*

The parties identify the following proceedings related to the ’033 patent: *IXI Mobile (R&D) Ltd. v. Samsung Electronics Co.*, Case No. 3:15-cv-03752-HSG (N.D. Cal.); *IXI Mobile (R&D) Ltd. v. Apple, Inc.*, Case No. 4:15-cv-03755-PJH (N.D. Cal.); and *IXI Mobile (R&D) Ltd. v. Blackberry Ltd.*, Case No. 3:15-cv-03754-RS (N.D. Cal.). Pet. 1–2; Paper 5, 1–2; Paper 7, 1–2.

B. *The '033 Patent*

The '033 patent issued from an application filed on May 7, 2001. Ex. 1001, [22]. The '033 patent is directed to “a system that accesses information from a wide area network (‘WAN’), such as the Internet, and local wireless devices in response to short-range radio signals.” *Id.* at 4:8–11. Figure 1 of the '033 patent is reproduced below:

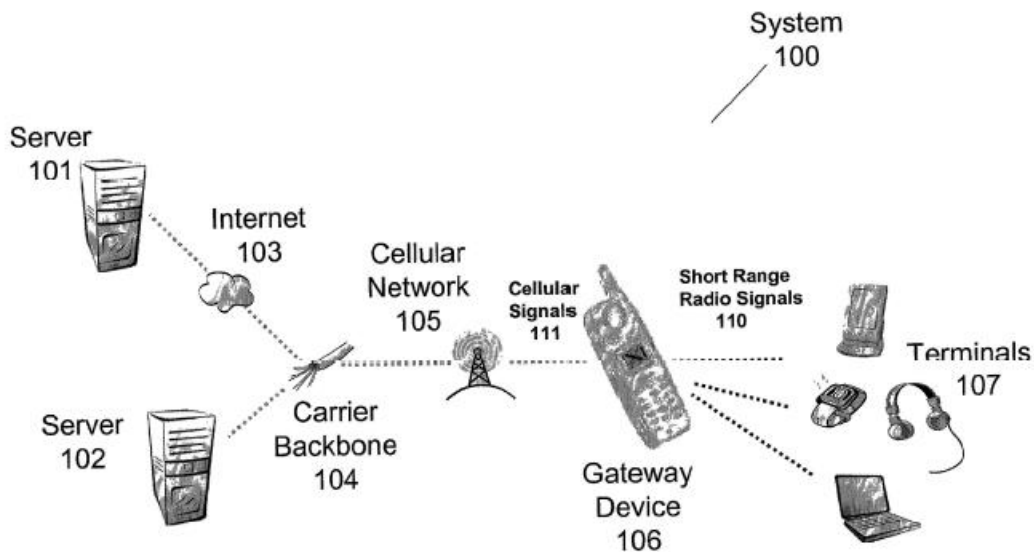


Fig. 1

Figure 1 illustrates an exemplary system 100 having a personal area network (PAN) and a wide area network. *Id.* at 4:8–19. The PAN is made up of gateway device 106 and one or more terminals 107, such as, for example, a laptop computer, a personal digital assistant, or a printer. *Id.* at 4:17–25. Gateway device 106 is coupled to cellular network 105, which in turn connects to Internet 103 through carrier backbone 104. *Id.* at 4:36–39, 49–55.

Software architecture 400 for gateway device 106 may include network management software 404 including, *inter alia*, PAN application server 404a. *Id.* at Figs. 4, 5a; 5:61–6:5, 6:36–42; 6:58–63. In turn, PAN

application server 404a includes service repository software component 704, which “allows applications 406, which run on a gateway device 106 or terminals 107, to discover what services are offered by a PAN, and to determine the characteristics of the available services.” *Id.* at Fig. 7; 10:1–9; 12:9–14; *see also id.* at 12:33–67 (enumerating the many functions of service repository software component 704).

*C. Illustrative Claim*

Claim 1 of the '033 patent recites:

1. A system for providing access to the Internet, comprising:

a first wireless device, in a short distance wireless network, having a software component to access information from the Internet by communicating with a cellular network in response to a first short-range radio signal, wherein the first wireless device communicates with the cellular network and receives the first short-range radio signal; and,

a second wireless device, in the short distance wireless network, to provide the first short-range radio signal,

wherein the software component includes a network address translator software component to translate between a first Internet Protocol (“IP”) address provided to the first wireless device from the cellular network and a second address for the second wireless device provided by the first wireless device,

wherein the software component includes a service repository software component to identify a service provided by the second wireless device.

Ex. 1001, 15:40–59.

*D. The Prior Art*

Petitioner relies on the following prior art:

PCT Publication No. WO 01/76154 A2 to Marchand, published Oct. 11, 2001 (Ex. 1005, “Marchand”), which claims priority to U.S. Application No. 09/541,529, filed Apr. 3, 2000 (Ex. 1006, “Marchand Priority”);

Handley et al., *Request For Comments 2543 SIP: Session Initiation Protocol*, The Internet Society, March 1999 (Ex. 1007, “RFC 2543”);

U.S. Patent No. 6,836,474 B1 to Larsson, filed Aug. 31, 2000, issued Dec. 28, 2004 (Ex. 1008, “Larsson”);

K. Arnold et al., *The JINI™ Specification*, Addison-Wesley, June 1, 1999 (Ex. 1009, “JINI Spec.”);

U.S. Patent No. 6,560,642 B1 to Nurmann, filed Oct. 23, 1999, issued May 6, 2003 (Ex. 1010, “Nurmann”); and

U.S. Patent No. 6,771,635 B1 to Vilander, filed Mar. 27, 2000, issued Aug. 3, 2004 (Ex. 1011, “Vilander”).

*E. The Asserted Grounds*

Petitioner challenges claims 1, 4–7, 12, 14, 15, 22, 23, 25, 28, 34, 39, 40, 42, and 46 of the '033 patent on the following grounds (Pet. 3):

References	Basis	Claim(s) Challenged
Marchand, Nurmann, and Vilander	35 U.S.C. § 103(a)	1, 4, 7, 14
Marchand, Nurmann, Vilander, and RFC 2543	35 U.S.C. § 103(a)	5
Marchand, Nurmann, Vilander, and Larsson	35 U.S.C. § 103(a)	6, 23
Marchand, Nurmann, Vilander, and JINI Spec.	35 U.S.C. § 103(a)	12, 15, 22, 34, 39, 40, 42, 46

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