

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC,
Petitioner,

v.

ELBIT SYSTEMS LAND AND C4I LTD.,
Patent Owner.

Case IPR2016-00142
Patent 6,240,073 B1

Before SALLY C. MEDLEY, RAMA G. ELLURU, and
WILLIAM M. FINK, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Hughes Network Systems, LLC (“Petitioner”) filed a corrected Petition requesting an *inter partes* review of claims 2–8, 28, and 29 of U.S. Patent No. 6,240,073 B1 (Ex. 1001, “the ’073 patent”). Paper 6 (“Pet.”). Patent Owner, Elbit Systems Land and C4I Ltd., filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . and any 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 determine that Petitioner has not established a reasonable likelihood of prevailing with respect to claims 2–8, 28, and 29 of the ’073 patent. Accordingly, we deny the Petition and do not institute an *inter partes* review.

A. Related Matters

Petitioner and Patent Owner identify the following pending matter as relating to the ’073 patent: *Elbit Systems Land and C4I Ltd. et al. v. Hughes et al.*, No. 2:15-CV-37 (E.D. Tx.). Pet. 1; Paper 5, 1.

B. The ’073 Patent

The ’073 patent relates to a satellite-based communication system with a return link suitable for an Internet access network. Ex. 1001, Abstract, 1:5–9. Figure 1 is reproduced below:

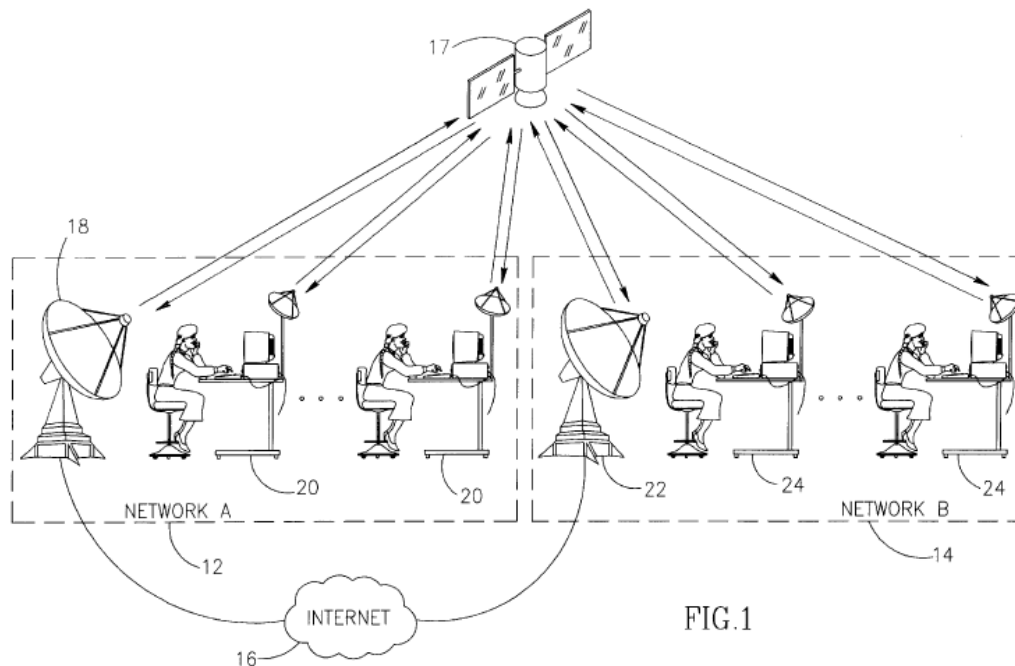


FIG.1

Figure 1 of the '073 patent depicts two satellite communication networks. *Id.* at 8:56–57. In network B 14, satellite 17 forwards communications between hub 22 and a plurality of VSAT user terminals 24 to form a forward link. *Id.* at 8:62–64. A reverse link is established via satellite between hub 22 and terminals 24. *Id.* at 8:64–66. The reverse link comprises:

two separate communication schemes used in combination The first communication scheme uses a random access method based on a non-synchronous frequency hopping code division multiple access technique (NS/FH/CDMA). The second communication scheme uses a channel assignment method based on a frequency division multiple access (FDMA) technique. Data generated by a user is transmitted using one of the two communication schemes in accordance with the content and amount of data generated.

Id. at 4:50–61. Data requiring a relatively low transmission rate, such as short bursty messages, uses the random access method, while data requiring a

higher transmission rate, such as video conferencing, uses the channel assignment method. *Id.* at 4:61–65.

C. Illustrative Claim

Claims 2–8, 28, and 29 are independent claims. Claim 28 is reproduced below, and is illustrative of the challenged claims.

28. A multiple access communications system for use in a satellite communication network, comprising:

a plurality of user terminals for transmitting and receiving data over said multiple access communication system;

at least one hub for transmitting and receiving data over said multiple access communication system to and from said plurality of user terminals;

a forward communication link for transmitting data from said at least one hub to said plurality of user terminals;

a return communication link for transmitting data from said plurality of user terminals to said at least one hub, said return communication link including a first communication means for transmitting short bursty data in combination with second communication means for continuous transmission of data;

switching means within said plurality of user terminals for switching transmission between said first communication means and said second communication means in accordance with predefined criteria; and

receiver means within said at least one hub adapted to receive data transmitted by said plurality of terminals utilizing either said first communication means or said second communication means,

wherein each user terminal comprises means for generating a request to be sent over said return communications link in order to utilize said second communication means.

D. Asserted Ground of Unpatentability

Petitioner asserts that claims 2–8, 28, and 29 are unpatentable based on the following grounds:

References	Basis	Challenged Claims
Quick ¹	§ 102(b)	28
Quick	§ 103(a)	29
Quick and Kou ²	§ 103(a)	2, 3, and 5–7
Quick and Nakamura ³	§ 103(a)	3 and 6
Quick and Beal ⁴	§ 103(a)	4
Quick and Wilkinson ⁵	§ 103(a)	8

II. DISCUSSION

A. Claim Interpretation

In an *inter partes* review, claim terms in an unexpired patent are given their “broadest reasonable construction in light of the specification of the patent in which they appear.” 37 C.F.R. § 42.100(b); *see also In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015) (“Congress implicitly approved the broadest reasonable interpretation standard in enacting the AIA,” and “the standard was properly adopted by PTO regulation”), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 890 (mem.) (2016). Under the broadest reasonable construction

¹ U.S. Patent No. 5,673,259, filed May 17, 1995, issued September 30, 1997 (Ex. 1005) (“Quick”)

² U.S. Patent No. 5,172,375, issued December 15, 1992 (Ex. 1006) (“Kou”)

³ U.S. Patent No. 5,377,184, issued December 27, 1994 (Ex. 1007) (“Beal”)

⁴ WO 95/10920, published April 20, 1995 (Ex. 1008) (“Nakamura”)

⁵ U.S. Patent No. 4,532,636, issued July 30, 1985 (Ex. 1009) (“Wilkinson”)

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.