

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

SOCKEYE LICENSING TX, LLC,
Patent Owner.

Case IPR2016-00985
Patent 8,879,987 B1

Before BRYAN F. MOORE, ROBERT J. WEINSCHENK, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

I. INTRODUCTION

RPX Corporation (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 20–29, 31–37, 39–45, and 47 of U.S. Patent No. 8,879,987 B1 (Ex. 1001, “the ’987 patent”). Sockeye Licensing TX, LLC (“Patent Owner”) did not file a preliminary response to the Petition. An *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

For the reasons set forth below, Petitioner demonstrates a reasonable likelihood of prevailing in showing the unpatentability of claims 20–29, 31–37, 39–45, and 47 of the ’987 patent. Accordingly, we institute an *inter partes* review as to claims 20–29, 31–37, 39–45, and 47 of the ’987 patent on the grounds specified below.

A. *Related Proceedings*

The parties indicate that the ’987 patent is the subject of several cases in the United States District Court for the Northern District of Illinois. Pet. 1; Paper 5, 2–3. The parties also indicate that the following petitions for *inter partes* review are related to this case:

Case No.	Involved U.S. Patent No.
IPR2016-00989	U.S. Patent No. 8,135,342
IPR2016-01052	U.S. Patent No. 8,135,342
IPR2016-01053	U.S. Patent No. 8,879,987
IPR2016-01054	U.S. Patent No. 8,879,987

Pet. 1; Paper 5, 2.

B. *The ’987 Patent*

The ’987 patent relates to establishing a connection between a wireless device and a peripheral device. Ex. 1001, col. 1, ll. 25–30. The

'987 patent explains that, although previous products allowed a wireless device to project images onto a wall or nearby surface, those products did not allow a wireless device to transmit browser-based content to a full-size digital display device, such as a computer monitor. *Id.* at col. 2, ll. 1–9. To address this deficiency, the '987 patent describes connecting a wireless device to one or more peripheral devices, such as a desktop monitor or printer, using one or more wireline or wireless connections. *Id.* at col. 6, ll. 55–63. The wireless device uses a cell phone network and Transmission Control Protocol/Internet Protocol (“TCP/IP”) network to access one or more browser-based applications. *Id.* at col. 6, ll. 63–67. The data received by the wireless device from the browser-based applications is communicated through a peripheral communications interface to the one or more peripheral devices. *Id.* at col. 7, ll. 9–18.

C. *Illustrative Claim*

Claims 20, 32, and 40 are independent. Claim 20 is reproduced below.

20. A wireless device for facilitating user connectivity comprising:

a connector, said connector connecting a user of said wireless device to a remote server containing user information therein;

a memory, said memory containing therein said user information downloaded from said server;

a transmitter, said transmitter, at the control of said user, sending said user information to a peripheral device; and

an interface, on said wireless device, where said user through said interface operates said peripheral device from said wireless device,

wherein said peripheral device comprises one or more components of personal equipment of said user,

wherein two users interconnect to said peripheral device, said two users controlling said user information,

whereby said user information is employed by said one or more components.

Ex. 1001, col. 17, ll. 44–61.

D. *Evidence of Record*

Petitioner relies on the following references and declaration (Pet. 3, 8–9, 34–35, 55):

Reference or Declaration	Exhibit No.
Tee et al., U.S. Patent Application Pub. No. 2006/0203758 A1 (published Sept. 14, 2006) (“Tee”)	Ex. 1002
Acharya et al., U.S. Patent Application Pub. No. 2005/0036509 A1 (published Feb. 17, 2005) (“Acharya”)	Ex. 1003
Soin et al., U.S. Patent Application Pub. No. 2005/0091359 A1 (published Apr. 28, 2005) (“Soin”)	Ex. 1004
Wang et al., U.S. Patent Application Pub. No. 2006/0077310 A1 (published Apr. 13, 2006) (“Wang”)	Ex. 1005
Benco et al., U.S. Patent Application Pub. No. 2005/0135393 A1 (published June 23, 2005) (“Benco”)	Ex. 1006
Declaration of Peter Rysavy (“Rysavy Declaration”)	Ex. 1008

E. *Asserted Grounds of Unpatentability*

Petitioner asserts that the challenged claims are unpatentable on the following grounds (Pet. 3):

Claim(s)	Basis	Reference(s)
20–29, 31–37, 39–45, and 47	35 U.S.C. § 103(a)	Soin and Wang
20–23, 25–29, 31, 40–45, and 47	35 U.S.C. § 103(a)	Tee and Acharya
24, 32–37, and 39	35 U.S.C. § 103(a)	Tee, Acharya, and Benco

II. ANALYSIS

A. *Claim Construction*

The claims of an unexpired patent are interpreted using the broadest reasonable interpretation in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016). Petitioner proposes construing several claim terms in the '987 patent. Pet. 5–8. On this record and for purposes of this decision, we determine that no claim terms require express construction. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (“[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.”).

B. *Asserted Grounds of Unpatentability*

1. *Obviousness of Claims 20–29, 31–37, 39–45, and 47 Over Soin and Wang*

Petitioner argues that claims 20–29, 31–37, 39–45, and 47 would have been obvious over Soin and Wang. Pet. 3. We have reviewed Petitioner’s assertions and supporting evidence. For the reasons discussed below, we determine that Petitioner demonstrates a reasonable likelihood of prevailing in showing that claims 20–29, 31–37, 39–45, and 47 would have been obvious over Soin and Wang.

Claim 20 recites “a connector, said connector connecting a user of said wireless device to a remote server containing user information therein.” Ex. 1001, col. 17, ll. 46–48. Petitioner identifies evidence indicating that Soin teaches a network adapter or modem for connecting a user of a wireless device to a remote server that contains user information. Pet. 11–12 (citing Ex. 1004 ¶¶ 33, 44, 56; Ex. 1008 ¶ 177). On this record, Petitioner has

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