

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

SOCKEYE LICENSING TX, LLC,
Patent Owner.

Case IPR2016-01053
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 1–5, 12–17, and 19 of U.S. Patent No. 8,879,987 B1 (Ex. 1101, “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 1–5, 12–17, and 19 of the ’987 patent. Accordingly, we institute an *inter partes* review as to claims 1–5, 12–17, and 19 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. 1–2; 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.
IPR2016-00985	U.S. Patent No. 8,879,987
IPR2016-00989	U.S. Patent No. 8,135,342
IPR2016-01052	U.S. Patent No. 8,135,342
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. 1101, 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 1 and 12 are independent. Claim 1 is reproduced below.

1. A communication system for facilitating user connectivity, said system comprising:

a communications network, said network comprising at least one server with user information thereon, said user information being remote to a user;

a peripheral device, said peripheral device being associated with said user;

a wireless device, said wireless device wirelessly interconnected within said communications network to said server and said peripheral device; and

said user controlling said peripheral device from said wireless device, said user information being transmitted to said peripheral device from said wireless device, and employed at the control of said user,

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. 1101, col. 15, ll. 14–33.

D. *Evidence of Record*

Petitioner relies on the following references and declarations (Pet. 4, 8–9, 30–31, 50):

Reference or Declaration	Exhibit No.
Tee et al., U.S. Patent Application Pub. No. 2006/0203758 A1 (published Sept. 14, 2006) (“Tee”)	Ex. 1102
Acharya et al., U.S. Patent Application Pub. No. 2005/0036509 A1 (published Feb. 17, 2005) (“Acharya”)	Ex. 1103
Soin et al., U.S. Patent Application Pub. No. 2005/0091359 A1 (published Apr. 28, 2005) (“Soin”)	Ex. 1104
Wang et al., U.S. Patent Application Pub. No. 2006/0077310 A1 (published Apr. 13, 2006) (“Wang”)	Ex. 1105
Benco et al., U.S. Patent Application Pub. No. 2005/0135393 A1 (published June 23, 2005) (“Benco”)	Ex. 1106
Declaration of Peter Rysavy (“Rysavy Declaration”)	Ex. 1108
Second Declaration of Peter Rysavy (“Second Rysavy Declaration”)	Ex. 1110

E. *Asserted Grounds of Unpatentability*

Petitioner asserts that the challenged claims are unpatentable on the following grounds (Pet. 4):

Claim(s)	Basis	Reference(s)
1–5, 12–17, and 19	35 U.S.C. § 103(a)	Soin and Wang
1–3, 5, 12–17, and 19	35 U.S.C. § 103(a)	Tee and Acharya
4	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 1–5, 12–17, and 19 Over Soin and Wang*

Petitioner argues that claims 1–5, 12–17, and 19 would have been obvious over Soin and Wang. Pet. 4. 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 1–5, 12–17, and 19 would have been obvious over Soin and Wang.

Claim 1 recites “a communications network, said network comprising at least one server with user information thereon, said user information being remote to a user.” Ex. 1101, col. 15, ll. 16–18. Petitioner identifies evidence indicating that Soin teaches a communications network, such as a local area network (“LAN”) or a wide area network (“WAN”), that includes a server with remote storage containing user information. Pet. 11 (citing Ex. 1104 ¶¶ 33, 44, 56; Ex. 1108 ¶ 177). On this record, Petitioner has

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.