

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Cases

IPR2016-01114 (Patent 7,777,753)
IPR2016-01118 (Patent 7,321,368)
IPR2016-01134 (Patent 7,542,045)¹

Before MICHAEL R. ZECHER, JAMES B. ARPIN,
SUSAN L. C. MITCHELL, and MATTHEW R. CLEMENTS,
Administrative Patent Judges.

CLEMENTS, *Administrative Patent Judge.*

ORDER TO SHOW CAUSE
Conduct of the Proceedings
37 C.F.R. § 42.5(a)

¹ This Order addresses an issue that is identical in all three cases. We, therefore, exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

IPR2016-01114 (Patent 7,777,753)

IPR2016-01118 (Patent 7,321,368)

IPR2016-01134 (Patent 7,542,045)

I. INTRODUCTION

In December 2016, we instituted an *inter partes* review of certain claims (“the instituted claims”) of the patents at issue in each of the above-named proceedings in early December. IPR2016-01114, Paper 7; IPR2016-01118, Paper 8; IPR2016-01134, Paper 7. In January 2017, we issued Final Written Decisions in earlier-filed proceedings involving the same patents in which many of the instituted claims were held unpatentable. *HTC Corporation v. Parthenon Unified Memory Architecture LLC*, Case IPR2015-01500 (PTAB Jan. 4, 2017) (Paper 54) (“1500 FWD”); *HTC Corporation v. Parthenon Unified Memory Architecture LLC*, Case IPR2015-01501 (PTAB Jan. 4, 2017) (Paper 53) (“1501 FWD”); *HTC Corporation v. Parthenon Unified Memory Architecture LLC*, Case IPR2015-01502 (PTAB Jan. 4, 2017) (Paper 52) (“1502 FWD”). Neither party to the earlier-filed proceedings filed a Request for Rehearing in any of those proceedings. As a result, we now order the parties in these proceedings to show cause why we should not terminate these proceedings as to the claims held unpatentable in those Final Written Decisions.

II. BACKGROUND

A. *The ’368 patent*

On December 5, 2016, we instituted an *inter partes* review of certain claims of U.S. Patent 7,321,368 B2 (“the ’368 patent”) on the following grounds:

IPR2016-01114 (Patent 7,777,753)

IPR2016-01118 (Patent 7,321,368)

IPR2016-01134 (Patent 7,542,045)

1. Claims 1, 7, 13, 15, 18, 20, 24, and 25 under 35 U.S.C. § 103(a) as obvious over Bowes,² Datasheet,³ and Artieri⁴; and
2. Claims 17 and 23 under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, and Gove⁵.

IPR2016-01118, Paper 8, 23.

On January 4, 2017, we issued a Final Written Decision in IPR2015-01500, in which we found claims 1–3, 5, 7, 13–15, 17–21, and 23–25 of the '368 patent to be unpatentable based on the following grounds:

1. Claims 1, 5, 7, 13, 15, 18, 20, 24, and 25 under 35 U.S.C. § 103(a) as obvious over Bowes and MPEG⁶; and
2. Claims 17, 19, and 23 under 35 U.S.C. § 103(a) as obvious over Bowes, MPEG, and Rathnam⁷; and
3. Claims 2, 3, 14, and 21 under 35 U.S.C. § 103(a) as obvious over Bowes, MPEG, and Stearns⁸.

² U.S. Patent No. 5,546,547.

³ AT&T DSP3210 Digital Signal Processor, The Multimedia Solution, Data Sheet, March 1993.

⁴ EP 0 626 653 A1.

⁵ Robert J. Gove, "The MVP: A Highly-Integrated Video Compression Chip," Proceedings of the IEEE Data Compression Conference (DCC '94), pp. 215–224 (March 29–31, 1994).

⁶ International Organization for Standardization, "ISO/IEC 11172-2: Information technology—Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s—Part 2: Video," (1st ed. Aug. 1, 1993).

⁷ S. Rathnam et al., "An Architectural Overview of the Programmable Multimedia Processor, TM-1," PROC. COMPCON, IEEE Computer Society Press, Los Alamitos, CA, 1996, pp. 319–326 (1996).

⁸ U.S. Patent No. 5,774,676.

IPR2016-01114 (Patent 7,777,753)

IPR2016-01118 (Patent 7,321,368)

IPR2016-01134 (Patent 7,542,045)

1500 FWD 7, 28. Neither party to IPR2015-01500 filed a request for rehearing within thirty days of entry of that decision. 37 C.F.R. § 42.71.

As a result, all of the claims instituted upon in IPR2016-01118 have been held unpatentable in IPR2015-01500. *See* IPR2016-01118, Paper 8, 3 n.1 (“If we issue a Final Written Decision in [IPR2015-01500], the panel shall determine whether it is appropriate to maintain this proceeding against all or some of the claims, upon which review is instituted, or to terminate this proceeding and vacate this Decision on Institution.”).

B. The '753 patent

On December 7, 2016, we instituted an *inter partes* review of certain claims of U.S. Patent 7,777,753 B2 (“the '753 patent”) on the following grounds:

1. Claims 1 and 2 are unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, and Arimilli⁹;
2. Claim 4 is unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, Arimilli, and Shanley¹⁰;
3. Claim 7 is unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, and Christiansen¹¹;
4. Claims 8 and 10 are unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, Christiansen, and Arimilli;

⁹ U.S. Patent No. 6,029,217.

¹⁰ T. Shanley *et al.*, “PCI System Architecture,” Addison-Wesley Publ’g Co. (3rd ed. Feb. 1995).

¹¹ U.S. Patent No. 5,787,264.

IPR2016-01114 (Patent 7,777,753)

IPR2016-01118 (Patent 7,321,368)

IPR2016-01134 (Patent 7,542,045)

5. Claim 9 is unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, Christiansen, and Shanley; and
6. Claim 12 is unpatentable under 35 U.S.C. § 103(a) as obvious over Bowes, Datasheet, Artieri, Christiansen, and Gove.

IPR2016-01114, Paper 7, 42.

On January 4, 2017, we issued a Final Written Decision in IPR2015-01501, in which we found claims 1–4 of the '753 patent to be unpatentable based on the following grounds:

1. Claims 1 and 2 under 35 U.S.C. § 103(a) as obvious over Bowes and MPEG; and
2. Claim 3 under 35 U.S.C. § 103(a) as obvious over Bowes, MPEG, and Stearns; and
3. Claim 4 under 35 U.S.C. § 103(a) as obvious over Bowes, MPEG, MPEG, and Shanley.

1501 FWD 3, 37. Neither party to IPR2015-01501 filed a request for rehearing within thirty days of entry of that decision. 37 C.F.R. § 42.71.

As a result, some of the claims instituted upon in IPR2016-01114 (i.e., claims 1–4) have been held unpatentable, but others (i.e., claims 7–10 and 12) have not been held unpatentable. *See* IPR2016-01114, Paper 7, 3 n.1 (“Upon issuance of a Final Written Decision in [IPR2015-01501], the panel shall determine whether it is appropriate to maintain this proceeding against all or some of the claims, upon which review is instituted, or to terminate this proceeding and vacate this Decision on Institution.”).

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