Trials@uspto.gov
Tel: 571-272-7822

Paper 31
Entered: January 8, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, LG ELECTRONICS, INC., LG ELECTRONICS, U.S.A., INC., LG ELECTRONICS MOBILECOMM U.S.A., INC., SAMSUNG ELECTRONICS CO., LTD, SAMSUNG ELECTRONICS AMERICA, INC., and HUAWEI DEVICE USA, INC.
Petitioner,

v.

RYUJIN FUJINOMAKI,
Patent Owner.

Case IPR2016-01522[1]
Patent 6,151,493

Before DAVID C. MCKONE, BARBARA A. PARVIS, and DANIEL N. FISHMAN, *Administrative Patent Judges*.

MCKONE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

[1] Case IPR2017-01017 has been joined with this proceeding.

I. INTRODUCTION

A. Background

Google LLC.[2], LG Electronics U.S.A., Inc., LG Electronics Mobilecomm U.S.A., Inc., and LG Electronics, Inc. (collectively, "Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 1–6 and 8–10 of U.S. Patent No. 6,151,493 (Ex. 1001, "the '493 patent"). Ryujin Fujinomaki ("Patent Owner") filed a Preliminary Response (Paper 7, "Prelim. Resp.").

Pursuant to 35 U.S.C. § 314, in our Institution Decision (Paper 8, "Dec."), we instituted this proceeding as to claims 1–6 and 8–10.

On March 6, 2017, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Huawei Device USA Inc. filed a petition challenging claims 1–6 and 8–10 of the '493 patent, along with a Motion for Joinder with this proceeding. IPR2017-01017, Papers 3–4. On May 26, 2017, we instituted a trial in IPR2017-01017 and joined it to this proceeding. Paper 19.

Patent Owner filed a Patent Owner's Response (Paper 20, "PO Resp."), and Petitioner filed a Reply to the Patent Owner's Response (Paper 21, "Reply").

An oral argument was held on November 28, 2017 (Paper 30, "Tr.").

---

[2] Google Inc. originally was named as Petitioner. Petitioner subsequently filed updated Mandatory Notices informing the Board that Google Inc. converted from a corporation to a limited liability company and changed its name to Google LLC. Paper 26.

Petitioner relies on the Declarations of Schuyler Quackenbush, Ph.D. (Ex. 1003, "Quackenbush Decl."; Ex. 1027, "Quackenbush Reply Decl."[3]). Patent Owner relies on the Declaration of Christopher Jones, Ph.D. (Ex. 2003, "Jones Decl.").

We have jurisdiction under 35 U.S.C. § 6. This Decision is a final written decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–6 and 8–10. Based on the record before us, Petitioner has proved, by a preponderance of the evidence, that claims 1–6 and 8–10 are unpatentable.

B. Related Matters

The parties indicate that the '493 patent has been asserted in *Fujinomaki v. Google Inc.*, 3:16-cv- 03137-JSC (N.D. Cal.) (transferred from 2:15-cv-1381-RJG-RSP (E.D. Tex.)). Pet. 4; Paper 5, 2.

C. Asserted Prior Art References

Petitioner relies on the following prior art:

Ex. 1004 ("Yamamoto")	US 5,327,482	July 5, 1994
Ex. 1005 ("Mardirossian")	US 5,796,338	Aug. 18, 1998

[3] At the oral argument, Patent Owner argued that the Reply and the Quackenbush Reply Declaration improperly included new argument and evidence that should have been presented in the Petition, although Patent Owner acknowledged that it did not attempt to depose Dr. Quackenbush on his Reply Declaration or otherwise object to his testimony prior to the hearing. Tr. 40:24–42:2, 42:23–44:2. For each of our citations to the Reply and the Quackenbush Reply Declaration, below, we determine that the argument and evidence is properly responsive to the Patent Owner's Response. *See* 37 C.F.R. § 42.23(b) ("A reply may only respond to arguments raised in the corresponding opposition, patent owner preliminary response, or patent owner response.").

Ex. 1006 ("Takeuchi")	US 5,055,701	Oct. 8, 1991
Ex. 1007 ("Olah")	US 5,396,218	Mar. 7, 1995

D. The Instituted Grounds

We instituted a trial on the following grounds of unpatentability (Dec. 36):

Reference(s)	Basis	Claim(s) Challenged
Yamamoto and Mardirossian	§ 103(a)	1–3, and 8
Yamamoto, Mardirossian, and the knowledge of a person of ordinary skill in the art	§ 103(a)	10
Yamamoto, Mardirossian, and Takeuchi	§ 103(a)	4–6
Yamamoto, Mardirossian, and Olah	§ 103(a)	9

E. The '493 Patent

The '493 patent describes a use prohibition system that disables a device, such as a cellular phone, if the phone is separated from a user by more than a predetermined distance, and at the same time gives a warning to the user. Ex. 1001, Abstract. Figure 1 of the '493 patent, reproduced below, illustrates an example:

FIG. 1

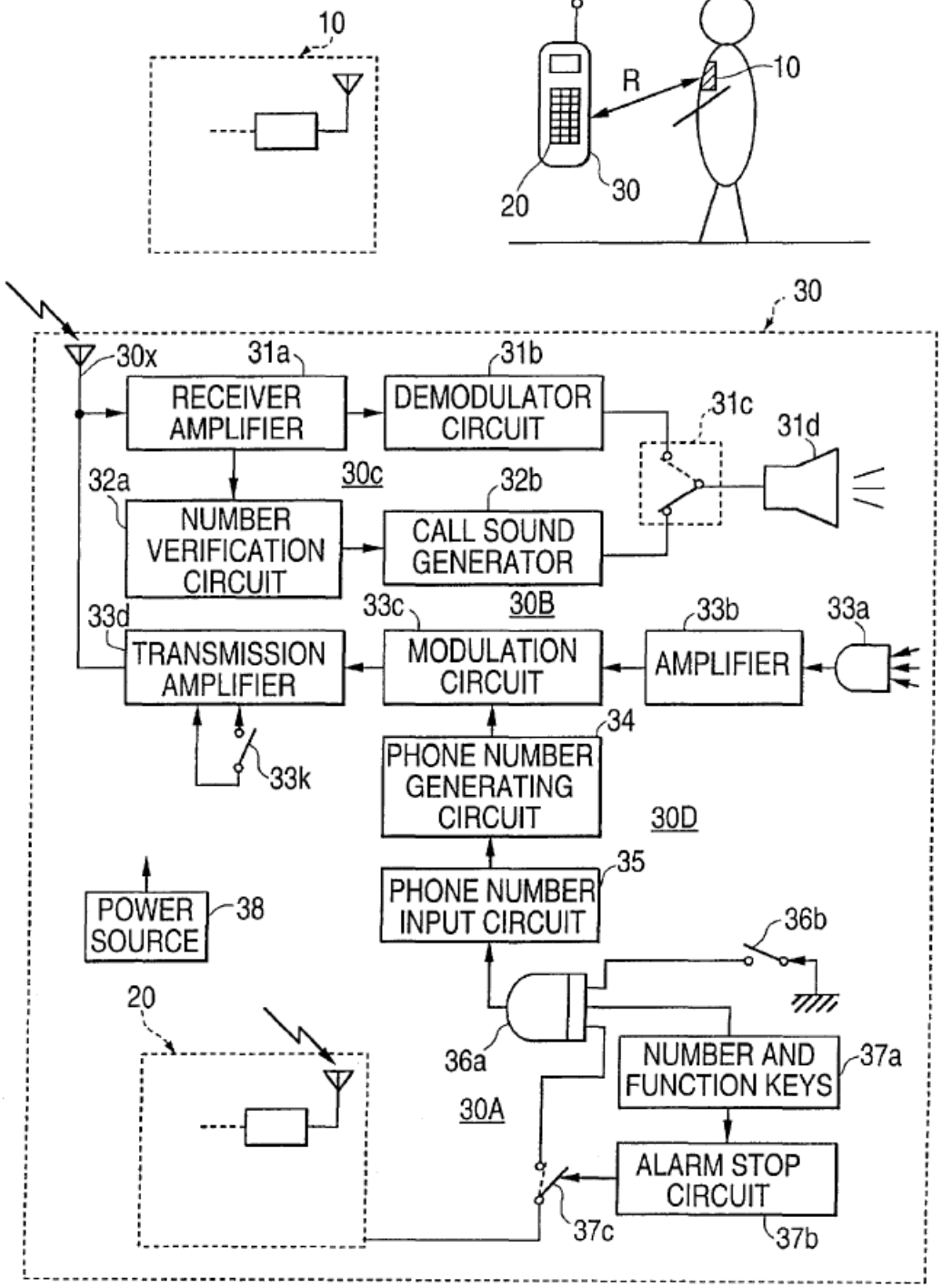

Figure 1 is a schematic view of a use prohibition system for a cellular phone.

Id. at 3:20–21, 3:44–45.

DOCKET ALARM

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.