Trials@uspto.gov
571-272-7822

Paper 7
Entered: June 12, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD., LG ELECTRONICS, INC., and ZTE (USA) INC.,
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Case IPR2017-00443
Patent 6,470,399 B1

Before JONI Y. CHANG, JENNIFER S. BISK, and JAMES B. ARPIN, *Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, identified above, filed a Petition requesting *inter partes* review of claims 1–8, 10, 11, and 13–15 ("the challenged claims") of U.S. Patent No. 6,470,399 B1 (Ex. 1001, "the '399 patent"). Paper 2 ("Pet."). Papst Licensing GmbH & Co., KG ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp.").

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition "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, on this record, Petitioner has established a reasonable likelihood that it would prevail with respect to the challenged claims. We hereby institute an *inter partes* review as to the challenged claims.

A. Related Matters

The parties indicate that the '399 patent is involved in *Papst Licensing GmbH & Co. KG v. Huawei Technologies Co., Ltd.*, Case No. 6:15-cv-01115 (E.D. Tex.) and other proceedings. Pet. 4–5; Paper 4, 2–5.

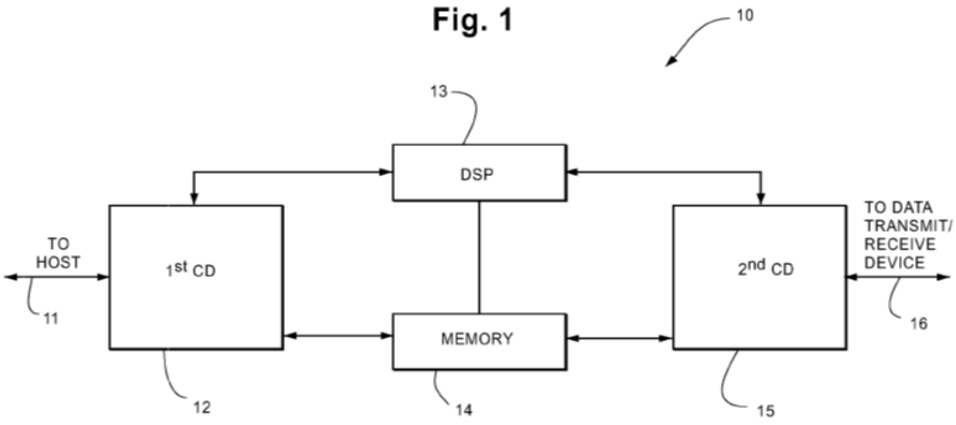
B. The '399 Patent

The '399 patent describes interface devices for communication between a computer host device and a data transmit/receive device (e.g., a multi-meter, transmitting measured data to a computer). Ex. 1001, 1:9–13, 1:48–51. According to the '399 patent, using a specific driver to match very closely to an individual host system would achieve high data transfer rates across the interface, but the specific driver cannot be used with other host systems. *Id*. at 1:65–2:13. Several solutions to this problem were known in

the art. *Id*. at 2:16–3:21. For example, IOtech introduced an interface device for laptops, using a plug-in card for converting the personal computer memory card association ("PCMCIA") interface into a known standard interface ("IEEE 1284"). *Id*. at 2:19–24. The plug-in card provided a printer interface for enhancing data transfer rates. *Id*. at 2:24–28. In another example, a floppy disk drive interface was used for connecting a host device to a peripheral device. *Id*. at 3:6–10. The interface appeared as a floppy disk drive to the host, allowing a floppy disk drive and another peripheral device to be connected to the host device. *Id*. at 3:13–15.

The '399 patent indicates that its "invention is based on the finding that both a high data transfer rate and host device-independent use can be achieved if a driver for an input/output device customary in a host device" is utilized. *Id*. at 4:23–27. Figure 1 of the '399 patent, reproduced below, illustrates a block diagram of an interface device.

Fig. 1



As shown in Figure 1 above, interface device 10 connects to a host device via host line 11, and to a data transmit/receive device via output line 16. *Id*. at 5:47–63. Interface device 10 includes first connecting device 12, second connecting device 15, digital signal processor 13, and

memory means 14. *Id*. In a preferred embodiment, the interface device is attached to a host device via a multi-purpose interface—e.g., a small computer systems interface ("SCSI")—which includes both an interface card and the driver for the interface card. *Id*. at 4:40–46, 8:29–32. According to the '399 patent, SCSI interfaces were known to be present on most host devices or laptops. *Id*. at 9:32–33. By using a standard interface of a host device and by simulating an input/output device to the host device, the interface device "is automatically supported by all known host systems without any additional sophisticated driver software." *Id*. at 12:23–29.

C. Illustrative Claim

Of the challenged claims, claims 1, 11, and 14 are independent. Each of claims 2–8 and 10 depends directly or indirectly from claim 1. Claim 13 depends directly from claim 11, and claim 15 depends directly from claim 14. Claim 1 is illustrative and is reproduced below with disputed limitations emphasized:

> 1. An interface device for communication between a host device, which comprises drivers for input/output devices customary in a host device and a multi-purpose interface, and a data transmit/receive device, *the data transmit/receive device being arranged for providing analog data*, comprising:
>
> a processor;
>
> a memory;
>
> a first connecting device for interfacing the host device with the interface device via the multi-purpose interface of the host device; and
>
> a second connecting device for interfacing the interface device with the data transmit/receive device, the second connecting device including *a sampling circuit* for sampling the analog data

> provided by the data transmit/receive device and an analog-to-digital converter for converting data sampled by the sampling circuit into digital data,
>
> wherein the interface device is configured by the processor and the memory to include a first command interpreter and a second command interpreter,
>
> wherein the first command interpreter is configured in such a way that the command interpreter, when receiving an inquiry from the host device as to a type of a device attached to the multi-purpose interface of the host device, sends a signal, regardless of the type of the data transmit/receive device attached to the second connecting device of the interface device, to the host device which signals to the host device that it is an input/output device customary in a host device, whereupon the host device communicates with the interface device by means of the driver for the input/output device customary in a host device, and
>
> wherein the second command interpreter is configured to interpret a data request command from the host device to the type of input/output device signaled by the first command interpreter as a data transfer command for initiating a transfer of the digital data to the host device.

Ex. 1001, 12:42–13:12 (emphases added).

D. Applied References

Petitioner relies upon the references listed below.

Murata	US 5,508,821	Apr. 16, 1996	(Ex. 1005)
Lin	US 6,522,432 B1	Feb. 18, 2003	(Ex. 1008)
Beretta	US 5,850,484	Dec. 15, 1998	(Ex. 1014)

FRIEDHELM SCHMIDT, THE SCSI BUS AND IDE INTERFACE PROTOCOLS, APPLICATIONS AND PROGRAMMING, (J. Michael Schultz trans., Addison-Wesley Publishing Company 1995) (Ex. 1006, "Schmidt").

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