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Paper 8
Entered: July 17, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC.,
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Case IPR2017-00713
Patent 6,895,449 B2

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

BISK, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, identified above, filed a corrected Petition requesting *inter partes* review of claims 1, 16, and 17 ("the challenged claims") of U.S. Patent No. 6,895,449 B2 (Ex. 1001, "the '449 patent"). Paper 3 ("Pet."). Papst Licensing GmbH & Co., KG ("Patent Owner"), filed a Preliminary Response. Paper 7 ("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 '449 patent is involved in *Papst Licensing GmbH & Co. KG v. Huawei Technologies Co., Ltd.*, Case No. 6:15-cv-01099 (E.D. Tex.) and other proceedings. Pet. 4–6; Paper 4, 2–4.

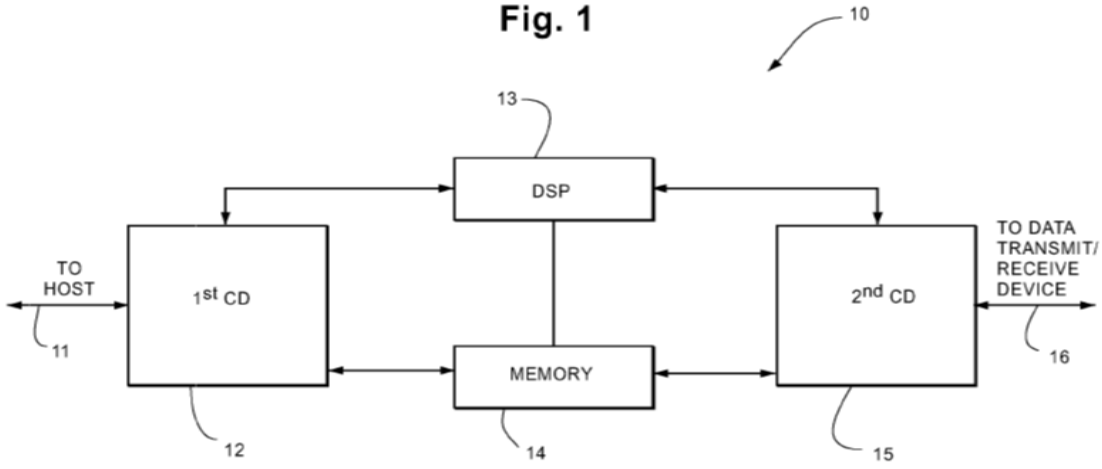
B. The '449 Patent

The '449 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, 1:13–17, 49–55. According to the '449 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 1:66–2:11. Several solutions to this problem were known in the art. *Id.* at 2:15–3:20. 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 2:18–23. The plug-in card provided a printer interface for enhancing data transfer rates. *Id.* at 2:23–27. In another example, a floppy disk drive interface was used for connecting a host device to a peripheral device. *Id.* at 3:4–8. The interface appeared as floppy disk drive to the host, allowing a floppy disk drive and another peripheral device to be connected to the host device. *Id.* at 3:11–13.

The '449 patent indicates that the "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 3:27–31. Figure 1 of the '449 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 4:46–62. 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) interface—which includes both an interface card and specific driver software for the interface card. *Id.* at 3:44–50, 8:37–41. According to the '449 patent, SCSI interfaces were known to be present on most host devices or laptops. *Id.* at 8:30–34. 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 11:28–32.

C. Illustrative Claim

Of the challenged claims, claims 1 and 17 are independent. Claim 16 depends directly from claim 1. 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 comprising the following features:
>
> 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,
>
> wherein the interface device is configured by the processor and the memory in such a way that the interface device, when receiving an inquiry from the host device as to the 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 a storage device customary in a host device, whereupon the host device communicates with the interface device by means of *the driver for the storage device customary in a host device*, and
>
> wherein *the interface device is arranged for simulating a virtual file system to the host*, the virtual file system including a directory structure.

Ex. 1001, 11:46–12:6 (emphasis added).

D. Applied References

Petitioner relies upon the prior art references listed below.

Reference		Exhibit
Aytac	US 5,575,081, issued May 26, 1998	1005
SCSI Specification	AMERICAN NATIONAL STANDARDS INSTITUTE, INC., *American National Standard for Information Systems – Small Computer System Interface-2*, ANSI X3.131-1994 (1994) [1]	1006
MS-DOS Encyclopedia	THE MS-DOS ENCYCLOPEDIA, (Ray Duncan ed., Microsoft Press, 1988)	1007

[1] Citations to the SCSI Specification refer to the original page numbers.

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