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Paper 63
Entered: October 30, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ULTRATEC, INC.,
Petitioner,

v.

CAPTIONCALL, L.L.C.,
Patent Owner.

Case IPR2013-00288
Patent 8,379,801 B2

Before KEVIN F. TURNER, JONI Y. CHANG, and MICHAEL R. ZECHER, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, Ultratec, Inc. ("Ultratec"), filed a Petition requesting an *inter partes* review of claims 1–29 of U.S. Patent No. 8,379,801 B2 (Ex. 1001, "the '801 patent"). Paper 2 ("Pet."). Patent Owner, CaptionCall, L.L.C.[1] ("CaptionCall"), did not file a Preliminary Response. Upon reviewing the information presented in the Petition, the Board determined that there was a reasonable likelihood that Ultratec would prevail in challenging claims 1–29 as unpatentable under 35 U.S.C. §§ 102(b) and 103(a). Pursuant to 35 U.S.C. § 314, the Board instituted this proceeding on November 13, 2013, as to these claims of the '801 patent. Paper 14 ("Dec.").

During this proceeding, CaptionCall timely filed a Patent Owner Response (Paper 24, "PO Resp."), and Ultratec timely filed a Reply to the Patent Owner Response (Paper 34, "Pet. Reply"). Shortly before an oral hearing was held on July 10, 2014 (Paper 62),[2] CaptionCall filed a notice indicating that it disclaimed claims 1, 2, 7, and 9 of the '801 patent (Paper 52; Ex. 2007). As a result, the patentability of claims 1, 2, 7, and 9 will not be addressed further herein.

We have jurisdiction under 35 U.S.C. § 6(c). This decision is a final written decision under 35 U.S.C. § 318(a) as to the patentability of claims 3–6, 8, and 10–29 of the '801 patent. Based on the record before us,

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[1] On July 15, 2013, Patent Owner filed an updated mandatory notice indicating that Sorenson Communications, Inc., assigned its interest in the '801 patent to CaptionCall, L.L.C. Paper 13, 1.

[2] Paper 62 is a transcript of the oral hearing.

Ultratec has demonstrated by a preponderance of the evidence that these claims are unpatentable.

A. The'801 Patent

The'801 patent generally relates to correcting errors within a text caption system used to facilitate hearing-impaired communication. Ex. 1001, 1:6–8. Figure 1 of the '801 patent, reproduced below, illustrates hearing-impaired communication system 100. *Id*. at 2:45–47, 3:38–41.

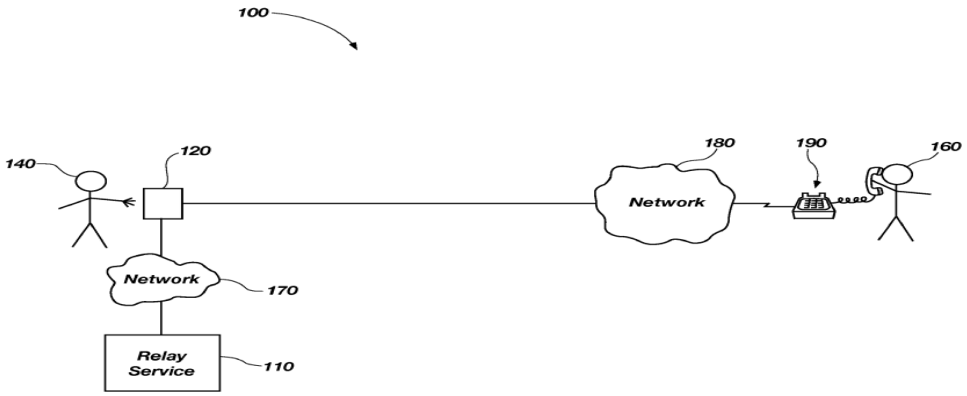

FIG. 1

As shown in Figure 1 of the '801 patent, communication system 100 includes communication device 120, communication device 190, and relay service 110. Ex. 1001, 3:41–43. Communication device 190 is coupled to communication device 120 via network 180, and communication device 120 is coupled to relay service 110 via network 170. *Id*. at 3:43–46. Relay service 110 may be configured to provide interpretative services to hearing-impaired user 140. *Id*. at 3:60–62. For instance, a human "call assistant" located at relay service 110 may facilitate a communication session between hearing-impaired user 140 and hearing-capable user 160. *Id*. at 3:62–65.

Communication device 190 may include a conventional telephone that hearing-capable user 160 uses to interact with communication device 120. Ex. 1001, 3:65–4:3. The voice of hearing-capable user 160 may be

transmitted through communication device 190 over network 180 to communication device 120, which, in turn, conveys the voice over network 170 to relay service 110. *Id*. at 4:3–8. Communication device 120 may include a captioned telephone, i.e., a telephone or any suitable communication device capable of receiving and displaying text messages. *Id*. at 4:9–12. As such, communication device 120 may be configured to receive and display text messages of the voice communication sent from relay service 110 via network 170. Ex. 1001, 4:15–19. In response, the voice of hearing-impaired user 140 may be transmitted through communication device 120 over network 180 to communication device 190. *Id*. at 4:12–15.

Figure 6 of the ’801 patent, reproduced below, illustrates method 600 for correcting one or more textual errors within a text caption. Ex. 1001, 2:56–58; 6:54–57.

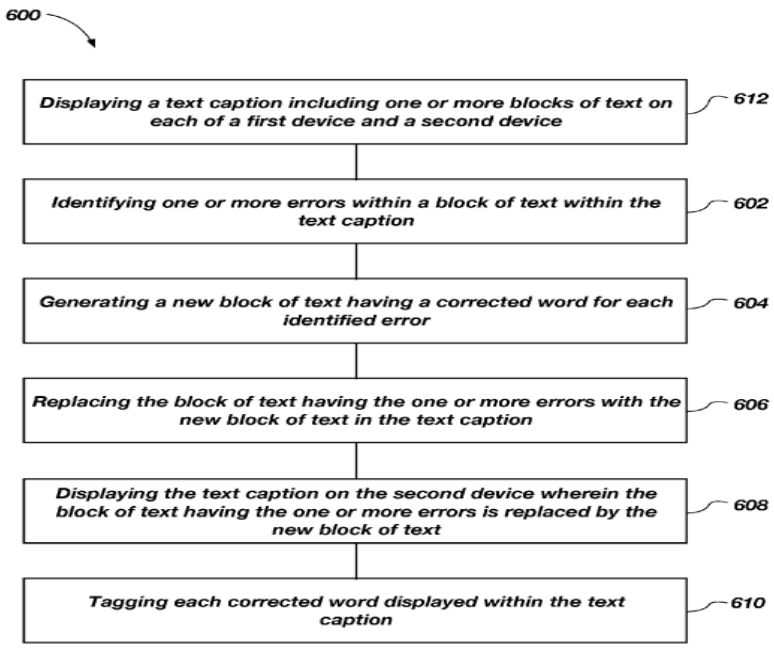

FIG. 6

As shown in Figure 6 of the '801 patent, step 612 includes displaying a text caption made up of one or more blocks of text on a first device, e.g., a device located at relay service 110, and a second device, e.g., communication device 120. Ex. 1001, 6:57–59. Step 602 includes identifying one or more errors within a block of text within the text caption. *Id*. at 6:59–61. Step 604 includes generating a new block of text that corrects the word associated with each identified error. *Id*. at 6:61–62. Step 606 includes replacing the block of text having one or more errors with the new block of text that corrects the word(s) associated with each identified error. Ex. 1001, 6:62–64. Step 608 includes displaying the new block of text in the text caption on the second device. *Id*. at 6:65–67. Finally, step 610 includes tagging each corrected word displayed within the text caption. *Id*. at 6:67–7:2.

B. Illustrative Claim

Of the challenged claims remaining in this proceeding, claims 14, 17, 25, and 29 are independent claims. Claims 3–6 and 8 directly or indirectly depend from independent claim 1, claims 10–13 directly depend from independent claim 9, claims 15 and 16 directly or indirectly depend from independent claim 14, claims 18–24 directly or indirectly depend from independent claim 17, and claims 26–28 directly depend from independent claim 25. Independent claim 14 is illustrative of the '801 patent and is reproduced below:

> 14. A computer-readable media storage medium storing instructions that when executed by a processor cause the processor to perform a method for providing error correction in a text caption, the method comprising:
>
> displaying a text caption representing a text transcription of a voice signal transmitted between a first device and a

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