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Paper 10
Entered: March 9, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

ALEX IS THE BEST, LLC,
Patent Owner.

Case IPR2017-02058
Patent 8,581,991 B1

Before DANIEL N. FISHMAN, MINN CHUNG, and JESSICA C. KAISER, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Google LLC ("Petitioner") filed a Petition (Paper 2, "Pet.")[1] requesting an *inter partes* review of claims 1–3, 10–14, and 21 (the "challenged claims") of U.S. Patent No. 8,581,991 B1 (Ex. 1001, "the '991 patent"). Alex Is The Best, LLC ("Patent Owner") filed a Preliminary Response (Paper 7, "Prelim. Resp.").

Institution of an *inter partes* review is authorized by statute when "the information presented in the petition . . . and any response . . . 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." 35 U.S.C. § 314(a); *see* 37 C.F.R. §§ 42.4, 42.108. Upon consideration of the Petition and the Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims on the grounds set forth in the Petition. Accordingly, we deny Petitioner's request to institute an *inter partes* review of claims 1–3, 10–14, and 21 of the '991 patent.

II. BACKGROUND

A. Real Parties-in-Interest and Related Matters

Petitioner identifies Lenovo Holding Company, Inc.; Lenovo (United States) Inc.; Motorola Mobility, LLC; Huawei Devices USA Inc.; and Huawei Technologies USA Inc. as additional real parties-in-interest for Petitioner. Pet. 2.

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[1] The Petition, as filed, named "Google Inc." as Petitioner. In a later filing, Petitioner notified the Board and Patent Owner of a change of name to "Google LLC." Paper 6, 2.

The parties identify the following related litigation matters in the United States District Court for the District of Delaware.

Defendant(s)	Case No.
BLU Products, Inc.	1:16-cv-00769
Huawei Device (Dongguan) Co., Ltd., et al.	1:16-cv-00770
Lenovo Holding Company, Inc., et al.	1:16-cv-00771-RGA
TCT Mobile, Inc., et al.	1:16-cv-00772
Boost Mobile, LLC	1:13-cv-01782
Kyocera Corporation, et al.	1:13-cv-01783
Sprint Corporation	1:13-cv-01784
T-Mobile USA, Inc., et al.	1:13-cv-01785
Cellco Partnership[2]	1:13-cv-01786
Samsung Electronics Co., Ltd., et al.	1:13-cv-01787
Amazon.com Inc., et al.	1:13-cv-01722
ASUS Computer International	1:13-cv-01723
Blackberry Limited f/k/a Research in Motion Limited, et al.	1:13-cv-01724
HTC Corporation, et al.	1:13-cv-01725
LG Electronics Inc., et al.	1:13-cv-01726
Sony Corporation, et al.	1:13-cv-01727
ZTE Corporation, et al.	1:13-cv-01728

Pet. 2–3; Paper 5, 2–3.[3]

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[2] Petitioner identifies the defendant in this litigation as "Verizon Communications, Inc., et al.," whereas Patent Owner identifies the defendant as "Cellco Partnership." We believe Petitioner is in error, but we deem any error to be harmless.

[3] Paper 5, as filed, does not include page numbering as required by our rules. Although the error here is harmless, the parties are reminded to format all papers and exhibits in accordance with 37 C.F.R. § 42.6 and § 42.63.

The ’991 patent is also the subject of a co-pending petition for *inter partes* review filed by Petitioner in Case IPR2017-02059. In addition, according to the parties, Petitioner also filed petitions seeking *inter partes* review of claims of various Patent Owner’s patents as follows.

Case No.	Challenged Patent No.
IPR2017-02052	7,907,172
IPR2017-02053	8,477,197
IPR2017-02054	7,633,524
IPR2017-02055	8,947,542
IPR2017-02056	8,134,600
IPR2017-02057	9,197,806

Paper 4, 1; Paper 5, 2.

B. The ’991 Patent

The ’991 patent generally relates to “an integrated Internet camera . . . that seamlessly and automatically transmits, receives, stores and/or archives still images, video and/or audio to and from a web site service/monitor center over the Internet.” Ex. 1001, 1:21–25. According to the ’991 patent, conventional cameras are incapable of directly connecting to the Internet or the World Wide Web (“Web”) without coupling through a separate network device such as a personal computer (“PC”). *Id.* at 1:42–46.

Figure 1 of the ’991 patent is reproduced below.

Fig. 1

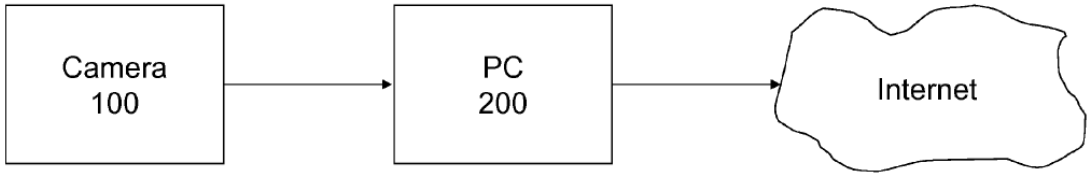

Figure 1 depicts a conventional camera that captures and transmits images to the Internet using a local PC. *Id.* at 3:13–14. As shown in Figure 1, in a prior art camera system, camera 100 cannot connect directly to the internet but, instead, must couple to the Internet via intermediate PC 200. *Id.* at 1:42–51.

According to the ’991 patent, some prior cameras attempt to alleviate this restriction by providing a network card plugged into the camera to enable direct connection to the Internet without requiring a separate network device such as a PC. *Id.* at 1:52–55. However, the ’991 patent states that such cameras with plugin network interfaces do not permit two-way communications to both transmit images to a storage system and to receive images from a storage system over the Internet. *Id.* at 1:55–58.

The ’991 patent purports to resolve these problems by disclosing an Internet direct camera (“IDC”) that seamlessly links, via the Internet, to a website archive and review center (“WSARC”) for storage and retrieval of images. *Id.* at 2:13–19. In an exemplary embodiment, an integrated Internet camera system comprises a WSARC for storing, archiving, and managing images; and an IDC for capturing an image, automatically transmitting the image to an account associated with the IDC on the WSARC upon image

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