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Paper 11
Entered: July 9, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.,
Petitioner,

v.

JOE ANDREW SALAZAR,
Patent Owner.

Case IPR2018-00273
Patent 5,802,467

Before JAMESON LEE, KEVIN W. CHERRY, and MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

A. Background

HTC Corporation and HTC America, Inc. (collectively "Petitioner") filed a Petition (Paper 1, "Pet.") pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–7, 10, 14, 17, 23, 26–32, and 34 of U.S. Patent No. 5,802,467 ("the '467 patent"). Joe Andrew Salazar ("Patent Owner") filed a Preliminary Response. Paper 10 ("Prelim. Resp."). To institute an *inter partes* review, we must determine that 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." 35 U.S.C. § 314(a). Having considered both the Petition and the Preliminary Response, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of any of claims 1–7, 10, 14, 17, 23, 26–32, and 34 of the '467 patent. We, therefore, do not institute an *inter partes* review of claims 1–7, 10, 14, 17, 23, 26–32, and 34.

B. Related Matters

Petitioner identifies the following proceedings as involving the '467 patent—*Joe Andrew Salazar v. HTC Corporation*, Case No. 2:16-cv-1096 (E.D. Tex.). Pet. 2.

C. The '467 Patent

The '467 patent is directed to a system for wireless communications with external devices using radio frequency (RF) and infrared (IR) signals. Ex. 1001, Abstract. The system includes a handset and base station, each of which are capable of full two-way communication with external devices over RF or IR communication links. *Id.* at 6:31–38. The external device

may be, for example, an intercom, appliance, TV, VCR, cable box, sound system, or remote sensor. *Id.* at 6:39–45.

Figure 3, reproduced below, illustrates a block diagram of the handset.

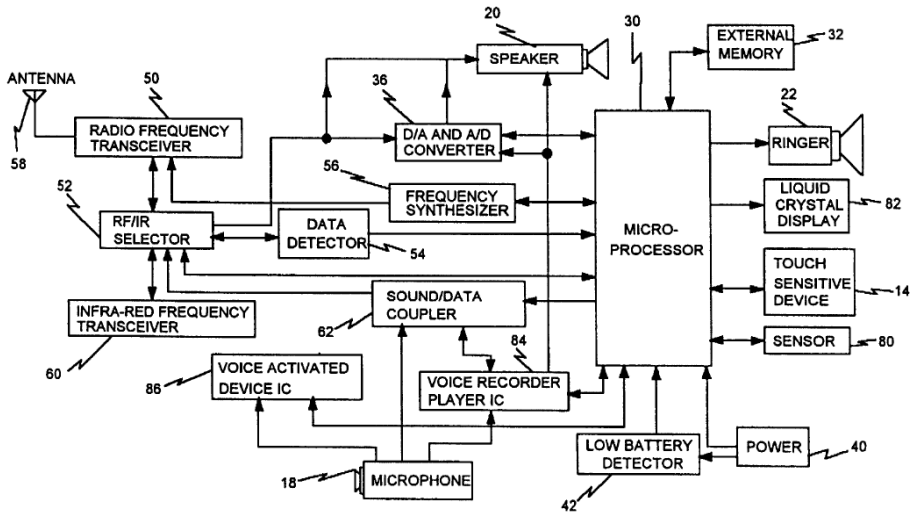

FIG. 3

Figure 3 depicts a block diagram of the handset, including a radio frequency transceiver 50, infra-red frequency transceiver 60, and RF/IR selector 52. *Id.* at 20:12–21. Microprocessor 30 generates command signals that are output to the RF/IR selector 52 for coupling to the radio frequency transceiver 50 or infra-red frequency transceiver 60, each of which may transmit the appropriate signal to various external devices, such as an intercom or alarm. *Id.* at 20:11–67.

Figure 5, reproduced below, illustrates a block diagram of the base station.

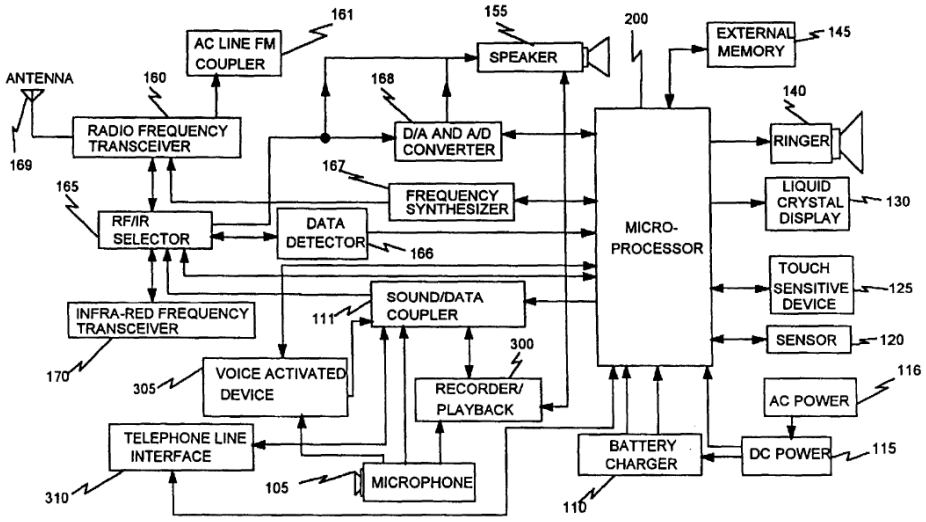

FIG. 5

Figure 5 depicts a block diagram of the base station, including a radio frequency transceiver 160, infra-red frequency transceiver 170, and RF/IR selector 165. *Id.* at 22:63–23:5. Like the handset, the base station microprocessor 200 generates command signals that are output to the RF/IR selector 165 for coupling to the radio frequency transceiver 160 or infra-red frequency transceiver 170, each of which may transmit the appropriate signal to various external devices, such as an intercom or alarm. *Id.* at 23:23–59.

The ’467 patent discloses the base station and handset communicate with external devices using RF and IR signals that utilize communications protocols employed by the various manufacturers of the external devices. *Id.* at 7:34–54. For example, a television made by one manufacturer may use a different communication protocol, including different command codes, than a television made by another manufacturer. *Id.* According to the ’467 patent, prior art systems required a substantial amount of memory to store these various command code sets. *Id.* at 7:55–8:16. The ’467 patent

discloses reducing the amount of required memory by storing a finite set of parameters that can be used to recreate the various command code sets for different manufacturers. *Id.* at 8:22–30.

Claims 1 and 10 of the '467 patent are independent and reproduced below:

> 1. A communications, command, control and sensing system for communicating with a plurality of external devices comprising:
>
> a microprocessor for generating a plurality of control signals used to operate said system, said microprocessor creating a plurality of reprogrammable communication protocols. for transmission to said external devices wherein each communication protocol includes a command code set that defines the signals that are employed to communicate with each one of said external devices;
>
> a memory device coupled to said microprocessor configured to store a plurality of parameter sets retrieved by said microprocessor so as to recreate a desired command code set such that the memory space required to store said parameters is smaller than the memory space required to store said command code sets;
>
> a user interface coupled to said microprocessor for sending a plurality of signals corresponding to user selections to said microprocessor and displaying a plurality of menu selections available for the user's choice, said microprocessor generating a communication protocol in response to said user selections; and
>
> an infra-red frequency transceiver coupled to said microprocessor for transmitting to said external devices and receiving from said external devices, infra-red frequency signals in accordance with said communications protocols.
>
> 10. A handset and a base station employed in a communications, command, control and sensing system for

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