UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC.,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

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Case IPR2014-00527
Patent 7,496,674 B2

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Before JOSIAH C. COCKS, WILLIAM A. CAPP, and
DAVID C. McKONE, *Administrative Patent Judges.*

CAPP, *Administrative Patent Judge.*

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

Ericsson Inc. ("Ericsson") filed a corrected Petition (Paper 8, "Pet.") requesting *inter partes* review of claims 1–22 of U.S. Patent No. 7,496,674 B2 (Ex. 1001, the "'674 patent"). We instituted an *inter partes* review of claims 1–22 of the '674 patent. Paper 11. After institution of trial, Intellectual Ventures I LLC ("Intellectual Ventures") filed a Patent Owner's Response (Paper 21, "PO Resp.") and Ericsson filed a Reply (Paper 28, "Reply").[1] This case is before the Board for a Final Written Decision following an Oral Hearing on the merits conducted April 15, 2015, the transcript for which is entered as Paper 40 ("Tr.").

After considering the evidence and arguments of counsel, we determine that Ericsson has met its burden of showing, by a preponderance of the evidence, that claims 1–22 of the '674 patent are unpatentable.

I. BACKGROUND

A. *The '674 Patent (Ex. 1001)*

The '674 patent, titled "System, Method, and Base Station Using Different Security Protocols on Wire And Wireless Portions of Network," relates to a method and apparatus for sending and receiving datagrams on wired and wireless portions of a network. Ex. 1001, claims 1, 13. The invention implements security protocols on transmissions over wired and wireless portions of the network. *Id.* A first security protocol is

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[1] In its Patent Owner's Response, Intellectual Ventures asserts that Ericsson has failed to identify all real parties in interest. PO Resp. 2–3. This assertion is not supported by any evidence and, instead, merely alleges that we should draw an inference from the fact that Ericsson has named certain foreign affiliates as real parties in interest in other IPR proceedings. *Id.* Intellectual Ventures's contention is speculative in nature and will not be given further consideration in this Decision.

implemented on transmissions over the wired portion of the network. *Id.*
A second and different security protocol is implemented over the wireless
portion of the network. *Id.*

The invention employs a wireless base station. *Id.* The base station
interfaces with both the wired and wireless portions of the network. *Id.*
Processing of datagrams to implement the first and second security protocols
is performed in the base station. *Id.*

B. Challenged Claims

Ericsson challenges claims 1–22. Claims 1, 13, and 18 are
independent claims. Claim 1 (with paragraph indentation added) is
reproduced below:

1. A method comprising:

receiving a first packet from a wired data network in a wireless
base station that is coupled to the wired data network,

wherein the first packet is protected according to a first security
protocol on the wired data network, and

wherein a target device of the first packet communicates with a
source of the first packet, at least in part, over a wireless
network on which the wireless base station communicates;

processing the first packet in the wireless base station according
to the first security protocol;

determining that the first packet is targeted at the target device,
wherein the determining is performed by the wireless base
station, and

wherein the first packet comprises a header coded with address
information identifying the target device; and

applying a second security protocol employed on the wireless
network to the first packet, wherein the second security
protocol is different from the first security protocol, and
wherein the applying is performed in the wireless base
station.

C. The Asserted Grounds of Unpatentability

We instituted a trial on claims 1–22 of the '674 patent based on the alleged grounds of unpatentability set forth in the table below, as further supported by the Declaration of Armand M. Makowski, Ph.D. (Ex. 1013).

References	Basis	Claims Challenged
Stadler (Ex. 1003)[2]	§ 102	1–6 and 10–22
Stadler and Davison (Ex. 1010)[3]	§ 103	7–9
Rai (Ex. 1004)[4]	§ 103	1, 10–13, 17, 18, and 22
Rai and Davison	§ 103	2–9, 14–16, and 19–21

II. CLAIM INTERPRETATION

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1281–82 (Fed. Cir. 2015). Under the broadest reasonable interpretation standard, claim terms are given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).[5]

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[2] J. Scott Stadler and Jay Gelman, *Performance Enhancement for TCP/IP On a Satellite Channel*, 1 IEEE MILITARY COMMUNICATIONS CONFERENCE 270–76 (Oct. 19–21, 1998).

[3] U.S. Patent No. 6,829,242 B2 to Davison et al., titled *Method and Apparatus For Associating PVC Identifiers With Domain Names of Home Gateways*, issued Dec. 7, 2004.

[4] U.S. Patent No. 6,414,950 B1 to Rai et al., titled *Sequence Delivery of Messages*, issued July 2, 2002.

[5] Citing *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc).

　　　　1."security protocol"

The term "security protocol" appears in each independent claim. In our Decision to Institute, we construed "security protocol" on a preliminary basis to mean a "protocol that provides protective measures for communications." Paper 11, 6. We explained that this construction is broad enough to encompass, but is not limited to, techniques for encryption, authentication, and other measures to protect the confidentiality of information. *Id.* At that time, we did not decide whether "tunneling" *per se* must be considered a "security protocol." *Id.*

Intellectual Ventures insists that the following construction, which was previously proposed in Patent Owner's Preliminary Response, should be adopted.

> Intellectual Ventures's proposed construction:
>
> "a protocol that provides security measures," where "security" means a condition that results from the establishment and maintenance of protective measures that ensure a state of inviolability from hostile acts or influences.

PO Resp. 4–5; Prelim. Resp. 3, 5. Apart from the claims, the term "security protocol" appears in the title of the '674 patent and appears only once in the specification in connection with a discussion of IPSec (Internet Protocol Security). Ex. 1001, 46:17–41. The term is not defined in the specification either expressly or by implication.[6] Intellectual Ventures concedes that the term is broad enough to encompass authentication and encryption techniques. PO Resp. 5.

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[6] Intellectual Ventures concedes that the specification does not define "security protocol." PO Resp. 5.

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