

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., LG ELECTRONICS, INC., SAMSUNG ELECTRONICS
CO., LTD., AND SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2019-00510
Patent 6,868,079 B1

Before SALLY C. MEDLEY, JEFFREY S. SMITH, and GARTH D. BAER,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Apple Inc., LG Electronics, Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively “Petitioner”) filed a Petition for *inter partes* review of claims 17 and 18 of U.S. Patent No. 6,868,079 B1 (Ex. 1001, “the ’079 patent”). Paper 2 (“Pet.”). Uniloc 2017 LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“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). Upon consideration of the Petition and Preliminary Response, we conclude the information presented shows that there is a reasonable likelihood that Petitioner would prevail in showing the unpatentability of at least one of the challenged claims.

A. *Related Matters*

Petitioner and Patent Owner indicate that the ’079 patent is the subject of several court proceedings. Pet. 78–79; Prelim. Resp. 3.

B. *The ’079 Patent*

The ’079 patent describes “a method of operating a radio communication system,” where the radio communication system is “required to be able to exchange [signaling] messages between a Mobile Station (MS) and a Base Station (BS).” Ex. 1001, 1:7–8, 1:18–20. The ’079 patent further describes that an object of the invention “is to improve the efficiency of the method by which a MS requests resources from a BS.” *Id.* at 1:56–58. The ’079 patent describes a secondary station (*i.e.*, MS) transmitting a request for resources to a primary station (*i.e.*, BS) in a time slot allocated to

the secondary station, where the secondary station re-transmits the request in at least a majority of its allocated time slots until an acknowledgment is received from the primary station. *Id.* at 1:60–67. Because there is no possibility of requests from different secondary stations colliding, a secondary station can retransmit requests in each allocated time slot. *Id.* at 2:3–5. Further, the primary station can improve the accuracy with which it determines whether a request was sent by a particular secondary station if the received signal strength is close to the detection threshold by examining the received signals in multiple time slots allocated to the secondary station in question. *Id.* at 2:9–14.

An example radio communication system is illustrated in Figure 1, reproduced below.

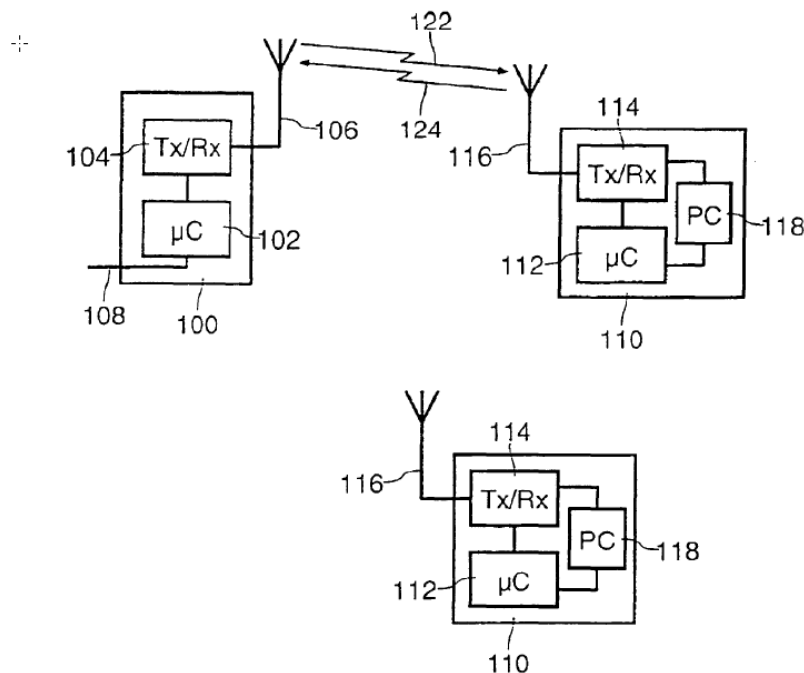


FIG. 1

Figure 1 is a block diagram of a radio communication system comprising a primary station (BS) 100 and a plurality of secondary stations (MS 110). *Id.*

at 3:10–12. Communication from BS 100 to MS 110 takes place on a downlink channel 122, while communication from MS 110 to BS 100 takes place on an uplink channel. *Id.* at 3:19–21.

C. Illustrative Claim

Petitioner challenges independent claims 17 and 18 of the '079 patent. Claims 17 and 18 are reproduced below.

17. A method of operating a radio communication system, comprising:

allocating respective time slots in an uplink channel to a plurality of respective secondary stations; and

transmitting a respective request for services to establish required services from at least one of the plurality of respective secondary stations to a primary station in the respective time slots;

wherein the at least one of the plurality of respective secondary stations re-transmits the same respective request in consecutive allocated time slots without waiting for an acknowledgement until said acknowledgement is received from the primary station,

wherein the primary station determines whether a request for services has been transmitted by the at least one of the plurality of respective secondary stations by determining whether a signal strength of the respective transmitted request of the at least one of the plurality of respective secondary stations exceeds a threshold value.

Ex. 1001, 8:12–33.

18. A radio communication system, comprising:

a primary station and a plurality of respective secondary stations;

the primary station having means for allocating respective time slots in an uplink channel to the plurality of respective secondary stations to transmit respective requests for services to the primary station to establish required services;

wherein the respective secondary stations have means for re-transmitting the same respective requests in consecutive allocated time slots without waiting for an acknowledgement until said acknowledgement is received from the primary station,

wherein said primary station determines whether a request for services has been transmitted by at least one of the respective secondary stations by determining whether a signal strength of the respective transmitted request of the at least one of the respective secondary stations exceeds a threshold value.

Ex. 1001, 8:34–53.

D. Asserted Grounds of Unpatentability

Petitioner asserts that claims 17 and 18 are unpatentable based on the following grounds. Pet. 1:

References	Basis ¹	Challenged Claims
Wolfe ² , Bousquet ³ , and Patsiokas ⁴	§ 103	17 and 18
Wolfe, Bousquet, Everett ⁵ , and Patsiokas	§ 103	17 and 18

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. §§ 102 and 103. Because the ’079 patent has an effective filing date before the effective date of the applicable AIA amendments, we refer to the pre-AIA versions of 35 U.S.C. §§ 102 and 103.

² US 4,763,325, issued August 9, 1988 (Ex. 1005, “Wolfe”).

³ US 6,298,052, issued October 2, 2001 (Ex. 1006, “Bousquet”).

⁴ PCT Application Publication No. 1992/021214, published Nov. 26, 1992 (Ex. 1007, “Patsiokas”).

⁵ John L. Everett, *Very Small Aperture Terminals (VSATs)*, Institution of Electrical Engineers (IEE), Telecommunication Series 28, First Edition (1992) (“Everett,” filed as Part 1 and Part 2, both parts identified as Ex. 1008). *See also* Ex. 1017.

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