

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2019-01125
Patent 7,016,676 B2

Before JAMESON LEE, KEVIN F. TURNER, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

On May 29, 2019, Petitioner filed a Petition to institute *inter partes* review of claim 5 of U.S. Patent No. 7,016,676 B2 (Ex. 1001, “the ’676 patent”). Paper 2 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 7 (“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). For reasons discussed below, we exercise our delegated discretion not to institute review.

Accordingly, the Petition is denied, and no *inter partes* review is instituted.

B. Related Matters

The parties identify the following civil actions involving the ’676 patent:

Uniloc 2017 LLC v. Microsoft Corporation, No. 8:18-cv-02053 (C.D. Cal.);

Uniloc 2017 LLC, et al. v. Google LLC, No. 2:18-cv-00495 (E.D. Tex.);

Uniloc 2017 LLC v. Verizon Communications Inc., et al., No. 2:18-cv-00513 (E.D. Tex.);

Uniloc 2017 LLC v. AT&T Services, Inc., et al., No. 2:18-cv-00514 (E.D. Tex.);

Uniloc 2017 LLC, et al. v. Google LLC, No. 2:18-cv-00448 (E.D. Tex.);

Uniloc 2017 LLC, et al. v. AT&T, Inc., et al., No. 2:18-cv-00379 (E.D. Tex.);

Uniloc 2017 LLC, et al. v. Verizon Communications Inc., et al., No. 2:18-cv-00380 (E.D. Tex.); and

Uniloc 2017 LLC, et al. v. Microsoft Corporation, No. 8:18-cv-01279 (C.D. Cal.).

Pet. Xi; Paper 3, 2; Prelim. Resp. 3–4.

Patent Owner also identifies other petitions for *inter partes* review of claims in the '676 patent: IPR2019-01541, IPR2019-01550, IPR2019-01349, IPR2019-01350, and IPR2019-01116. Prelim. Resp. 3–4. The petitioner in IPR2019-01116 is also the petitioner in this proceeding.

C. The '676 Patent

The '676 patent “relates to a method of alternate control of radio systems of different standards in the same frequency band.” Ex. 1001, 1:7–9. For example, the two standards can be that of “US radio system IEEE802.11a and the European ETSI BRAN HiperLAN/2.” *Id.* at 1:19–20. “The two radio systems transmit in the same frequency bands between 5.5 GHz and 5.875 GHz with approximately the same radio transmission method, but different transmission protocols.” *Id.* at 1:20–23.

Specifically, under either of ETSI BRAN HiperLAN/2 or IEEE802.11a radio systems utilizes the same radio transmission method, i.e., a 64-carrier OFDM method and adaptive modulation and coding. *Id.* at 28–31. However, the Medium Access Control (MAC) of the two systems are totally different. *Id.* at 1:34–35. For these two standards the frequency band is between 5.15 GHz to 5.825 GHz. *Id.* at 5:35–37.

The ETSI BRAN HiperLAN/2 utilizes a centrally controlled reservation-based method in which a radio station takes over the role of a central station coordinating the radio resources. *Id.* at 1:35–38. That central radio station (Access Point, AP) periodically signals the MAC frame structure. *Id.* at 1:38–41. Figure 1 of the '676 patent is reproduced below:

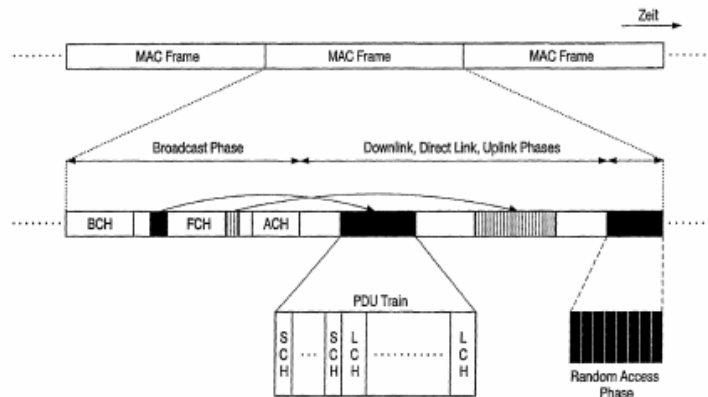


FIG. 1

Figure 1 shows the structure of the HiperLAN/2 MAC frame. *Id.* at 4:45–46. “In a HiperLAN/2 system the central controller can be controlled via the Access Point (AP) which periodically generates the MAC frame and then transmits the data of the broadcast phase to individually control the service quality (Packet delay sending rate and so on) of individual links.” *Id.* at 4:50–54. Figure 2 of the '676 patent is reproduced below:

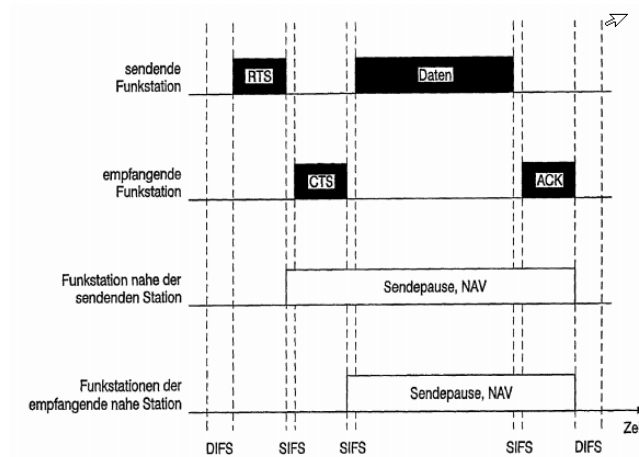


FIG. 2

Figure 2 diagrammatically shows the media access in systems working in accordance with the radio interface standard IEEE802.11a. *Id.* at 4:47–49. The Specification describes the IEEE802.11a standard as follows:

The IEEE802.11a standard describes a CSMA/CA (Carrier Sense Multiple Access/Collision Avoidance) method not based on reservations, in which all the radio stations listen in on the medium and assume that the channel is unused for a minimum duration (Short InterFrame Space, SIFS) before 802.11a-MAC frames, thus user data packets, are transmitted if necessary. The method is highly suitable for self-organizing ad hoc networks, but requires positive acknowledgements of all the packets.

Id. at 1:43–51. The Specification further describes the standard as follows:

FIG. 2 shows by way of example the sequence for media access in accordance with IEEE802.11a. In accordance with a variant of the standard a station is to then transmit an RTS packet (Ready To Send) and wait for a CTS packet (Clear To Send) from the addressed station before it is allowed to transmit user data. All the other stations in the radio coverage area set a time monitoring (Network Allocation vector, NAV) and do not transmit until the addressed station has been sent an acknowledgment (ACKnowledge, ACK).

Id. at 1:53–62.

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