

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.,
Petitioner,

v.

MV3 PARTNERS LLC,
Patent Owner.

Case IPR2019-00474
Patent 8,863,223 B2

Before JEAN R. HOMERE, JUSTIN T. ARBES, and CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Unified Patents, Inc. (“Petitioner” or “Unified”) filed a Petition requesting *inter partes* review of claims 1–6, 8, 10–21, 23–38, 40, 42–53, and 55–61 (“the challenged claims”) of U.S. Patent No. 8,863,223 B2 (Ex. 1001, “the ’223 patent”). Paper 2 (“Pet.”). Petitioner filed a Declaration of Anthony Wechselberger (Ex. 1003) with its Petition. MV3

Partners, LLC (“Patent Owner”), filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Patent Owner filed a Declaration of Dan Schonfeld, Ph.D. (Ex. 2001) with its Preliminary response. Pursuant to 37 C.F.R. § 42.4(a), we have the authority to determine whether to institute review.

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless 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.” On April 24, 2018, the Supreme Court held that, under 35 U.S.C. § 314, we may not institute review of fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018). For the reasons expressed below, we determine that, on this record, Petitioner has established a reasonable likelihood that it would prevail with respect to at least one of the challenged claims. Accordingly, we institute an *inter partes* review as to the challenged claims on all grounds of unpatentability presented.

A. *Related Matters*

The parties indicate that the ’223 patent is involved in *MV3 Partners LLC v. Roku, Inc.*, Civil Action No. 6:18-cv-00308 (W.D. Tex. Oct. 16, 2018); *MV3 Partners LLC v. Kohl’s Corp.*, Civil Action No. 6:18-cv-00373 (W.D. Tex. Dec. 21, 2018); and *MV3 Partners LLC v. Best Buy Co.*, Civil Action No. 6:18-cv-00374 (W.D. Tex. Dec. 21, 2018). Pet. 66; Paper 4, 2.

B. The '223 Patent

The '223 patent relates to a mobile set top box (“STB”) for forwarding and presenting on a large screen of an external display (e.g., HDTV monitor) multimedia content including packets using predefined protocols (e.g., MPEG, IP) transmitted from various networks (e.g., 3G, satellite) via unicast or multicast broadcasts to a small screen of an authenticated user’s mobile computing device. Ex. 1001, Abstract, 1:11–13, 2:58–61, 3:39–41, 4:5–8, 4:56–66, 5:15–17, 6:11–12. Figure 2 below is illustrative.

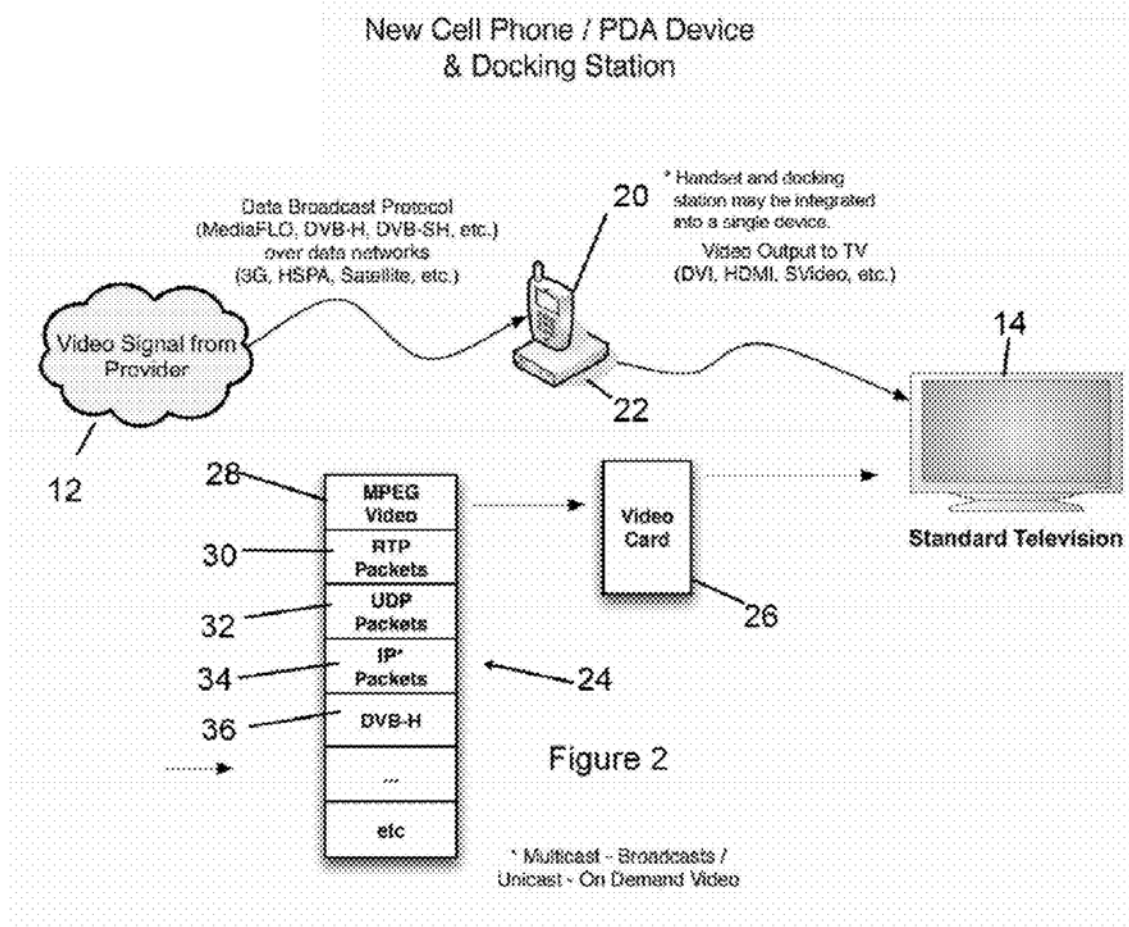


Figure 2, reproduced above, depicts mobile STB (10) facilitating the display in standard television (14) of data broadcast in unicast or multicast to mobile computing device (20). *Id.* at 4:47–51.

In particular, as shown in Figure 2 above, the '223 patent describes that mobile device (20) provides received multimedia content to mobile STB (10) via a docking port of docking station (22). *Id.* at 4:47–60. Upon determining the native size format of the multimedia content received from mobile device (20), mobile STB (10) determines the size format capable of

being displayed by external display (14), and upconverts the multimedia content from a small size format to a larger size format for display on external display (14). *Id.* at 4:15–27, 33–39, 5:35–43.

C. Illustrative Claim

Of the challenged claims, claims 1, 30, and 32 are independent. Claim 1 is illustrative and is reproduced below with disputed limitations emphasized:

1. A mobile set top box comprising:
 - a docking port configured to accept a mobile computing device that has a native resolution of a first size format and receives media content from at least two different types of communications networks;
 - a mobile device input that receives media content from the mobile computing device accepted in the docking port;
 - a television signal input that receives at least one type of television signal;*
 - a video processor configured to receive and process the media content from the mobile device input, the video processor including *adaptive circuitry to process the media content transmitted from unicast and multicast broadcasts*, and the video processor including circuitry and instructions operable to process a predefined protocol stack of video packets forming at least a portion of the media content;
 - a processor coupled to an electronic storage, the electronic storage comprising instructions that, when executed, cause the processor to:
 - execute an upconversion process by processing first media content from the mobile computing device, wherein the first media content includes digital video image information comprising a series of digital video frames, and is modified for display on a display device that is separate from the mobile set top box, the display device having a native display resolution of

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.