

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS  
AMERICA, INC., SAMSUNG TELECOMMUNICATIONS AMERICA,  
LLC, and SAMSUNG AUSTIN SEMICONDUCTOR, LLC,  
Petitioner,

v.

REMBRANDT WIRELESS TECHNOLOGIES, LP,  
Patent Owner.

---

Case IPR2014-00518  
Patent 8,023,580 B2

---

Before JAMESON LEE, HOWARD B. BLANKENSHIP, and  
JUSTIN BUSCH, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
*37 C.F.R. § 42.108*

I. BACKGROUND

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc.,  
Samsung Telecommunications America, LLC, and Samsung Austin

IPR2014-00518  
Patent 8,023,580 B2

Semiconductor, LLC (collectively, “Petitioner”) request *inter partes* review of claims 1, 2, 4, 5, 10, 13, 19–22, 49, 52–54, 57–59, 61, 62, 66, 70, and 76–79 of U.S. Patent No. 8,023,580 B2 (“the ’580 patent,” Ex. 1201) under 35 U.S.C. §§ 311–319. Paper 4 (Corrected Petition or “Pet.”). Rembrandt Wireless Technologies, LP (Patent Owner) filed a preliminary response (Paper 14, “Prelim. Resp.”) under 37 C.F.R. § 42.107. We have jurisdiction under 35 U.S.C. § 314.

For the reasons that follow, we institute an *inter partes* review of claims 1, 4, 5, 10, 13, 20–22, 54, 57, 58, 61, 62, 66, 70, and 76–79 of the ’580 patent. We do not institute review of challenged claims 2, 19, 49, 52, 53, and 59.

#### *Related Proceedings*

According to Petitioner, the ’580 patent is involved in the following lawsuit: *Rembrandt Wireless Technologies, LP v. Samsung Electronics Co. Ltd.*, No. 2:13-cv-00213 (E.D. Tex. 2013). Pet. 2. The ’580 patent also has been challenged in the following cases: *Samsung Electronics Company, Ltd v. Rembrandt Wireless Technologies, LP*, IPR2014-00514; *Samsung Electronics Company, Ltd v. Rembrandt Wireless Technologies, LP*, IPR2014-00515; and *Samsung Electronics Company, Ltd v. Rembrandt Wireless Technologies, LP*, IPR2014-00519.

#### *The ’580 Patent*

The ’580 Patent issued from an application filed August 19, 2009, which claimed priority under 35 U.S.C. § 120 through a chain of intervening applications to an application filed December 4, 1998, and which further

claimed priority under 35 U.S.C. § 119 to a provisional application filed December 5, 1997.

The technical field of the patent relates to data communications and modulators/demodulators (modems), and in particular to a data communications system in which a plurality of modems use different types of modulation in a network. Ex. 1201, col. 1, ll. 19–23; col. 1, l. 56 – col. 2, l. 20.

*Illustrative Claim*

1. A communication device capable of communicating according to a master/slave relationship in which a slave communication from a slave to a master occurs in response to a master communication from the master to the slave, the device comprising:

a transceiver, in the role of the master according to the master/slave relationship, for sending at least transmissions modulated using at least two types of modulation methods, wherein the at least two types of modulation methods comprise a first modulation method and a second modulation method, wherein the second modulation method is of a different type than the first modulation method, wherein each transmission comprises a group of transmission sequences, wherein each group of transmission sequences is structured with at least a first portion and a payload portion wherein first information in the first portion indicates at least which of the first modulation method and the second modulation method is used for modulating second information in the payload portion, wherein at least one group of transmission sequences is addressed for an intended destination of the payload portion, and wherein for the at least one group of transmission sequences:

the first information for said at least one group of transmission sequences comprises a first sequence, in the first

portion and modulated according to the first modulation method, wherein the first sequence indicates an impending change from the first modulation method to the second modulation method, and

the second information for said at least one group of transmission sequences comprises a second sequence that is modulated according to the second modulation method, wherein the second sequence is transmitted after the first sequence.

*Prior Art*

Boer            US 5,706,428            Jan. 6, 1998            (Ex. 1204)

*Asserted Ground of Unpatentability*

Petitioner asserts the following ground of unpatentability as to claims 1, 2, 4, 5, 10, 13, 19–22, 49, 52–54, 57–59, 61, 62, 66, 70, and 76–79 (Pet. 2–3): obviousness under 35 U.S.C. § 103(a) over Admitted Prior Art (“APA”) and Boer.

## II. ANALYSIS

### *Claim Interpretation*

In an *inter partes* review, the Board construes claim terms in an unexpired patent using their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). The claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The Office must apply the broadest reasonable meaning to the claim language, taking into

account any definitions presented in the specification. *Id.* (citing *In re Bass*, 314 F.3d 575, 577 (Fed. Cir. 2002)). There is a “heavy presumption” that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002). The “ordinary and customary meaning” is that which the term would have to a person of ordinary skill in the art in question. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

#### *Types of Modulation Methods*

Each of claims 1 and 58 recites a transceiver capable of transmitting using at least two types of modulation methods, “wherein the at least two types of modulation methods comprise a first modulation method and a second modulation method, wherein the second modulation method is of a different type than the first modulation method . . . .”

Petitioner submits that the ordinary meaning of “modulation” is “[t]he process by which some characteristic of a carrier is varied in accordance with a modulating wave.” Pet. 11 (quoting Ex. 1206, 3 (technical dictionary)). Petitioner contends that a “first modulation method” should be interpreted as “*a process of varying characteristic(s) of a carrier wave that is different from a second modulation method,*” and a “second modulation method” should be interpreted as “*a process of varying characteristic(s) of a carrier wave that is different from a first modulation method.*” Pet. 13. Petitioner submits that, in essence, such an interpretation extends to modulation methods that are known to be incompatible with each other. *Id.* at 12.

# 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.