

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COOLPAD TECHNOLOGIES, INC. and ZTE (USA), INC.,
Petitioners,

v.

BELL NORTHERN RESEARCH, LLC,
Patent Owner.

IPR2019-01320
Patent 7,319,889 B2

Before MELISSA A. HAAPALA, STACY B. MARGOLIES, and
SCOTT E. BAIN, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION

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

Denying Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

Coolpad Technologies, Inc. and ZTE (USA), Inc. (collectively, “Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 2, 4–6, 8, 9, 11, and 12 of U.S. Patent No. 7,319,889 B2 (Ex. 1001, “the ’889 patent”). Paper 3 (“Pet.”). Bell Northern Research, LLC (“Patent Owner”) filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). Pursuant to our authorization, Petitioner filed a Preliminary Reply (“Prelim. Reply,” Paper 11) to address Patent Owner’s Section 314(a) and 325(d) arguments and Patent Owner filed a Preliminary Sur-Reply (“Prelim. Sur-Reply,” Paper 15) to address issues raised in Petitioner’s Preliminary Reply.

Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we grant Petitioner’s request and institute an *inter partes* review of all challenged claims.

I. BACKGROUND

A. *The ’889 Patent (Ex. 1001)*

The ’889 patent describes a mobile station “having a reduced power consumption under certain operating conditions.” Ex. 1001, 1:15–17. Specifically, the ’889 patent describes “reducing the power consumption of the display of an activated telephone set in case the display is not needed, i.e., in particular during a telephone call.” *Id.* at 1:47–49. The ’889 patent describes detecting that the telephone set is near an object, such as the user’s ear, and switching off the display if the display is in an on condition. *Id.* at 1:55–58, 2:19–25. The patent also discloses that the display is switched on in response to detecting that the telephone set has moved away from an object, such as the user’s ear. *Id.* at 2:6–9.

Figure 1 of the ’889 patent is reproduced below:

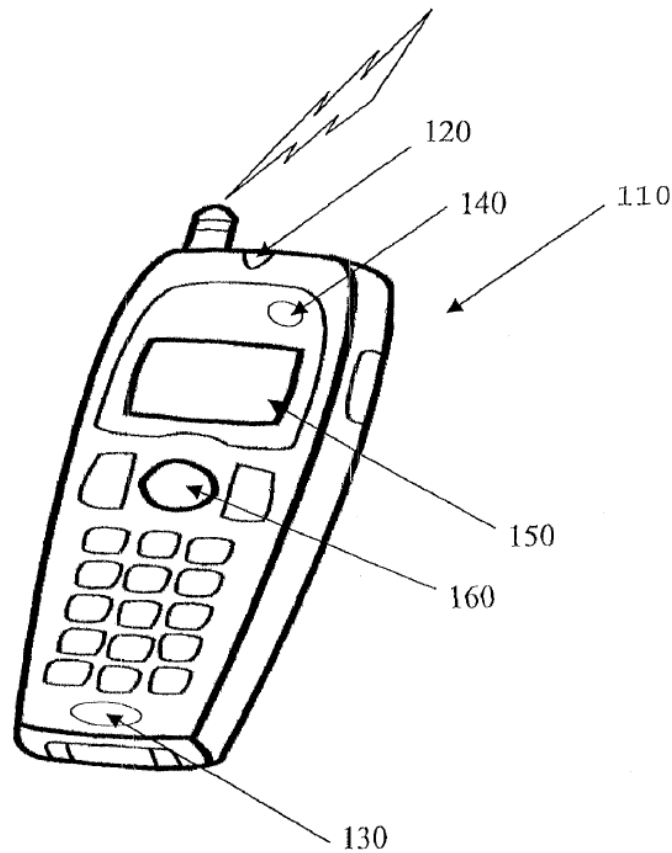


Figure 1 illustrates “a preferred embodiment of a mobile station having the inventive detection functionality.” *Id.* at 2:44–46. Mobile station 110 includes proximity sensor 140 located near display 150. *Id.* at 2:56–59. In response to accepting an incoming call or automatically, proximity sensor 140 is activated to monitor a proximity to an external object, for example a range of about five centimeters. *Id.* at 3:12–15. If proximity sensor 140 detects an external object (such as the user’s ear) within the monitored range, the power consumption of the display 150 is reduced, most preferably by switching display 150 completely off to spare battery power during the telephone call. *Id.* at 3:20–25. When the telephone call is finished and the user moves mobile station 110 away from his ear, proximity sensor 140 moves out of range of the external object and, in response thereto, display

150 is switched back on, enabling the user to look at information on display 150. *Id.* at 3:26–32. Figure 1 includes additional components not described here.

The '889 patent further describes that the proximity sensor may be any kind of proximity sensor that is capable of observing a close range or small distance. *Id.* at 2:17–20. The proximity sensor is preferably “a standard low-cost proximity sensor, for example a thermal sensor” but “other proximity sensors, such as conventional mechanical proximity (load) sensors, optical sensors or range detecting sensors, fall within the broad scope of the present invention.” *Id.* at 3:15–20.

B. Illustrative Claim

Claims 1 and 8 are independent claims. Claim 1 is illustrative of the subject matter at issue:

1. A mobile station, comprising:
 - a display;
 - a proximity sensor adapted to generate a signal indicative of proximity of an external object; and
 - a microprocessor adapted to:
 - (a) determine whether a telephone call is active;
 - (b) receive the signal from the proximity sensor; and
 - (c) reduce power to the display if (i) the microprocessor determines that a telephone call is active and (ii) the signal indicates the proximity of the external object; wherein:
 - the telephone call is a wireless telephone call;
 - the microprocessor reduces power to the display while the signal indicates the proximity of the external object only if the microprocessor determines that the wireless telephone call is active; and

the proximity sensor begins detecting whether an external object is proximate substantially concurrently with the mobile station initiating an outgoing wireless telephone call or receiving an incoming wireless telephone call.

C. References

Petitioner relies on the following references:

1. Fukiharu, Japanese Unexamined Patent Application P 2000-106598A, published Apr. 11, 2000 (Ex. 1004; Ex. 1005¹).
2. Giel, US 5,881,377, issued Mar. 9, 1999 (Ex. 1006).
3. Numazawa, Japanese Unexamined Patent Application H11-220432, published Aug. 10, 1999 (Ex. 1007; Ex. 1008²).
4. Bradley, US 5,864,316, issued Jan. 26, 1999 (Ex. 1009).

Petitioner further relies on testimony of Jonathan Wells, Ph.D. (Ex. 1003).

D. Grounds Asserted

Petitioner challenges the patentability of claims of the '889 patent over the following references:

Claim(s) Challenged	35 U.S.C. §	Basis
1, 2, 4-6, 8, 9, 11, 12	102(b)	Fukiharu
1, 2, 4-6, 8, 9, 11, 12	103	Fukiharu, Giel
1, 2, 4-6, 8, 9, 11, 12	103	Numazawa, Bradley

¹ Exhibit 1005 is the certified English-language translation of Exhibit 1004. Patent Owner also submitted a translation (Ex. 2011), but did not submit a certification for the translation. Patent Owner does not provide any explanation why it submitted its own translation and does not assert there are any material differences between the translations. *See generally* Prelim. Resp. Our Decision refers to Exhibit 1005.

² Exhibit 1008 is the certified English-language translation of Exhibit 1007.

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