Trials@uspto.gov
571-272-7822

Paper 43
Date: June 14, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and HP INC.,
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-00316
Patent 9,098,526 B1

Before SALLY C. MEDLEY, JESSICA C. KAISER, and SCOTT RAEVSKY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Microsoft Corporation and HP Inc. (collectively "Petitioner") filed a Petition for *inter partes* review of claims 1–20 of U.S. Patent No. 9,098,526 B1 (Ex. 1001, "the '526 patent"). Paper 1 ("Pet."). Synkloud Technologies, LLC ("Patent Owner") filed a Preliminary Response. Paper 8 ("Prelim. Resp."). Upon consideration of the Petition and Preliminary Response, we instituted *inter partes* review, pursuant to 35 U.S.C. § 314, as to claims 1–20 based on the challenges set forth in the Petition. Paper 21 ("Decision to Institute" or "Dec.").

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 28, "PO Resp."), Petitioner filed a Reply to Patent Owner's Response (Paper 33, "Pet. Reply"[1]), and Patent Owner filed a Sur-reply (Paper 35, "Sur-reply"). On April 7, 2020, we held an oral hearing. A transcript of the hearing is of record. Paper 41 ("Tr.").

For the reasons that follow, we conclude that Petitioner has proven by a preponderance of the evidence that claims 1–20 of the '526 patent are unpatentable.

A. Related Matters

Petitioner indicates that the '526 patent is the subject of the following court proceeding: *Synkloud Technologies, LLC v. HP Inc.*, No. 1-19-cv-01360 (D. Del. filed July 22, 2019). Pet. 3 (Mandatory Notices).[2] The '526 patent also is the subject of IPR2019-01655, where we held that "claims 1–

[1] This Decision refers to the non-confidential version of Petitioner's Reply (Paper 33).
[2] Petitioner also lists *Synkloud Technologies, LLC v. BLU Products, Inc.*, No. 1-19-cv-00553 (D. Del. filed Mar. 22, 2019), which we understand is no longer pending. Paper 23.

20 of the '526 patent have been shown to be unpatentable" based on prior art not asserted in the instant proceeding. *Unified Patents, LLC v. Synkloud Techs., LLC*, IPR2019-01655, Paper 42, 42 (PTAB March 5, 2021).

B. The '526 Patent

The Specification of the '526 patent describes how a wireless device may use external storage provided by a storage server. Ex. 1001, 1:23–24. The '526 patent aims to address the lack of storage capacity faced by users on their wireless devices by allowing a wireless device to use an external server for storing and retrieving data. *Id.* at 2:29–37, 5:1–41. The external storage system of the server may be partitioned by dividing it into multiple small volumes of storage space, each of which may be exclusively assigned to and used by a user of a specific wireless device. *Id.* at 4:1–31.

One embodiment describes a "wireless out-band download" approach for downloading data from a remote location to an assigned storage volume. *Id.* at 2:8–10, 2:50–53, 5:1–30, Fig. 3.

Figure 3 is illustrative and is reproduced below.

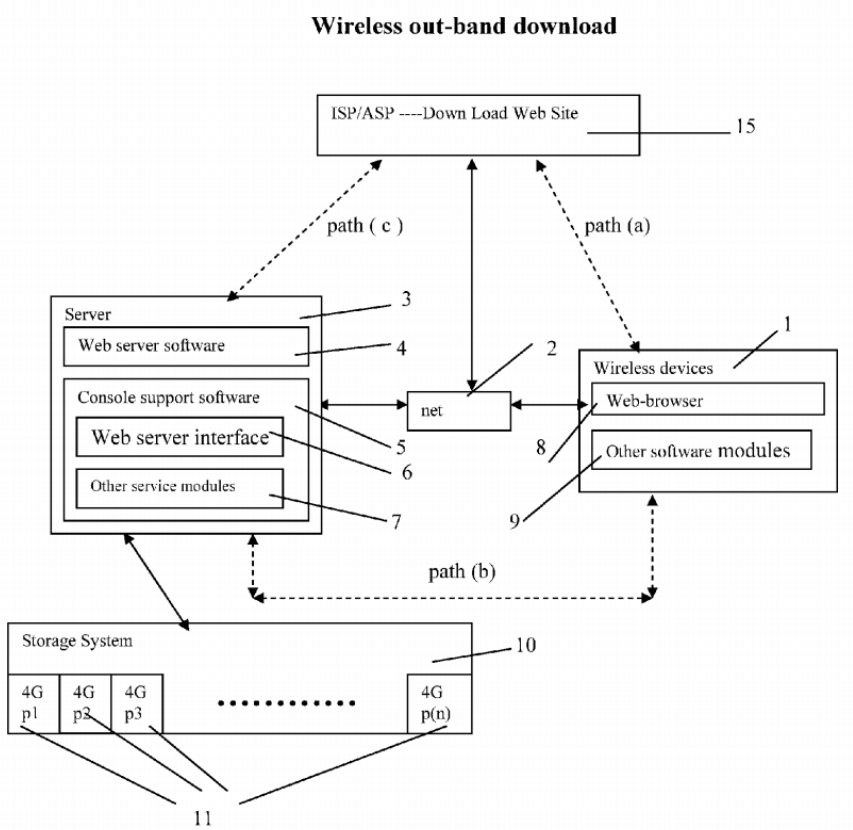

Fig. 3

Figure 3 shows a "wireless out-band download" approach, which includes a sequence of steps for downloading data from a remote web site server 15 into an assigned storage volume 11 of external storage system 10 on server 3. *See id.* at 2:8–10, 2:50–53, 5:1–30. First, the user of wireless device 1 may access remote web server site 15 via web-browser 8 to obtain information about the data for downloading (e.g., data name) via path (a). *Id.* at 5:8–12. Second, other software modules 9 of wireless device 1 may obtain the download information for the data, which becomes available in cached web-pages on wireless device 1. *Id.* at 5:13–17. Third, the other software modules 9 of wireless device 1 may send obtained download

information to other service modules 7 of storage server 3 via path (b). *Id.* at 5:18–20. Fourth, other service modules 7 may send a web download request to remote web site server 15 via path (c) based on the obtained download information and receive the downloaded data streams from remote web site server 15. *Id.* at 5:21–26. Lastly, other service modules 7 may write (i.e., store) the data streams to assigned storage volume 11 in server 3 for wireless device 1. *Id.* at 5:27–30.

The '526 patent also describes retrieving data from an assigned storage volume. *Id.* at 5:31–41. In one embodiment, the user may use the wireless device's web-browser (with embedded video or music functionality) to retrieve and play multimedia data files already stored in the assigned storage volume on the server. *Id.* at 5:33–37. In another embodiment, the wireless device may retrieve data from the file system of the assigned storage volume on the server. *Id.* at 5:38–41.

C. Illustrative Claim

Petitioner challenges claims 1–20 of the '526 patent. Claims 1 and 11 are independent claims, and claims 2–10 and 12–20 depend therefrom, respectively. Claim 1 is reproduced below, which includes changes made per a Certificate of Correction.

> 1. A wireless device comprising:
>
> at least one cache storage, one wireless interface, and program code configured to cause the wireless device to:
>
> establish a wireless link for the wireless device access to a storage space of a predefined capacity assigned exclusively to a user of the wireless device by a storage server, and
>
> couple with the storage server across the wireless link to carry out a requested operation for remote access to the assigned

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