

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

HAMMOND DEVELOPMENT INTERNATIONAL, INC.,
Patent Owner.

Case IPR2020-00411
Patent 9,420,011 B2

Before MICHELLE N. WORMMEESTER, AMBER L. HAGY, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

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

I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–30 of U.S. Patent No. 9,420,011 B2 (Ex. 1001, “the ’011 patent”). Hammond Development International, Inc. (“Patent Owner”) did not file a Preliminary Response. *See* Paper 7 (Waiver of Preliminary Response). We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we institute an *inter partes* review as to all the challenged claims of the ’011 patent and all the grounds presented.

II. BACKGROUND

A. Related Proceedings

The parties identify two district court cases involving the ’011 patent: *Hammond Development International, Inc. v. Google LLC*, No. 6:19-cv-00356 (W.D. Tex.), and *Hammond Development International, Inc. v. Amazon.com, Inc.*, No. 6:19-cv-00355 (W.D. Tex.). Pet. 82; Paper 5, 2. The parties also identify several other petitions for *inter partes* review involving related patents. Paper 3, 2–3; Paper 5, 2–3. In addition, Petitioner identifies U.S. Patent Application No. 16/389,170 as a related application. Pet. 84.

B. The ’011 Patent

The ’011 patent, titled “Method and System for Enabling a Communication Device to Remotely Execute an Application,” issued

August 16, 2016, based on an application filed December 19, 2015.

Ex. 1001, codes (22), (45), (54). The '011 patent claims priority to U.S. Patent No. 9,264,483 B2 (“the '483 patent”). *Id.* at code (63).

The '011 patent describes a communication system that establishes a communication session between a client device and a remote application server, which executes an application for the client, e.g., the remote application server “execut[es] an application for a thin-client device.” *Id.* at 1:63–67, 2:39–41. Figure 1D of the '011 patent, reproduced below, shows an embodiment of a communication system.

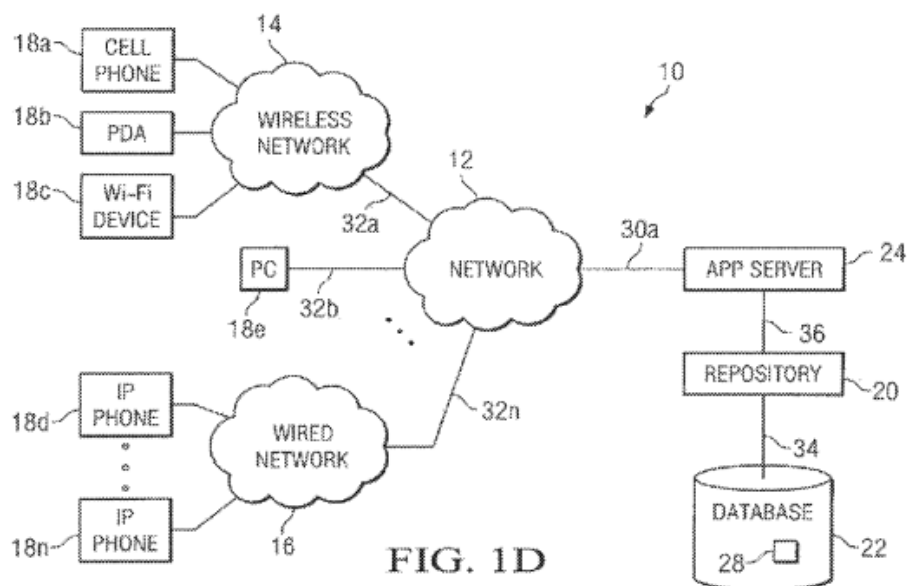


Figure 1D shows a block diagram of a communications system and associated components. *Id.* at 2:59–61. As shown in Figure 1D, “clients 18a–18n . . . couple to network 12 through one or more communications links 32 and/or one or more networks 14, 16.” *Id.* at 3:64–66. Additionally, “application servers 24 couple to network 12 through one or more communications links 30.” *Id.* at 3:47–48. Further, repository 20 and application server 24 are connected via “a direct communication link 36.” *Id.* at 10:50–52.

The communication system of the '011 patent “enables a client 18 to have one or more applications 28 executed remotely” by the application server 24. *Id.* at 6:1–6. A user of the client “initiates an information collection and/or retrieval process by communicating a request to application server 24.” *Id.* at 6:4–6; *see also id.* at 5:38–40 (“In some embodiments, clients 18 can be configured to initiate a connection with repositories 20 and/or application servers 24.”), 2:10–12 (“At least one of the one or more communication devices is operable to communicate a request to establish a communication session over the data connection.”). After that, “application server 24 notifies repository 20 that a communication session with client 18 has been requested.” *Id.* at 6:27–29. “Repository 20 . . . operates to identify a desired application 28 and to communicate application 28, or portions thereof, to application server 24 for execution.” *Id.* at 6:29–32. Further, “[u]pon receipt of application 28, application server 24 executes application 28 and begins a communication session with client 18a.” *Id.* at 6:32–34. In particular, “application server 24 begins the process of communicating information to and/or retrieving information from client 18a” by “requesting that the user of client 18a respond to a series of queries associated with application 28.” *Id.* at 6:34–36, 59–61. For example, application server 24 executes an application based on voice extensible markup language (Voice XML) that “enables application server 24 to interact with and collect information from client 18a.” *Id.* at 6:36–39. “[A]pplication server 24 communicates information relating to portions of Voice XML-based code to client 18a for execution on client 18a,” e.g., “by requesting that the user of client 18a respond to a series of queries associated with application 28.” *Id.* at 6:59–65. The “user of client 18a responds to

each of the series of queries by ‘speaking’ a response to each query communicated to client 18a for execution.” *Id.* at 7:2–5.

C. Illustrative Claims

Petitioner challenges claims 1–30 of the ’011 patent. Claims 1 and 11 are independent and illustrative of the claims under challenge¹:

1. [1Preamble] A non-transitory computer-readable storage medium having stored thereon a computer-executable device software program that, when executed on a communication device, causes the communication device to perform a method for remotely executing an identified application, the method comprising:

[1a1] coupling the communication device to a first communication link, the communication device adapted to communicate a request to establish a communication session over the first communication link,

[1a2] wherein the first communication link comprises a data connection;

[1b] providing processing services to the identified application, wherein a substantial portion of the identified application is executed at a location remote from the communication device;

[1c1] transmitting the request to an application server coupled to the first communication link,

[1c2] wherein, if the identified application is not already present on the application server, the request may cause the application server to communicate with one or more repositories over a second communication link,

[1c3] the repositories having access to one or more applications maintained in a database coupled to the one or more repositories,

¹ We have added numbering to the elements in keeping with the numbering used by Petitioner. *See* Pet. ii–v.

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.