UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

PARUS HOLDINGS, INC.,
Patent Owner.

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IPR2020-00686
Patent 7,076,431 B2

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Before DAVID C. McKONE, STACEY G. WHITE, and
SHELDON M. McGEE, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)
Denying Patent Owner's Motion to Exclude
37 C.F.R. § 42.64

I.   INTRODUCTION

A.   Background and Summary

Apple Inc. ("Petitioner") filed a Petition requesting an *inter partes* review of claims 1–7, 9, 10, 13, 14, 18–21, and 25–30 of U.S. Patent No. 7,076,431 B2 (Ex. 1001, "the '431 patent"). Paper 1 ("Pet."). Parus Holdings, Inc. ("Patent Owner") filed a Preliminary Response to the Petition. Paper 6 ("Prelim. Resp."). Pursuant to 35 U.S.C. § 314, we instituted this proceeding.   Paper 9 ("Dec.").

Patent Owner filed a Patent Owner's Response (Paper 15, "PO Resp."), Petitioner filed a Reply to the Patent Owner's Response (Paper 19, "Reply"), and Patent Owner filed a Sur-reply to the Reply (Paper 21, "Sur-reply"). Patent Owner filed a Motion to Exclude certain evidence submitted by Petitioner (Paper 29, "Mot. Excl."), to which Petitioner filed an Opposition (Paper 30, "Opp. Mot. Excl."). Patent Owner filed a Reply to Petitioner's Opposition to its Motion to Exclude (styled a "Sur-reply"). Paper 32 ("Reply Mot. Excl."). An oral argument was held in this proceeding and IPR2020-00687 on June 22, 2021. Paper 36 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6. This Decision is a final written decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–7, 9, 10, 13, 14, 18–21, and 25–30. Based on the record before us, Petitioner has not proved, by a preponderance of the evidence, that claims 1–7, 9, 10, 13, 14, 18–21, and 25–30 are unpatentable.

We also deny Patent Owner's Motion to Exclude.

B.   Related Matters

The parties identify the following district court proceedings as related to the '431 patent: *Parus Holdings Inc. v. Apple, Inc.*, No. 6:19-cv-00432

(W.D. Tex.) ("the Texas case"); *Parus Holdings Inc. v. Amazon.com, Inc.*,
No. 6:19-cv-00454 (W.D. Tex.); *Parus Holdings Inc. v. Samsung
Electronics Co., Ltd.*, No. 6:19-cv-00438 (W.D. Tex.); *Parus Holdings Inc.
v. Google LLC*, No. 6:19-cv-00433 (W.D. Tex.); and *Parus Holdings Inc. v.
LG Electronics, Inc.*, No. 6:19-cv-00437 (W.D. Tex.). Pet. 72; Paper 5, 1.

The parties also identify U.S. Patent No. 6,721,705 and U.S. Patent
No. 9,451,084 as related to the '431 patent, and further identify that U.S.
Patent No. 9,451,084 has been asserted in the district court proceedings
listed above, and is the subject of IPR2020-00687. Pet. 72; Paper 5, 1.

C. The '431 Patent

The '431 patent describes a system that allows users to browse web
sites and retrieve information using conversational voice commands.
Ex. 1001, 1:20–23. Figure 1, reproduced below, illustrates an example:
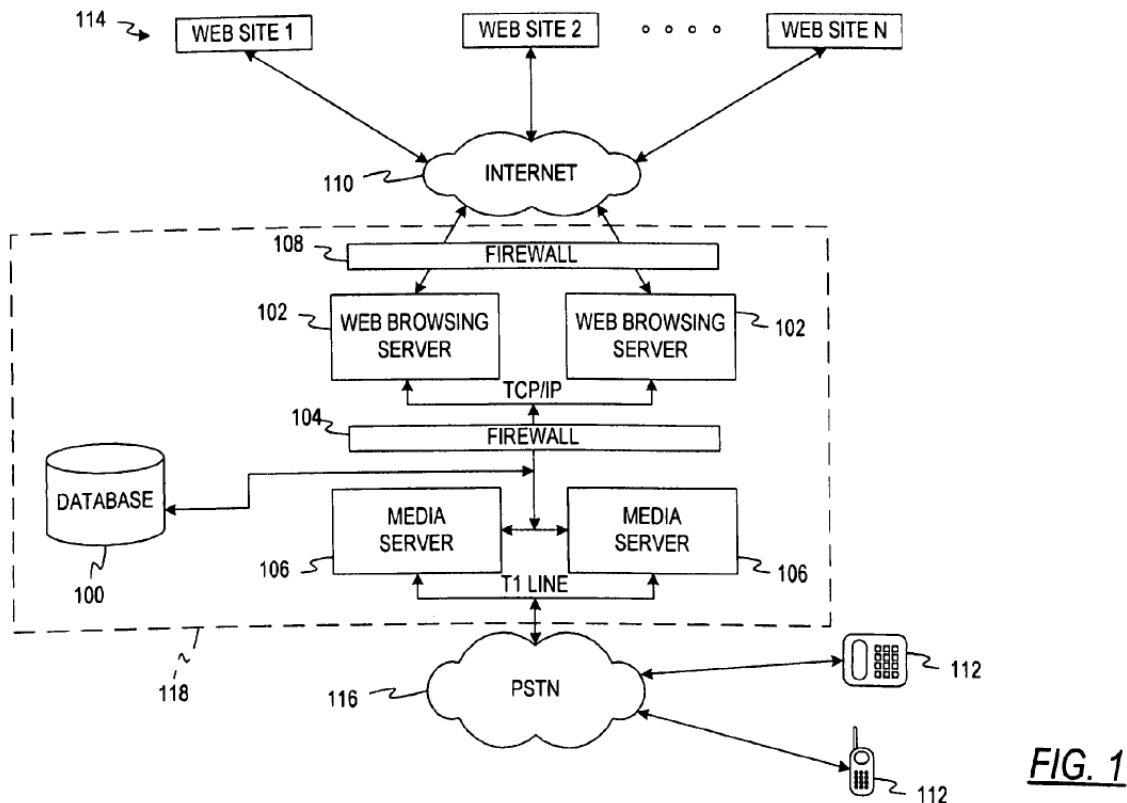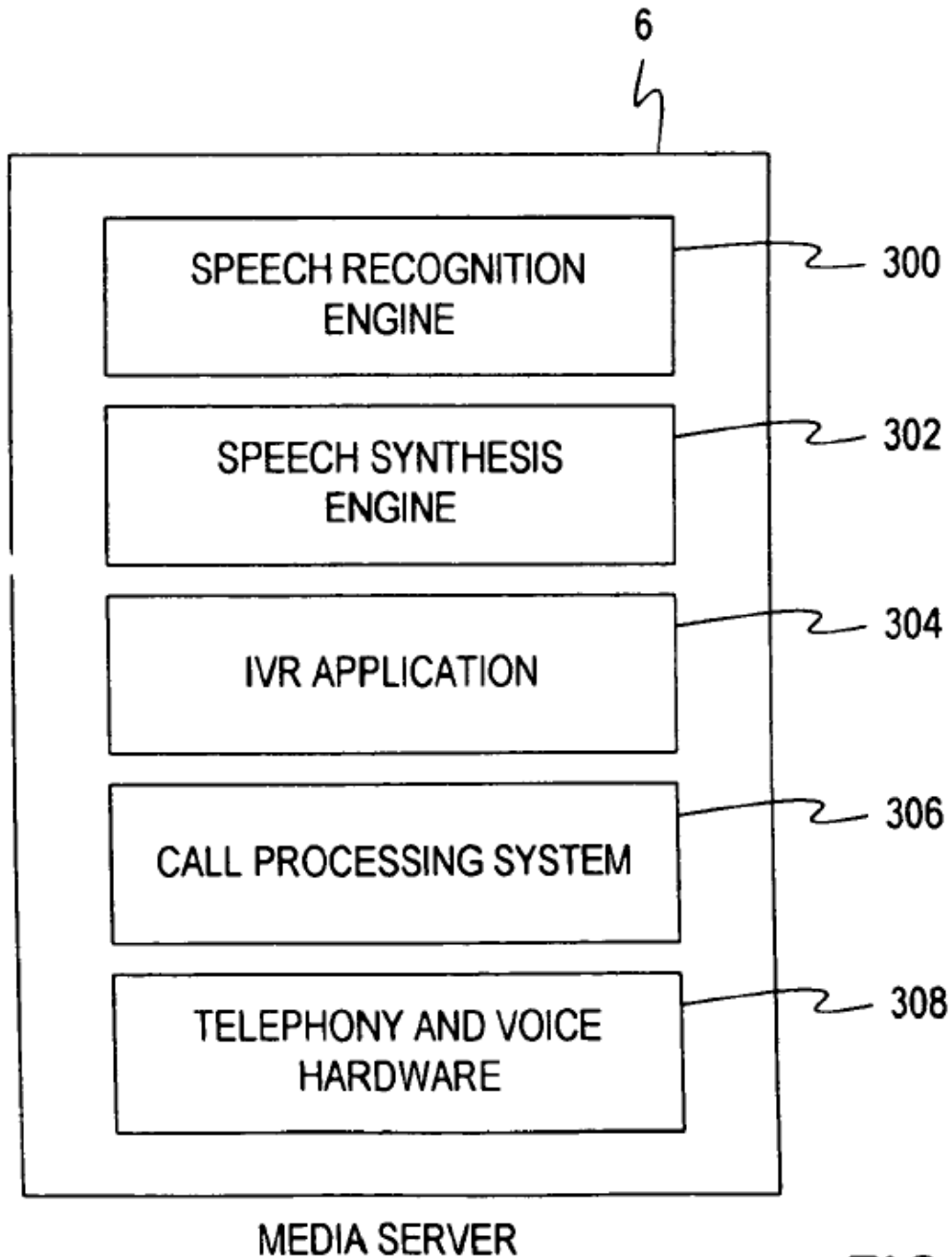

FIG. 1

Figure 1 is a block diagram of a voice browsing system. *Id.* at 4:16–17.

Figure 3, reproduced below, shows additional details of media server 106, a component shown in Figure 1:

FIG. 3

Figure 3 is a block diagram of Figure 1's media server 106. *Id.* at 4:20–21.

Media server 106 includes speech recognition engine 300, speech synthesis engine 302, Interactive Voice Response (IVR) application 304, call processing system 306, and telephony and voice hardware 308 to communicate with Public Switched Telephone Network (PTSN) 116. *Id.* at 5:62–6:1. When a user speaks into voice enable device 112 (e.g., a wireline or wireless telephone), speech recognition engine 300 converts voice commands into data messages. *Id.* at 6:4–8. Media server 106 uses results (e.g., keywords) generated by speech recognition engine 300 to retrieve web site record 200 stored in database 100 that can provide the information requested by the user. *Id.* at 6:44–50. Media server 106 selects the web site record of highest rank and transmits it to web browsing server 102 along with an identifier indicating what information is being requested. *Id.* at 6:52–56. Speech synthesis engine converts the data retrieved by web browsing server 102 into audio messages that are transmitted to voice enable device 112. *Id.* at 6:57–60.

> According to the '431 patent, with its system,

> [u]sers are not required to learn a special language or command set in order to communicate with the voice browsing system of the present invention. Common and ordinary commands and phrases are all that is required for a user to operate the voice browsing system. The voice browsing system recognizes naturally spoken voice commands and is speaker-independent; it does not have to be trained to recognize the voice patterns of each individual user. Such speech recognition systems use phonemes to recognize spoken words and not predefined voice patterns.

Id. at 4:34–43.

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