

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION and HP INC.,  
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2020-01271  
Patent 9,239,686 B2

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Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and  
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Microsoft Corporation and HP Inc. (collectively, “Petitioner”) filed a Corrected Petition for *inter partes* review of claims 1–20 of U.S. Patent No. 9,239,686 B2 (Ex. 1001, “the ’686 patent”). Paper 4 (“Pet.”). Patent Owner, Synkcloud Technologies, LLC filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

Under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we have authority to institute an *inter partes* review if “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). After considering the Petition, the Preliminary Response, and the evidence of record, we determine the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims of the ’686 patent. Accordingly, we institute an *inter partes* review of claims 1–20 of the ’686 patent on the grounds asserted in the Petition.

## II. BACKGROUND

### *A. Related Matters*

The parties identify several district court proceedings involving, or relating to, the ’686 patent. Pet. 3; Paper 6 (Patent Owner’s Mandatory Notices). Patent Owner identifies several other matters pending before the Board involving patents related to the ’686 patent. Paper 6.

### *B. Overview of the ’686 Patent*

The ’686 patent describes how a wireless device may access and use external storage provided by a storage server. Ex. 1001, 1:24–25. The

'686 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 2:39–47, 5:4–58.

In one embodiment, the storage server's external storage may be partitioned by dividing it into multiple small volumes of storage space that may be exclusively assigned to users. *Id.* at 4:12–37. Partitioning may be done through a web-console on a console host by an administrator. *Id.* at 4:16–19. Based on storage information received from the storage server's support software, the administrator may use the web-console to partition each storage device and send storage partition information to the support software. *Id.* at 4:20–29. The support software may perform the actual partition by dividing the storage device into multiple small volumes, each of which may be exclusively assigned to and used by a user of a specific wireless device. *Id.* at 4:31–37.

The '686 patent also describes a “wireless out-band download” approach for downloading data from a remote location to an assigned

storage volume. *Id.* at 2:18–21, 2:61–64, 5:16–47, Fig. 3. Figure 3 is illustrative and is reproduced below.

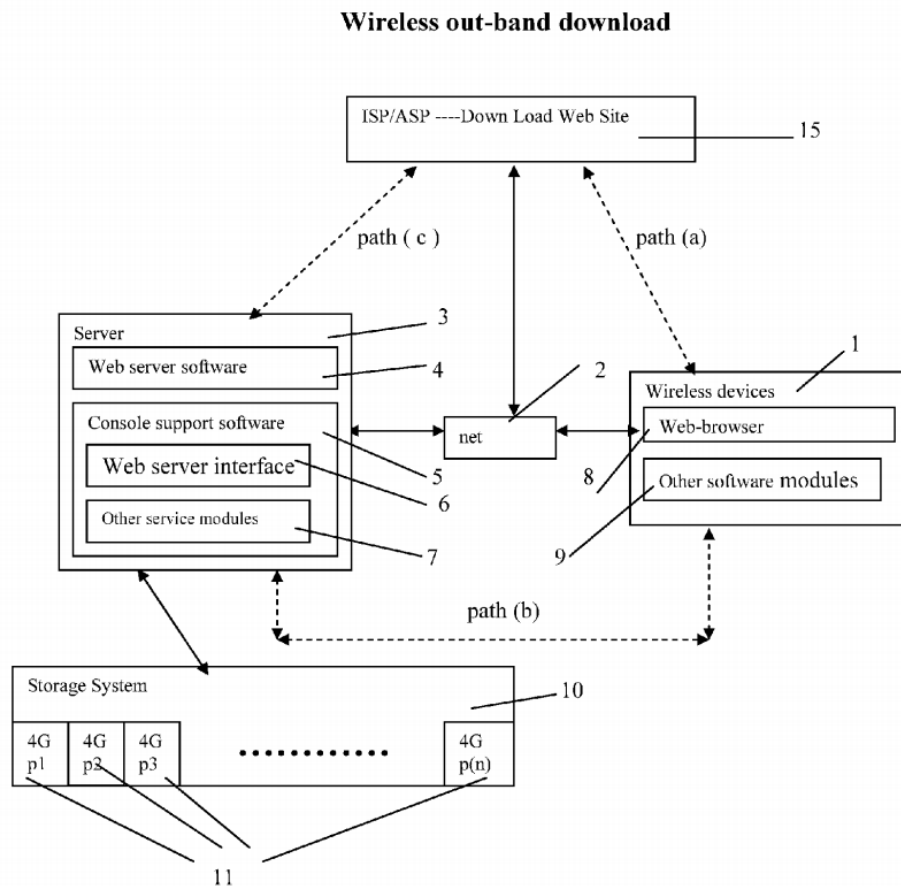


Fig. 3

Figure 3 shows a “wireless out-band download” approach, which includes a sequence of steps for downloading data from remote web site server 15 into assigned storage volume 11 of external storage system 10 on server 3. *See id.* at 2:18–21, 2:61–64, 5:16–47. 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 5:23–28. 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 5:29–33. Third, 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 5:34–37. 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 5:38–43. 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 5:44–47.

The '686 patent additionally describes retrieving data from an assigned storage volume. *Id.* at 5:48–58. 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 5:50–54. In another embodiment, the wireless device may retrieve data from the file system of the assigned storage volume on the server. *Id.* at 5:55–58.

### *C. Illustrative Claims*

Petitioner challenges claims 1–20 of the '686 patent. Claims 1 and 12 are independent, claims 2–11 depend directly or indirectly from claim 1, and claims 13–20 depend directly or indirectly from claim 12. Claims 1 and 12 are illustrative and reproduced below:

1. A server for delivering storage service, comprising:  
a plurality of storage spaces; and

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