

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-01393
Patent 9,239,686 B2

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

Petitioner, Adobe Inc., filed a Petition for *inter partes* review of claims 12–20 of U.S. Patent No. 9,239,686 B2 (Ex. 1101, “the ’686 patent”). Paper 1 (“Pet.”). Patent Owner, Synkcloud Technologies, LLC, filed a Preliminary Response. Paper 7 (“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 12–20 of the ’686 patent on the grounds asserted in the Petition.

II. BACKGROUND

A. Related Matters

The parties identify several district court proceedings involving the ’686 patent. Pet. x; Paper 5 (Patent Owner’s Mandatory Notices).

Petitioner indicates that the ’686 patent is the subject of IPR2020-01392, based on another petition filed by Petitioner. *See* Pet. x. The parties identify IPR2020-01271, based on a petition filed jointly by Microsoft Corporation and HP Inc., as a matter involving the ’686 patent. *Id.*; Paper 5.

The parties also identify several other matters pending before the Board involving patents related to the ’686 patent. Pet. xi–xii; Paper 5.

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. 1101, 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.

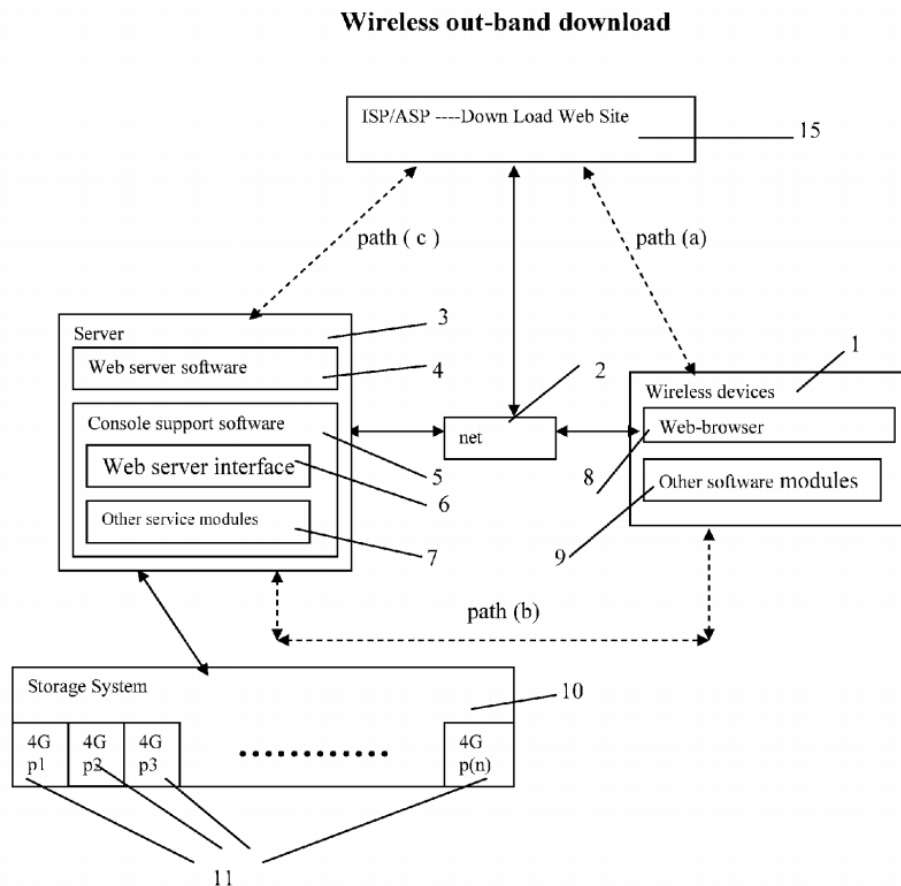


Fig. 3

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, 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 5:34–37. 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 12–20 of the '686 patent. Claim 12, the sole independent claim challenged in this proceeding, and dependent claim 13 are illustrative and are reproduced below:

12. A server for delivering storage service, comprising:
a plurality of storage spaces, and a non-transitory computer-readable medium comprising program instructions that, executed by the server, causes the server to deliver the storage service; wherein the program instructions comprise:

program instructions for the server allocating exclusively a first one of the storage spaces of a predefined capacity to a user of a first wireless device;

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