

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

IPR2022-00202
Patent 10,142,810 B2

Before SALLY C. MEDLEY, PATRICK M. BOUCHER, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

Epic Games, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–20 in U.S. Patent No. 10,142,810 B2 (Ex. 1001, “the ’810 patent”) under 35 U.S.C. §§ 311–319. Paper 2 (“Pet.”). IngenioShare, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 37 C.F.R. § 42.4(a), we have authority to determine whether to institute an *inter partes* review. We may institute an *inter partes* review only if “the information presented in the petition filed under section 311 and any response filed under section 313 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) (2018). The “reasonable likelihood” standard is “a higher standard than mere notice pleading” but “lower than the ‘preponderance’ standard to prevail in a final written decision.” *Hulu, LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 at 13 (PTAB Dec. 20, 2019) (precedential).

Based on the current record and for the reasons explained below, Petitioner has shown that there is a reasonable likelihood that it would prevail with respect to at least one of the challenged claims. Thus, we institute an *inter partes* review of claims 1–20 in the ’810 patent on all challenges included in the Petition.

II. BACKGROUND

A. Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 2. Patent Owner identifies itself as the real party in interest. Paper 4, 2. The parties do not raise any issue about real parties in interest.

B. Related Matters

Petitioner and Patent Owner identify the following civil action where Patent Owner has asserted the '810 patent and other patents against Petitioner: *IngenioShare, LLC v. Epic Games, Inc.*, No. 6:21-cv-00663-ADA (W.D. Tex. filed June 25, 2021) (“the Texas case”). Pet. 2; Prelim. Resp. 2; Paper 4, 2.

C. The '810 Patent (Exhibit 1001)

The '810 patent, titled “Method and Apparatus to Manage Different Options of Communication Using One User Identifier Based on Internet Protocol,” issued on November 27, 2018, from an application filed on March 24, 2017. Ex. 1001, codes (22), (45), (54). The patent identifies that application as the last in a series of continuation and continuation-in-part applications that started with an application filed on December 7, 2004. *Id.* at 1:10–33, code (63).

The '810 patent explains that an individual may (1) employ numerous modes of communication, such as desk phone, cell phone, email, and instant messaging, and (2) “have more than one phone number and multiple electronic mail addresses.” Ex. 1001, 1:50–55. The patent states that “there is still a need to help manage the numerous modes of communication.” *Id.* at 1:59–61. The patent discloses “systems and methods to manage electronic communications.” *Id.* at code (57); *see id.* at 3:43–5:52.

For example, the '810 patent discloses a communications apparatus that:

- (1) “receives a message with a user identifier from a person’s wireless device”;

- (2) “receives a communication option from the person based on options provided to the person, with all the options using the user identifier”;
- (3) “permits the user to block the person from accessing the user”;
- (4) “enables the message to be received by the user if the person is not blocked by the user”; and
- (5) “determines user availability to receive the message.”

Ex. 1001, code (57).

The '810 patent explains that a “user receives the message through a handheld device, such as a cellular phone,” or the “message is electronically conveyed” to the user “based on Internet protocol through a website.”

Ex. 1001, 2:46–49. If the “message is electronically conveyed” to the user through a “central network server, such as a web server based on Internet protocol,” a “portal or gateway” may “provide general Internet access.” *Id.* at 6:64–67. For instance, the portal or gateway may “allow[] the user to receive communications from numerous sources through different modes.” *Id.* at 4:13–15.

Figure 7 in the '810 patent (reproduced below) depicts steps in a process for responding to an incoming call:

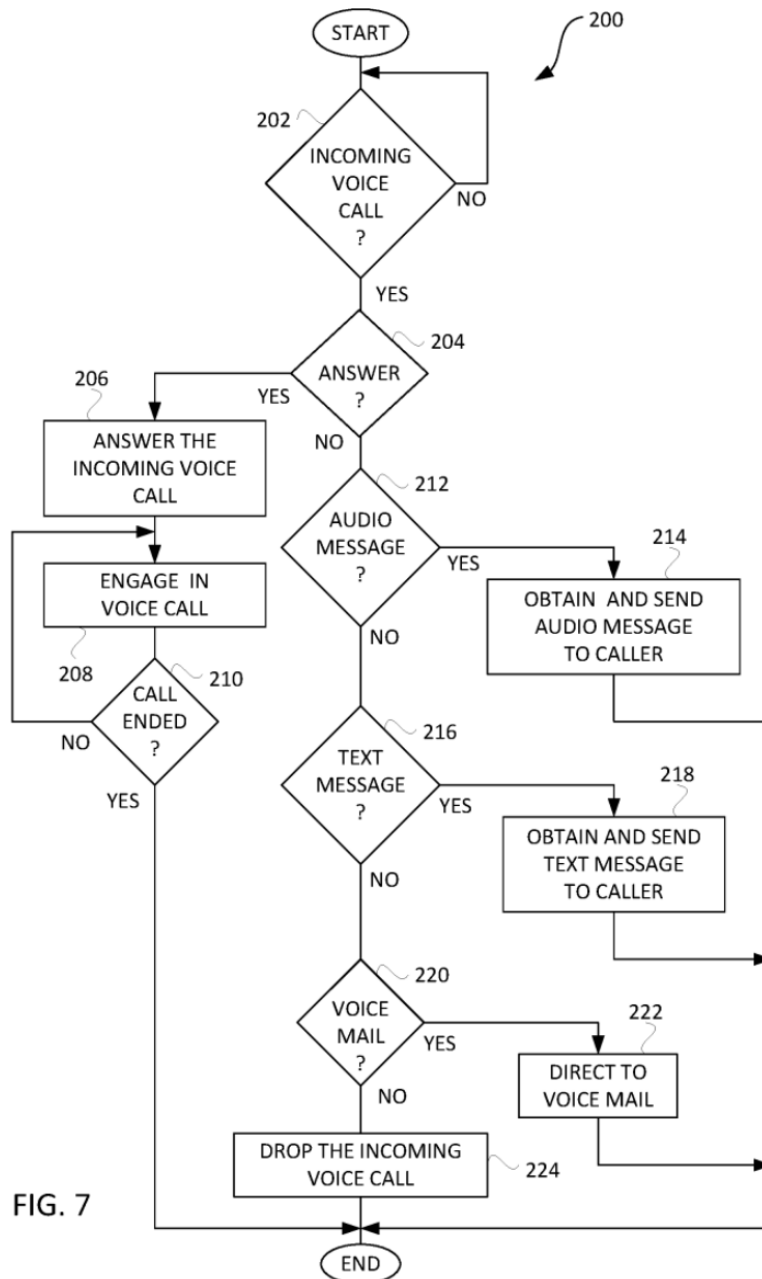


FIG. 7

Figure 7 “is a flow diagram of a personal call response process 200” performed “by an electronic device, such as a mobile communication device (e.g., mobile telephone).” Ex. 1001, 9:11–15, Fig. 7; *see id.* at 3:20–21. The personal call response process permits a user to, among other things, answer

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