UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

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IPR2022-00291
Patent 10,708,727 B2

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Before THU A. DANG, PATRICK M. BOUCHER, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge* BOUCHER.

Opinion Dissenting filed by *Administrative Patent Judge* AMUNDSON.

BOUCHER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

In response to a Petition (Paper 1, "Pet.") filed by Epic Games, Inc. ("Petitioner"), we instituted an *inter partes* review of claims 1–9 and 15–17 of U.S. Patent No. 10,708,727 B2 (Ex. 1001, "the '727 patent"). Paper 10 ("Dec."). During the trial, IngenioShare, LLC ("Patent Owner") filed a Response (Paper 14, "PO Resp."), to which Petitioner filed a Reply (Paper 17, "Reply") and Patent Owner filed a Sur-reply (Paper 20, "Sur-reply"). An oral hearing was held with the parties, and a copy of the transcript was entered into the record. Paper 29 ("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 the claims on which we instituted trial. Based on the record before us, Petitioner has not shown, by a preponderance of the evidence, that any of claims 1–9 and 15–17 is unpatentable.

I. BACKGROUND

A. The '727 Patent

The '727 patent relates to "automatically remov[ing] unwanted communications." Ex. 1001, 3:33–34. Figure 6 of the '727 patent is reproduced below.
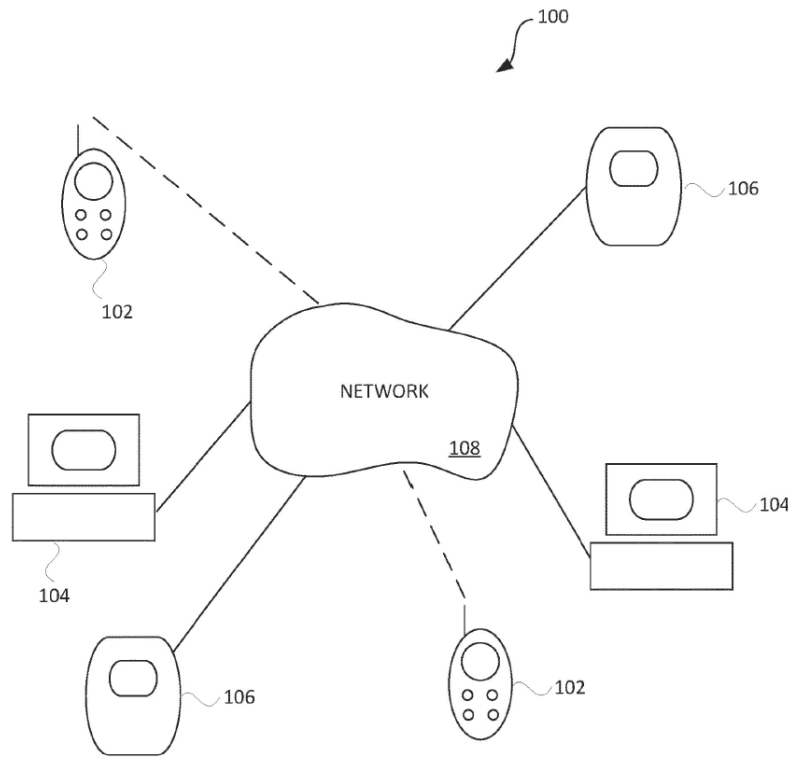
FIG. 6

Figure 6 depicts communication system 100, which can support different communication devices, including mobile telephones 102, computers 104, and/or wireless personal digital assistants 106. *Id.* at 8:16–21. Users of such communication devices can communicate "with like or different communication devices," each of which offers one or both of audio or text communication capabilities. *Id.* at 8:21–24. Intercommunication of devices 102–106 can take place through network 108, which "can include one or more of voice networks and data networks." *Id.* at 8:24–27.

With the system, "[a] communication gateway or a portal is formed," thereby allowing a user "to receive communications from numerous sources through different modes." *Id.* at 4:3–5. "Based on the portal, the user can securely determine who can reach him at what conditions." *Id.* at 4:15–16.

Such conditions may include the status of the user, "access priorities" of the person trying to reach the user, and/or the urgency of the message from the person. *Id.* at 4:17–22.

The following table is reproduced from the '727 patent.

Alice (Wife)	ContactClass1
Peter (Close Friend)	ContactClass2
Colina (Close Friend's wife)	ContactClass2

The table identifies different people and their relationships to a particular user, as well as "ContactClasses" to which such people are assigned and which reflect the various access priorities. *Id.* at 6:4–10. By way of example, if Peter wants to make a mobile phone call to the user, Peter calls the portal, which can be the user's internet service provider. *Id.* at 6:12–14. After verifying Peter's identity, the portal establishes contact by creating a virtual address for a communication session and determines that Peter belongs to "ContactClass2." *Id.* at 6:14–30. The portal implements various connectivity options depending on the status of the user, Peter's access priority according to his ContactClass, and Peter's urgency setting. *Id.* at 6:35–37. Connectivity options include allowing the user to receive Peter's call directly or asking Peter to leave a voicemail message, with the user notified of Peter's call by a short mobile message. *Id.* at 6:35–40. In some instances, communication requests can be classified into "different degrees of undesirability," thereby automatically blocking some requests from the user or automatically diverting them to be handled by another mechanism, "such as diverting a phone call to an email or voice mail." *Id.* at 4:37–42.

B. Illustrative Claim

Independent claim 1, the only independent claim of the '727 patent, is illustrative of the challenged claims and is reproduced below.

1. A computer-implemented method to facilitate electronic communication of a plurality of users using at least a network-based portal at least based on Internet protocol, the method comprising:

   providing a plurality of modes of communication to a first user to allow the first user to use one of the plurality of modes of communication as a selected mode of communication for a first message to be sent from the first user to a second user, based on an identifier associated with the first user previously set by the first user via the network-based portal,

      wherein the plurality of modes of communication supported by the network-based portal include at least text communication using a personal computer, voice communication using a personal computer, and communication with at least an image, and

      wherein messages are eligible to be received by the second user via the network-based portal, based on any of the plurality of modes of communication, all depending on an identifier associated with the second user previously set by the second user via the network-based portal, which allows the second user to efficiently maintain the second user's communication using the plurality of modes of communication;

   enabling the second user to block the first user from using at least the selected mode of communication to communicate with the second user via the network-based portal, based on the identifier associated with the first user;

   enabling the first message to be provided to the second user, using the selected mode of communication, depending on the identifier associated with the second user, in view of the second user not blocking the first user from using the selected mode of communication to communicate with the second user, via the network-based portal; and

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