

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

IPR2022-00295
Patent 10,492,038 B2

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 7–12, 22–24, and 33–67 of U.S. Patent No. 10,492,038 B2 (Ex. 1001, “the ’038 patent”). Paper 11 (“Dec.”). During the trial, IngenioShare, LLC (“Patent Owner”) filed a Response (Paper 15, “PO Resp.”), to which Petitioner filed a Reply (Paper 17, “Reply”) and Patent Owner filed a Sur-reply (Paper 22, “Sur-reply”). The parties declined an oral hearing with the panel, and instead “rest[] on their briefs for any issues not addressed at the February 17th hearing directed to IPR2022-00202 and IPR2022-00291.” Ex. 3004; Paper 26 (order canceling oral hearing).

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 7–12, 22–24, and 33–67 is unpatentable.

I. BACKGROUND

A. *The ’038 Patent*

The ’038 patent relates to “automatically remov[ing] unwanted communications.” Ex. 1001, 3:52–53. Figure 6 of the ’038 patent is reproduced below.

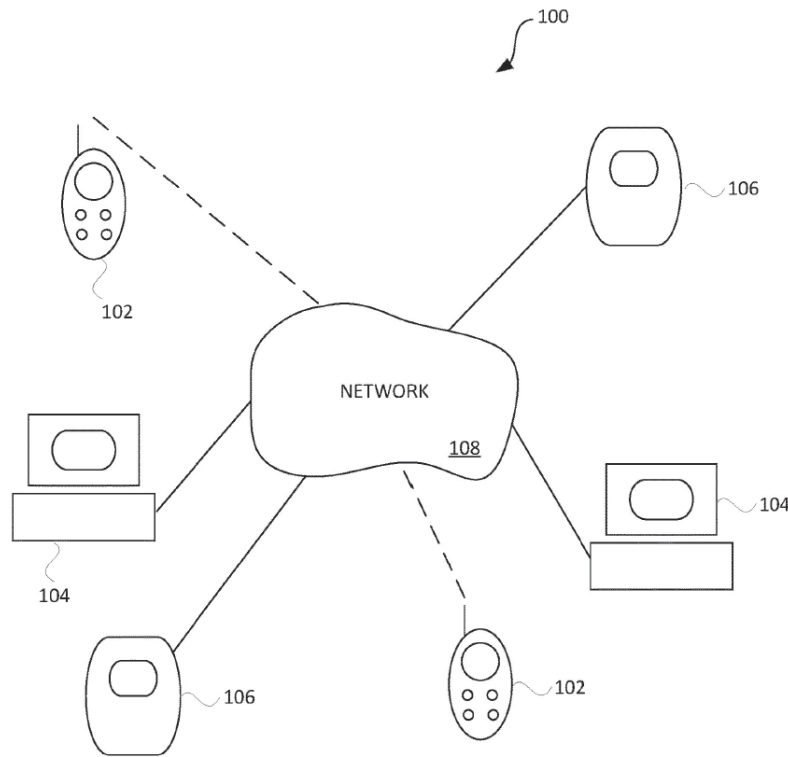


FIG. 6

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 8:35–40. 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 8:40–43. 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 8:43–46.

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 4:22–24. “Based on the portal, the user can securely determine who can reach him at what conditions.” *Id.* at 4:34–35.

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 4:36–41.

The following table is reproduced from the ’038 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 6:24–32. 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 6:33–35. 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 6:35–51. 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 6:56–58. 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 6:56–61. 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 4:56–61.

B. Illustrative Claim

In addition to challenges of various dependent claims, Petitioner challenges three of the '038 patent's four independent claims. Independent claim 7 is representative of the challenged claims and is reproduced below.

7. A non-transitory computer readable medium including at least executable computer program code stored therein for managing electronic communications of a plurality of users using at least a network-based portal at least based on Internet protocol, with different communication modes allowed, depending on each of the plurality of users having an identifier for use with the different communication modes, with the corresponding identifier being set via the network-based portal, and without requiring the plurality of users to disclose their contact information to each other, said computer readable medium comprising:

computer program code for providing a plurality of communication modes to a first user to allow the first user to use one of the plurality of communication modes as a selected communication mode for a first message from the first user to a second user via an electronic device associated with the second user, with the first user being identified at least depending on a prior registration process by the first user regarding the use of the network-based portal,

wherein the plurality of communication modes include at least text communication using a personal computer, voice communication using a personal computer, text communication using a mobile phone, voice communication using a mobile phone, and communication with at least an image, and

wherein messages are eligible to be received by the electronic device associated with the second user based on any of the plurality of communication modes, all depending on an identifier associated with the second user being set by the second user via the network-based portal, at least in view of the network-based portal based on the Internet protocol;

computer program code for permitting the second user to block the first user from using at least the selected

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