

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and GOOGLE LLC,
Petitioner,

v.

XR COMMUNICATIONS LLC,
Patent Owner.

IPR2022-01362
Patent 10,715,235 B2

Before MIRIAM L. QUINN, BARBARA A. PARVIS, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314
Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

A. *Background and Summary*

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Google LLC (collectively, “Petitioner”), filed a Petition requesting *inter partes* review of claims 8–14 (the “Challenged Claims”) of U.S. Patent No. 10,715,235 B2 (Ex. 1001, the “’235 patent”). Paper 4 (“Pet.”), 1. Concurrently, Petitioner filed a Motion for Joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.122(b) (2022), seeking to be joined as a party to *Apple Inc. v. XR Communications LLC*, Case No. IPR2022-00367 (the “Apple/HP IPR”), which was instituted on July 14, 2022, and also challenges claims 8–14 of the ’235 patent. Paper 5 (“Motion” or “Mot.”), 1; *see also* IPR2022-00367, Paper 10 (providing the Decision on Institution)¹.

XR Communications LLC (“Patent Owner”) did not file a Preliminary Response to the Petition or an opposition to the Motion.

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2022) (permitting the Board to institute trial on behalf of the Director). To institute an *inter partes* review, we must determine that the information presented in the Petition shows “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). For the reasons that follow, we determine that institution of *inter partes* review is warranted on the same grounds instituted in the Apple/HP IPR, and we grant Petitioner’s Motion.

¹ Amazon.com, Inc. and Amazon.com Services LLC were joined to IPR2022-00367 on January 26, 2023. *See* IPR2022-01352, Paper 7.

B. Real Parties-in-Interest

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Google LLC identify themselves as the real parties-in-interest. Pet. 64. Patent Owner identifies itself as the real party-in-interest. Paper 7, 1.

C. Related Matters

The parties each identify the following litigations as matters related to the '235 patent: *XR Communications, LLC, dba Vivato Technologies. v. Amazon.com, Inc., Amazon.com Services LLC, and Eero LLC*, No. 6:21-cv-0619-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. Apple Inc.*, No. 6:21-cv-0620-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. ASUSTek Computer Inc.*, No. 6:21-cv-0622-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. Google LLC*, No. 6:21-cv-0625-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 6:21-cv-0626-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. Dell Technologies Inc.*, No. 6:21-cv-0646-ADA (W.D. Tex.); *XR Communications, LLC, dba Vivato Technologies. v. HP Inc.*, No. 6:21-cv-0694-ADA (W.D. Tex.); and *XR Communications, LLC, dba Vivato Technologies. v. Microsoft Corporation*, No. 6:21-cv-0695-ADA (W.D. Tex.). Pet. 64; Paper 7, 1–2.

The parties also identify the following Patent Office proceedings related to the '235 patent: *Amazon.com, Inc., et al v. XR Communications LLC*, IPR2022-01353 (PTAB); *Apple Inc., et al v. XR Communications LLC*, IPR2022-01155 (PTAB); *Apple Inc., et al v. XR Communications LLC*, IPR2022-00367 (PTAB). Pet. 64–65; Paper 7, 1.

D. The '235 Patent

The '235 patent, titled “Directed Wireless Communication,” issued July 14, 2020, from application US 15/495,539. Ex. 1001, codes (54), (45), (22). The '235 patent ultimately claims priority to a provisional application, US 60/423,660, filed on November 4, 2002. *Id.* at code (60).

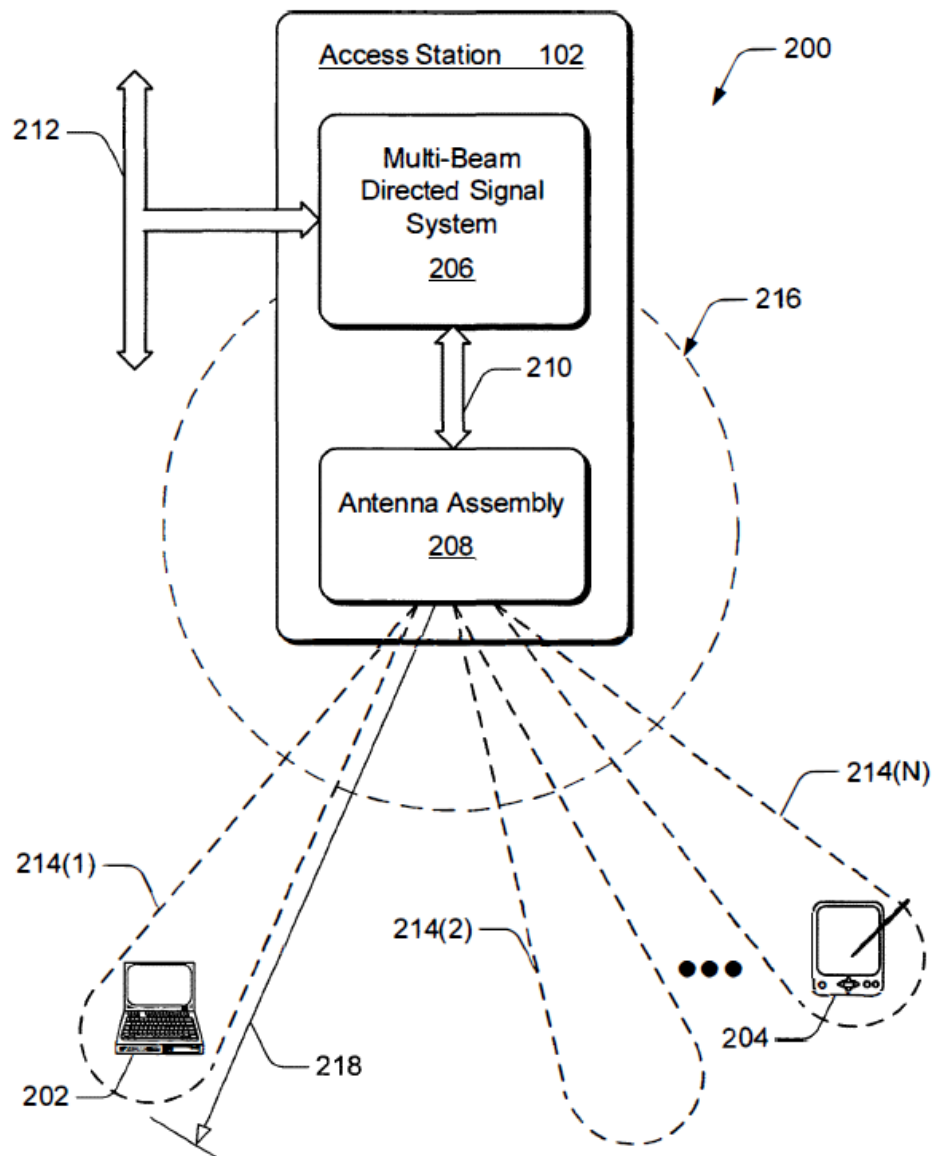
The '235 patent relates to “a multi-beam directed signal system [that] coordinates directed wireless communication with client devices.”

Ex. 1001, 2:8–10. “In a described implementation, a multi-beam directed signal system (e.g., also referred to as an access point or Wi-Fi switch) is a long-range packet switch . . . in accordance with an 802.11 standard.”

Id. at 3:43–47. “[S]imultaneous transmission and reception may occur at a wireless routing device by applying multi-channel techniques.”

Id. at 3:41–43. Further, “[a]n increase in communication range is achieved by beamforming directed communication beams which simultaneously transmit directed signals and receive communication signals from different directions.” *Id.* at 3:47–51.

Figure 2, reproduced below, “illustrates an exemplary directed wireless communication system 200.” Ex. 1001, 4:44–45.



As shown, “antenna assembly 208 can be implemented as two or more antennas . . . to emanate multiple directed communication beams 214(1), 214(2), . . . , 214(N).” Ex. 1001, 4:54–57. “[C]lient device 202 can communicate via directed communication beam 214(1) with a first channel of the multi-beam directed signal system 206, and client device 204 can communicate via directed communication beam[] 214(N) with a second channel of the multi-beam directed signal system 206.” *Id.* at 5:16–21.

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