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Paper 34
Date: January 26, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01222
Patent 8,982,863 B1

Before KEVIN F. TURNER, HYUN J. JUNG, and NATHAN A. ENGELS, *Administrative Patent Judges.*

JUNG, *Administrative Patent Judge*.

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

I. INTRODUCTION

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Apple Inc. ("Petitioner") has not shown by a preponderance of the evidence that claims 1–12, 14, 19, and 24 of U.S. Patent No. 8,982,863 B1 (Ex. 1001, "the '863 patent") are unpatentable.

A. Background and Summary

Petitioner filed a Petition (Paper 2, "Pet.") requesting institution of an *inter partes* review of claims 1–12, 14, 19, and 24 of the '863 patent. Smart Mobile Technologies LLC ("Patent Owner") did not file a Preliminary Response. Pursuant to 35 U.S.C. § 314, we instituted an *inter partes* review of claims 1–12, 14, 19, and 24 of the '863 patent on all presented challenges. Paper 11 ("Inst. Dec."), 2, 30.

After institution, Patent Owner filed a Response (Paper 17, "PO Resp."), to which Petitioner filed a Reply (Paper 23, "Pet. Reply"), and Patent Owner thereafter filed a Sur-reply (Paper 30, "PO Sur-reply"). An oral hearing in this proceeding was held on November 7, 2023; a transcript of the hearing is included in the record. Paper 33.

B. Real Parties in Interest

Petitioner identifies Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. as real parties in interest. Pet. 87. Patent Owner only identifies itself as a real party in interest. Paper 5, 1.

C. Related Matters

The parties identify *Smart Mobile Techs. LLC v. Apple Inc.*, 6-21-cv-00603 (W.D. Tex.) as a related matter. Pet. 87; Paper 5, 1. Related patents

are challenged in IPR2022-00766, IPR2022-01004, IPR2022-01005, IPR2022-01223, IPR2022-01248, and IPR2022-01249.

D. The '863 Patent (Ex. 1001)

The '863 patent issued on March 17, 2015 from an application filed on September 22, 2014, which is a continuation application of several previously filed continuation and continuation-in-part applications, the earliest of which was filed on June 4, 1999. Ex. 1001, codes (22), (45), (63), 1:7–17.

The '863 patent states that an unfulfilled need exists for multiple transmitters and receivers ("T/R") in a cellular telephone or mobile wireless device ("CT/MD"). Ex. 1001, 1:48–49. Figure 5A of the '863 patent is reproduced below.

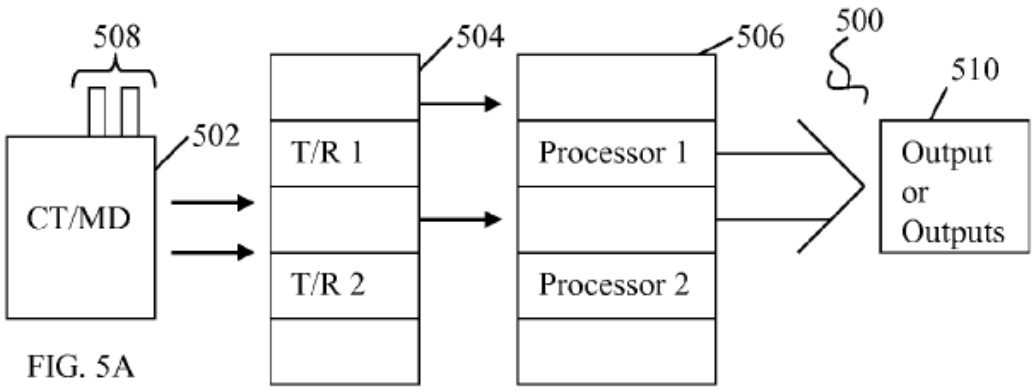

FIG. 5A

Figure 5A shows a "a dual antenna, dual T/R unit in a CT/MD interfacing with a dual processor." Ex. 1001, 2:15–17. Dual antenna 508 and dual T/R unit 504 interface with dual processor 506 in dual band system 500. *Id.* at 4:37–39. System 500 can communicate through outputs 510, which can be "fibre optic channel, ethernet, cable, telephone, or other." *Id.* at 4:42–45. "The multiple processors 506 allow for parallel and custom processing of each signal or data stream to achieve higher speed and better quality of output." *Id.* at 4:51–53.

"By extension the feature of multiple antennas, multiple T/R units and multiple processors is extendable to the network switch box or network switch boxes that form a local, wide area, [v]irtual private network or connect to the Internet." Ex. 1001, 4:45–48. The '863 patent states that "a CT/MD and a network switch box are very similar in many ways" but "completely different functional units, with the CT/MD providing personal services and the network switch box providing system services." *Id.* at 3:16–19; *see also id.* at 5:40–45 (describing network switch box 552 and CT/MD 502 similarly). The network switch box "may be used in the wireless mode only in a wireless network or it may also be connected to one or more networks by wired and wireless means to fully leverage all the input/output ports." *Id.* at 5:16–20. "The network switch box may have a universal serial bus (USB) port, a coaxial cable port, a standard telephone (POTS) port, a twisted pair port, Ethernet port, and most importantly an optical port." *Id.* at 9:50–53.

"A server such as Server C controls the communication protocols in conjunction with the network switching box or other devices, such as CT/MD." Ex. 1001, code (57); *see also id.* at 4:49–51 (describing similarly Server C of CT/MD 502). In one embodiment, "Server C 910 oversees the allocation of data to the different channels and keeps the process under control." *Id.* at 7:9–10. In another embodiment, Server C 1030 interfaces with separate data streams or a combined data stream 1028. *Id.* at 7:28–30, Fig. 10. Similarly, Server C 1130 interfaces with combined data stream 1128. *Id.* at 7:55–57, Fig. 11. Server C 1314 can supervise at least one of virtual private networks ("VPN") 1302, 1306, 1310. *Id.* at 8:45–47, 8:66–67, Fig. 13.

E. Illustrative Claim

The '863 patent includes 24 claims, of which Petitioner challenges claims 1–12, 14, 19, and 24. Claims 1 and 14 are independent, and reproduced below is claim 1.

> 1. A system for controlling Internet Protocol (IP) based wireless devices, IP based cellular phones, networks or network switches by servers comprising:
>
> an IP enabled wireless device including a portable device or a cellular phone, said IP enabled wireless device comprising a plurality of antennas and ports, wherein the IP enabled wireless device is configured for voice and data communication and comprises a plurality of transmit and receive units;
>
> a first server connected to at least one internet protocol enabled network, said server configured with a controller in communication with a plurality of network devices; and
>
> a network switchbox, wherein the network switchbox is configured with a plurality of ports, wherein the network switch box is connected to at least two networks, wherein the network switchbox is configured to transmit and receive one or more data packets between the at least two networks.

Ex. 1001, 11:59–12:10.

F. Asserted Prior Art and Proffered Testimonial Evidence

Petitioner identifies the following references as prior art in the asserted grounds of unpatentability:

Name	Reference	Exhibit
Hardwick	US 5,550,816, issued Aug. 27, 1996	1008
Matero	US 5,768,691, issued June 16, 1998	1007
Ahopelto	US 5,970,059, filed Jan. 8, 1996, issued Oct. 19, 1999	1005
Sood	US 6,697,632 B1, filed May 7, 1998, issued Feb. 24, 2004	1009

Pet. 17. Petitioner argues that Hardwick is prior art under § 102(b), Matero is prior art under § 102(a), and Ahopelto and Sood are prior art under

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