

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.

Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01222
Patent 8,982,863 B1

Before HYUN J. JUNG, NATHAN A. ENGELS, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively, “Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting institution of an *inter partes* review of claims 1–12, 14, 19, and 24 of U.S. Patent No. 8,982,863 B1 (Ex. 1001, “the ’863 patent”). Smart Mobile Technologies LLC (“Patent Owner”) did not file a Preliminary Response.

Under 35 U.S.C. § 314, an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and for the reasons explained below, we determine that Petitioner has shown a reasonable likelihood of prevailing with respect to at least one of the challenged claims.

Thus, we institute an *inter partes* review of claims 1–12, 14, 19, and 24 of the ’863 patent on all presented challenges. *SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018); 37 C.F.R. § 42.108 (2022).

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.

We instituted *inter partes* reviews of related patents. *Samsung Elecs. Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-00766, Paper 14 (PTAB Oct. 26, 2022) (Decision Granting Institution); *Samsung Elecs. Co., Ltd. v.*

Smart Mobile Techs. LLC, IPR2022-01004, Paper 13 (PTAB Dec. 5, 2022) (Decision Granting Institution); *Samsung Elecs. Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01005, Paper 10 (PTAB Dec. 5, 2022) (Decision Granting Institution). Other related patents are challenged in 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.

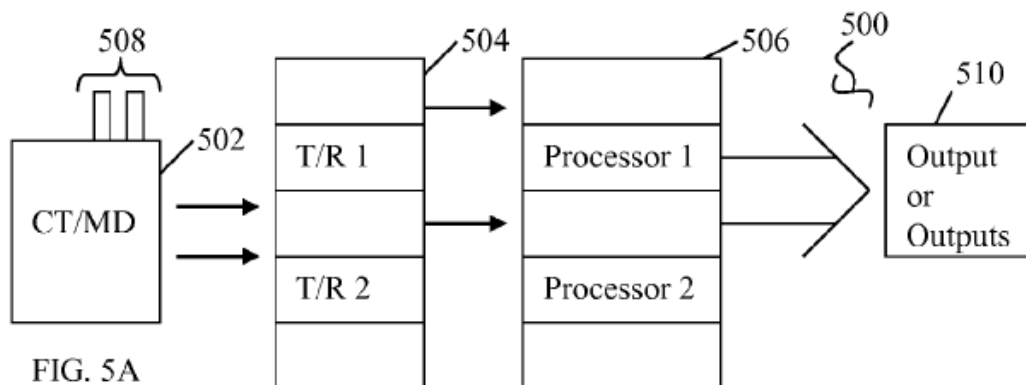


Figure 5A shows a “a dual antenna, dual T/R unit in a CT/MD interfacing with a dual processor.” Ex. 1001, 2:15–17. Dual antenna 508 and dual T/R unit 504 interface with dual processor 506 in dual band system 500. *Id.* at 4:37–39. System 500 can communicate through outputs 510, which can be “fibre optic 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, Abstr.; *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.

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