

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01223
Patent 9,319,075 B1

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

KORNICZKY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Apple Inc. (“Petitioner”) filed a Petition requesting institution of an *inter partes* review of claims 1–3 and 5 of U.S. Patent No. 9,319,075 B1 (Ex. 1001, “the ’075 patent”). Paper 2 (“Pet.”). Smart Mobile Technologies LLC (“Patent Owner”) filed a Preliminary Response opposing institution. Paper 6 (“Prelim. Resp.”). To address claim constructions issues, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 10, “Pet. Reply”) and Patent Owner filed a Preliminary Sur-Reply (Paper 11, “PO Sur-Reply”).

Under 35 U.S.C. §§ 6(b)(4), 314 and 37 C.F.R. § 42.4(a), we have authority to institute an *inter partes* review if “the information presented in the petition . . . and any response . . . shows that there is 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) (2018).

After considering the Petition, Preliminary Response, and other evidence of record, we determine that Petitioner has not demonstrated a reasonable likelihood of showing the unpatentability of at least one of the challenged claims. Thus, we deny Petitioner’s request to institute an *inter partes* review.

II. BACKGROUND

A. *Real Parties-in-Interest*

As required by 37 C.F.R. § 42.8(b)(1), each party identifies the real party-in-interest. Petitioner identifies Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. as the real parties-in-interest. Pet. 61. Patent Owner identifies itself as a real party-in-interest. Paper 4, 1.

B. Related Proceedings

As required by 37 C.F.R. § 42.8(b)(2), Petitioner and Patent Owner identify the judicial or administrative matters that would affect or be affected by a decision in this proceeding. Petitioner and Patent Owner state the '075 patent is involved in *Smart Mobile Technologies LLC v. Apple Inc.*, 6-21-cv-00603 (W.D. Tex. June 11, 2021) (hereinafter “the Texas litigations”). Pet. 61; Paper 4, 1.

We have instituted *inter partes* reviews of related patents:

(1) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-00766, Paper 14 (PTAB Oct. 26, 2022);

(2) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01004, Paper 13 (PTAB Dec. 5, 2022);

(3) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01005, Paper 10 (PTAB Dec. 5, 2022);

(4) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01248, Paper 13 (PTAB Jan. 24, 2023); and

(5) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01249, Paper 13 (PTAB Jan. 24, 2023).

The following proceeding involves a related patent:

(1) *Samsung Electronics Co., Ltd. v. Smart Mobile Techs. LLC*, IPR2022-01222.

C. Overview of the '075 Patent (Ex. 1001)

The '075 patent is titled “Wireless Devices with Transmission Control and Multiple Internet Protocol (IP) Based Paths of Communication.” Ex. 1001, code (54). The '075 patent states that an unfulfilled need exists for

multiple transmitters and receivers (“T/R”) in a cellular telephone or mobile wireless device (“CT/MD”). *Id.* at 1:58–59. To address this need, the ’075 patent describes “multiple Internet Protocol (IP) based wireless data transmissions” that “are simultaneously provided between a wireless device and a server, including providing multiple antennas, multiple T/R units, multiple processors and multiple [input/output] I/O ports on the wireless device.” *Id.* at code (57).

Figure 5A of the ’075 patent, reproduced below, shows a dual band system. Ex. 1001, 2:25–27.

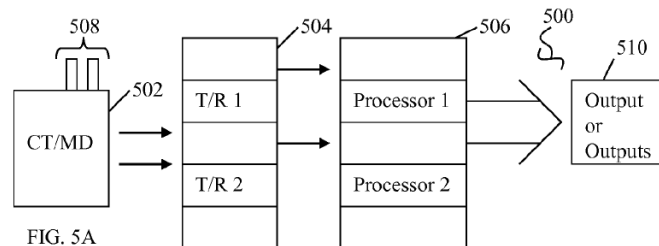


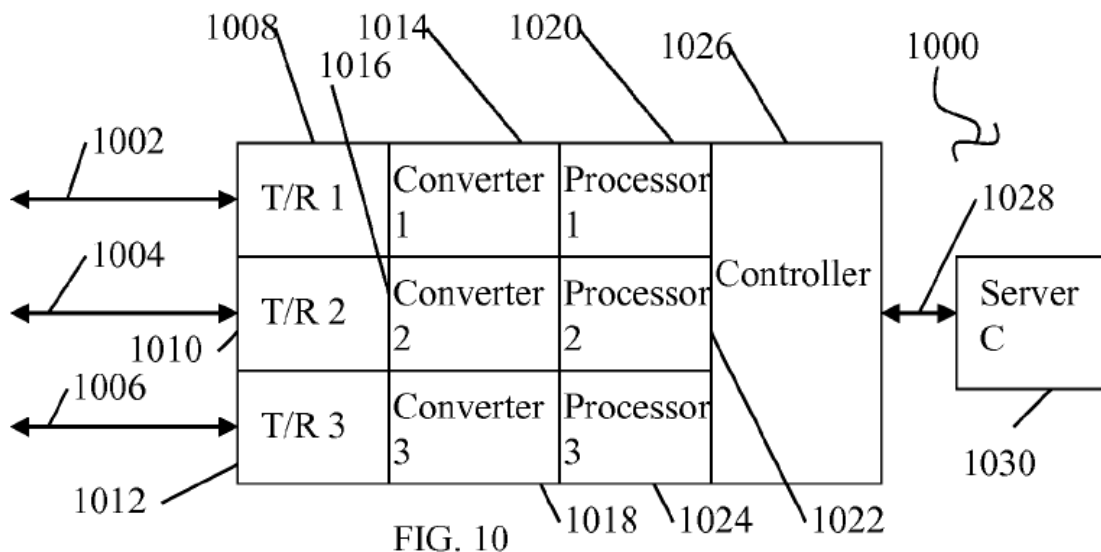
Figure 5A shows a “a dual antenna, dual T/R unit in a CT/MD interfacing with a dual processor.” *Id.* at 2:25–26. Dual antenna 508 and dual T/R unit 504 interface with dual processor 506 in dual band system 500. *Id.* at 4:46–47. System 500 can communicate through outputs 510, which can be “fibre optic channel, ethernet, cable, telephone, or other.” *Id.* at 4:51–54.

“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.” Ex. 1001, 4:60–62. Alternatively, there can be “a single processor that has the parallelism and pipeline capability built in for handling one or more data streams simultaneously.” *Id.* at 4:64–65. Processors 506 include “DSP, CPU, memory controller, and other elements essential to process various types of signals.” *Id.* at 4:66–67. “The processor contained within the CT/MD 502 is further capable of delivering

the required outputs to a number of different ports such as optical, USB, cable and others” and “capable of taking different inputs, as well as wireless.” *Id.* at 5:2–7. “Thus the CT/MD 502 has universal connectivity in addition to having a wide range of functionality made possible through the features of multiple antennas, multiple T/R units 504 and processors 506.” *Id.* at 5:9–12.

The “CT/MD may use one or more transmission protocols as deemed optimal and appropriate,” and “the CT/MD determines the required frequency spectrum, other wireless parameters such as power and signal to noise ratio to optimally transmit the data.” Ex. 1001, 11:12–18. The CT/MD has “the ability to multiplex between one or more transmission protocols such as CDMA, TDMA to ensure that the fast data rates of the optical network or matched closely in a wireless network to minimize the potential data transmission speed degradation of a wireless network.” *Id.* at 11:19–24.

Figure 10 of the '075 patent, reproduced below, shows a system with three data streams. Ex. 1001, 2:44–45.



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