

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIOT GAMES, INC.,
Petitioner,

v.

PALTALK HOLDINGS, INC.,
Patent Owner.

Case IPR2018-00132
Patent 6,226,686 & 6,226,686 C1¹

Before THU A. DANG and KARL EASTHOM,
Administrative Patent Judges.

DANG, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
35 U.S.C. 314(a)

¹ The Petition challenges original claims and claims issued pursuant to an ex parte reexamination.

I. INTRODUCTION

A. Background

Riot Games Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1, 3, 7, 12, 18, 22–27, 36, 41–46, 55, and 58–63 of U.S. Patent No. 6,226,686 (Ex. 1002, “the ’686 patent”). Paper 1 (“Pet.”). PalTalk Holdings, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314, which provides that 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.” 35 U.S.C. § 314(a); *see also* 37 C.F.R. 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Upon considering the record before us, we determine that Petitioner has shown a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we *grant* the Petition.

B. Related Proceedings

Petitioner states that the ’686 patent is related to the following U.S. Patents: 5,822,523 (“the ’523 patent”) and 6,018,766. Pet. 1. According to Petitioner, *ex partes* reexamination No. 90/011,036 (Ex. 1006) involved a reexamination of the ’686 patent. Pet. 1.

A concurrent request for *inter partes* review, IPR2018-00131, challenges claims of the ’686 patent. Pet. 1. Two other concurrent requests for *inter partes* review, IPR2018-00129, and IPR2018-00130, challenge claims of the ’523 patent. Pet. 1.

Petitioner also states that the following cases involve the ’523 and ’686 patents: *PalTalk Holdings, Inc. v. Valve Corporation*, No. 16-cv-

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1239-JFB-SRF (D. Del.) (filed Dec. 16, 2016); *PalTalk Holdings, Inc. v. Riot Games, Inc.*, Case No. 1:16-cv-1240-JFB-SRF (D. Del.) (filed Dec. 16, 2016); *PalTalk Holdings, Inc. v. Sony Computer Entertainment America, Inc. et al.*, Case No. 2:09-cv-00274-DF-CE (E.D. Tex.) (filed Sept. 14, 2009); *PalTalk Holdings, Inc. v. Microsoft Corporation*, Case No. 2:06-cv-00367-DF (E.D. Tex.) (filed Sept. 12, 2006); and *Mpath Interactive v. Lipstream Networks, Inc., et al.*, Case No. 3:99-cv-04506-WHA (N.D. Cal.) (filed Oct. 7, 1999). Pet. 1–2.

C. *The '686 Patent*

The '686 patent issued on May 1, 2001, from an application filed September 28, 1999, and claims priority to parent application No. 08/896,797, filed on July 18, 1997, now US 6,018,766, which in turn is a continuation of application No. 08/595,323, filed on February 1, 1996, now US 5,822,523. Ex. 1002, at [45], [22], [63].

The '686 patent is directed to “server-group messaging,” and describes a “method for deploying interactive applications over a network containing host computers and group messaging servers.” *Id.* at [57]. Figure 5, reproduced below, illustrates a unicast network over which the interactive applications may be deployed.

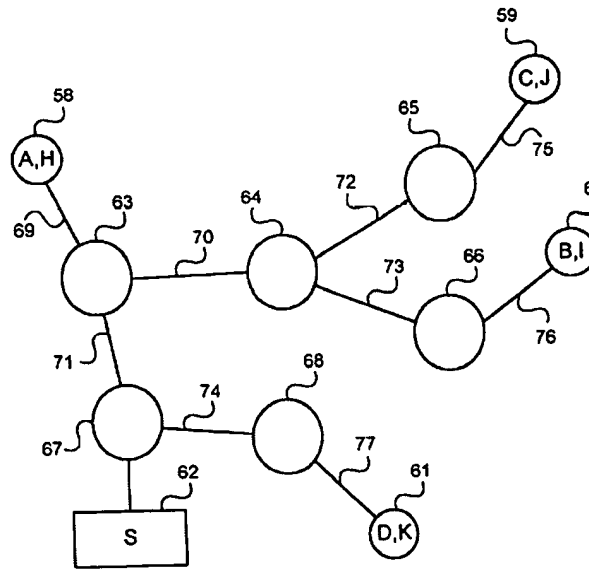


Figure 5

Figure 5 depicts a wide area network with hosts 58, 59, 60, and 61, and a group messaging server (“GMS”) 62. *Id.* at 8:65–66. Host 58 has Transport Level Protocol (TLP) address A and Upper Level Protocol (ULP) address H. *Id.* at 8:66–67. Host 59 has TLP address C and ULP address J, host 60 as TLP address B and ULP address I, host 61 has TLP address D and ULP address K, and GMS 62 has TLP address S. *Id.* at 8:67–9:2. “The network is a conventional unicast network of network links 69, 70, 71, 72, 73, 74, 75, 76, and 77 and unicast routers 63, 64, 65, 66, 67, and 68.” *Id.* at 9:2–5. GMS 62 “receives messages from the hosts addressed to a message group and sends the contents of the messages to the members of the message group.” *Id.* at 9:5–8.

Figure 7, reproduced below, depicts ULP datagrams with payload aggregations for implementing an interactive gaming application between the four hosts in Figure 5.

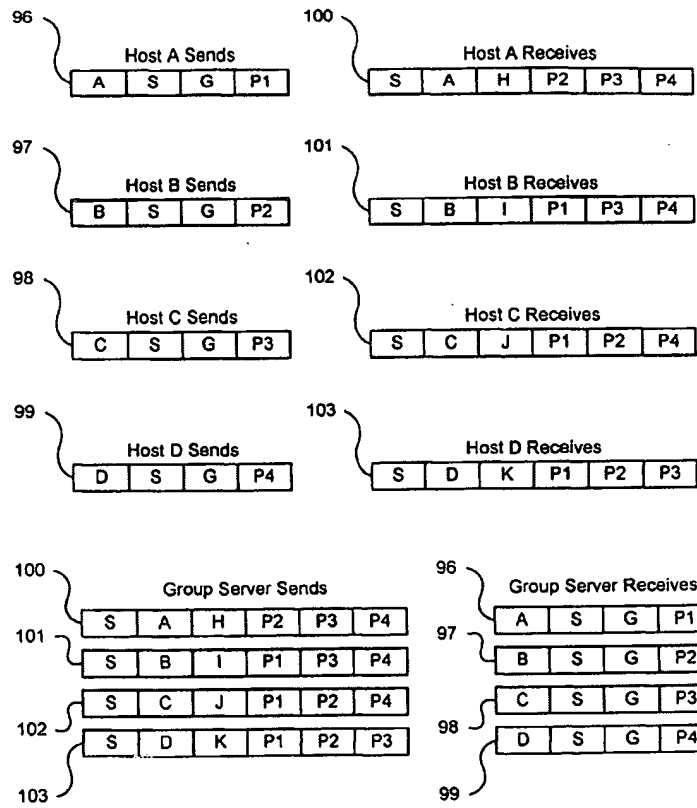


Figure 7

Figure 7 shows GMS (“Group Server”) 62 receiving multiple messages 96, 97, 98, and 99 before sending them to hosts within message group G. *Id.* at 9, 18–20, 10:24–28. As shown in Figure 7, multiple messages 96, 97, 98, and 99, each respectively contain payload P1, P2, P3, and P4, to be aggregated into a single larger message, 100, 101, 102, or 103. *Id.* Host 58 sends message 96 (shown in Figure 7 as “Host A sends”), host 60 sends message 97 (shown in Figure 7 as “Host B sends”), host 59 sends message 98 (shown in Figure 7 as “Host C sends”), and host 61 sends message 99 (shown in Figure 7 as “Host D sends”), wherein each of the messages from the hosts has destination TLP address S and ULP address G for GMS 62. *Id.* at 10:28–32. After GMS 62 receives all four of these messages, it creates four outbound messages 100, 101, 102, and 103. *Id.* at 10:33–34.

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