UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DIRECTV, LLC,
Petitioner,

v.

QURIO HOLDINGS, INC.,
Patent Owner.

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Case IPR2015-02007
Patent 8,879,567 B1

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Before BARBARA A. BENOIT, KERRY BEGLEY, and
JASON J. CHUNG, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a), 37 C.F.R. § 42.108

DIRECTV, LLC ("Petitioner") filed a Petition requesting *inter partes*
review of claims 1, 3, 6, 10–15, 20, 21, and 26–34 ("challenged claims") of
U.S. Patent No. 8,879,567 B1 (Ex. 1003, "the '567 patent"). Paper 2

("Pet.").[1] Qurio Holdings, Inc. ("Patent Owner") filed a Preliminary
Response to the Petition. Paper 5 ("Prelim. Resp.").

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be
instituted unless "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." Having considered the Petition and the Preliminary Response, we
determine that the information presented does not show that there is a
reasonable likelihood that Petitioner would prevail in establishing that any of
the challenged claims of the '567 patent are unpatentable. Accordingly, we
deny institution of an *inter partes* review.

I. BACKGROUND

A. THE '567 PATENT

The '567 patent is directed to "[a] gateway interconnecting a high
speed Wide Area Network (WAN) and a lower speed Wireless Local Area
Network (WLAN)." Ex. 1003, [57], 1:55–57. According to the '567 patent,
the disclosed gateway is intended to improve the architecture of traditional
residential gateways in which "overall performance" is "limit[ed] . . . to the

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[1] In the introduction, the Petition also includes claims 16, 17, 24, and 25 in
its request for *inter partes* review. Pet. 1. The Petition, however, does not
include these claims in its statements of the asserted grounds and challenged
claims, *see id.* at 1–2, and does not feature any discussion of these claims in
its analysis, *see id.* at 27–60. Thus, we do not understand claims 16, 17, 24,
and 25 to be challenged in the Petition. Even if we were to consider them to
be challenged claims, we would conclude that Petitioner has not shown a
reasonable likelihood of establishing them to be unpatentable, because the
Petition does not address these claims and the deficiencies in Petitioner's
showing regarding independent claims 1 and 20, from which these claims
depend, applies to these claims. *See* Ex. 1003, 8:58–9:5, 10:4–20.

wireless LAN bandwidth." *Id.* at 1:45–51. Figure 1, reproduced below, illustrates system 10 according to one embodiment of the invention. *See id.* at 2:23–27, 2:53–56.
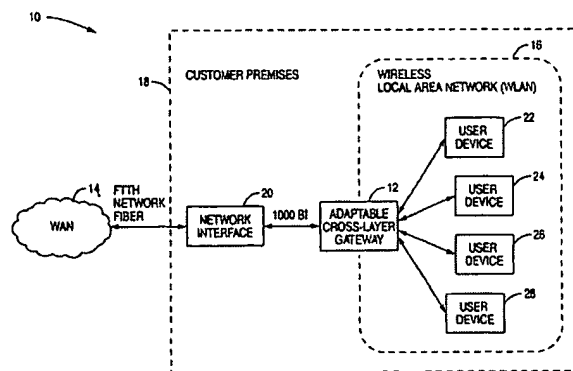

FIG. 1

Figure 1 depicts system 10 with "adaptable cross-layer gateway 12," "interconnecting" high speed WAN 14 and lower speed WLAN 16. *Id.* Gateway 12, along with network interface 20 and WLAN 16, is included in customer premises 18. *Id.* at 3:1–5. WLAN 16 includes user devices 22–28, which "may be, for example, personal computers" or "Personal Digital Assistants (PDAs)." *Id.* at 3:27–33.

The '567 patent discloses that the gateway includes an "adaptable cross-layer offload engine" "to manage bandwidth between the high speed WAN and the lower speed WLAN." *Id.* at [57], 1:60–62; *see id.* at 3:34–43. The patent explains that the use of "cross-layering techniques" in gateway 12 "improves the performance of . . . WLAN 16" to take advantage of the high speed WAN 14. *Id.* at 2:59–62. As data enter the gateway "at the high speed data rate of the WAN, the offload engine stores the data in a non-secure data cache" "in order to take advantage of the high data rate provided by . . . high speed WAN 14." *Id.* at [57], 1:62–65, 2:56–59.

In addition, the '567 patent discloses that the gateway also includes a "rules check engine" that inspects the data in the non-secure data cache. *Id.* at [57], 1:65–66. With reference to a specific embodiment, the '567 patent explains that this inspection is made according to a number of rules, which may include "Intrusion Detection System (IDS) rules 44, Digital Rights Management (DRM) rules 46, and other general or specific content rules 48." *Id.* at 4:8–12. The DRM rules "may be rules for protecting media files . . . stored on . . . user devices 22-28 within . . . WLAN 16 when transmitted over . . . WAN 14," and "may include rules for identifying incoming content to be encoded as a security feature to prevent unauthorized viewing of the specified content . . . within . . . WLAN 16." *Id.* at 4:16–23.

After inspection by the rules check engine, the data are "moved from the non-secure data cache to the secure data cache." *Id.* at [57], 1:66–2:3. With reference to a particular embodiment, the '567 patent explains that the secure data cache "is used to temporarily store data from the non-secure data cache . . . that has been inspected and cleared for transmission prior to transmission to . . . user devices 22-28 in . . . WLAN 16." *Id.* at 4:3–7. Finally, the data are "transmitted to an appropriate user device in the WLAN at the lower data rate of the WLAN." *Id.* at [57]; *see id.* at 2:1–3.

B. ILLUSTRATIVE CLAIM

Claims 1, 20, and 30 of the '567 patent are independent. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A gateway interconnecting a first network to a second network comprising:
> an offload engine that includes a number of protocol stack layers from a protocol stack of the gateway and is implemented in a cross-layer architecture enabling

communication between non-adjacent layers in the protocol
stack;

a secure data cache associated with the offload engine;

a non-secure data cache;

a network interface communicatively coupling the offload
engine to the first network and providing a first data rate; and

an interface associated with the offload engine and adapted to
communicate with a plurality of user devices within the
second network, the interface providing a second data rate
that is less than the first data rate of the network interface;

wherein the offload engine is adapted to:

receive content from the first network via the network
interface at the first data rate;

store the content in the non-secure data cache such that the
first data rate is supported by the gateway; and

transmit the content from the data cache to a corresponding
one of the plurality of user devices in the second network
via the interface at the second data rate.

Id. at 7:48–8:5.

C. ASSERTED PRIOR ART

The Petition relies upon the following asserted prior art references:

U.S. Patent Application Publication No. 2003/0126086 A1 (published
July 3, 2003) (Ex. 1016, "Safadi");

U.S. Patent No. 7,412,579 B2 (issued Aug. 12, 2008) (Ex. 1017,
"O'Connor");

WO 2003/094510 A1 (published Nov. 13, 2003) (Ex. 1011, "Ducharme");

Nut Taesombut et al., *A Secure Multimedia System in Emerging Wireless
Home Networks*, in COMMUNICATIONS AND MULTIMEDIA SECURITY,
PROCEEDINGS OF THE 7TH IFIP-TC6 TC11 INTERNATIONAL CONFERENCE,
CMS 2003 76 (2003) (Ex. 1010, "Taesombut");

CABLEHOME 1.1 SPECIFICATION, CH-SP-CH1.1-I04-040409 (2004)
(Ex. 1013, "CableHome 1.1");

Carl Wijting & Ramjee Prasad, *A Generic Framework for Cross-Layer
Optimisation in Wireless Personal Area Networks*, 29 WIRELESS PERS.
COMM. 135 (2004) (Ex. 1012, "Wijting");

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