UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

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IPR2020-00254
Patent 9,516,127 B2

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Before THU A. DANG, KARL D. EASTHOM, and JONI Y. CHANG,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge*.

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

I.   INTRODUCTION

Apple Inc. ("Petitioner") filed a Petition requesting an *inter partes* review ("IPR") of claims 1–50 ("the challenged claims") of U.S. Patent No. 9,516,127 B2 (Ex. 1001, "the '127 patent"). Paper 3 ("Pet."), 1. Petitioner also filed another Petition ("the '255 IPR Petition") in IPR2020-00255, challenging the same claims of the same patent. IPR2020-00255, Paper 3. In each IPR proceeding, Petitioner filed a Notice ranking the Petitions in the order that Petitioner wishes the Board to consider the merits—namely, ranking the '255 IPR Petition first and the instant Petition second. Paper 2 ("Notice"). Seven Networks, LLC ("Patent Owner") filed a Preliminary Response, arguing that the instant Petition should be denied as an improper parallel petition. Paper 9 ("Prelim. Resp."), 37–52.

For the reasons stated below, we exercise our discretion under § 314(a) and deny institution of *inter partes* review in the instant proceeding.

A. Related Matter

The parties indicate that the '127 patent is involved in *Seven Networks, LLC v. Apple Inc.*, Case No. 2:19-cv-115 (E.D. Tex.). Pet. 74–75; Paper 6, 1. The '127 patent also was involved in the following IPR proceedings:

> *Google LLC v. SEVEN Networks, LLC*, IPR2018-01051,
> Paper 33 (PTAB Feb. 14, 2019) (terminated after institution);
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> *Google LLC v. SEVEN Networks, LLC,* IPR2018-01052, Paper
> 33 (PTAB Feb. 14, 2019) (terminated after institution);
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> *Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC*,
> IPR2018-01106, Paper 29 (PTAB Jan. 11, 2019) (terminated
> after institution);

Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC, IPR2018-01108, Paper 30 (PTAB Jan. 11, 2019) (terminated after institution);

ZTE USA, Inc. v. SEVEN Networks, LLC, IPR2019-00460, Paper 18 (PTAB June 6, 2019) (terminated before institution);
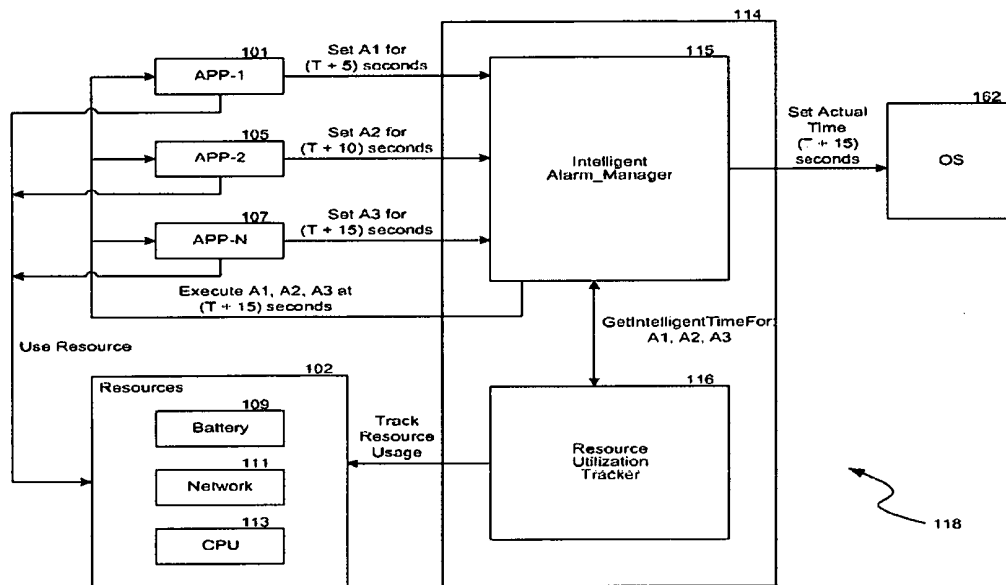
Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC, IPR2019-00457, Paper 11 (PTAB Jan. 29, 2019) (terminated before institution);

Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC, IPR2019-00458, Paper 9 (PTAB Jan. 29, 2019) (terminated before institution). Paper 6, 1−2.

B. The '127 patent

The '127 patent claims priority to U.S. Provisional Application No. 61/805,070 (the "'070 application"), which was filed on March 25, 2013. Ex. 1001, codes (54), (60). The '127 patent discloses a system and method "for tracking resources used by triggers such as alarms and timers that are used by mobile applications to schedule tasks and intelligently manipulating the timing of the triggers to optimize usage of resources." *Id.* at code (57).

Figure 1A-1 of the '127 patent is reproduced below.

FIG. 1A-1

Figure 1A-1 of the '127 patent illustrates an example resource utilization tracking and intelligent alarm management of triggers across multiple applications on a mobile device. *Id.* at 5:15–20. In particular, Figure 1A-1 shows intelligent alarm manipulator and resource tracker module 114 having intelligent alarm manger 115 and resource utilization tracker 116. *Id.* Applications 101, 105, and 107 are exemplary applications of a mobile device, which can set alarms for different times to perform different tasks. *Id.* at 5:24–26. Alarms A1, A2, and A3 are intercepted and/or tracked by intelligent alarm manger 115, and they use resources 102, including battery 109, network 111, and CPU 113. *Id.* at 5:29–33. Resource utilization tracker 116 tracks or monitors the usage of various resources by alarms A1, A2, and A3, or tasks triggered by the alarms. *Id.* at 5:33–36. For example, assuming that alarm A1 wakes up the mobile device from the

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sleep mode, when alarm A1 is triggered, the mobile device's battery/power resource and CPU resource can be utilized. *Id.* at 5:36–39.

C. Illustrative Claim

Of the challenged claims, claims 1, 10, 17, 24, 33 and 42 are independent. Claims 2–9 depend from claim 1; claims 11–16 depend from claim 10; claims 18–23 depend from claim 17; claims 25–32 depend from claim 24; claims 34–41 depend from claim 33; and claims 43–50 depend from claim 42. Claim 1 is illustrative:

> 1. A method for managing resources on a mobile device, comprising:
>
> entering a power save mode based on a backlight status and sensed motion of a mobile device;
>
> delaying a timing of one or more triggers for multiple applications on the mobile device,
>
> wherein the timing is delayed such that the triggers execute within a window of time,
>
> wherein at least a subset of the triggers are associated with wakelocks; and
>
> exiting the power save mode when the backlight of the mobile device turns on or motion of the mobile device is sensed.

Ex. 1001, 23:60–24:5.

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