UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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ERICSSON INC. and
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

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Case IPR2015-01077
Patent 5,963,557

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Before BRIAN J. McNAMARA, JUSTIN BUSCH, and
MINN CHUNG, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge* MINN CHUNG

Opinion Dissenting-in-part filed by *Administrative Patent Judge* JUSTIN
BUSCH

CHUNG, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review and
Grant of Motion for Joinder
37 C.F.R. § 42.108
37 C.F.R. § 42.122

I. INTRODUCTION

Ericsson Inc. and Telefonaktiebolaget LM Ericsson ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 11 and 25 (the "challenged claims") of U.S. Patent No. 5,963,557 ("the '557 patent"). *See* 35 U.S.C. §§ 311–19. The Petition involves the same parties and the same patent at issue in an instituted trial proceeding, *Ericsson Inc. and Telefonaktiebolaget LM Ericsson v. Intellectual Ventures II LLC*, Case IPR2014-01412 ("the '1412 proceeding"). Petitioner concurrently filed a Motion for Joinder (Paper 3, "Mot."), seeking to join this proceeding with the '1412 proceeding. Subsequently, Intellectual Ventures II LLC ("Patent Owner") filed an Opposition to Petitioner's Motion for Joinder (Paper 7, "Opp."). Pursuant to our Order Setting Dates (Paper 8), Patent Owner filed a Preliminary Response (Paper 10, "Prelim. Resp.") on June 15, 2015, and Petitioner filed its Reply In Support of Motion for Joinder (Paper 9, "Reply") on the same day.

For the reasons described below, we institute an *inter partes* review of claims 11 and 25 of the '557 patent and grant Petitioner's Motion for Joinder.

A. Related Proceedings

Petitioner indicates the '557 patent is at issue in the following proceedings. Pet. 1–2.

Title	Docket Number
Intellectual Ventures I LLC v. AT & T Mobility LLC	1:13-cv-01668-LPS (D. Del.)

Title	Docket Number
Intellectual Ventures I LLC v. Leap Wireless International Inc.	1:13-cv-01669-LPS (D. Del.)
Intellectual Ventures I LLC v. Nextel Operations Inc.	1:13-cv-01670-LPS (D. Del.)
Intellectual Ventures I LLC v. T-Mobile USA Inc.	1:13-cv-01671-LPS (D. Del.)
Intellectual Ventures I LLC v. United States Cellular Corp.	1:13-cv-01672-LPS (D. Del.)

On April 29, 2014, Petitioner filed a motion to intervene in the aforementioned proceedings. *Id.* at 2. On September 8, 2014, the district court granted that motion, and severed the cases into ten separate cases. *Id.* As the result, the '557 patent is also at issue in the following proceedings. *Id.* at 2–3.

Title	Docket Number
Intellectual Ventures II LLC v. AT & T Mobility LLC	1:14-cv-01229-LPS (D. Del.)
Intellectual Ventures II LLC v. Leap Wireless International Inc.	1:14-cv-01230-LPS (D. Del.)
Intellectual Ventures II LLC v. Nextel Operations Inc.	1:14-cv-01231-LPS (D. Del.)
Intellectual Ventures II LLC v. T-Mobile USA Inc.	1:14-cv-01232-LPS (D. Del.)
Intellectual Ventures II LLC v. United States Cellular Corp.	1:14-cv-01233-LPS (D. Del.)

U.S. Patent 6,370,153, which issued from a continuation-in-part application of the application that resulted in the '557 patent, is also the subject of an instituted trial proceeding, *Ericsson Inc. and Telefonaktiebolaget LM Ericsson v. Intellectual Ventures II LLC*, Case IPR2014-01471 ("the '1471 proceeding").

B. The '557 Patent

The '557 patent relates to a method and system for enabling point-to-point and multicast communication in a network using three types of communication channels—namely, upstream payload channels, upstream control channels, and downstream channels. Ex. 1001, Abstract. Figure 7 of the '557 patent is reproduced below.
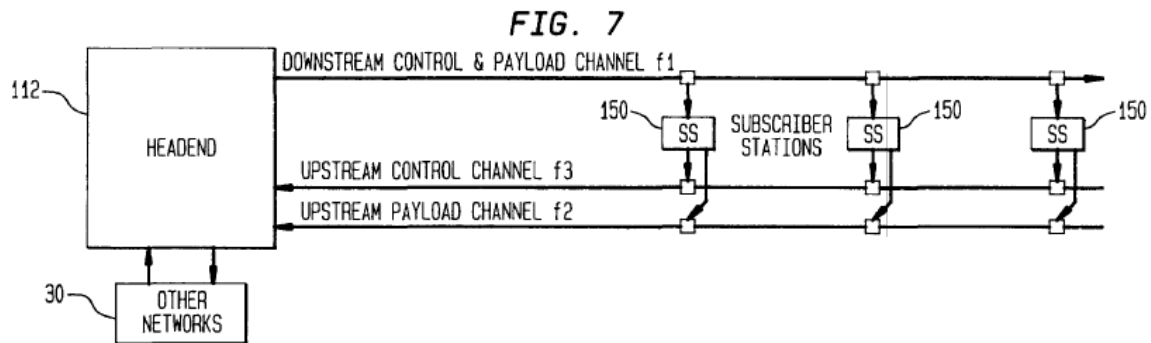

FIG. 7

Figure 7 illustrates the three types of communication channels allocated by the network of the invention.

The '557 patent discloses that a central controller at the head end of the network is connected to the subscriber stations via a shared medium. Ex. 1001, col. 8, ll. 2–5. An upstream payload channel carries payload data from the stations to the central controller, and an upstream control channel is used to transmit upstream control data. Downstream channels carry data from the central controller to the stations. *Id.* at col. 8, ll. 34–48. To allow "contention free transmission" on an upstream payload channel (*id.* at col.

11, ll. 33–34), stations send reservation requests on the upstream control channel to the central controller, which responds by assigning specific upstream transmission slots to each station and indicating the slot assignment by transmitting a control message ("reservation grant") to the stations on the downstream channel (*id.* at col. 8, ll. 51–55, col. 13, ll. 39–48). Each station then transmits payload data only in the assigned slots of the upstream payload channel. *Id.* at col. 8, ll. 56–58.

C. Claims

Claims 11 and 25 are reproduced below with the key limitations emphasized in *italics*:

11.   A network comprising:

a centralized controller,

a station connected to said centralized controller over a shared medium,

a first distinct shared unidirectional transmission path being established between said centralized controller and said station for transmitting data from said centralized controller to said station, wherein the first path being a downstream channel, and

at least a second and third distinct shared unidirectional transmission paths being established between said centralized controller and said station for transmitting data from said station to said centralized controller, wherein the second and third paths each being an upstream channel,

wherein said station transmitting reservation requests data on said second path and receiving a payload data transmission grant from said centralized controller on said first path to transmit payload data on said third path from said station to said centralized controller on time-slots allocated by said centralized controller, and

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