UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

IRON DOME LLC,
Petitioner,

v.

CRFD RESEARCH, INC.,
Patent Owner.

_____

Case IPR2015-00055
Patent 7,191,233 B2

_____

Before JUSTIN T. ARBES, THOMAS L. GIANNETTI, and
CHARLES J. BOUDREAU, *Administrative Patent Judges.*

ARBES, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. BACKGROUND

Petitioner Iron Dome LLC filed a Petition (Paper 1, "Pet.") seeking *inter partes* review of claims 1–6, 8–11, 13–15, 17, 18, 20, and 34 of U.S. Patent No. 7,191,233 B2 (Ex. 1001, "the '233 patent") pursuant to 35 U.S.C. §§ 311–19. On April 27, 2015, we instituted an *inter partes* review of claims 1, 4–6, and 8–11 on two grounds of unpatentability (Paper 10, "Dec. on Inst."). Patent Owner CRFD Research, Inc. filed a Patent Owner Response (Paper 16, "PO Resp."), and Petitioner filed a Reply (Paper 17, "Reply"). An oral hearing was held on January 19, 2016, and a transcript of the hearing is included in the record (Paper 29, "Tr.").

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1, 4–6, and 8–11 are unpatentable.

A. The '233 Patent[1]

The '233 patent describes a system and method for "user-directed transfer of an on-going software-based session from one device to another device." Ex. 1001, col. 1, ll. 8–11. A user may have a number of communication-enabled devices (e.g., cellular telephone, wireless personal digital assistant (PDA), laptop computer, desktop computer) through which the user conducts software application sessions. *Id.* at col. 1, ll. 15–52. The

---

[1] The '233 patent also is the subject of Cases IPR2015-00259 and IPR2015-00627, in which *inter partes* reviews were instituted, and was the subject of Case IPR2015-00157, in which the request for *inter partes* review was denied.

user may conduct a session on one device and then decide to switch to another device. *Id.* at col. 1, ll. 53–59. For example, the user may want to switch from a stationary device to a mobile device, or to switch to a device with a different graphical user interface. *Id.* According to the '233 patent, conventional systems that required the user to "discontinue the current session on the first device and reinitiate a new session on the second device" could entail inconveniences such as the history of the original session being lost or time delays involved in logging off and reinitiating. *Id.* at col. 1, ll. 59–66.
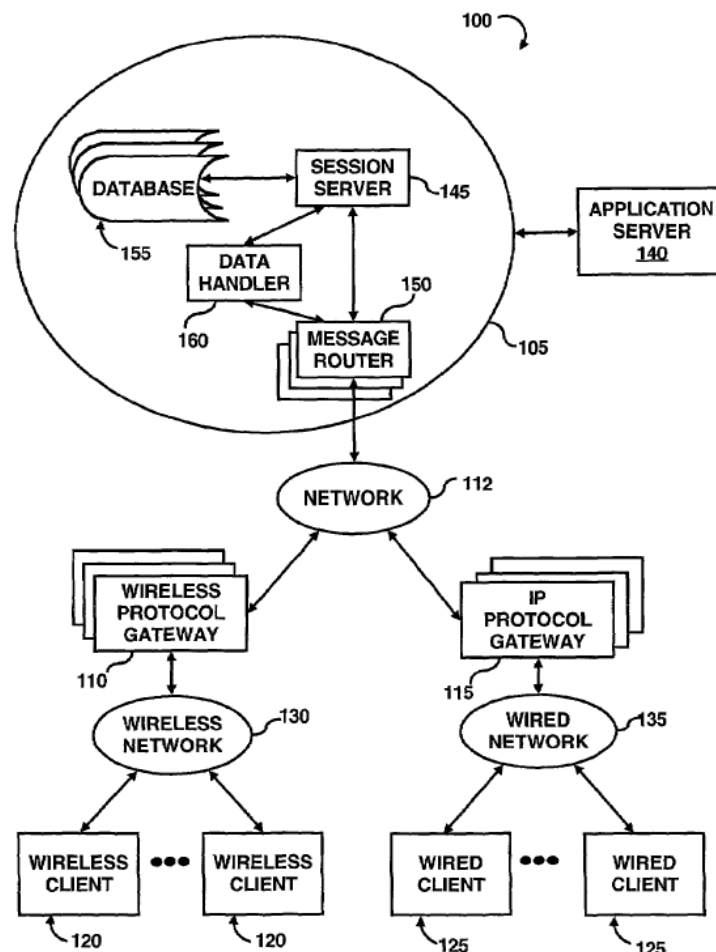
Figure 1 of the '233 patent is reproduced below.

Fig. 1

3

Figure 1 depicts wireless clients 120 (e.g., a cellular telephone or PDA) and wired clients 125 (e.g., a desktop or laptop computer) of a user that connect over various networks to application services network 105. *Id*. at col. 4, ll. 4–11, 30–33, col. 5, ll. 3–6. Wireless clients 120 and wired clients 125 execute client programs that support session services for the respective devices, and are "configured to have a preferred mode of interaction, i.e., modality," such as a graphical user interface for transferring sessions between devices. *Id*. at col. 4, ll. 33–50. Application services network 105 provides session-based services (e.g., instant messaging, database querying), and application server 140 provides applications for those services (e.g., instant messaging application, database querying application), to wireless clients 120 and wired clients 125. *Id*. at col. 5, ll. 21–30.

The '233 patent describes the method of session transfer as follows: (1) a "redirect or transfer command" is sent from a first device (wireless client 120 or wired client 125); (2) session server 145 begins intercepting messages destined for the first device; (3) the first device transmits a "transaction or session history" to session server 145; (4) session server 145 retrieves the previously stored "device profile" of the second device to which the session is to be redirected, "convert[s] the stored messages [of the session history] into a data format" and/or modality compatible with the second device, and converts the "state" of the session to a state compatible with the second device; and (5) when the user activates the second device, session server 145 "pushes the converted session to the redirected device over the network 100 as a normal session with the converted transaction log." *Id*. at col. 7, l. 46–col. 8, l. 58, Figs. 3A–3B.

B. Illustrative Claim

Claim 1 of the '233 patent recites:

1. A method for redirecting an on-going, software based session comprising:

conducting a session with a first device;

specifying a second device;

discontinuing said session on said first device; and

transmitting a session history of said first device from said first device to a session transfer module after said session is discontinued on said first device; and

resuming said session on said second device with said session history.

C. Prior Art

The pending grounds of unpatentability in the instant *inter partes* review are based on the following prior art:

Thomas Phan et al., *A New TWIST on Mobile Computing: Two-Way Interactive Session Transfer*, PROCEEDINGS OF THE SECOND IEEE WORKSHOP ON INTERNET APPLICATIONS (WIAPP 2001) (Ex. 1002, "Phan San Jose"); and

Thomas Phan et al., *Handoff of Application Sessions Across Time and Space*, IEEE INTERNATIONAL CONFERENCE ON COMMUNICATIONS (ICC 2001) (Ex. 1003, "Phan Helsinki").[2]

---

[2] The copies of Phan San Jose and Phan Helsinki submitted by Petitioner include Library of Congress date stamps of August 28, 2001, and July 31, 2001, respectively. Petitioner further argues that Phan San Jose was printed in a book of articles presented at a symposium in San Jose, California, on July 23–24, 2001, and that Phan Helsinki was printed in a book of articles presented at a symposium in Helsinki, Finland, on June 11–14, 2001, both of which are consistent with what is listed on the cover pages of the references. *See* Pet. 3–4; Ex. 1002, 1; Ex. 1003, 1–6. Patent Owner does not dispute Petitioner's contentions. Based on the record presented, we are persuaded

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.