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Paper 25
Entered: June 1, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK CORPORATION, DISH DBS CORPORATION, DISH NETWORK L.L.C., ECHOSTAR CORPORATION, and ECHOSTAR TECHNOLOGIES L.L.C.,
Petitioner,

v.

CRFD RESEARCH, INC.,
Patent Owner.

Case IPR2015-00627
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

Petitioners DISH Network Corporation, DISH DBS Corporation, DISH Network L.L.C., EchoStar Corporation, and EchoStar Technologies L.L.C. (collectively, "Petitioner") filed a Petition (Paper 1, "Pet.") seeking *inter partes* review of claims 1, 4, 23, and 25 of U.S. Patent No. 7,191,233 B2 (Ex. 1001, "the '233 patent") pursuant to 35 U.S.C. §§ 311–319. On June 3, 2015, we instituted an *inter partes* review of claims 1, 4, 23, and 25 on four grounds of unpatentability (Paper 9, "Dec. on Inst."). Patent Owner CRFD Research, Inc. filed a Patent Owner Response (Paper 14, "PO Resp."), and Petitioner filed a Reply (Paper 16, "Reply"). An oral hearing was held on January 19, 2016, and a transcript of the hearing is included in the record (Paper 23, "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, 23, and 25 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

[1] The '233 patent also is the subject of Cases IPR2015-00055 and IPR2015-00259, 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. On April 22, 2016, we issued a final written decision in Case IPR2015-00055 determining that claims 1, 4–6, and 8–11 of the '233 patent had been shown to be unpatentable.

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 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.

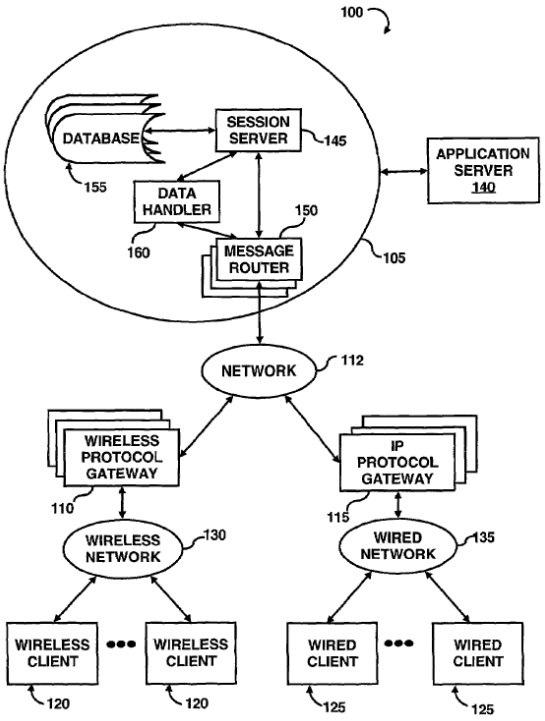

Fig. 1

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:

> U.S. Patent No. 6,963,901 B1, filed July 24, 2000, issued Nov. 8, 2005 (Ex. 1004, "Bates");
>
> Mun Choon Chan & Thomas Y. C. Woo, *Next-Generation Wireless Data Services: Architecture and Experience*, IEEE PERS. COMM., Feb. 1999, 20 (Ex. 1005, "Chan");
>
> Thomas Phan et al., *A New TWIST on Mobile Computing: Two-Way Interactive Session Transfer*, PROC. SECOND IEEE WORKSHOP ON INTERNET APPLICATIONS (WIAPP 2001) (Ex. 1019, "Phan San Jose"); and
>
> Thomas Phan et al., *Handoff of Application Sessions Across Time and Space*, IEEE INT'L CONF. ON COMM. (ICC 2001) (Ex. 1020, "Phan Helsinki").[2]

[2] Petitioner refers to Phan San Jose as "Phan WIAPP," and refers to Phan Helsinki as "Phan ICC." Because the two references were discussed

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