

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN MEGATRENDS, INC., MICRO-  
STAR INTERNATIONAL CO., LTD, MSI COMPUTER CORP.,  
GIGA-BYTE TECHNOLOGY CO., LTD., and G.B.T., INC.,  
Petitioners,

v.

KINGLITE HOLDINGS INC.,  
Patent Owner.

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Case IPR2015-01140  
Patent 6,519,659 B1

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Before TREVOR M. JEFFERSON, BRIAN J. McNAMARA, and  
J. JOHN LEE, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*37 C.F.R. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

On November 13, 2015, we instituted *inter partes* review of claims 1–24 of U.S. Patent No. 6,519,659 B1 (Ex. 1001, “the ’659 patent”). Paper 13 (“Dec.”). Patent Owner, Kinglite Holdings Inc., filed a Patent Owner Response (Paper 19, “PO Resp.”) to the Petition (Paper 6, “Pet.”) filed by American Megatrends, Inc., Micro-Star International Co., Ltd, MSI Computer Corp., Giga-Byte Technology Co., Ltd., and G.B.T., Inc. (collectively “Petitioner”). Petitioner filed a Reply. Paper 25 (“Pet. Reply”). Petitioner also filed a Motion to Exclude. Paper 27 (“Pet. Mot. Exclude”). Patent Owner filed an Opposition to Petitioner’s Motion to Exclude (Paper 29), and Petitioner filed a reply, (Paper 31, “Pet. Mot. Reply”). A transcript of an oral hearing held on August 9, 2016 (Paper 33, “Tr.”) has been entered into the record.

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). We base our decision on the preponderance of the evidence. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d).

Having reviewed the full record, we conclude that Petitioner has demonstrated by a preponderance of the evidence that the challenged claims are unpatentable for the reasons set forth below. For the reasons discussed below, we also deny Petitioner’s Motion to Exclude.

### A. *Related Proceedings*

The parties state that the ’659 patent has been asserted in *Kinglite Holdings Inc. v. Giga-Byte Technology Co.*, No. 2:14-cv-04989 (C.D. Cal.), and *Kinglite Holdings Inc. v. Micro-Star International Co.*, No. 2:14-cv-03009 (C.D. Cal.). Pet. 5–6; Paper 7, 1. The Petition also relates to IPR2015-01133 (U.S. Patent No. 5,732,268). Pet. 6; Paper 7, 1.

*B. The '659 Patent*

The '659 patent discloses a “method and system for accessing at least one storage element in a processor-based system.” Ex. 1001, Abstract. The system and method disclosed in the '659 patent

comprises a memory for storing instruction sequences by which the processor-based system is processed. The memory has at least one storage element. A processor is coupled to the memory, and a storage device is coupled to the processor. Prior to booting an operating system on the processor-based system, the stored instruction sequences cause the processor to write the contents of the at least one storage element to the storage device.

*Id.* Figure 3, depicted below, “illustrates a diagram of one embodiment of the computer system . . . in which the apparatus and method of invention is used.” *Id.* at 2:36–38.

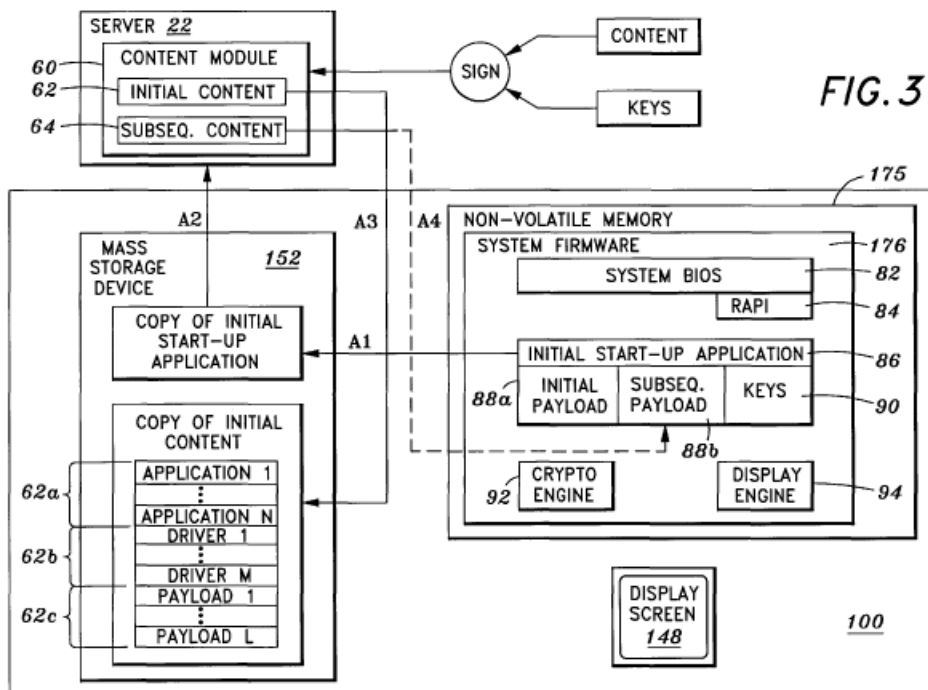


Figure 3 illustrates a logical diagram of computer system 100. *Id.* at 9:20–21. System firmware 176 includes system BIOS module 82 having system

BIOS handlers, hardware routines, ROM application program interface (RAPI) module 84, initial start-up application (ISUA) module 86, and initial payload 88a. *Id.* at 9:21–29. After power is initially turned on to a new computer system 100, the system commences with POST (power-on self-test) procedures. During the initial POST, ISUA 86 is transferred to mass storage device 152, as shown by line A1. *Id.* at 9:54–57.

### *C. Illustrative Claims*

Independent claims 1 and 22 are illustrative and reproduced below (Ex. 1001, 15:38–53, 18:7–22):

1. A system for accessing at least one storage element in a processor-based system, comprising:
  - a memory for storing instruction sequences by which the processor-based system is processed, the memory having at least one storage element;
  - a processor coupled to said memory, the processor executes the stored instruction sequences; and
  - a storage device coupled to the processor, where said storage device is local to the processor and the memory;wherein prior to booting an operating system, the stored instruction sequences cause the processor to write the contents of the at least one storage element to the storage device, said act of writing being performed independent of a post-boot application program.
  
22. In a computer system having a user computer in communication with a remote service computer having access to a database identifying information available to the service computer, a computer implemented method for transferring information to the user computer, comprising:
  - (a) writing the contents of at least one storage element of the user computer to a storage device on the user computer prior to booting an operating system on the

user computer, said writing being performed independent of a post-boot application program;

(b) establishing a communications link between the user computer and the service computer; and

(c) presenting at the user computer, information available to the user computer.

#### *D. Grounds of Unpatentability Instituted*

We instituted *inter partes* review on the following grounds of unpatentability (Dec. 23–24):

| <b>Reference(s)</b>              | <b>Basis</b>       | <b>Claims Challenged</b> |
|----------------------------------|--------------------|--------------------------|
| Madden <sup>1</sup>              | 35 U.S.C. § 102(e) | 1–22                     |
| Noll <sup>2</sup>                | 35 U.S.C. § 102(e) | 1–5, 8–12, and 15–19     |
| Christeson <sup>3</sup>          | 35 U.S.C. § 102(a) | 1–5, 8–12, and 15–19     |
| Madden and Bizzarri <sup>4</sup> | 35 U.S.C. § 103(a) | 23 and 24                |
| Noll and Moran <sup>5</sup>      | 35 U.S.C. § 103(a) | 6 and 13                 |

## II. ANALYSIS

### *A. Claim Interpretation*

In the Decision to Institute, we applied the following claim constructions, which the parties did not dispute during trial. Accordingly,

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<sup>1</sup> U.S. Patent No. 6,178,503 B1 to Madden et al., filed Sept. 11, 1998, and issued Jan. 23, 2001 (Ex. 1005, “Madden”).

<sup>2</sup> U.S. Patent No. 6,185,696 B1 to Noll, filed May 27, 1998, and issued Feb. 6, 2001 (Ex. 1003, “Noll”).

<sup>3</sup> U.S. Patent No. 5,822,581 to Christeson, filed Sept. 29, 1995, and issued Oct. 13, 1998 (Ex. 1004, “Christeson”).

<sup>4</sup> U.S. Patent No. 5,732,268 to Bizzarri, filed Feb. 26, 1996, and issued Mar. 24, 1998 (Ex. 1006, “Bizzarri”).

<sup>5</sup> U.S. Patent No. 5,519,843 to Moran et al., filed Mar. 15, 1993, and issued May 21, 1996 (Ex. 1007, “Moran”).

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