

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON.COM, LLC,
AMAZON WEB SERVICES, INC., BAZAARVOICE, INC.,
GEARBOX SOFTWARE, LLC,
INTERNATIONAL BUSINESS MACHINES CORPORATION, and
SOFTLAYER TECHNOLOGIES, INC.,
Petitioner,

v.

ZITOVault, LLC,
Patent Owner.

Case IPR2016-00021¹
Patent 6,484,257 B1

Before JAMESON LEE, MICHAEL W. KIM, and DANIEL N. FISHMAN,
Administrative Patent Judges.

FISHMAN, *Administrative Patent Judge.*

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

¹ Case IPR2016-01025 has been joined with this proceeding.

IPR2016-00021
IPR2016-01025
Patent 6,484,257 B1

I. INTRODUCTION

Amazon.com, Inc., Amazon.com, LLC, Amazon Web Services, Inc., Bazaarvoice, Inc., and Gearbox Software, LLC, filed a Petition (Paper 1, “Pet.”) for *inter partes* review of claims 1, 3–8, and 10 of U.S. Patent No. 6,484,257 B1 (“the ’257 patent”) (Ex. 1001) pursuant to 35 U.S.C. §§ 311–319. Zitovault, LLC (“Patent Owner”) filed a Patent Owner Preliminary Response (Paper 7, “Prelim. Resp.”). On April 15, 2016, based on the record before us at the time, we instituted an *inter partes* review of claims 1, 3, 5–8, and 10 (Paper 8, “Dec.”). We instituted that review on the following challenges to the claims:

References	Basis	Claims challenged
Feinberg ²	§ 102(e)	6 and 10
Feinberg and Bhaskaran ³	§ 103(a)	1, 3, 6, and 10
Feinberg and Molva ⁴	§ 103(a)	5, 7, and 8

Dec. 40.

After we instituted that review, on May 10, 2017, International Business Machines Corporation and SoftLayer Technologies, Inc. filed another Petition seeking joinder in this proceeding. Case No. IPR2016-01025, Paper 2. On August 29, 2016, after Patent Owner waived the

² U.S. Patent No. 6,065,046; issued May 16, 2000. Ex. 1002 (“Feinberg”).

³ U.S. Patent No. 6,266,355 B1; issued July 24, 2001. Ex. 1003 (“Bhaskaran”).

⁴ Refik Molva, et al., *Authentication of Mobile Users*, 8 IEEE Network, 26–34 (March/April 1994). Ex. 1004 (“Molva”).

IPR2016-00021
IPR2016-01025
Patent 6,484,257 B1

opportunity to file a Preliminary Response (IPR2016-01025, Paper 6) to that Petition, we instituted review in IPR2016-01025 and ordered that the two cases (IPR2016-00021 and IPR2016-01025) be joined. Paper 23.

All further citations to Papers and Exhibits herein refer to Papers and Exhibits in IPR2016-00021. Furthermore, Amazon.com, Inc., Amazon.com, LLC, Amazon Web Services, Inc., Bazaarvoice, Inc., Gearbox Software, LLC, International Business Machines Corporation, and SoftLayer Technologies, Inc. are hereinafter referred to collectively as “Petitioner.”

Patent Owner filed a Patent Owner Response (Paper 15, “PO Resp.”) and Petitioner filed a Reply (Paper 26, “Pet. Reply”). Petitioner relies on the Declaration of Dr. Aviel D. Rubin (Ex. 1005). Patent Owner relies on the Declaration of Dr. Jonathan Katz (Ex. 2007).

Oral Hearing was conducted on January 12, 2017. The record contains a transcript of the hearing (Paper 39, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6. The evidentiary standard is preponderance of the evidence. *See* 35 U.S.C. § 316(e); *see also* 37 C.F.R. § 42.1(d). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons expressed below, we conclude that Petitioner has not met its burden to show, by a preponderance of the evidence, that claims 1, 3, 5–8, and 10 are unpatentable.

A. The ’257 patent

According to the ’257 patent, prior architectures for secure communications are not scalable. Ex. 1001, 1:66–67. According to the ’257

IPR2016-00021
IPR2016-01025
Patent 6,484,257 B1

patent, prior approaches present problems of poor scalability because a centralized server becomes saturated as demand increases and the addition of special ASICs or hardware to aid in the processing (e.g., encryption/decryption processing) is costly. *See id.* at 3:59–4:32. The '257 patent purports to address this problem of scalability by “a distributed software solution for encryption/decryption which is infinitely scaleable [sic] in the number of simultaneous sessions capable of being processed by a server and in terms of bandwidth between clients and servers.” *Id.* at 4:47–51.

Figure 1 of the '257 patent, reproduced below, shows an exemplary prior art configuration.

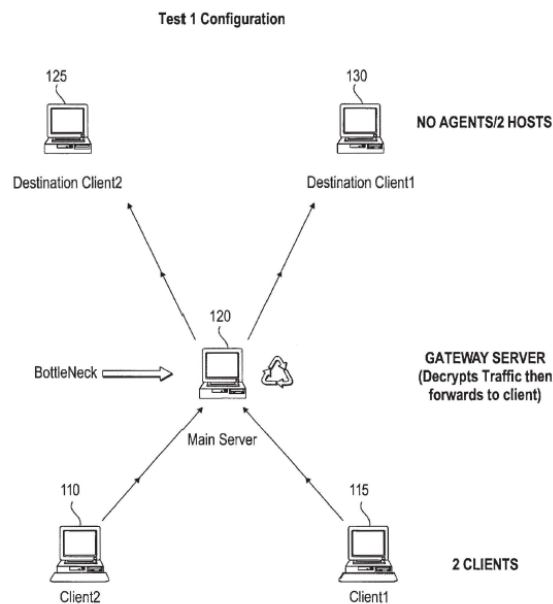


Fig. 1
(Prior Art)

Figure 1 of the '257 patent, reproduced above, shows two clients 110 and 115 in communication with corresponding destination clients 125 and 130 via main server 120.

In this prior art configuration, main server 120 performs all processing to decrypt the encrypted information received from clients 110 and 115, and forwards the decrypted information to destination clients 125 and 130.

Ex. 1001, 14:35–42. In other words, the sole “agent” for encryption/decryption processing (represented by the triangular arrows) is in main server 120 and, thus, a bottleneck is created at main server 120 in terms of the number of secure sessions between client computers and the processing bandwidth for those sessions.

Figure 2, reproduced below, shows an exemplary system configuration according to the invention.

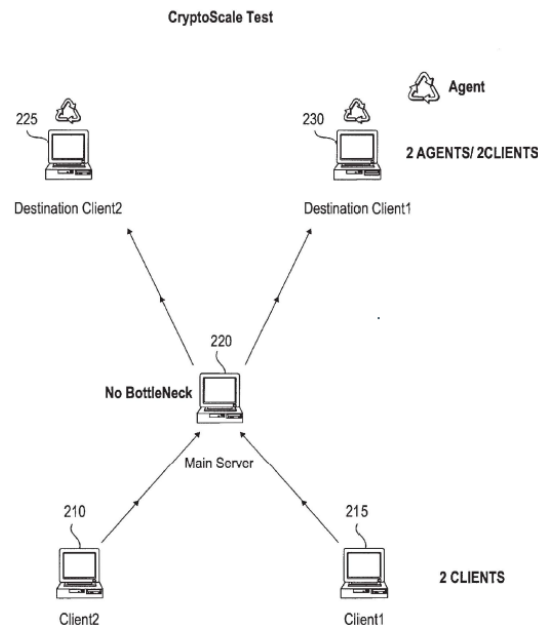


Fig. 2

Figure 2 of the '257 patent, reproduced above, shows two clients 210 and 215 in communication with corresponding destination clients 225 and 230 via main server 220.

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