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Paper 8
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SECURUS TECHNOLOGIES, INC.,
Petitioner,

v.

GLOBAL TEL*LINK CORPORATION,
Patent Owner.

Case IPR2016-00267
Patent 7,256,816 B2

Before KEVIN F. TURNER, BARBARA A. BENOIT, and GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION
Denial of Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Securus Technologies ("Petitioner") filed a Petition for *inter partes* review of claims 1–55 of U.S. Patent No. 7,256,816 B2 (Ex. 1001, "the '816 Patent"). Paper 2 ("Pet."). Patent Owner, Global Tel*Link Corporation, filed a Preliminary Response. Paper 6 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

Upon consideration of the Petition and the Preliminary Response, we conclude the information presented does not show that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of any one of claims 1–55.

A. Related Matters

Both parties identify the district court proceeding *Securus Tech., Inc. v. Global Tel*Link Corp.*, Case No. 3:14-cv-04233-M (N.D. Tex.), as possibly affecting or being affected by the instant proceeding. Pet. 59; Paper 4, 2.

B. The '816 Patent

As Petitioner indicates, "[t]he '816 patent describes a system for conducting video visits between two participants, such as prison inmates and outside visitors." Pet. 2 (citing Ex. 1001, 5:15–21). The '816 Patent discloses that each endpoint of the system, serving the visitors and the

inmate, has an audio/video terminal connected through a data center, where the data center also houses equipment to schedule and conduct the video visits. *Id*. at 4:19–22, 6:12–14. The system also has an overseer's terminal or station that is used to monitor the video visits, and is capable of displaying multiple sets of participants at one time, each selectable so that the visit can be observed. *Id.* at 8:58–9:2. The '816 Patent also discusses prior art systems, including their apparent lack of synchronicity between data connections during the conference creating latency, and how those deficiencies are overcome by the'816 Patent. *Id*. at 2:25–3:3.

C. Illustrative Claim

Claims 1 and 30 of the '816 Patent are independent. Claim 1 is illustrative of the claimed subject matter:

> 1. A method of *monitoring a video visit* between at least a first participant and a second participant located at distinct endpoints, the method comprising:
>
> establishing a first data connection from a data center and the first participant at a scheduled time;
>
> establishing a second data connection from the data center and the second participant at the scheduled time, the first and second participants visiting via the first and second data connections;
>
> capturing video and audio as original communications data from the first and second participants;
>
> transmitting the original communications data to and from the first and second participants across a computer network via the data center;
>
> splitting along the first or second data connection either the communications data transmitted from one of the first and

second participants to the data center, or the communications data transmitted to the one of the first and second participants from the data center, to create a copy of the video and audio communications data from the original video and audio communications data; and

monitoring the video visit by receiving the copy of the communications data at a monitoring station substantially simultaneously with the transmitting of the original communications data to and from the one of the first and second participants.

Ex. 1001, 16:21–47 (emphases added).

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–55 of the '816 Patent are unpatentable based on the following specific grounds (Pet. 12–58):

Claims Challenged	Basis	References
1–15, 18–21, 25–44, 47–50, 54, and 55	§ 103	Bulriss[1] and Hesse[2]
16, 17, 22–24, 45, 46, and 51–53	§ 103	Bulriss, Hesse, and Rae[3]

[1] US Patent No. 7,061,521 B2, filed December 16, 2003, issued June 13, 2006 (Ex. 1005, "Bulriss").
[2] US Patent No. 7,046,779 B2, filed February 15, 2002, issued May 16, 2006 (Ex. 1006, "Hesse").
[3] US Patent No. 7,899,167 B1, filed August 15, 2003, issued March 1, 2011 (Ex. 1007, "Rae").

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 890 (mem.) (2016). Under that standard, claim terms are presumed to be given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner asserts that "multiplexing means" and "transmitting means," recited in certain claims, are means-plus-function limitations, and describes the recited functions and the corresponding structures provided in the Specification of the '816 Patent. Pet. 7–12. Patent Owner argues that the Petition can be denied without considering Petitioner's proposed claim constructions, but nonetheless also argues that Petitioner's proposed constructions are deficient. Prelim. Resp. 4–9. We agree with Patent Owner that neither claim limitation needs to be construed specifically herein.

As such, for purposes of this Decision, we are not persuaded that any specific claim construction must be made in this decision to determine the efficacy of Petitioner's grounds of unpatentability.

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