

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

CUICA, LLC,
Patent Owner.

IPR2016-01644
U.S. Patent 6,466,983 B1

Before MATTHEW R. CLEMENTS, JENNIFER MEYER CHAGNON, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Unified Patents Inc. (hereafter “Unified” filed a Petition (“Pet.”) requesting an *inter partes* review of claims 1–4, 6, 7, 9, and 10 of U.S. Patent No. 6,466,983 B1 (“the ’983 patent,” Ex. 1001). Paper 2. The Petition identified Plano Encryption Technologies, LLC as the owner of the ’983 patent according to the assignment records of the United States Patent and Trademark Office. Pet. 1. On January 18, 2017, we were informed subsequently by Mr. Bradley D. Liddle, of Plano Encryption Technologies, that there had been a later assignment of the ’983 patent of all rights from Plano Encryption Technologies to Cuica, LLC (“Cuica”), and that the associated assignment was recorded on January 17, 2017. *See* Paper 14; Ex. 3001, 3002¹. We ordered Cuica to file a Mandatory Notice pursuant to 37 C.F.R. § 42.08(a)(2) and § 42.08(b). Paper 15. At this time, Cuica has not filed a Preliminary Response or a Mandatory Notice.

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we conclude that the information presented in the Petition does not establish that there is a reasonable likelihood that Unified would prevail in challenging claims 1–4, 6, 7, 9, and 10 of the ’983 patent as unpatentable under 35 U.S.C § 103(a). Pursuant to 35 U.S.C. § 314, we hereby decline to institute an *inter partes* review of the ’983 patent.

¹ The assignment shown in Ex. 3002 has been assigned Assignment Number 504181762, recorded January 17, 2017, Reel 040995, Frame 0179.

II. BACKGROUND

A. *Related Matters*

Unified does not identify any pending matters related to the '983 patent. Pet. 1.

B. *The '983 Patent*

The '983 patent, titled “Systems and Methods for Controlling Access to Data Maintained in a Repository,” issued October 15, 2002, from U.S. Patent Application No. 09/406,196, filed on September 30, 1999. Ex. 1001, at [54], [45], [21], [22]. The '983 patent expired on October 15, 2014 due to non-payment of maintenance fees under 37 C.F.R. § 1.362. *See* Ex. 1010, 217; Pet 13.

The '983 patent is directed to controlling access, assemblage, and presentation of data maintained in a computer system repository. Ex. 1001, 3:22–24. The invention is intended to address deficiencies in prior methods of controlling content dissemination by using the data repository to dynamically construct responses. *Id.* at 3:29–30. This is done by the use of a “forresta”² contained in a user’s request. *Id.* at 3:33–35. Figure 2, reproduced below, shows the configuration of the invention of the '983 patent.

² The term “forresta” appears to be a term coined by the inventor of the '983 patent. The meaning of this term is discussed in more detail in our claim construction, *infra* Section III.A.

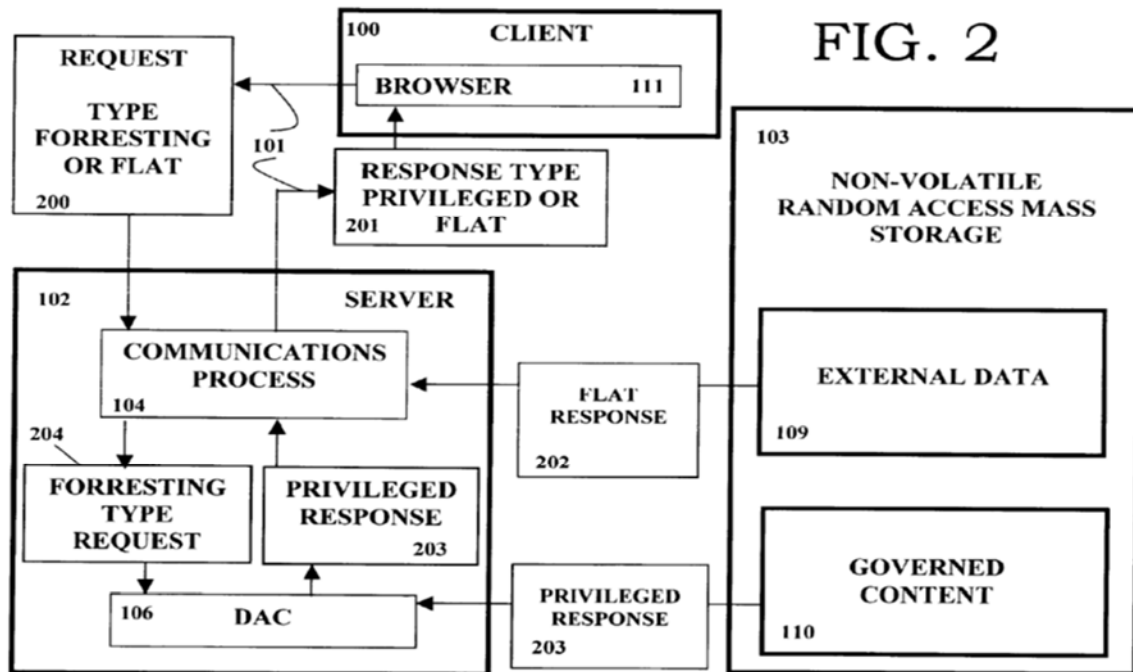


Figure 2 illustrates a block diagram of the request/response relationships for a client (user) with storage (content repository). Ex. 1001, 3:56–57.

Client 100 may make one or more requests 200 of server 102 to have data returned in a response. Ex. 1001, 5:16–21. A request 200 that does not specify data access control process (“DAC”) 106 as the recipient is referred to in the ’983 patent as a “flat request,” and it always receives external data 109 as the content of response 201 from repository server 102. *Id.* at 5:19–21, 5:66–6:5. A request 200 that is directed to DAC 106 is referred to in the ’983 patent as a “forresting type request,” which must be executed before any governed content 110 can be delivered in “privileged response 203.” *Id.* at 5:17–19, 6:5–7–. DAC 106 is subdivided into three sub-processes: access module 300, session module 301, and form module 302. *Id.* at 6:60–64. The modules of DAC 106 are depicted in Figure 3, reproduced below.

FIG. 3

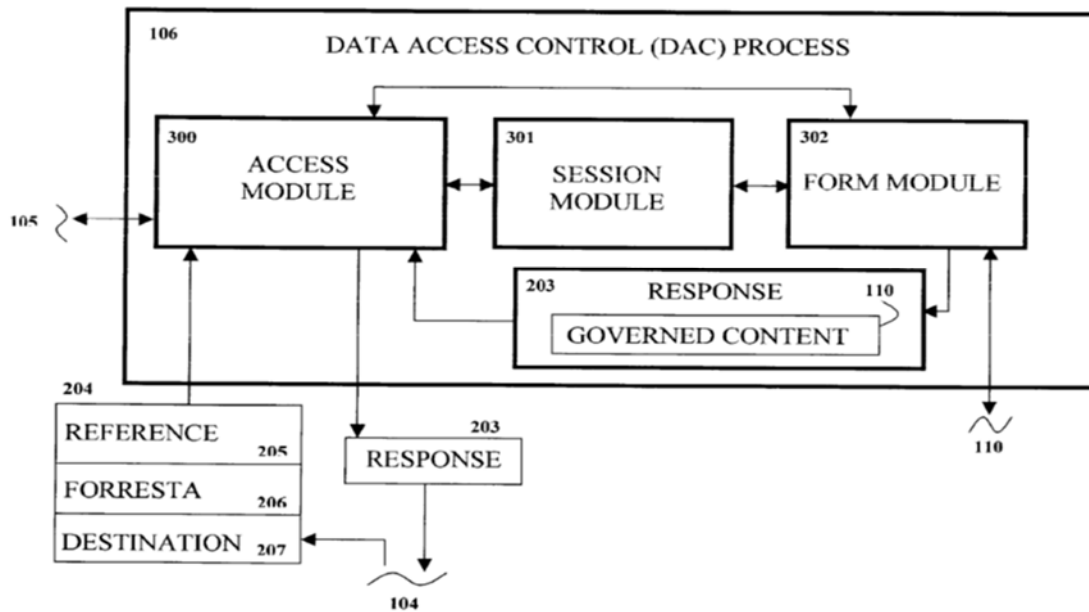


Figure 3 illustrates a block diagram of the major components of DAC 106, including the input and output of a request and response. Ex. 1001, 3:61–64.

Access module 300 is the recipient of a forresting type request and contains methods implementing interfacing to communications and authentication processes. Ex. 1001, 6:63–7:3. Session module 301 maintains and processes information about each client 100. *Id.* at 7:3–4. Form module 302 constructs privileged response 203 to client 100 based on values of forresta arguments 205 and destination arguments 207. *Id.* at 7:12–14.

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