

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEPARTMENT OF JUSTICE,
Petitioner,

v.

ENVISIONIT, LLC,
Patent Owner.

Case IPR2017-00183
Patent 7,693,938 B2

Before BRYAN F. MOORE, LYNNE E. PETTIGREW, and
DAVID C. MCKONE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

The Department of Justice (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 1, 11–13, 42, 47, and 57 of U.S. Patent No. 7,693,938 B2 (Ex. 1001, “the ’938 patent”). EnvisionIT, LLC (“Patent Owner”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we conclude, under 35 U.S.C. § 314(a), that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. Accordingly, we decline to institute an *inter partes* review of claims 1, 11–13, 42, 47, and 57 of the ’938 patent.

B. Related Matter

The parties indicate that the ’938 patent has been asserted in *CellCast Technologies, LLC v. United States*, Case No. 1:15-cv-01307 (Fed. Cl.) (“*CellCast* Litigation”). Pet. 5; Paper 4, 2.

C. Evidence Relied Upon

Petitioner relies on the following prior art:

David Gundlegård, Automotive Telematics Services based on Cell Broadcast (May 8, 2003) (Master’s Thesis, Linköping University, Norrköping, Swed.) (Ex. 1013, “Gundlegård”);

U.S. Publication No. US 2002/0184346 A1, published Dec. 5, 2002 (Ex. 1014, “Mani I”);

U.S. Publication No. US 2002/0188725 A1, published Dec. 12, 2002 (Ex. 1015, “Mani II”);

IPR2017-00183
Patent 7,693,938 B2

In re Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making, FCC Report No. 94-288 (Dec. 9, 1994) (Ex. 1016, "FCC Report");

U.S. Patent No. 6,816,878 B1, issued Nov. 9, 2004, filed Feb. 11, 2000 (Ex. 1018, "Zimmers");

3rd Generation Partnership Project ("3GPP"), *Technical Specification Group Terminals; Technical realization of Cell Broadcast Service (CBS) (Release 4)*, 3GPP TS 23.041 V4.2.0 (Dec. 2001) (Ex. 1019, "3GPP Standard"); and

Ravi S. Sandhu & Pierangela Samarati, *Access Control: Principles and Practice*, VOL. 32 NO. 9 IEEE COMMUNICATIONS MAGAZINE 40–48 (Sept. 1994) (Ex. 1020, "Sandhu").

Petitioner also relies on the Declaration of Randall A. Snyder (Ex. 1011, "Snyder Decl.").

D. The Asserted Grounds

Petitioner asserts the following grounds of unpatentability (Pet. 8–9):

Reference(s)	Basis	Claim(s) Challenged
Gundlegård, 3GPP Standard, Zimmers, and Sandhu,	§ 103(a)	1, 11–13, 42, 47, and 57
Mani I, Mani II, 3GPP Standard, and Sandhu	§ 103(a) or 102(b)	1, 11–13, 42, 47, and 57
FCC Report	§ 102(b)	1, 11–13, 42, 47, and 57

E. The '938 Patent

The '938 patent relates to admission control for message broadcast systems. Ex. 1001, 1:18–20. Figure 1, reproduced below, illustrates an example:

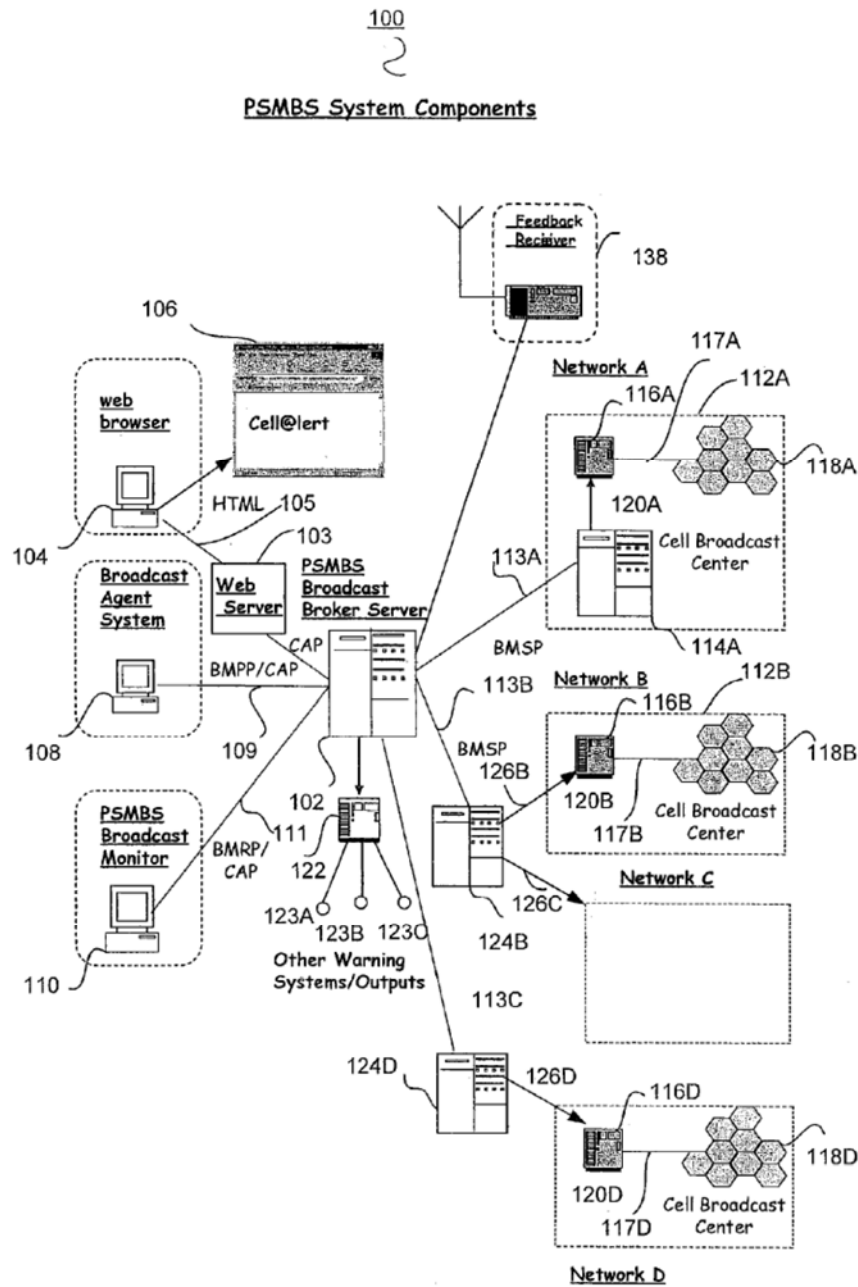


FIG. 1

Figure 1 is a functional block diagram of public service message location broadcast system (“PLBS”) 100. *Id.* at 3:9–11, 5:29–30.

One or more broadcast agent devices 104 are connected to public service location broadcast service bureau (“service bureau” or “PLBS-SB”)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.