

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC. and EMC CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

Case IPR2017-00477
Patent 8,387,132 B2

Before JEFFREY S. SMITH, GEORGIANNA W. BRADEN, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a)

I. INTRODUCTION

In this *inter partes* review, Lenovo (United States) Inc. and EMC Corporation (collectively, “Petitioner”) challenge the patentability of claims 1 and 9 of U.S. Patent No. 8,387,132 B2 (Ex. 1001, “the ’132 patent”), which is assigned to Intellectual Ventures I LLC (“Patent Owner”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision, issued pursuant to 35 U.S.C. § 318(a), addresses issues and arguments raised during the trial in this *inter partes* review. For the reasons discussed below, we determine Petitioner has proven by a preponderance of the evidence that claims 1 and 9 of the ’132 patent are unpatentable. *See* 35 U.S.C. § 316(e) (“In an *inter partes* review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.”).

A. Procedural History

On December 16, 2016, Petitioner requested *inter partes* review of claims 1 and 9 of the ’132 patent. Paper 1 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Trial was instituted as to claims 1 and 9. Paper 9 (“Dec. on Inst.”). The grounds on which Petitioner challenges claims 1 and 9 are as follows:

References	Challenged Claim(s)	Basis
Cramer ¹	1 and 9	35 U.S.C. § 102(e) ²
Cramer and Banga ³	1 and 9	35 U.S.C. § 103(a)
IBM Using iSCSI ⁴	1 and 9	35 U.S.C. § 102(b)
IBM Using iSCSI, Administrator's Guide, ⁵ and Cramer	1 and 9	35 U.S.C. § 103(a)

Pet. 33. The Decision on Institution instituted review on the ground of anticipation based on Cramer and on the ground of obviousness based on Cramer and Banga. Dec. on Inst. 34. Following the Supreme Court's decision in *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018), we modified the Decision on Institution to institute on all of the grounds presented in the Petition. Paper 34, 2; *see also* Ex. 3001 (email "advis[ing] the Board that Patent Owner will waive its right to file a [Patent Owner Response] and will not request an oral hearing on the newly instituted grounds in this proceeding. Both parties have conferred and believe this closes the record

¹ Samuel M. Cramer et al., U.S. Patent No. 7,707,263 (issued Apr. 27, 2010) ("Cramer"). Ex. 1005.

² The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. §§ 102, 103, effective March 16, 2013. Because the challenged patent was filed before March 16, 2013, we refer to the pre-AIA version of §§ 102, 103 in this decision.

³ Gaurav Banga et al., U.S. Patent No. 6,895,429 B2 (issued May 17, 2005) ("Banga"). Ex. 1008.

⁴ Rowell Hernandez et al., *Using iSCSI: Solutions' Planning and Implementation*, IBM Corporation (Feb. 2002) ("IBM Using iSCSI"). Ex. 1006.

⁵ IBM TotalStorage IP Storage 200i Administrator's Guide, IBM Corp. (June 2001) ("Administrator's Guide"). Ex. 1007.

and allows the Board to issue a final written decision based on the current record.”).

During the trial, Patent Owner filed a Response (Paper 15, “PO Resp.”), and Petitioner filed a Reply (Paper 20, “Pet. Reply”). Patent Owner also filed a Motion for Observation (Paper 24), to which Petitioner filed an Opposition. Paper 29. An oral hearing was held on March 5, 2018, a transcript of which appears in the record. Paper 31 (“Tr.”).

B. Real Parties-in-Interest

Lenovo (United States) Inc. and EMC Corporation state that they are the real parties-in-interest and also state that “Lenovo Group Ltd., LenovoEMC Products USA, LLC, Dell Inc., Denali Intermediate Inc., and Dell Technologies Inc. may also be considered real parties in interest.”

Pet. 2.

C. Related Matter

The parties identify the following district court case in which the ’132 patent has been asserted: *Intellectual Ventures I LLC v. Lenovo Grp. Ltd.*, No. 1:16-cv-10860-IT (D. Mass). Pet. 2–3; Paper 5, 1.

D. The ’132 Patent

The ’132 patent is directed to methods and systems that provide users with a decentralized computing experience. Ex. 1001. The ’132 patent explains as background that computing systems require multiple resources to provide a “complete computing experience for the user,” including “CPUs, memory, monitors, hard disk drives, networks, [and] peripherals.” *Id.* at 1:20–25. Home computers, the ’132 patent states, “present a single data portal to a user, where the computer contains nearly all aspects of the user’s environment, including data, applications, preferred settings, and so on.” *Id.*

at 1:37–40. But many computer users wish to access their data computing experience away from home. Ex. 1001, 1:40–43. Specifically, “[u]sers are . . . concerned about having access to their data and having the same computing experience no matter where they are or what device they use as an interface.” *Id.* at 1:50–54. The ’132 patent explains that several computing systems have been developed “to enable a more decentralized user experience approach,” but that those systems have several disadvantages—including cost and limited data access. *Id.* at 1:46–66. “In order to address these limitations and provide a cost effective computing experience for users,” the ’132 patent states, “a fully decentralized approach is required.” *Id.* at 2:1–3.

Claims 1 and 9 are directed, respectively, to a method and an apparatus and recite that a host address is assigned to a “virtual object being a logical drive partition that represents an aggregation of storage capabilities of a plurality of storage devices.” *Id.* at 20:54–58, 21:43–46. The claims also recite assigning a different host address to a second virtual object, and claim 1 further requires associating these different host addresses to a common frame address. *Id.* at 20:59–64, 21:47–49. Notably, claims 1 and 9 do not further refer to the second virtual object. Rather, these claims further recite receiving a packet including the first host address, and claim 1 requires transforming the packet in a request that is formatted to be “compatible with a first storage device of the plurality of storage devices,” which pertain to the “first virtual object” previously recited in claim 1. *Id.* at 20:65–21:4, 21:50–52. Claims 1 and 9 then recite issuing or providing the request to the first storage device. *Id.* at 21:5–6, 21:53–55. As stated by Patent Owner, “[a]ssignment of the host addresses to virtual and target

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.