UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,
Petitioner,

v.

IXI MOBILE (R&D) LTD.,
Patent Owner.

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Case IPR2016-01669
Patent 7,552,124 B2

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Before BRYAN F. MOORE, TREVOR M. JEFFERSON, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge.*

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

I. INTRODUCTION

Google, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") pursuant to 35 U.S.C. §§ 311–19 to institute an *inter partes* review of claims 1–10 of U.S. Patent No. 7,552,124 B2 ("the '124 patent," Ex. 1001). The Petition is supported by the Declaration of Jason Flinn, Ph.D. (Ex. 1002). IXI Mobile (R&D) Ltd. ("Patent Owner") filed a Preliminary Response ("Prelim. Resp.," Paper 7). The Preliminary Response is supported by the Declaration of Lin Chase, Ph.D. ("Chase Declaration," "Chase Dec.," Ex. 2001).

For the reasons set forth below, we institute an *inter partes* review of claims 1–5 of the '124 patent, but we do not institute an *inter partes* review of claims 6–10 of the '124 patent.

A. Related Matters

Petitioner advises us that the following District Court lawsuits may affect or be affected by this proceeding: *IXI Mobile (R&D) Ltd. v. BlackBerry Limited,* No. 2:15-cv-01883 (E.D. Tex.); *IXI IP, LLC v. HTC Corp.*, No. 2:15-cv-1884 (E.D. Tex.); *IXI IP, LLC v. Samsung Elecs. Co., Ltd.*, No. 2:15-cv-01885 (E.D. Tex.); *IXI IP, LLC v. ZTE Corp.*, No. 2:15-cv-01886 (E.D. Tex.); and *Google Inc. v. IXI Mobile (R&D) Ltd.*, No. 5:16-cv-04173 (N.D. Cal). Pet. 1. Petitioner also identifies *Microsoft Corp. et al. v. IXI IP, LLC*, IPR2017-00898, filed February 16, 2017, as involving the '124 patent. Paper 8, 1.

B. The '124 Patent

The '124 patent, titled "Natural language for programming a specialized computing system," is directed to a method and corresponding

system for "programming a mobile communication device based on a high-level code comprising operative language." Ex. 1001, Title, Abstract. A user provides "[h]igh-level code 150 [which] may comprise one or more sentences, wherein each sentence comprises at least one operative language (i.e. keyword) defining an instruction for a function or an operation to be performed." *Id.* at 4:10–21. "[I]f high-level code 150 comprises a complex set of instructions, then high-level code 150 is transmitted to network server 100," but

> if high-level code 150 comprises a less complex structure, then application software 1122 or a portion thereof is installed and executed on mobile device 120 to process high-level code 150 to produce executable code 160, without the need for transferring high-level code 150 to a more powerful processing environment implemented on network server 100.

Id. at 4:49–51, 4:58–64.

C. Illustrative Claim

Of the challenged claims, claims 1 and 6 are the only independent claims.

Claim 1, reproduced below, is illustrative.

1. A method for programming a mobile communication device based on a high-level code comprising operative language, the method comprising:

> receiving a high-level code comprising one or more keywords, wherein the high-level code is provided by a user of a mobile communication device to control the operation of the mobile communication device without having to select from menu items provided by an operating system running on the mobile communication device;

parsing the high-level code for the keywords to recognize the operative language associated with controlling one or more operations of the mobile communication device;

determining at least one operation associated with the operative language;

determining whether high-level code comprises keywords defining one or more relationships and conditions corresponding to the operative language;

producing an executable code that can be executed by a microcontroller of the mobile communication device to perform the respective operation associated with the operative language;

determining level of complexity and implementation of the high-level code; and

designating an application software to process the high level code,

wherein the high-level code comprises at least one sentence formatted in accordance with a first context,

wherein the high-level code is processed by a natural language compiler comprised of one or more modules executed on one or more independent computing systems, depending on the level of complexity and the implementation of the high-level code,

wherein application software is executed on a distributed environment comprising the mobile communication device and a network server connected to the mobile communication device, and the application software performs the parsing and determining steps depending on implementation, and

wherein when the high-level code comprises a complex structure the parsing and determining steps are performed by application software executed on a network server connected to the mobile communication device and when the high-level code comprises a less complex structure the parsing and determining steps are performed by application software executed on the mobile communication device.

Ex. 1001, 8:59–9:38.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Maes	US 7,003,463 B1	Feb. 21, 2006[1]	(Ex. 1005)
Preston	US 2003/0046061 A1	Mar. 6, 2003	(Ex. 1006)
Pazandak	US 7,027,975 B1	Apr. 11, 2006[2]	(Ex. 1007)
White	US 2002/0072918 A1	June 13, 2002	(Ex. 1008)
Manson	US 7,085,708 B2	Aug. 1, 2006[3]	(Ex. 1009)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 2):

Challenged Claims	Basis	References
1–10	§ 103	Maes and Preston
1–10	§ 103	Pazandak, White, and Manson

II.   ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S.Ct. 2131, 2144–46 (2016). Under the broadest reasonable

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[1] From a PCT with a 35 U.S.C. § 371(c)(1) date of June 25, 2001.
[2] Filed August 8, 2000.
[3] Filed June 18, 2001.

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