

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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T-MOBILE US, INC. AND T-MOBILE USA, INC.,  
Petitioner,

v.

BARKAN WIRELESS ACCESS TECHNOLOGIES, L.P.,  
Patent Owner.

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Case IPR2017-01098  
Patent 8,559,369 B2

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Before MEREDITH C. PETRAVICK, JOHN A. HUDALLA, and  
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### A. Background

T-Mobile US, Inc. and T-Mobile USA, Inc. (collectively, “Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–13 (“challenged claims”) of U.S. Patent No. 8,559,369 B2 (Ex. 1001, “the ’369 patent”) pursuant to 35 U.S.C. §§ 311–319. Paper 2 (“Pet.”). Barkan Wireless Access Technologies, L.P. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . 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, Patent Owner’s Preliminary Response, and the associated evidence, we conclude that the Petition shows a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims. Accordingly, for the reasons that follow, we institute an *inter partes* review.

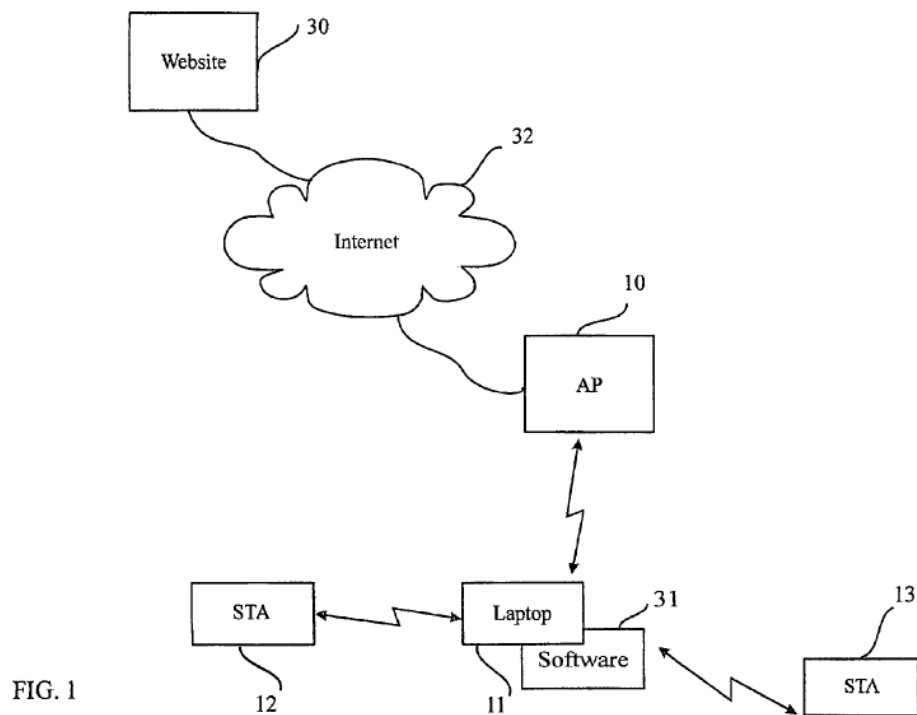
### B. Related Proceedings

Petitioner informs us that the ’369 patent is the subject of two lawsuits: *Barkan Wireless Access Technologies, L.P. v. T-Mobile US, Inc. and T-Mobile USA, Inc.*, 2:16-cv-00063 (E.D. Tex.) (filed Jan. 19, 2016) and *Barkan Wireless Access Technologies, LP v. Cellco Partnership d/b/a Verizon Wireless et al.*, 2:16-cv-00293 (E.D. Tex.) (filed Mar. 29, 2016) (“the Verizon case”). Pet. 2.

Petitioner filed a petition for *inter partes* review of related United States Patent No. 9,042,306 B2 (Ex. 1002, “the ’306 patent”). *Id.*; IPR2017-01099.

*C. The ’369 Patent*

The ’369 patent is titled “Wireless Internet System and Method” and generally relates to a device with Internet access through an access point, which itself acts as an access point to allow other devices Internet access. Ex. 1001, Abstr. Figure 1 of the ’369 patent, reproduced below, illustrates an expanded wireless system for connecting mobile devices to the Internet through an access point:



As shown above in Figure 1, the ’369 patent discloses laptop 11 which is connected to Internet 32 via its access point (“AP”) 10. *Id.* at 10:51–52, 11:36–37, 11:40–41. Laptop 11 acts as a second AP for wireless-enabled devices, STA (for “station”) 12 and STA 13, with these devices

connecting to the Internet 32 through laptop 11. *Id.* at Abstr., 1:27–28, 3:13–14, 11:40–44, 12:19–20.

Figure 3 illustrates a system including an additional AP 20, an additional laptop 21 providing a connection for stations, and other sites connected to the Internet:

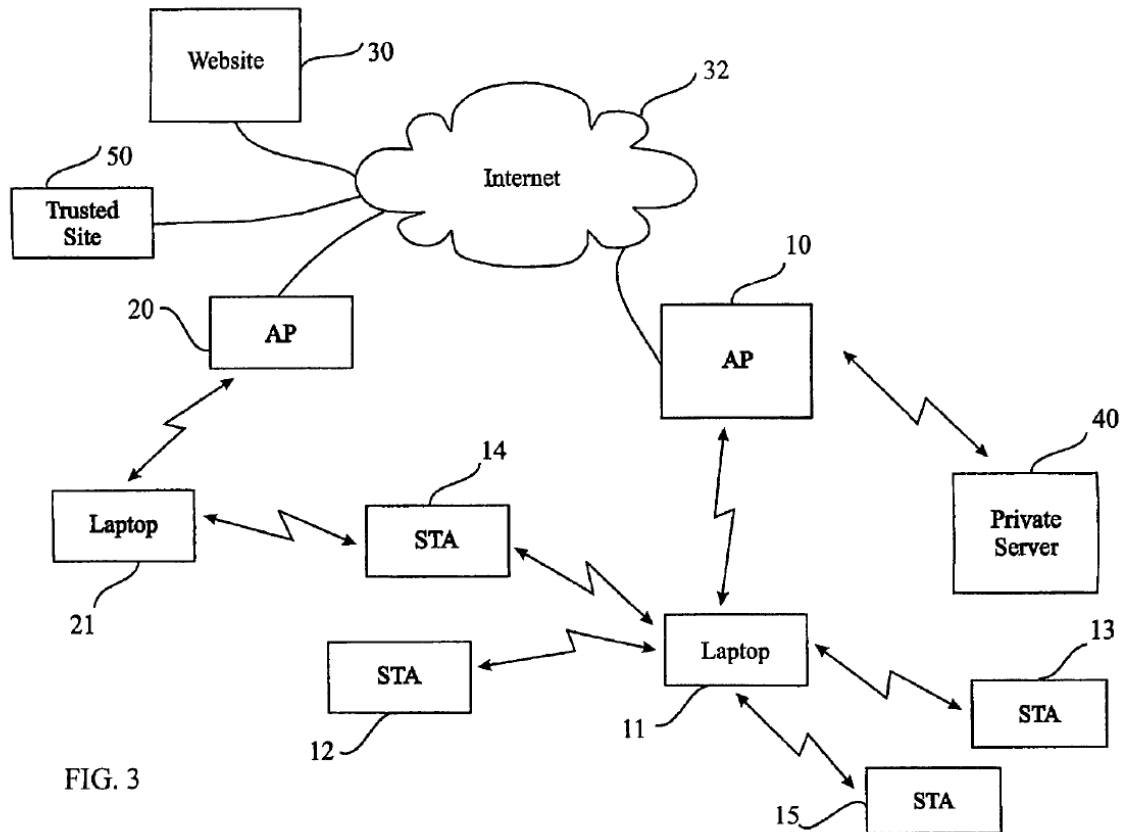


FIG. 3

As shown above in Figure 3, a remote site, such as trusted site 50, is connected to Internet 32. *Id.* at Figure 3, 13:26–35. Trusted site 50 acts as a proxy of a wireless-enabled device, such as STAs 12–15, with the STA accessing other Internet sites via the trusted remote site. *Id.* at 13:26–28, 15:7–9. Sensitive traffic between the connected STA and the proxy passes through laptop 11 or laptop 21, with the security of the traffic ensured by tunneling, in order to protect the privacy of the STA’s communications. *Id.* at 14:48–51, 14:55–59, 15:7–9. Security may be enhanced for a STA

accessing the Internet through a tunnel to a remote site by frequently switching which remote site is used as proxy, so no one remote site can collect substantial information regarding a STA's use of the Internet. *Id.* at 15:15–18. Alternately, the remote site may be a trusted computer installed by the user, for example to implement a virtual private network (VPN). *Id.* at 15:21–25.

*D. The Asserted Grounds of Unpatentability*

Petitioner challenges the patentability of claims 1–13 of the '369 patent based on the following grounds:

Reference(s)	Basis	Claims Challenged
Buddhikot <sup>1</sup> and Lord <sup>2</sup>	§ 103	1–7
Buddhikot, Lord, and Fajardo <sup>3</sup>	§ 103	8–11
Buddhikot, Lord, and Aarnio <sup>4</sup>	§ 103	12
Buddhikot	§ 103	13
Vucina <sup>5</sup>	§ 102	13

*E. Illustrative Claims*

Claims 1, 8, and 13 of the challenged claims of the '369 patent are independent, and are illustrative of the claimed subject matter:

1. A computing device comprising:  
a communication module adapted to:

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<sup>1</sup> Buddhikot et al., U.S. Patent No. 7,562,393 B2, filed Oct. 20, 2003 (Ex. 1006).

<sup>2</sup> Lord et al., U.S. Patent No. 6,763,012 B1, issued Jul. 13, 2004 (Ex. 1007).

<sup>3</sup> Fajardo et al., U.S. Patent App. Pub. No. US 2007/0014259 A1, pub. Jan. 18, 2007 (Ex. 1011).

<sup>4</sup> Aarnio et al., U.S. Patent No. 7,606,559 B2, issued Oct. 20, 2009 (Ex. 1013).

<sup>5</sup> Vucina et al., U.S. Patent App. Pub. No. US 2005/0261970 A1, pub. Nov. 24, 2005 (Ex. 1012).

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