UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ULTRATEC, INC.,
Petitioner,

v.

SORENSON IP HOLDINGS,
Patent Owner.

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Case IPR2017-01394
Patent 9,336,689 B2

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Before SALLY C. MEDLEY, STACEY G. WHITE, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges.*

OGDEN, *Administrative Patent Judge*.

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

On May 9, 2017, Petitioner Ultratec, Inc. ("Ultratec") filed a Petition ("Pet.") to institute an *inter partes* review of claims 1–20 of U.S. Patent No. 9,336,689 B2 (Ex. 1003, "the '689 patent") pursuant to 35 U.S.C. § 311 *et seq*. Patent Owner Sorenson IP Holdings ("Sorenson") filed a Preliminary Response ("Prelim. Resp.") to the Petition on September 6, 2017. We have authority under 35 U.S.C. § 314.

Institution of an *inter partes* review is authorized by statute when "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a); *see also* 37 C.F.R. § 42.108.

Upon consideration of the Petition, we conclude that Ultratec presents information showing there is a reasonable likelihood that Ultratec would prevail in establishing the unpatentability of claims 1–20 of the '689 patent.

I.   BACKGROUND
        A.   THE '689 PATENT (Ex. 1003)

The '689 patent is directed "generally to text captioning and more specifically to correction of errors within a text caption." *Id.* at 1:16–18.
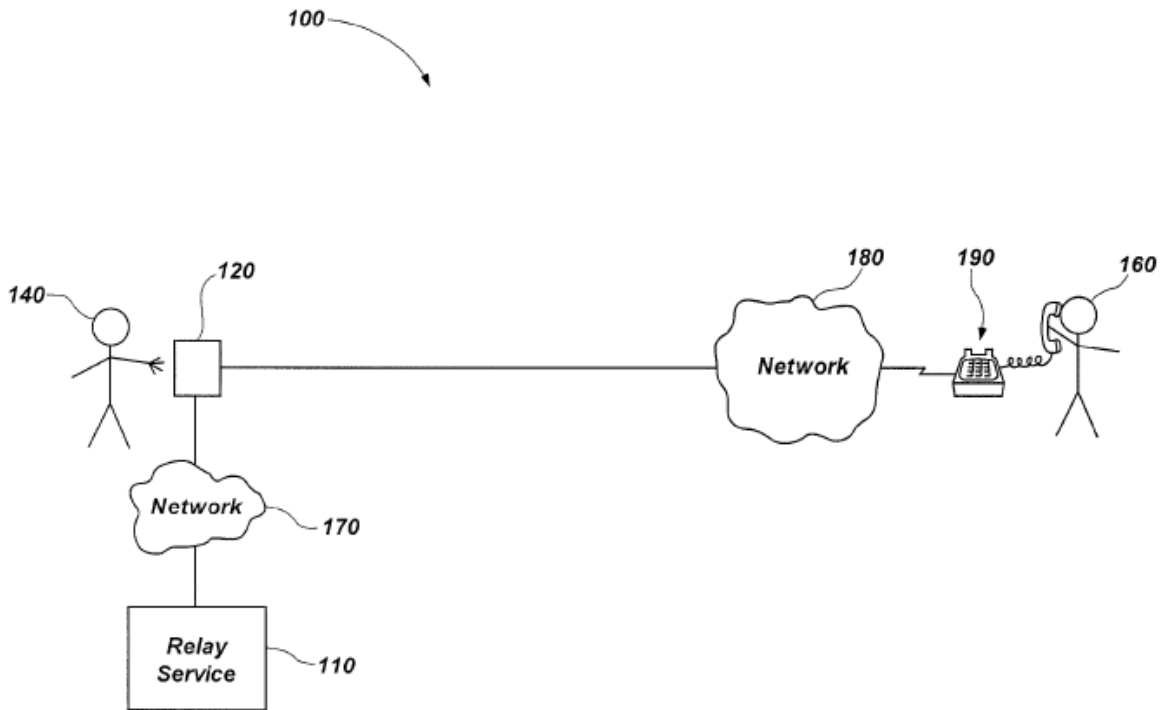
Figure 1 of the '689 patent is reproduced below:

FIG. 1

Figure 1 depicts a communication system **100** configured to facilitate a communication session between a hearing-impaired user **140** and a hearing-capable user **160**. *Id.* at 3:40–42, 65–67. Communication system **100** includes communication devices **120** and **190**, and relay service **110**. *Id.* at 3:43–45. The two communication devices **120** and **190** are coupled via network **180**, and relay service **110** is connected to communication device **120** via network **170**. *Id.* at 3:45–48. Networks **170** and **180** may be, for example, telephone networks such as Public Switch Telephone Networks (PSTN) or networks (e.g., DSL, cable, or Ethernet) configured to provide communications using digital standards such as Voice Over Internet Protocol (VOIP). *Id.* at 3:48–61.

In one embodiment of a text-captioned communication session, communication device **190**, a conventional voice phone, transmits the voice

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of hearing-capable user **160** through network **180** to communication device **120**, which passes the voice to relay service **110**. *Id.* at 3:67–4:10. Relay service **110** then provides interpretative services to hearing impaired user **140**. *Id.* at 3:62–64. A human "call assistant" located at relay service **110** facilitates the communication session between hearing-impaired user **140** and hearing-capable user **160**. *Id.* at 3:64–67.

Communication device **120** may include a captioned telephone, i.e., a telephone or any suitable communication device configured to receive and display text captions from the relay service, including transcriptions of the conversation sent from relay service **110**. *Id.* at 4:11–21. Communication device **120** is also able to interact with communication device **190** to convey conventional voice-based dialogue between users **140** and **160**. *Id.* at 4:14–17.

The communication system **100** also includes a mechanism for correcting errors in the transcriptions sent by relay service **110**, as illustrated in Figure 6, reproduced below:
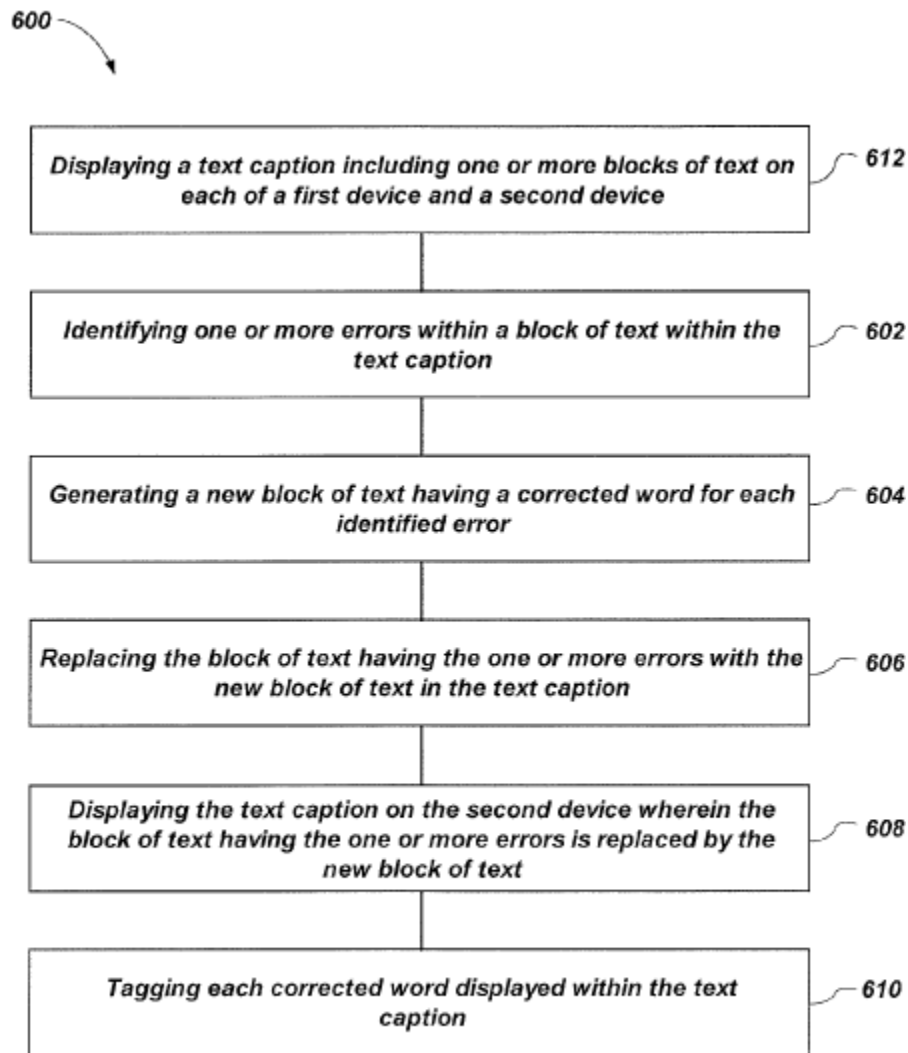
600

Displaying a text caption including one or more blocks of text on each of a first device and a second device	612
Identifying one or more errors within a block of text within the text caption	602
Generating a new block of text having a corrected word for each identified error	604
Replacing the block of text having the one or more errors with the new block of text in the text caption	606
Displaying the text caption on the second device wherein the block of text having the one or more errors is replaced by the new block of text	608
Tagging each corrected word displayed within the text caption	610

FIG. 6

Figure 6 is a flowchart showing steps in the method **600** of correcting one or more errors in a text caption. *Id.* at 6:54–56. Step **612** includes displaying a text caption made up of one or more blocks of text on a first device (e.g., part of relay service **110)**, and a second device (e.g., part of communication device **120**). *Id.* at 6:57–59. Step **602** includes identifying one or more errors within a block of text within the text caption. *Id.* at 6:59–61. Step **604** includes generating a new block of text that corrects the word associated with each identified error. *Id.* at 6:61–62. Step **606** includes replacing the

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