

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TELESIGN CORPORATION,  
Petitioner,

v.

TWILIO INC.,  
Patent Owner.

---

Case IPR2017-01976  
Patent 8,837,465 B2

---

Before ROBERT J. WEINSCHENK, KIMBERLY MCGRAW, and  
SCOTT C. MOORE, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

## I. INTRODUCTION

TeleSign Corporation (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–6, 9, and 13 of U.S. Patent No. 8,837,465 B2 (Ex. 1001, “the ’465 patent”). Twilio Inc. (“Patent Owner”) filed a Preliminary Response (Paper 10, “Prelim. Resp.”) to the Petition. An *inter partes* review may not be instituted unless “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).

For the reasons set forth below, Petitioner demonstrates a reasonable likelihood of prevailing in showing the unpatentability of claims 1–6, 9, and 13 of the ’465 patent. Accordingly, we institute an *inter partes* review as to claims 1–6, 9, and 13 of the ’465 patent on the grounds specified below.

### A. *Related Proceedings*

The parties indicate that the ’465 patent is the subject of the following district court case: *Twilio Inc. v. TeleSign Corporation*, No. 5:16-cv-06925 (N.D. Cal.). Pet. 61; Paper 4, 1. Patent Owner also indicates that the following petitions for *inter partes* review are related to this case:

Case No.	Involved U.S. Patent No.
IPR2017-01977	U.S. Patent No. 8,755,376
IPR2017-01978	U.S. Patent No. 8,306,021

Paper 4, 1.

### B. *The ’465 Patent*

The ’465 patent relates to “processing telephony sessions.” Ex. 1001, 1:22–24. The ’465 patent explains that deploying telephony services “requires developers to train in new languages, tools, and development environments,” and, thus, involves “significant upfront and ongoing

investment.” *Id.* at 1:35–54. To address this problem, the ’465 patent describes a method and system for processing telephony sessions that “enables web developers to use their existing skills and tools with the esoteric world of telephony, making telephony application development as easy as web programming.” *Id.* at 1:61–2:3. For example, the method and system of the ’465 patent “use the familiar web site visitor model to interact with a web developer’s application, with each step of the phone call analogous to a traditional page view.” *Id.* at 2:3–6.

C. *Illustrative Claim*

Claim 1 is independent and is reproduced below.

1. A method for processing a telephony communication comprising:

associating an initial URI<sup>1</sup> with a telephony endpoint;

initiating a telephony voice session for a telephony communication to the telephony endpoint;

mapping the initial URI to the telephony session;

sending an application layer protocol request to an application resource specified by the URI and embedding state information of the telephony voice session in the request;

receiving a response to the application layer protocol request sent to the application resource, wherein the response includes a document of telephony instructions; and

executing telephony actions during the telephony voice session according to a sequential processing of at least a subset of the telephony instructions of the response.

Ex. 1001, 18:38–54.

D. *Evidence of Record*

Petitioner submits the following references and declaration (Pet. 5–6):

---

<sup>1</sup> URI stands for Universal Resource Identifier. Ex. 1001, 2:63–64.

<b>Reference or Declaration</b>	<b>Exhibit No.</b>
Maes et al., U.S. Patent No. 6,801,604 B2 (filed June 25, 2002, issued Oct. 5, 2004) (“Maes”)	Ex. 1003
Ransom et al., U.S. Patent Application Publication No. 2003/0204756 A1 (filed Jan. 9, 2003, published Oct. 30, 2003) (“Ransom”)	Ex. 1004
European Telecommunications Standards Institute, ETSI ES 202 391-4 V1.2.1 (2006) (“ETSI 391-4”)	Ex. 1005
European Telecommunications Standards Institute, ETSI ES 202 391-11 V1.2.1 (2006) (“ETSI 391-11”)	Ex. 1006
European Telecommunications Standards Institute, ETSI ES 202 391-3 V1.2.1 (2006) (“ETSI 391-3”)	Ex. 1007
European Telecommunications Standards Institute, ETSI ES 202 391-2 V1.2.1 (2006) (“ETSI 391-2”)	Ex. 1008
Sungjune Hong et al., <i>The Semantic PARLAY for 4G Network</i> , 2nd International Conference on Mobile Technology (2005) (“Hong”)	Ex. 1009
Declaration of Dr. Seth Nielson (“Nielson Declaration”)	Ex. 1010

E. *Asserted Grounds of Unpatentability*

Petitioner asserts that the challenged claims are unpatentable on the following grounds (Pet. 5–6):

<b>Claim(s)</b>	<b>Basis</b>	<b>References</b>
1–6, 9, and 13	35 U.S.C. § 103(a)	Maes and Ransom
1, 4, 5, and 9	35 U.S.C. § 103(a)	ETSI 391-4 and ETSI 391-11
2	35 U.S.C. § 103(a)	ETSI 391-4, ETSI 391-11, and ETSI 391-3
3	35 U.S.C. § 103(a)	ETSI 391-4, ETSI 391-11, ETSI 391-3, and Hong
6	35 U.S.C. § 103(a)	ETSI 391-4, ETSI 391-11, and Hong
13	35 U.S.C. § 103(a)	ETSI 391-4, ETSI 391-11, and ETSI 391-2

## II. ANALYSIS

### A. *Claim Construction*

The claims of an unexpired patent are interpreted using the broadest reasonable interpretation 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, 2144–45 (2016). Petitioner proposes that “[a]ll claim terms should be given their broadest reasonable construction in light of the specification,” but Petitioner does not propose express constructions for any claim terms. Pet. 7. Patent Owner argues that “Petitioner knew that the terms ‘URI,’ ‘initial URI,’ and ‘REST’ were important in both the District Court and in this proceeding,” but Petitioner failed to address any claim construction issues relating to those terms. Prelim. Resp. 3–7. Patent Owner, however, does not propose express constructions for any claim terms either. *See id.* On this record and for purposes of this Decision, we determine that no claim terms require express construction to resolve the parties’ disputes regarding the asserted grounds of unpatentability in this case. *See infra* Section II.B; *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (“[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.”).

### B. *Asserted Grounds of Unpatentability*

#### 1. *Obviousness of Claims 1–6, 9, and 13 over Maes and Ransom*

Petitioner argues that claims 1–6, 9, and 13 would have been obvious over Maes and Ransom. Pet. 5. We have reviewed the parties’ assertions and supporting evidence. For the reasons discussed below, Petitioner

# 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.