

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,<sup>1</sup>  
Petitioner,

v.

ALEX IS THE BEST, LLC,  
Patent Owner.

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Case IPR2017-02056  
Patent 8,134,600 B2

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Before DANIEL N. FISHMAN, MINN CHUNG, and  
JESSICA C. KAISER, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

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

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<sup>1</sup> The Petition, as filed, named “Google Inc.” as Petitioner. In a later filing, Petitioner notified the Board and Patent Owner of a change of name to “Google LLC.” Paper 6, 2.

## I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–5, 8–10, 12, and 13 (the “challenged claims”) of U.S. Patent No. 8,134,600 B2 (Ex. 1001, “the ’600 patent”) pursuant to 35 U.S.C. §§ 311–319. Alex Is The Best, LLC (“Patent Owner”) filed a Patent Owner Preliminary Response (Paper 7, “Prelim. Resp.”). We have authority to determine whether to institute review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). An *inter partes* review may be instituted only if “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).

Upon consideration of the Petition, the Preliminary Response, and the evidence of record, we conclude Petitioner has established a reasonable likelihood of prevailing in showing that at least one of the challenged claims is unpatentable. In particular, as discussed below, we institute *inter partes* review of claims 1–5, 8–10, 12, and 13 of the ’600 patent.

### A. *Real Parties-in-Interest and Related Matters*

Petitioner identifies Lenovo Holding Company, Inc.; Lenovo (United States) Inc.; Motorola Mobility, LLC; Huawei Devices USA Inc.; and Huawei Technologies USA Inc. as additional real parties-in-interest for Petitioner. Pet. 1–2.

Both Petitioner and Patent Owner identify the following related Petitions:

IPR2017-02056  
Patent 8,134,600 B2

<i>Inter Partes</i> Review No.	Challenged Patent No.
IPR2017-02052	7,907,172
IPR2017-02053	8,477,197
IPR2017-02054	7,633,524
IPR2017-02055	8,947,542
IPR2017-02057	9,197,806
IPR2017-02058	8,581,991
IPR2017-02059	8,581,991

Paper 4, 1; Paper 5, 2.<sup>2</sup>

Both Petitioner and Patent Owner identify the following related litigation matters, each with Patent Owner as Plaintiff and each filed in the United States District Court for the District of Delaware:

Defendant	Docket No.
BLU Products, Inc.	1:16-cv-00769
Huawei Device (Dongguan) Co., Ltd., et al.	1:16-cv-00770
Lenovo Holding Company, Inc., et al.	1:16-cv-00771-RGA
TCT Mobile, Inc., et al.	1:16-cv-00772
Boost Mobile, LLC	1:13-cv-01782
Kyocera Corporation, et al.	1:13-cv-01783
Sprint Corporation	1:13-cv-01784
T-Mobile USA, Inc., et al.	1:13-cv-01785
Cellco Partnership <sup>3</sup>	1:13-cv-01786
Samsung Electronics Co., Ltd., et al.	1:13-cv-01787
Amazon.com Inc., et al.	1:13-cv-01722
ASUS Computer International	1:13-cv-01723
Blackberry Limited f/k/a Research in Motion	1:13-cv-01724

<sup>2</sup> Paper 5, as filed, does not include page numbering as required by our rules. For purposes of this decision, we number the first page (the caption page) as page number 1. Although the error here is harmless, the parties are reminded to format all papers and exhibits in accordance with 37 C.F.R. §§ 42.6 and 42.63.

<sup>3</sup> Petitioner identifies the Defendant in this litigation as “Verizon Communications, Inc., et al.” Patent Owner identifies the defendant in this litigation as “Cellco Partnership.” We believe Petitioner is in error, but we deem any error to be harmless.

Limited, et al.	
HTC Corporation, et al.	1:13-cv-01725
LG Electronics Inc., et al.	1:13-cv-01726
Sony Corporation, et al.	1:13-cv-01727
ZTE Corporation, et al.	1:13-cv-01728

Pet 2–3; Paper 5, 2–3.

### B. The '600 Patent

The '600 patent generally relates to “an integrated Internet camera . . . that seamlessly and automatically transmits, receives, stores and/or archives still images, video and/or audio. . . .” Ex. 1001, 1:15–21. According to the '600 patent, cameras are known to acquire still and video images and/or audio but such cameras are incapable of directly coupling to Internet without coupling through a separate network device such as a personal computer (“PC”). *Id.* at 1:39–48.

Figure 1 of the '600 patent is reproduced below.

Fig. 1

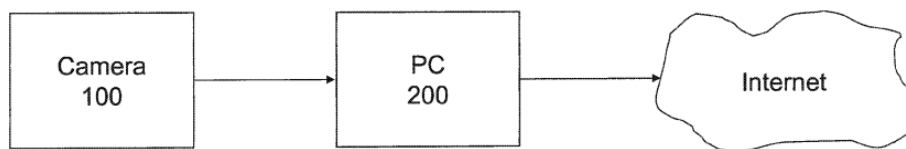


Figure 1, above, depicts camera 100 that captures and transmits images to the Internet via intermediate PC 200.

Figure 1 of the '600 patent shows a prior system in which camera 100 cannot connect directly to the Internet but, instead, must couple to the Internet via intermediate PC 200. *Id.* at 1:45–48.

According to the '600 patent, some prior cameras attempt to alleviate this restriction by providing a network card plugged into the camera to enable direct connection to the Internet. *Id.* at 1:49–52. However, the '600 patent states that such cameras with plugin network interfaces, which do not require a separate network device such as a PC, do not permit two-way communications to both transmit images to a storage system and to receive images from a storage system over the Internet. *Id.* at 1:52–58.

The '600 patent purports to resolve these problems by disclosing an Internet direct camera (“IDC”)<sup>4</sup> that seamlessly links, via the Internet, to a website archive and review center (“WSARC”) for storage and retrieval of images. *Id.* at 2:9–15. According to the '600 patent, the IDC automatically connects at power-up to a designated primary mode of connection to the Internet and automatically switches to another mode of connection when the IDC determines that the primary mode of connection is unavailable. *Id.* at Abstract.

Figure 2 of the '600 patent is reproduced below.

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<sup>4</sup> The claims, title, and abstract of the '600 patent refer to an “Internet direct device,” which we consider a synonym for “Internet direct camera” for purposes of this decision.

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