

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

IPA TECHNOLOGIES INC.
Patent Owner

Case IPR2018-00476
Patent 6,757,718

Before DEBRA K. STEPHENS, THOMAS L. GIANNETTI, and
BART A. GERSTENBLITH *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

A. *Background*

Google LLC (“Petitioner”) filed a Petition (Paper 1 (“Pet.”)) requesting an *inter partes* review of claims 1–27 of U.S. Patent No. 6,757,718 (Ex. 1001 (hereinafter “’718 Patent”)) (35 U.S.C. § 311). IPA Technologies, Inc. (“Patent Owner”) timely filed a Preliminary Response (Paper 6 (“Prelim. Resp.”)) to the Petition. The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314, which provides as follows:

(a) THRESHOLD.—The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 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)).

Petitioner challenges claims 1–27 as unpatentable under 35 U.S.C. § 103(a) (Pet. i–ii). Generally, Patent Owner contends that the Petition should be denied as to all challenged claims (Prelim. Resp. 1–43).

Upon consideration of the arguments and evidence presented in the Petition and the Preliminary Response, we are not persuaded Petitioner has established a reasonable likelihood that it would prevail in its challenge to claims 1–27 of the ’718 Patent because Petitioner does adequately show the relied upon evidence was publicly available prior to the critical date of the ’718 Patent. Accordingly, we decline to institute an *inter partes* review of claims 1–27 of the ’718 Patent.

B. *Related Proceedings*

Petitioner indicates that the '718 Patent is at issue in the following patent infringement claims:

IPA Technologies Inc. v. NVIDIA Corporation, No. 1:17-cv-00287, which was filed in the U.S. District Court for the District of Delaware;

IPA Technologies Inc. v. Sony Electronics Inc., No. 1:17-cv-00055, which was filed in the U.S. District Court for the District of Delaware;

IPA Technologies Inc. v. Amazon.com, No. 1:16-cv-01266, which was filed in the U.S. District Court for the District of Delaware;

IPA Technologies Inc. v. DISH Network Corporation, No. 1:16-cv-01170, which was filed in the U.S. District Court for the District of Delaware; and

DISH Network Corporation et al. v. IPA Technologies Inc., IPR2018-00351,¹ which was filed in the Patent Trial and Appeal Board (Pet. 1).

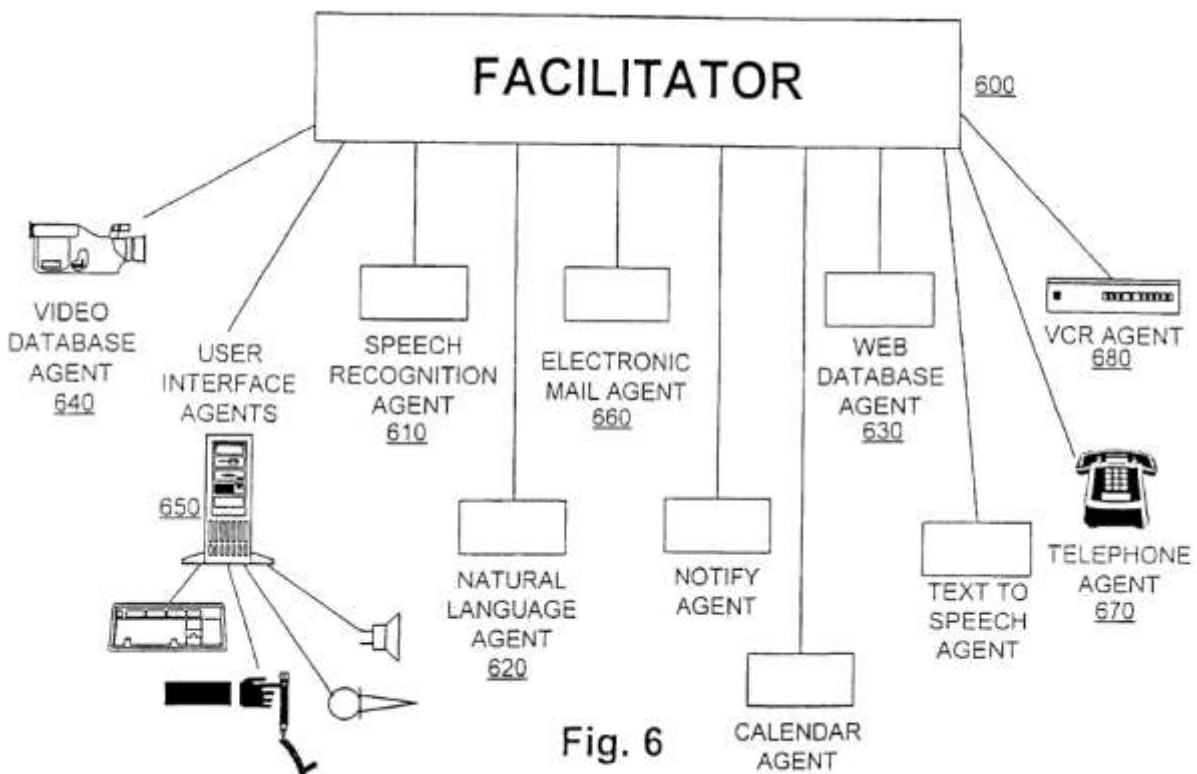
C. *Real Parties in Interest*

The Petition identifies “Google LLC” as the sole real party in interest (Pet. 1). Patent Owner states that the real party in interest is “IPA Technologies Inc., which is a wholly owned subsidiary of Wi-LAN Technologies Inc. (a Delaware corporation), which is a wholly owned subsidiary of Wi-LAN Inc. (a Canadian corporation), which is a wholly owned subsidiary of Quarterhill Inc. (a Canadian corporation publicly traded on the TSX and NASDAQ)” (Paper 4, 2).

¹ For completeness, the Board notes the termination of the related proceeding challenging the '718 Patent in IPR2018-00351, since the filing of the instant Petition.

D. *The '718 Patent*

The '718 Patent, titled “Mobile Navigation of Network-Based Electronic Information Using Spoken Input,” issued Jun. 29, 2004 (Ex. 1001, Title). The '718 Patent describes a technique for “navigating an electronic source [through] spoken language where a portion of the data link between a mobile information appliance of the user and the data source utilizes wireless communication”, (*id.* at Abstract). Figure 6 of the '718 Patent illustrates “a community of distributed, collaborating electronic agents” using an exemplary Open Agent Architecture™ (OAA®) software platform for constructing the electronic navigation system (*id.* at 3:46–48, 13:15–19, 14:27–30) and is reproduced below.



As shown in Figure 6, facilitator 600 communicates with a plurality of Agents (610, 620, 630, 640, 650, 660, 670) (*id.* at 13:15–19, 14:27–50).

Facilitator 600 receives voice requests by user interface (UI) agent 650, which in turn asks natural language (“NL”) agent 620 and speech recognition agent 610 for an interpretation of the query (*id.* at 14:30–36). NL agent 620 and speech recognition agent 610 return the interpretation to facilitator 600 in an Interagent Communication Language (“ICL”) format (*id.*). The facilitator 600 then routes the ICL query information to appropriate agents, like video-on-demand database agent 640, to execute the request and retrieve the video content, and upon the retrieval of the desired content, facilitator 600 invokes UI agent 650 to display the video content (*id.* at 14:37–50). Facilitator 600 also processes other spoken requests, including exemplary weather and stock quotes, by invoking alternate agents like web database 630 to access an appropriate website (*id.* at 14:51–55). Similarly, facilitator 600 returns the desired query result by invoking the appropriate agent to execute the specific request (*id.* at 14:55–67).

According to the ’718 Patent, the advantage of employing OAA-based navigation is in the integration, control, and connectivity of electronic home appliances (*id.* at 15:1–3). The OAA NL system allows greater ease and flexibility to provide user access to additional service agents (*id.* at 15:3–12).

E. *Illustrative Claim*

Of the challenged claims, claims 1, 10, and 19 are independent claims. Claims 2–9 depend, directly or indirectly from claim 1; claims 11–18 depend directly or indirectly from claim 10; and claims 20–27 depend directly or indirectly from claim 19 (Ex. 1001, claims 1–27). Claim 1, reproduced below, is illustrative:

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