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Paper 21
Entered: November 19, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01052
Patent 9,516,127 B2

Before THU A. DANG, JONI Y. CHANG, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

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

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I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 33, 35, 38, 41, 42, 44, 45, and 48 (“the challenged claims”) of U.S. Patent No. 9,516,127 B2 (Ex. 1001, “the ’127 patent”). Paper 2 (“Pet.”). The SEVEN Networks, LLC and CF SVN LLC (collectively, “Patent Owner”) filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). Pursuant to our prior authorization, Petitioner filed a Reply (Papers 16, 17, “Reply”) to the Patent Owner Preliminary Response as to the issue of whether Petitioner had named all of the real parties in interest, and Patent Owner file a Sur-Reply (Papers 18, 19, “Sur-Reply”).¹ The parties also filed Motions to Seal (Papers 15, 20) the un-redacted versions of their papers (Papers 16, 18) and certain exhibits and have agreed to the Revised Protective Order (Paper 15, Appendix A).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition “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.” For the reasons stated below, we determine that there is a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim. We hereby institute *inter partes* review of all the challenged claims on all the grounds of unpatentability asserted in the Petition.

¹ Both parties filed un-redacted and redacted versions of their papers. Our citations correspond to the un-redacted version of each paper.

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A. Related Matters

The parties indicate that the '127 patent is involved in *Google LLC v. SEVEN Networks, LLC*, Case No. 3:17-cv-04600 (N.D. Cal.). Pet. 62; Paper 11, 1. The parties also list other related proceedings. Paper 11, 1–2.

B. The '127 Patent

The '127 patent claims priority to U.S. Provisional Application No. 61/805,070, which was filed on March 25, 2013. Ex. 1001 at [54], [60]. The '127 patent discloses a system and method “for tracking resources used by triggers such as alarms and timers that are used by mobile applications to schedule tasks and intelligently manipulating the timing of the triggers to optimize usage of resources.” *Id.* at Abstract.

Figure 1A-1 of the '127 patent is reproduced below.

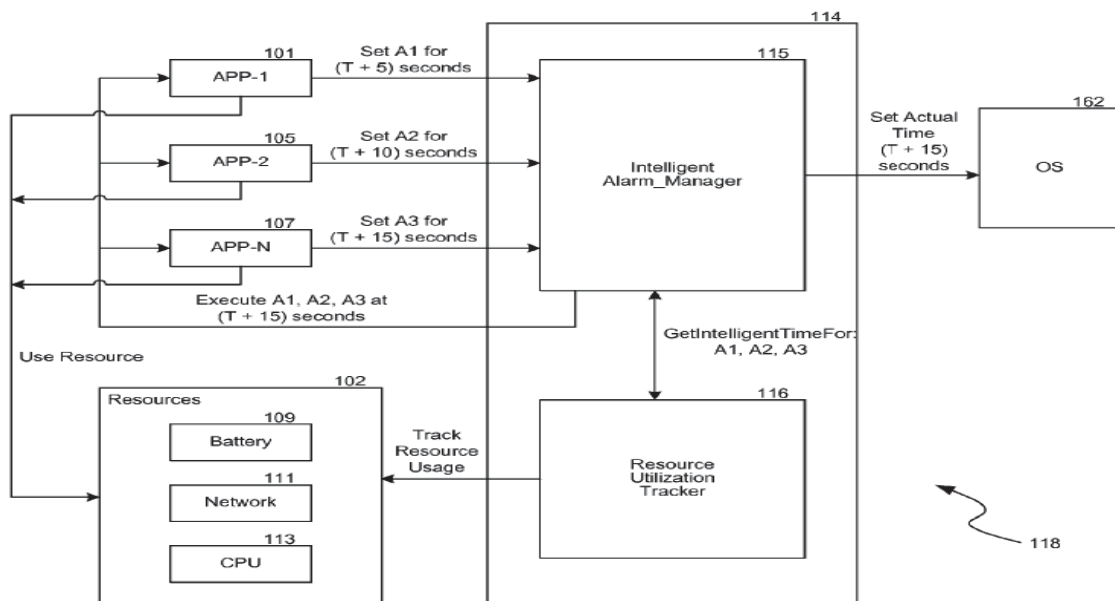


FIG. 1A-1

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Figure 1A-1 of the '127 patent illustrates an example resource utilization tracking and intelligent alarm management of triggers across multiple applications on a mobile device. *Id.* at 5:15–20. In particular, Figure 1A-1 shows intelligent alarm manipulator and resource tracker module 114 having intelligent alarm manager 115 and resource utilization tracker 116. *Id.* Applications 101, 105, and 107 are applications of a mobile device, which can set alarms for different times to perform different tasks. *Id.* at 5:24–26. Alarms A1, A2, and A3 are intercepted and/or tracked by intelligent alarm manager 115, and they use resources 102, including battery 109, network 111, and CPU 113. *Id.* at 5:29–33. Resource utilization tracker 116 tracks or monitors the usage of various resources by alarms A1, A2, and A3, or tasks triggered by the alarms. *Id.* at 5:33–36. For example, assuming that alarm A1 wakes up the mobile device from the sleep mode, when alarm A1 is triggered, the mobile device's battery/power resource and CPU resource can be utilized. *Id.* at 5:36–39.

C. Illustrative Claim

Of the challenged claims, claims 33 and 42 are independent. Claims 35, 38, and 41 depend from claim 33. Claims 44, 45, and 48 depend from claim 42. Claim 33 is illustrative:

33. A mobile device, comprising:
a memory;
a processor in communication with the memory and configured to execute instructions stored in the memory to:

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receive a selection from a user whether to optimize traffic of a first application executing in a back ground of the mobile device;

optimize background traffic of the first application;

receive a selection from a user whether to enter a power save mode, where the power save mode is based on a battery level of the mobile device;

upon selection to enter the power save mode, adjust a timing of activities of a second application executing in the background of the mobile device to reduce usage of at least one resource of the mobile device;

exit the power save mode, wherein the power save mode is exited based on a battery level or in response to the user directing the mobile device to exit the power save mode.

Ex. 1001, 25:63–26:15.

D. Prior Art Relied Upon

Petitioner relies upon the references listed below (Pet. 4–6).

Reference		Exhibit
Giaretta	US 9,264,868 B2, issued Feb. 16, 2016 (filed Nov. 3, 2011)	1004
Lee	US 2012/0272230 A1, published Oct. 25, 2012	1009
Hackborn	US 8,280,456 B2, issued Oct. 2, 2012	1010
Backholm	US 2012/0023190 A1, published Jan. 26, 2012	1011

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