UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PANASONIC AVIONICS CORP,
Petitioner,

v.

LINKSMART WIRELESS TECHNOLOGY, LLC,
Patent Owner.

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Case IPR2019-00043
Patent RE46,459

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Before JEAN R. HOMERE, BRIAN J. McNAMARA, and
CHARLES J. BOUDREAU, *Administrative Patent Judges.*

McNAMARA, *Administrative Patent Judge.*

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

## BACKGROUND

Panasonic Avionics Corp. ("Petitioner") filed a Petition, Paper 2 ("Pet."), to institute an *inter partes* review of claims 91–99, 108–120, and 122–125 (the "challenged claims") of U.S. Patent No. RE46,459 ("the '459 patent"). 35 U.S.C. § 311. Linksmart Wireless Technology, LLC ("Patent Owner") timely filed a Preliminary Response, Paper 6 ("Prelim. Resp."), contending that the petition should be denied as to all challenged claims. We have jurisdiction under 35 U.S.C. § 314, which provides that 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." Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we decline to institute *inter partes* review.

## REAL PARTIES IN INTEREST

The Petition states "The Petitioner is Panasonic Avionics Corp. ('Panasonic' or 'Petitioner'). Panasonic is a subsidiary of Panasonic Corporation of North America, which in turn is a subsidiary of Panasonic Holding (Netherlands) B.V., which is a subsidiary of Panasonic Corporation, all of which are real parties-in-interest." Pet. 6. Petitioner also states that it has a vendor-customer relationship with multiple companies that have been sued for alleged infringement of the '459 patent and may, therefore, benefit from institution of *inter partes* review. *Id.* Citing *Applications in Internet Time v. RPX Corp.*, No. 2017-1698, slip op. at 26 (Fed. Cir. July 9, 2018), and without conceding they are actual real parties-in-interest, Petitioner also identifies the following entities as real parties-in-interest: Aerovias de

Mexico, SA de CV; Grupo Aeromexico SAB de CV; Société Air France
a/k/a Air France; Koninklijke Luchtvaart Maatschappij N.V. a/k/a KLM
Royal Dutch Airlines; Air France-KLM SA; United Airlines, Inc.; United
Continental Holdings, Inc.; American Airlines, Inc.; American Airlines
Group, Inc.; WestJet Airlines Ltd.; WestJet Operations Corp.; WestJet, an
Alberta Partnership Southwest Airlines Company; Emirates; and The
Emirates Group.

*Id.*

Patent Owner identifies itself as the sole real party-in-interest.
Paper 3.

## RELATED PROCEEDINGS

Petitioner states that, to the best of its knowledge, as of the filing date
of the Petition, the '459 patent is involved in the following litigation:
*Linksmart Wireless Technology, LLC v. Panasonic Avionics Corp.*, No.
8:18-cv-00662 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Caesars
Entm't Corp.*, No. 2:18-cv-00862 (D. Nev.); *Linksmart Wireless
Technology, LLC v. Golden Nugget, Inc.*, No. 2:18-cv-00864 (D. Nev.);
*Linksmart Wireless Technology, LLC v. Las Vegas Sands Corp.*, No. 2:18-
cv-865 (D. Nev.); *Linksmart Wireless Technology, LLC v. MGM Resorts
Int'l*, No. 2:18-cv-00867 (D. Nev.); *Linksmart Wireless Technology, LLC v.
Wynn Resorts, Ltd.*, No. 2:18-cv-00868 (D. Nev.); *Linksmart Wireless
Technology, LLC v. Deep Blue Commc'ns, LLC*, No. 1:18-cv-02441
(E.D.N.Y.); *Linksmart Wireless Technology, LLC v. DCI-Design Commc'ns
LLC*, No. 2:18-cv-02444 (E.D.N.Y.); *Linksmart Wireless Technology, LLC
v. Aerovias de Mexico, SA de CV*, No. 2:18-cv-03335 (C.D. Cal.); *Linksmart
Wireless Technology, LLC v. Air Canada*, No. 2:18-cv-03337 (C.D. Cal);

*Linksmart Wireless Technology, LLC v. Société Air France a/k/a Air France and Koninklijke Luchtvaart Maatschappij N.V. a/k/a KLM Royal Dutch Airlines*, No. 2:18-cv-03341 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Alaska Air Group, Inc.*, No. 2:18-cv-03345 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. United Airlines, Inc.*, No. 2:18-cv-03348 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. American Airlines, Inc.*, No. 2:18-cv-03349 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. British Airways, PLC*, No. 2:18-cv-03352 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Emirates*, No. 2:18-cv-03353 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Delta Air Lines, Inc.*, No. 2:18-cv-03354 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Gogo Inc.*, No. 8:18-cv-00654 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. WestJet Airlines Ltd. and WestJet Operations Corp.*, No. 8:18-cv-00657 (C.D. Cal.); and *Linksmart Wireless Technology, LLC v. Southwest Airlines Co.*, No. 8:18-cv-00660 (C.D. Cal.).

<div align="center">THE '459 PATENT (EXHIBIT 1001)</div>

The '459 patent describes a database system for use in dynamically redirecting and filtering Internet traffic. Ex. 1001, 1:21–22. The system "allows for creating and implementing dynamically changing rules, to allow the redirection, blocking, or allowing, of specific data traffic for specific users, as a function of database entries and the user's activity." *Id.* at 3:7–11. The system is programmable and "may be implemented to control (block, allow, and redirect) any type of service, such as Telnet FTP, WWW and the like." *Id.* at 8:24–29.

Figures 1 and 2 of the '459 patent are reproduced below side-by-side.
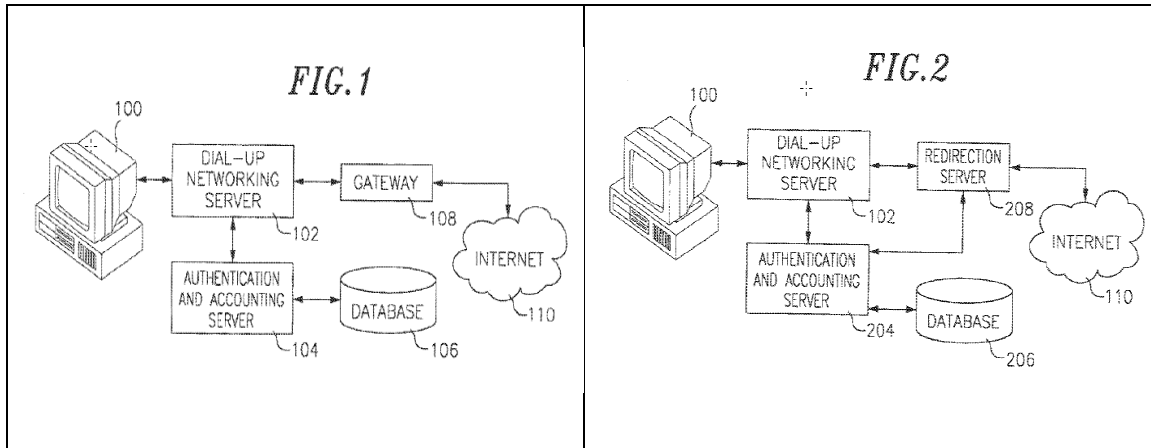
Figures 1 and 2 of the '459 patent

Figure 1 on the left shows a typical Internet Service Provider environment and Figure 2 on the right shows an embodiment of an Internet Server Provider environment with integrated redirection. Ex. 1001, 3:50–54.

In the conventional system of Figure 1, networking server 102 communicates with terminal 100, authentication and accounting server 104, and the Internet 110 through gateway 108. In conventional redirection in the context of World Wide Web (WWW) access, a user instructs a browser to access a remote page (specified by a universal resource locator (URL)), the browser sends the request to the server, and the server returns the requested page—but the returned page contains hypertext markup language (HTML) code instructing the browser to request a different page, thereby redirecting the request to the URL in the first page's HTML code. *Id*. at 1:48–2:3. A disadvantage of this approach is that redirection is controlled at the remote end (the WWW server end), rather than at the user end. *Id*. at 2:6–10.

In the system according to the invention shown in Figure 2, networking server 102 communicates with the Internet 110 through redirection server 208. For a newly established session, authentication accounting server 204 queries database 206 and forwards the currently

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