

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

SOUND VIEW INNOVATIONS, LLC,
Patent Owner.

IPR2019-01113
Patent 6,034,621

Before LINDA E. HORNER, PATRICK R. SCANLON, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314; 37 C.F.R. § 42.107(e)

I. INTRODUCTION

Unified Patents Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–8, 10–18, 20–38, and 40–44 of U.S. Patent No. 6,034,621 (Ex. 1001, “the ’621 patent”). Sound View Innovations, LLC (“Patent Owner”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”).

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.” A decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

Patent Owner filed a statutory disclaimer to disclaim claims 1–8, 15–18, 21–38, and 40–44 of the ’621 patent. *See* Ex. 2001. Thus, of the claims challenged in the Petition, only claims 10–14 and 20 remain in the patent. Upon consideration of the Petition and the Preliminary Response, and for the reasons explained below, we determine that Petitioner has not shown a reasonable likelihood that it would prevail with respect to at least one of the remaining challenged claims. Thus, we deny the Petition and do not institute an *inter partes* review of claims 1–8, 10–18, 20–38, and 40–44 of the ’621 patent.

II. BACKGROUND

A. *Related Matters*

Neither Petitioner nor Patent Owner identifies any other judicial or administrative matters that would affect, or be affected by, a decision in this proceeding. Paper 1, 79; Paper 6, 2.

B. Real Parties in Interest

Unified Patents Inc. identifies itself as the real party in interest. Paper 1, 78; *see also* Ex. 1003 (Petitioner's Voluntary Interrogatory Responses in support of its RPI certification). Sound View Innovations, LLC, identifies itself and Sound View Innovation Holdings, LLC, as the real parties in interest. Paper 6, 2.

C. The '621 Patent

The '621 patent relates to the automated synchronization of calendar and contact-related data between a personal computer (PC) and a remote personal digital assistant (PDA). Ex. 1001, 1:9–12. The '621 patent describes that conventional methods to link a PC with a PDA to synchronize data require establishing a fixed, point-to-point, dedicated link. *Id.* at 2:24–27, Figs. 5–7. These fixed, dedicated links require either physical placement of the PDA within the proximity of the PC to establish a direct serial link or an infrared link, or movement of the PDA to a telephone jack to connect the PDA to a modem. *Id.* at 2:27–33. The '621 patent describes that the requirement to have a fixed, dedicated connection between the PDA and the PC for a period of time tends to discourage frequent synchronization of data files. *Id.* at 2:33–37.

The '621 patent describes a system that uses wireless networks to synchronize data between a PC and a PDA. *Id.* at 3:37–39. An embodiment of the system that uses a Cellular Digital Packet Data (CDPD) network to synchronize data is shown below in Figure 3.

FIG. 3

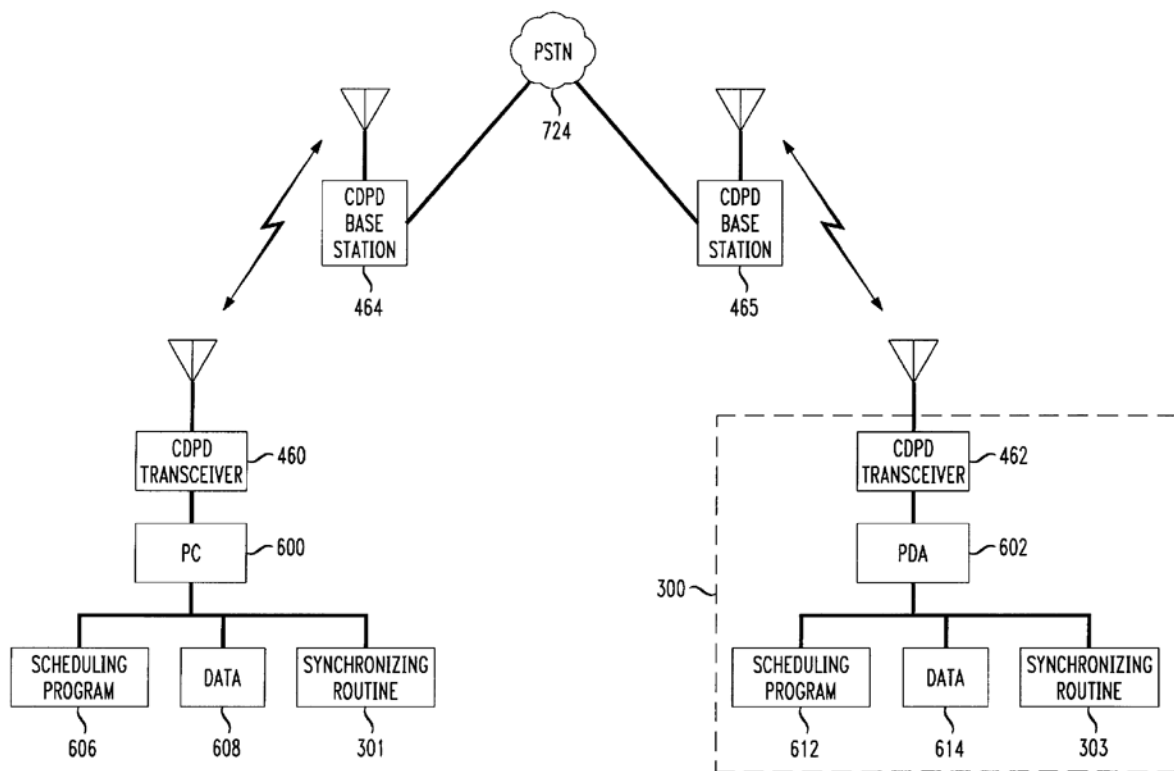


Figure 3 shows an embodiment of the system that uses a CDPD network to transmit data packets over existing cellular telephone channels. *Id.* at 6:55–59. In Figure 3, PC 600 and PDA 300 contain scheduling programs 606, 612 and data files 608, 614. *Id.* at 6:63–65. PC 600 establishes a connection with remote CDPD transceiver 460 to implement a two-way synchronization of data files 608, 614 under the control of synchronization routine 301. *Id.* at 6:65–7:1. PDA 300, which is a roaming remote device, may initiate the establishment of the connection with PC 600, and synchronization routine 303 may control synchronization of data files 608, 614. *Id.* at 6:60–61, 7:1–4.

CDPD transceiver 460 establishes a wireless connection with CDPD base station 464, which in turn routes the synchronization data from data file

608 through Public Switched Telephone Network (PSTN) 724 to another CDPD base station 465, if necessary, before re-transmission to remote CDPD transceiver 462. *Id.* at 7:5–9. Remote CDPD transceiver 462 communicates with PDA 602 via a serial port or via a PCMCIA port if PDA 602 is so equipped. *Id.* at 7:9–12.

The '621 patent describes that an important feature is “the utilization of packetized data to provide efficient utilization of a communication path, rather than wasting unused bandwidth of a fixed, dedicated communication path as in the prior art. *Id.* at 5:16–20. The '621 patent also describes that the system “provides an additional level of freedom of movement” to the PDA because “it can be synchronized from any location, at any time, without the need to plug the PDA 602 into the PSTN or to co-locate the PDA 602 with the PC 600 as in the prior art.” *Id.* at 5:27–32.

The '621 patent describes that “[i]n a preferred embodiment, synchronization between the data files 608, 614 takes place after each update or change to either data file 608, 614.” *Id.* at 4:31–33. For example, “as a data base cell is changed in either data file 608, 614, the same changes are mirrored to the other data file 608, 614” over the wireless network. *Id.* at 4:35–38. The '621 patent describes that “this automatic synchronization may take place after n changes to either data file 608, 614, after m minutes of activity, and/or upon existing from the scheduling program 606 or 612.” *Id.* at 4:41–44.

D. Challenged Claims

Petitioner challenges claims 1–8, 10–18, 20–38, and 40–44. Paper 1, 1. Of these, claims 1, 4, 7, 17, 21, and 33 are independent. Ex. 1001, 7:27–10:65. Claim 7 and its dependent claim 10, reproduced below, are illustrative of the challenged subject matter.

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