

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2020-00441
Patent 8,949,954 B2

Before PATRICK M. BOUCHER, STACY B. MARGOLIES, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

Google LLC (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–4, 6, 9, and 12–14 of U.S. Patent No. 8,949,954 B2 (“the ’954 patent”). Paper 1 (“Pet.”). Uniloc 2017 LLC (“Patent Owner”) filed a Preliminary Response. Paper 6

(“Prelim. Resp.”). In accordance with authorization the Board provided by email correspondence to the parties, Petitioner filed a Reply and Patent Owner filed a Sur-Reply, limited to addressing the Board’s recently designated precedential decision in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential). Papers 7 (“Reply”), 8 (“Sur-Reply”). After a related district court proceeding involving the ’954 patent was transferred from the Eastern District of Texas to the Northern District of California, we requested, and the parties filed, further simultaneous briefing regarding the impact of that transfer on our evaluation of the *Fintiv* factors. Papers 10–12.

Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we grant the Petition and institute an *inter partes* review. The Board has not made a final determination regarding the patentability of any claim.

I. BACKGROUND

A. The ’954 Patent

1. Overview

The ’954 patent “relates to a method and system for providing customer notification and authorization of remote requests for access to customer account information.” Ex. 1001, 1:17–20. Figure 7 of the ’954 patent is reproduced below.

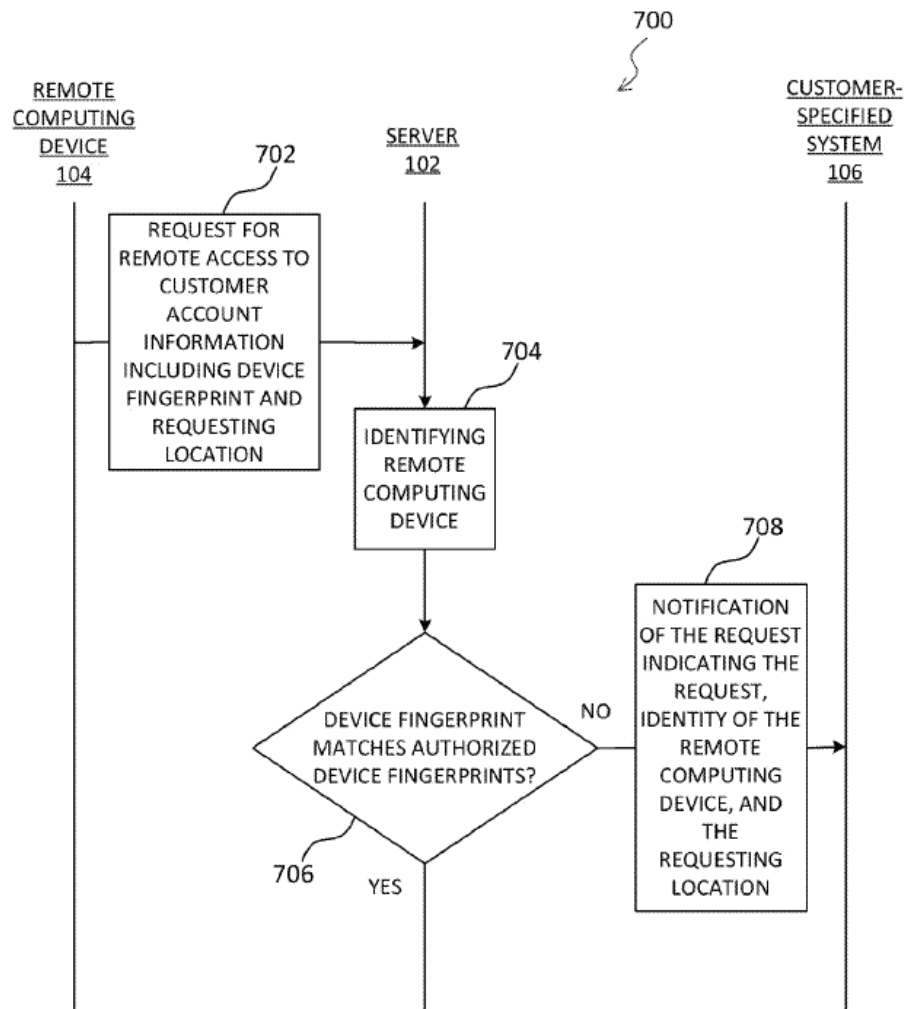


FIG. 7

Figure 7 is a “transaction flow diagram” that illustrates how a remote computing device requests remote access to customer account information through a server. *Id.* at 9:42–46. For purposes of illustration, the ’954 patent describes transaction flow diagram 700 “in the context . . . of a customer or a hacker requesting remote access to . . . bank account information.” *Id.* at 9:46–50.

At step 702, remote computing device 104 transmits a request for remote access to customer account information. *Id.* 9:55–56. The request can include a “device fingerprint” and a “requesting location” of remote computing device 104. *Id.* at 9:57–59. “For example, a person can request remote access to the bank account information from a laptop in a different state. Such a laptop can be an authorized laptop or an unknown laptop.” *Id.* at 9:59–62. An “unknown laptop” differs from an “authorized laptop” because “[t]he authorized laptop can be a system in which the customer with authority to access the bank account information has approved for use in obtaining access to the bank account information” and because “[t]he authorized laptop’s device fingerprint may be stored as an authorized device fingerprint.” *Id.* at 9:63–67. The “unknown laptop,” by contrast, “can be a system that the customer with authority to access the bank account information has not approved for use in obtaining access to the bank account information.” *Id.* at 9:67–10:3. Accordingly, the unknown laptop’s device fingerprint is not indicated as an authorized device fingerprint. *Id.* at 10:3–6.

At step 704, server 102 identifies remote computing device 104, such as by using the device fingerprint and requesting location of remote computing device 104. *Id.* at 10:7–11. At step 706, server 102 determines whether the device fingerprint of remote computing device 104 matches an authorized device fingerprint, such as by performing a comparison with a stored list of authorized device fingerprints. *Id.* at 10:21–27. If a match is found, server 102 may approve the remote access request. *Id.* at 10:52–56. But if no match is found, server 102 proceeds to step 708. “For example, in the case where the person is using the unknown laptop to request remote access to the bank account information, the device fingerprint of the

unknown laptop utilized will not match an authorized device fingerprint.”
Id. at 10:33–36.

At step 708, server 102 transmits a notification of the request to customer-specified system 106, indicating “the request, identity of the remote computing device 104, and the requesting location.” *Id.* at 10:37–41. “This allows the customer to determine whether to grant or deny access to the bank account information by the unknown laptop.” *Id.* at 10:46–48.

Figure 8 of the ’954 patent is reproduced below.

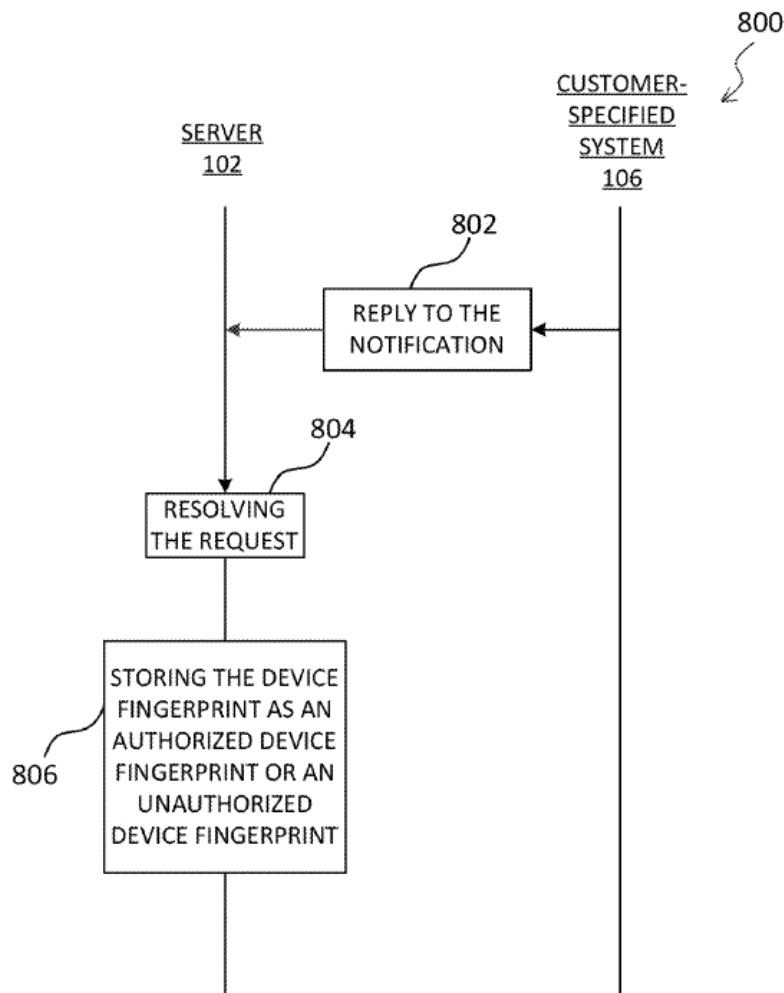


Figure 8 is a “transaction flow diagram [that] illustrates additional steps to the transactional flow diagram 700 (FIG. 7).” *Id.* at 10:60–65. At step 802,

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