UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VERIZON BUSINESS NETWORK SERVICES, INC.,
Petitioner,

v.

HUAWEI TECHNOLOGIES CO., LTD.,
Patent Owner.

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IPR2020-01079
Patent 7,609,288 B2

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Before TREVOR M. JEFFERSON, PATRICK M. BOUCHER, and
KEVIN C. TROCK, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining Some Challenged Claims Unpatentable
35 U.S.C. § 318(a)

In response to a Petition (Paper 2, "Pet.") filed by Verizon Business Network Services, Inc. ("Petitioner"), we instituted an *inter partes* review of 1, 2, 5–7, 9, 10, 12, and 14 of U.S. Patent No. 7,609,288 B2 (Ex. 1001, "the '288 patent"). Paper 10 ("Dec."). During the trial, Huawei Technologies Co., Ltd. ("Patent Owner") filed a Response (Paper 18, "PO Resp."), Petitioner filed a Reply (Paper 21, "Reply"), and Patent Owner filed a Sur-reply (Paper 30, "Sur-reply"). An oral hearing was held with the parties, and a copy of the transcript was entered into the record. Paper 32 ("Tr.").[1]

We have jurisdiction under 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the claims on which we instituted trial. Based on the record before us, Petitioner has shown, by a preponderance of the evidence, that claims 1, 2, 5, 7, 9, 10, 12, and 14 are unpatentable. Petitioner has not shown, by a preponderance of the evidence, that claim 6 is unpatentable.

I. BACKGROUND

A. The '288 Patent

1. Overview

The '288 patent describes "a method for transferring desktop information of a PC to a video communication terminal and an apparatus thereof." Ex. 1001, 1:17–20. Such method and apparatus are described in the context of a videoconferencing system that "needs to transfer desktop information, such as films or file information, to the remote video

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[1] Although Petitioner appeared at the oral hearing, it did not make a presentation and instead "rest[ed] on the arguments presented in its papers and the supporting exhibits." Tr. 6:12–16.

communication terminal at the same time while a local image such as an image taken by a video camera is transferred." *Id.* at 1:24–29.

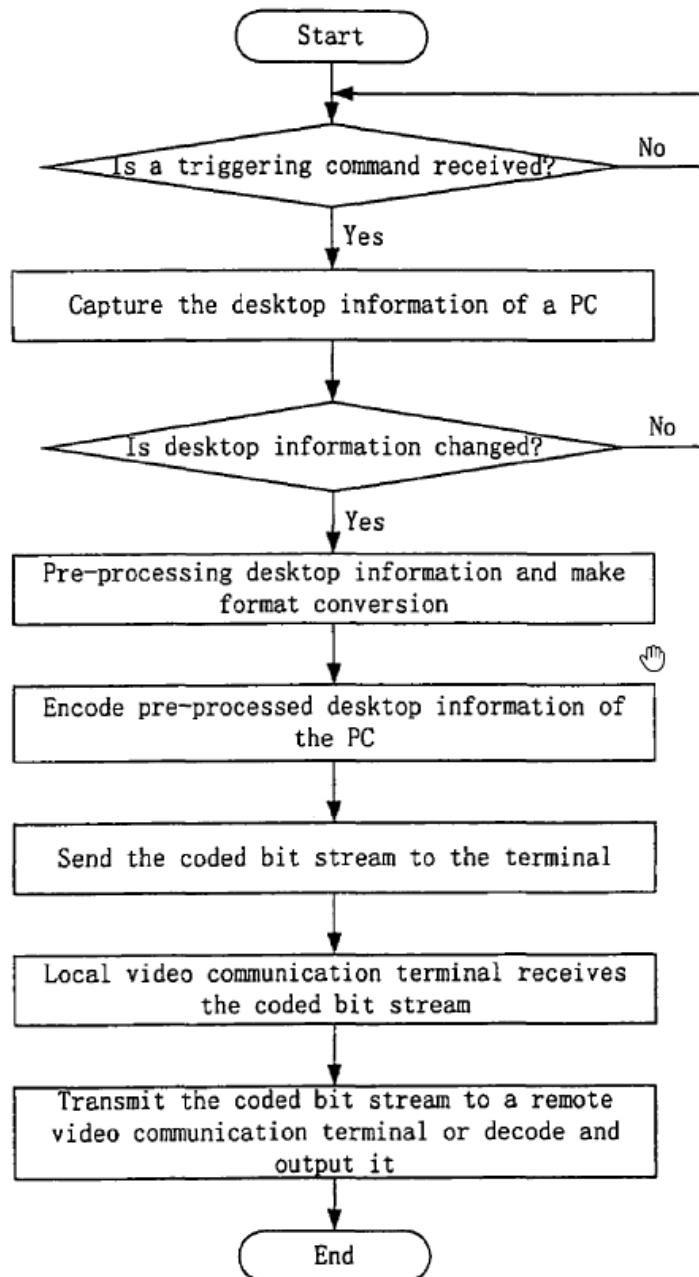Figure 1 of the '288 patent is reproduced below.

Fig. 1

Figure 1 is a flowchart illustrating a method for transferring information from the desktop to the terminal. *Id.* at 2:61, 3:7–10. Although the drawing does not include reference numbers, the patent refers to steps with cardinal numbers whose correspondence with diagram blocks is readily inferred. *See id.* at 3:9–43. At "Step 1," the method waits for a trigger command from a capture driver. *Id.* at 3:11–12. At "Step 2," after the trigger command is received, desktop information is captured and a determination made whether the desktop information has been changed. *Id.* at 3:13–15. If it has, the method proceeds to "Step 3"; otherwise, the method returns to "Step 1." *Id.*

At "Step 3," "various pre-process[es]" for the desktop information are made, "based on requirement." *Id.* at 3:16–17. At "Step 4," the "PC format" of the desktop information is converted to "a format of a local video communication terminal." *Id.* at 3:18–19. At "Step 5," the desktop information is encoded into a video bit stream. *Id.* at 3:20–28. At "Step 6," the coded bit stream is sent to the local video communication terminal. *Id.* at 3:29–30. At "Step 7," the coded bit stream is received by the local video communication terminal. *Id.* at 3:31–32. At "Step 8," the coded bit stream is decoded and sent to a local output device to display desktop information. *Id.* at 3:33–43.

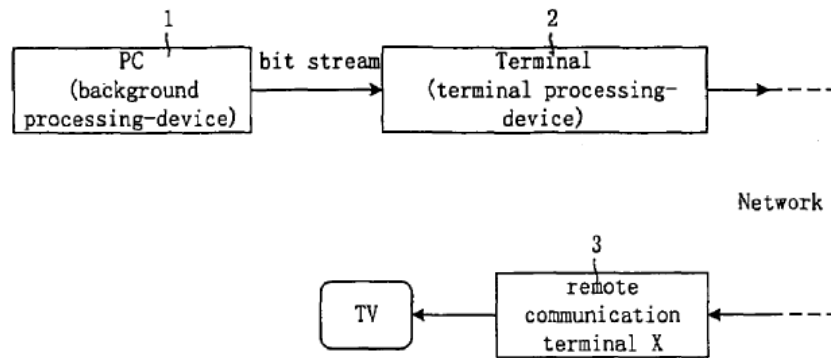Figure 4 of the '288 patent is reproduced below.

Fig. 4

Figure 4 illustrates a system on which the method of Figure 1 may be embodied. *Id.* at 2:67. As shown in the drawing, the PC has background processing device 1 to capture desktop information of the PC, which is encoded and sent, through a network port, to the local video communication terminal, which has terminal processing device 2. *Id.* at 3:44–48. The local video communication terminal forwards the received coded bit stream to remote video communication terminal 3. *Id.* at 3:48–51.

2. Illustrative Claims

Independent claims 1 and 9 are illustrative of the challenged claims and are reproduced below.

> 1. A method for transferring desktop information of a PC to a video communication terminal, comprising,
> a) capturing desktop information of the PC after receiving a triggering command, and converting a PC format of

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