

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORP.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

IPR2022-00971
U.S. Patent No. 7,382,771 B2

Before SCOTT A. DANIELS, FREDERICK C. LANEY, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

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

I. INTRODUCTION

Toyota Motor Corp., (“Petitioner”), filed a Petition requesting *inter partes* review (“IPR”) of claims 1–7, 9, 13, and 19 of U.S. Patent No.

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7,382,771 B2 (Ex. 1001, “the ’771 patent”). Paper 1 (“Pet.”). Intellectual Ventures II LLC, (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 6 (“Prelim. Resp.”). Petitioner subsequently filed a Pre-Institution Reply. Paper 9 (“Prelim. Reply”), and Patent Owner filed a Pre-Institution Sur-Reply. Paper 10 (“Prelim. Sur-reply”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the arguments and evidence presented by Petitioner, we are persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of the challenged claims.

A. Real Parties in Interest

Petitioner states that Toyota Motor Corp., Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc., are the real parties in interest. Pet. 74. Patent Owner states that Intellectual Ventures II LLC is the real party in interest. Paper 3, 1.

B. Related Matters

The parties indicate that the ’771 patent is at issue in various lawsuits, including *Intellectual Ventures I LLC et al v. Motorola Mobility LLC*, 13-cv-61358, in the U.S. District Court for the Southern District of Florida; *Intellectual Ventures I LLC and Intellectual Ventures II LLC, v. Toyota Motor Corp. et al.*, 2:21-cv-00389 in the U.S. District Court for the Eastern District of Texas; *Intellectual Ventures I LLC and Intellectual Ventures II LLC, v. Honda Motor Co., Ltd. et al.*, 2:21-cv-00390 in the U.S. District

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Court for the Eastern District of Texas; *Intellectual Ventures I LLC and Intellectual Ventures II LLC, v. General Motors Company et al.*, 6:21-cv-01088 in the U.S. District Court for the Western District of Texas, *Noblewood IP, LLC v. Alamo Drafthouse Cinemas, LLC* 9:22-cv-00084 in the U.S. District Court for the Eastern District of Texas, and *Intellectual Ventures I LLC and Intellectual Ventures II LLC, v. Honda Motor Co., Ltd. et al.*, 3:22-cv-00761 in the U.S. District Court for the Western District of Texas. Pet. 74–75, Paper 3, 2.

Patent Owner indicates that the '771 patent was involved in IPR2014-00504, *Motorola Mobility LLC v. Intellectual Ventures I LLC*, (the “*Motorola IPR*”) the Board determining in a Final Written Decision that no challenged claims were unpatentable.¹ Paper 3, 2.

C. The '771 Patent (Ex. 1001)

The '771 patent, titled “Mobile Wireless Hotspot System,” issued on June 3, 2008. Ex. 1001, code (45). The '771 patent relates to “providing a mobile wireless access point for use with high-speed wireless devices.” Ex. 1001, 1:5–7. Figure 2, as annotated by the Board, is reproduced below and

¹ In IPR2014-00504, the Board’s first Final Written Decision was vacated by the Federal Circuit, because “[t]he Board erred in its analysis of whether there was prior conception of the LAN routing system limitation.” *Intellectual Ventures II LLC v. Motorola Mobility LLC*, 692 F. App’x 627 (Fed. Cir. 2017). Subsequently, the Board was persuaded, as described in a second Final Written Decision, “that the inventors conceived the stand-alone system limitation before November 4, 2002.” *Motorola Mobility LLC v. Intellectual Ventures II LLC*, IPR2014-00504, Paper 84 at 29 (PTAB (Final Written Decision) (March 13, 2020). Based at least in part on this determination, the Board determined that Petitioner failed to show that any of the challenged claims in the '771 patent are unpatentable. *Id.* at 68.

illustrates Mobile Hotspot System (“MHS”) 40 for accomplishing this objective:

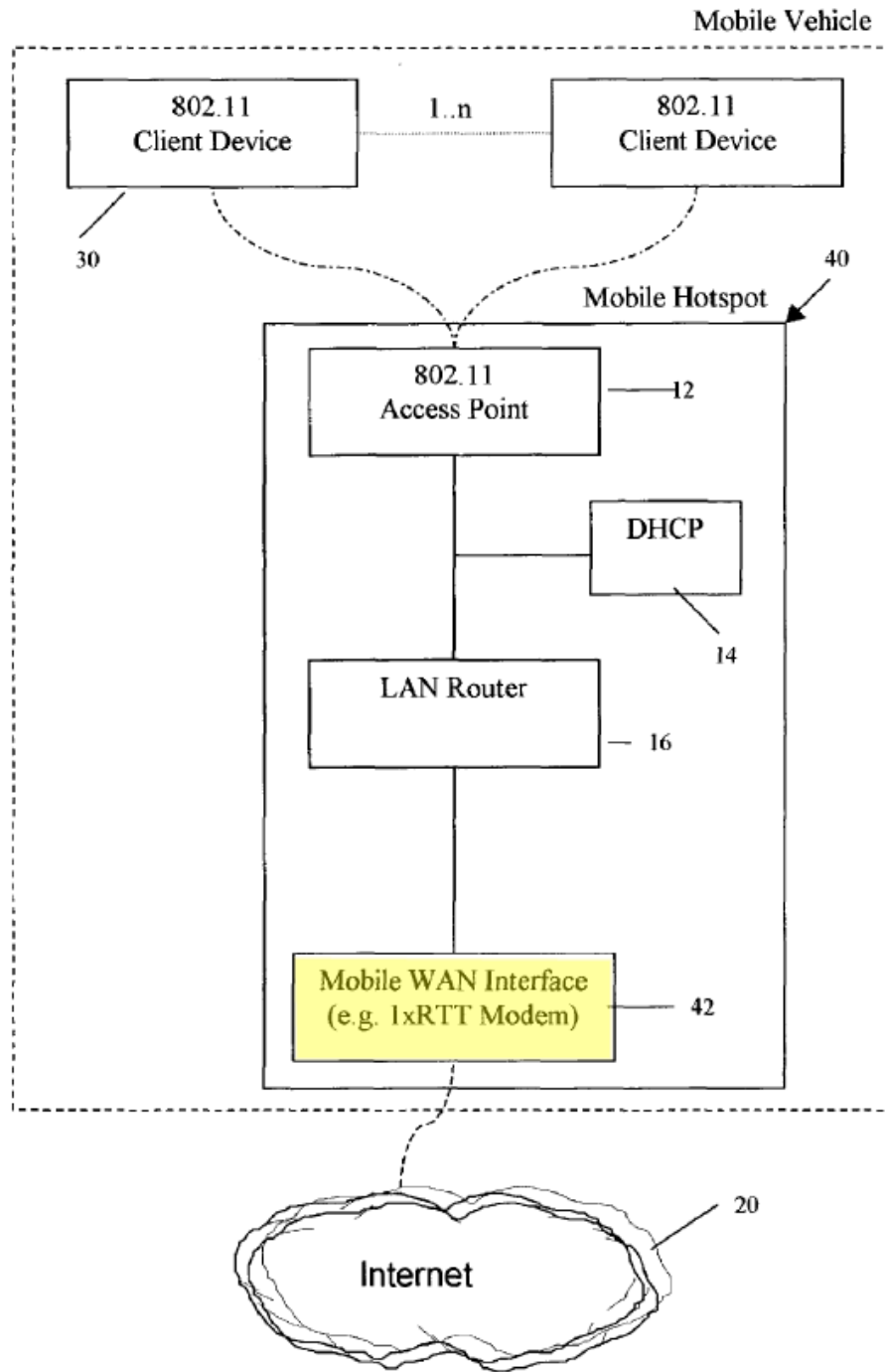


Figure 2

Figure 2 depicts Mobile Hotspot System (“MHS”) 40. MHS 40 includes access point 12 for connecting with client devices 30 and mobile long-range wireless (“WAN”) interface 42, highlighted yellow, for establishing an Internet connection. *Id.* at 3:37–42. Mobile WAN interface 42 allows MHS 40 to be deployed in a moving vehicle. *Id.* at 3:42–44. Local Area Network (“LAN”) Router 16 directs traffic between access point 12 and mobile WAN interface 42. *Id.* at 3:33–34, 4:1.

D. Illustrative Claim

Claims 1 and 9 are independent. Claims 2–7, 13 and 19 depend from claims 1 and 9 respectively. Claim 1 illustrates the claimed subject matter and is reproduced below:²

1. [1Pre] A mobile wireless hot spot system, comprising:
 - [1a] a) a short-range, high-speed wireless access point operative to communicate with short-range client devices;
 - [1b] b) a long-range, wireless Internet access interface operative to communicate with the Internet; and
 - [1c] c) a Local Area Network (LAN) routing system managing the data path between said wireless access point and said Internet access interface,
 - [1d] wherein said mobile wireless hotspot system is a stand-alone system that enables client devices configured for short range, high-speed wireless Internet access to use said mobile wireless hotspot system to access the Internet without the need to access an external service controller server.

Ex. 1001, 6:16–28.

² For consistency, we reproduce Petitioner’s reference numbers [1Pre]–[1d] to identify particular claim limitations. Pet. 21–33.

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