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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
Petitioner,

v.

BLACK HILLS MEDIA, LLC,
Patent Owner.

Case IPR2014-00718
Patent 7,835,689 B2

Before BRIAN J. McNAMARA, DAVID C. McKONE, and TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively "Petitioner") filed a Petition requesting an *inter partes* review of claims 9 and 10 of U.S. Patent No. 7,835,689 B2 (Ex. 1001, "the '689 patent"). Paper 1 ("Pet."). Black Hills Media, LLC ("Patent Owner") filed a Preliminary Response to the Petition. Paper 7 ("Prelim. Resp.").

We have jurisdiction under 35 U.S.C. § 314, which provides that 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." 35 U.S.C. § 314(a). Upon considering the Petition and Preliminary Response, we determine that Petitioner has shown a reasonable likelihood that it would prevail in showing the unpatentability of claims 9 and 10. Accordingly, we institute an *inter partes* review of those claims.

A. Related Proceedings

Petitioner states that the '689 patent is currently the subject of a copending district court case against Petitioner captioned, *Black Hills Media, LLC v. Samsung Electronics Co., Ltd.*, No. 2-13-cv-00379 (E.D. Tex.). Pet. 1; *see also* Paper 6, at 2.

Petitioner also has filed a number of petitions for *inter partes* review of other patents owned by Patent Owner, including IPR2014-00721, which involves related U.S. Patent No. 7,917,082 B2.

B. The '689 Patent (Ex. 1001)

The '689 patent relates to "localized wireless audio networks for shared listening of recorded music." Ex. 1001, 1:26–28. Specifically, the claimed invention at issue relates to a method of determining whether to

permit a requesting media player device to join a media sharing group. *Id.* at 62:52–63:3 (claims 9 and 10).

Figure 6 of the '689 patent is reproduced below:

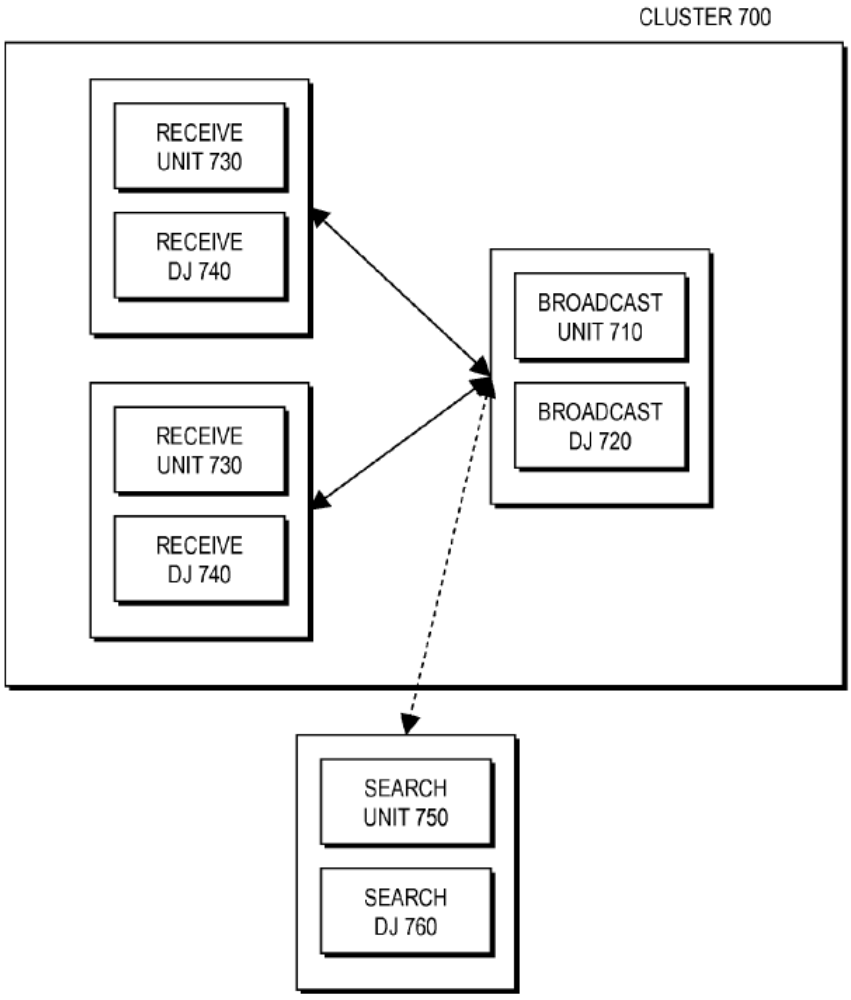

Figure 6 is a schematic block diagram of a cluster of units (i.e., devices). Cluster 700 is comprised of broadcast unit 710 and receive units 730. Ex. 1001, 21:45–50. Broadcast unit 710 transmits music, while receive units 730 receive the broadcasted music. *Id.* at 21:50–51. Search unit 750, which is not part of cluster 700, searches for a broadcast unit to listen to or a cluster to join. *Id.* at 21:51–55.

In one embodiment, the '689 patent teaches that a prospective new member can request to join a cluster. *Id.* at 37:33–36. The broadcast unit

receives the request and requests "personal and cluster ID's" from the prospective new member. *Id.* at 37:38–40. The personal ID is a unique identifier for each unit, and the cluster ID represents the personal IDs of other units with which the prospective member has been previously associated in a cluster. *Id.* at 37:40–45. The '689 patent teaches that information associated with the personal and cluster IDs can be used to determine whether to accept or reject a prospective new member into a cluster. *Id.* at 37:64–67. Such information can include "the reputation or desirability of individuals with a given personal ID [that is] posted to or retrieved from trusted people." *Id.* at 38:14–16.

C. The Challenged Claims

Petitioner challenges claims 9 and 10 of the '689 patent. Claim 10 depends from claim 9, both of which are reproduced below:

> 9. A method of operating a digital computing device associated with a sharing group, comprising:
>
> receiving a request to join the sharing group from a requesting media player device;
>
> making a determination as to whether to permit the requesting media player device to join the sharing group based on information associated with a user of the requesting media player device; and
>
> adding the requesting media player device to the sharing group if the determination is made to permit the requesting media player device to join the sharing group;
>
> wherein the information associated with the user of the requesting media player device comprises information, made available by a trusted user, regarding a desirability of the user of the requesting media player device as a member of the sharing group.
>
> 10. The method of claim 9 wherein the digital computing device is one of at least two media player devices in the sharing group.

D. The Asserted Grounds of Unpatentability

Petitioner challenges the patentability of claims 9 and 10 of the '689 patent on the following grounds:

References	**Basis**	**Claims Challenged**
Yeager[1] and P2P Networking[2]	§ 103	9 and 10
Busam[3] and Phillips[4]	§ 103	9 and 10
Abecassis[5] and Ganesan[6]	§ 103	9 and 10

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, the Board interprets claim terms in an unexpired patent according to the broadest reasonable construction in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b). Under that standard, and absent any special definitions, we give claim terms their ordinary and customary meaning, as would be understood by one of ordinary skill in the art at the time of the invention. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definitions for claim terms must be set forth with reasonable clarity, deliberateness, and precision. *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

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[1] Yeager et al., US 7,383,433 B2, issued June 3, 2008 (Ex. 1003).
[2] Parameswaran et al., *P2P Networking: An Information-Sharing Alternative*, 34 COMPUTER 31–38 (July 2001) (Ex. 1005).
[3] Busam et al., US 2002/0087887 A1, published July 4, 2002 (Ex. 1006).
[4] Phillips et al., US 7,058,696 B1, issued June 6, 2006 (Ex. 1007).
[5] Abecassis, US 6,192,340 B1, issued Feb. 20, 2001 (Ex. 1008).
[6] Ganesan, US 5,535,276, issued July 9, 1996 (Ex. 1009).

i. "media player device"

The term "media player device" appears in both claims 9 and 10. Petitioner asserts that the term should be construed as "a device that is capable of playing media, including audio content, video content, or a combination of both." Pet. 5. Patent Owner does not propose a construction of this term.

At this stage of the proceeding, we are persuaded that Petitioner's proposed construction is the broadest reasonable interpretation of the term. The Specification does not use the term "media player device." We find instructive, however, that the Specification refers to an "audio entertainment device" as a device that includes a "player that *can* play audio entertainment from a member selected from the group of stored audio entertainment signals or audio entertainment signals transmitted from the transmitter of another such device." *See* Ex. 1001, 3:49–58 (emphasis added). That is, according to the Specification, the audio entertainment device is *capable* of playing audio entertainment, but does not have to be playing audio entertainment actively at any given time. Moreover, the Specification refers to devices that play audio, video, or a combination of both. *See id.* at 56:17–20 ("While the units 100 described above have comprised audio players 130, within the spirit of the present invention, such units can also comprise video or audio/visual players (both of which are referred to below as video players)."). Accordingly, for purposes of this Decision, we determine that the broadest reasonable interpretation for "media player device" is "a device that is capable of playing media, including audio content, video content, or a combination of both."

ii. "information, made available by a trusted user"

The term "information, made available by a trusted user" appears in claim 9. Petitioner contends that the information "made available by a trusted user" need not come directly from the trusted user, as long as the information is provided by a trusted user. Pet. 6–7. Patent Owner did not provide a proposed construction for this term.

At this stage of the proceeding, we are persuaded that Petitioner's proposed construction constitutes the broadest reasonable interpretation of the term. The ordinary and customary meaning of "information, made available by a trusted user" is broad enough to include information that is provided by a trusted user, either directly or indirectly. This is supported by the Specification where a prospective new member provides a personal and cluster ID, and the personal and cluster IDs can be associated with rating information or other information from trusted users regarding the desirability of the prospective new member as a member of the sharing group. Ex. 1001, 37:33–38:16. In other words, in that embodiment, it is the prospective new member—and not the trusted user—who provides information "made available by a trusted user." Thus, for purposes of this Decision, we construe this limitation to mean "information, made available by a trusted user either directly or indirectly."

iii. All Remaining Terms

We determine that, for purposes of this Decision, none of the other terms in the challenged claims requires express construction at this time.

B. Obviousness over Yeager (Ex. 1003) and P2P Networking (Ex. 1005)

Petitioner asserts that claims 9 and 10 are unpatentable as obvious over Yeager and P2P Networking. Pet. 27–36. Patent Owner did not

respond substantively to Petitioner's assertion in its Preliminary Response. We determine, on the current record, that Petitioner has established a reasonable likelihood that it would prevail in showing that the subject matter of claims 9 and 10 would have been obvious over Yeager and *P2P Networking*.

i. Yeager

Yeager relates to "a trust spectrum for certificate distribution in distributed peer-to-peer networks." Ex. 1003, 1:15–17. Yeager teaches that the disclosed trust mechanism can be used to implement trust relationships between and among peers. *Id.* at 2:45–47. Yeager defines a "peer" as "any entity that runs some or all of one or more protocols provided by the peer-to-peer platform core layer." *Id.* at 27:51–53. Peers may be grouped into peer groups to share content. *Id.* at 37:35. Yeager also discloses that any peer may join a peer group (assuming it meets membership requirements, if any), and the peer group members may assign a level of trust or peer confidence to that peer, as well as to each other. *Id.* at 3:48–52. "[P]eer confidence and risk tables may be used in determining if a target peer is able to cooperate and is thus trustworthy." *Id.* at 10:15–18.

Yeager teaches that each peer group may establish its own membership policy ranging from open, where any peer can join, to highly secure and protected, where a peer may join only if it possess sufficient credentials. *Id.* at 35:55–58. A peer wishing to join a peer group may locate a current member and then request to join the peer group. *Id.* at 35:59–61. The application to join may be rejected or accepted by one or more members of the peer group. *Id.* at 35:63–36:3.

ii. P2P Networking

P2P Networking teaches that a peer-to-peer network ("P2P network") distributes information among member nodes instead of storing information on a single server and distributing it to clients. Ex. 1005, at 31. In a P2P network, each member node makes information available for distribution and can establish a direct connection with any other member node to download information. *Id.*

P2P Networking also teaches that using protocols that make it easier for individual nodes to share information can result in decreased security or quality of service. *Id.* For example, because a P2P network admits individual nodes without restriction, the quality of their links can vary widely. *Id.* at 34. According to P2P Networking, peer-to-peer file-sharing networks like Napster can address this problem by classifying content. For example, a network can apply user feedback to build contributor profiles, similar to the scores the auction website eBay provides for auctioneers. *Id.* P2P Networking also explains that a private P2P network can "control membership, implement authentication schemes, and adopt standardized schemes to describe and classify content." *Id.*

iii. Analysis

As an initial matter, Petitioner asserts that Yeager qualifies as prior art under 35 U.S.C. § 102(e) because Yeager is entitled to the benefit of the July 31, 2001, filing date of U.S. Provisional Application No. 60/308,932. Pet. 18, 20. Petitioner contends that the provisional application discloses: (1) peer groups (citing Ex. 1004, at 5–13); (2) an elected representative member who is trusted to accept or reject new member applications to the peer group (citing *id.* at 37); (3) new users that can request to join peer groups by providing credentials, such as a security certificate signed by a

trusted user (citing *id.* at 77–81, 77–79, 108–114); (4) trust ratings based on content quality and risk (citing *id.* at 96–107); and (5) using trust ratings to determine whether a peer should be trusted to cooperate with other peers in a peer group (citing *id.* at 12, 94, 99). Pet. 20. Patent Owner did not oppose Petitioner's assertion. On this record, we determine that Petitioner has shown sufficiently that Yeager constitutes § 102(e) prior art as of the July 31, 2001, filing date of the provisional application.

Turning to Petitioner's arguments regarding the obviousness of the challenged claims, Petitioner asserts that Yeager teaches each limitation of claim 9, providing a detailed explanation along with testimony from its declarant, Dr. Kevin Almeroth, regarding where Yeager teaches each limitation. Pet. 27–36; Ex. 1011 ¶ 42. For example, Petitioner asserts that Yeager's peer groups and requests to join a peer group from a potential new member disclose the claimed step of receiving a request to join a sharing group. Pet. 27; Ex. 1011 ¶ 42 (citing Ex. 1003, 35:59–61). Petitioner also asserts that Yeager discloses the step of making a determination as to whether to admit the requesting peer to join the sharing group because Yeager teaches that an application to join a peer group may be rejected or accepted by the members of the peer group. Pet. 32 (citing Ex. 1003, 35:53–36:3). Petitioner further contends that Yeager discloses that the determination of whether to permit a requester to join the sharing group is based on information associated with the requesting peer, such as credentials that may be signed by a trusted user and trust levels that a trusted user would review to determine whether to admit a requesting peer. Pet. 28; Ex. 1011 ¶ 42 (citing Ex. 1003, 17:12–33, 18:40–65, 10:14–18). Petitioner also asserts that such credentials and trust levels constitute information made available by a trusted user regarding the desirability of the requesting peer as a

member of the sharing group. Pet. 34–36. Finally, Petitioner contends that Yeager discloses adding the requesting peer to the sharing group by distributing a full membership credential to the requesting device. Pet. 28; Ex. 1011 ¶ 42 (citing Ex. 1003, 52:52–63).

Claim 10 recites that the digital computing device is one of at least two media player devices in the sharing group. Petitioner asserts that Yeager discloses peer groups that are composed of two or more devices. Pet. 36 (citing Ex. 1003, Figs. 1B, 12, 13).

Petitioner further contends that a person of ordinary skill in the art would have had a reason to combine the elements of Yeager to reach the claimed invention in light of the disclosure in P2P Networking. That is, Petitioner asserts that P2P Networking explains that it would have been desirable to create a "self-enforced, restricted membership social community . . . [where] users can impose standards on quality of content and service." Pet. 28; Ex. 1011 ¶ 43 (internal quotation marks omitted). Accordingly, because both references arise from the same narrow field of content sharing on peer-to-peer networks and both references address rating peers, Petitioner asserts that a person of skill in the art would have had a reason to modify Yeager to achieve the purpose disclosed in P2P Networking.

Based on the current record, Petitioner has shown sufficiently that the subject matter of claims 9 and 10 is taught or suggested in Yeager in view of P2P Networking, and that a person of ordinary skill in the art would have had a reason to combine the elements of Yeager in the way the claimed invention does. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) ("[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does."). Accordingly, we determine that

Petitioner has established a reasonable likelihood that it would prevail in showing claims 9 and 10 are unpatentable as obvious over Yeager and P2P Networking.

C. Obviousness over Busam (Ex. 1006) and Phillips (Ex. 1007)

Petitioner asserts that claims 9 and 10 are unpatentable as obvious over Busam and Phillips. Pet. 36–48. Patent Owner did not respond substantively to Petitioner's assertion in its Preliminary Response.[7] We determine, on the current record, that Petitioner has established a reasonable likelihood that it would prevail in showing that the subject matter of claims 9 and 10 would have been obvious over Busam and Phillips.

i. Busam

Busam discloses a "device-to-device network that allows an entity to seamlessly access content stored on various devices." Ex. 1006 ¶ 8. Many devices can be registered on the network, but an entity may only access devices that the entity is authorized to access. *Id.* In one embodiment, Busam discloses a method for communicating data, which includes receiving a request to access a network of devices and allowing communication with devices that the user is allowed to access and not allowing communication with the devices that the user is not authorized to access. *Id.* ¶ 9.

[7] We acknowledge Patent Owner's argument that the Board should not institute *inter partes* review for Petitioner's assertion that claims 9 and 10 are unpatentable as obvious over (1) Busam and Phillips or (2) Abecassis and Ganesan, because these arguments are redundant over Petitioner's assertion that the claims are unpatentable over Yeager and P2P Networking. Prelim. Resp. 2–3. We note, however, that determining whether to proceed on allegedly redundant grounds is within the discretion of the panel. *See* 37 C.F.R. § 42.108(a).

ii. Phillips

Phillips discloses a multi-user shared file access service provided over a wide area network. Ex. 1007, 1:40–42. Each user of a user group can operate an arbitrary client node to communicate with a remote file server node and access the files of the file group stored on a virtual storage device. *Id.* at 6:1–7, 24–26. In one embodiment, a client manager node allows a customer to manage and administer each of the virtual storage devices of that customer. *Id.* at 12:21–26. The client manager node also can choose which users may join the group and transmits an email message to a user, inviting a new user to join the user group. *Id.* at 6:41–46. In one embodiment, a one-time password to join is sent to the new user. *Id.* at 16:57–66. The new user can then join the group by supplying the one-time password, which is validated by the remote file server. *Id.* at 18:16–36.

iii. Analysis

Petitioner contends that Busam discloses each limitation of claims 9 and 10 except for an indication of how new devices can join an existing sharing group, which Petitioner asserts is disclosed by Phillips. As support, Petitioner provides a detailed claim chart and the testimony of Dr. Almeroth. Pet. 39–48; Ex. 1011 ¶¶ 45–56. Specifically, Petitioner asserts that Busam discloses a device-to-device network that is organized into sharing groups for sharing media. Pet. 36; Ex. 1011 ¶¶ 45–46 (citing Ex. 1006 ¶¶ 25, 28). Petitioner notes that Busam discloses that three devices can make up the device-to-device network. Pet. 48 (citing Ex. 1006 ¶ 48). Petitioner also asserts that Busam teaches that devices can send requests to access a network of devices, and, if accepted, can share only media with other devices in the sharing group. Pet. 36; Ex. 1011 ¶ 45 (citing Ex. 1006 ¶¶ 9, 28).

Petitioner further asserts that Phillips discloses a method for allowing a trusted user to screen members of a file sharing group in which users receive access to a virtual storage device. Pet. 37; Ex. 1011 ¶¶ 49–50 (citing Ex. 1007, 12:21–39). Petitioner also asserts that the client manager node of Phillips can invite new, desirable users to join by sending them an email invitation with one-time passwords. Pet. 47; Ex. 1011 ¶ 50. According to Petitioner, that information is provided by the user of the client manager node, who is a trusted user. Pet. 37; Ex. 1011 ¶¶ 49–50.

Regarding the combination of references, Petitioner contends that a person of ordinary skill in the art would have had a reason to combine the teachings of the references because both references address ways for devices to share content securely amongst users in a group. Pet. 37; Ex. 1011 ¶ 55. Specifically, Petitioner asserts that a person of ordinary skill in the art would have had a reason to use Phillip's method of generic file sharing to share media content, as disclosed in Busam, because it was known at the time that file-sharing systems could be used to share media (e.g., Napster). Pet. 37–38; Ex. 1011 ¶ 54. Petitioner also argues that a person of ordinary skill in the art would understand from the Busam application the need to limit which users would be able to access content to be shared on a network, and that Phillips teaches one of the ways to do that. Pet. 38; Ex. 1011 ¶ 55.

Based on the current record, Petitioner has shown sufficiently that Busam and Phillips teach the subject matter of claims 9 and 10, and that a person of ordinary skill in the art would have had a reason to combine the references according to the claimed invention. Accordingly, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing claims 9 and 10 are unpatentable as obvious over Busam and Phillips.

D. Obviousness over Abecassis (Ex. 1008) and Ganesan (Ex. 1009)

Petitioner asserts that claims 9 and 10 are unpatentable as obvious over Abecassis and Ganesan. Pet. 49–56. Patent Owner did not respond substantively to Petitioner's assertion in its Preliminary Response. We determine, on the current record, that Petitioner has established a reasonable likelihood that it would prevail in showing that the subject matter of claims 9 and 10 would have been obvious over Abecassis and Ganesan.

i. Abecassis

Abecassis discloses a system for integrating playing music that is responsive to a user's music preferences. Ex. 1008, 1:7–11. Abecassis also discloses an audio and information network comprising participants that are able to retrieve and transmit audio and information from any other participant. *Id.* at 11:1–8. Abecassis further discloses a method of playing radio on-demand with user control that, if enabled, requests a user to provide identification and a password. *Id.* at 19:49–55. If the user identification and password are acceptable, the user may receive the radio-on-demand. *Id.* at 20:11–15.

ii. Ganesan

Ganesan relates generally to securing communications using asymmetric crypto-keys. Ex. 1009, 1:9–13. In asymmetric cryptosystems, often referred to as public key cryptosystems, each entity has a private key, which is known only to the entity, and a public key, which is publicly known. *Id.* at 1:48–60. If a message is encrypted with a user's public key, it can only be decrypted with the user's private key, and vice versa. *Id.* at 1:60–63.

Ganesan discloses that to enhance security of the communications between a first and second user over a system, a temporary asymmetric

crypto-key is generated by a first user. A third user, preferably a security or authentication server, authenticates the first user to a third user. *Id.* at 8:20–43. The third user then encrypts the first user's message to the second user. *Id.* at 8:44.

iii. Analysis

Petitioner contends that the combination of Abecassis and Ganesan teaches each limitation of claims 9 and 10, further providing a detailed claim chart and the testimony of Dr. Almeroth in support. Pet. 49–56; Ex. 1011 ¶¶ 57–68. In particular, Petitioner asserts that a person of ordinary skill in the art would have had reason to modify the access control system of Abecassis by implementing Ganesan's method of authenticating the identity of a first user to a second user by using information from a trusted intermediary. Pet. 49–50.

For example, Petitioner asserts that Abecassis discloses a request to join a sharing group when a media player device seeks to join a radio-on-demand session that is user control enabled. *Id.* at 52–53 (citing Ex. 1008, 19:38–20:16). Petitioner also asserts that Ganesan discloses making a determination as to whether to permit the user to join the sharing group based on information made available by a trusted user regarding a desirability of the requesting user as a member of the sharing group. *Id.* at 53–55. In particular, Petitioner contends that Ganesan teaches that "a first user, to assure a second user of the first user's identity, sends the second user a certificate issued by a trusted intermediary that attests to the identity of the first user." *Id.* at 49. Petitioner explains that the successful authentication of a user based on a third-party's certificate vouching for the identity of the user indicates that the user is authorized to access the content distribution system and is, therefore, an expression of the desirability of the user as a

member of the sharing group. *Id.* at 49–50; Ex. 1011 ¶ 65. Finally, Petitioner contends that Abecassis discloses adding the requesting player device to the sharing group if access is permitted. Pet. 54 (citing Ex. 1008, 27:11–13).

Regarding claim 10, Petitioner asserts that Abecassis discloses that a sharing group can have at least two media player devices. Pet. 55–56. In particular, Figure 4 of Abecassis depicts a plurality of participants in an audio and information network where "each participant is able to retrieve and transmit audio and information from any other participant." Ex. 1008, 11:1–8 (describing Fig. 4).

Regarding the combination of references, Petitioner asserts that a person of ordinary skill in the art would have had reason to modify the access control system of Abecassis by using Ganesan's identity authentication method instead of, or in addition to, the password-based control of Abecassis. Pet. 50; Ex. 1011 ¶ 66. According to Petitioner, claims 9 and 10 do nothing more than combine the known elements of Abecassis (i.e., user media sharing and user access control) with the known elements of Ganesan (access control based on information from a trusted user) to yield predictable results. Pet. 50; Ex. 1011 ¶ 67.

Based on the current record, Petitioner has shown sufficiently that Abecassis and Ganesan teach or suggest the subject matter of claims 9 and 10, and that a person of ordinary skill in the art would have had a reason to combine the references according to the claimed invention. Petitioner articulates a rational reason why claims 9 and 10 represent an obvious improvement that contributes no "more than the predictable use of prior art elements according to their established functions." *KSR*, 550 U.S. at 417; *see also id.* at 416 ("The combination of familiar elements according to

known methods is likely to be obvious when it does no more than yield predictable results."). Accordingly, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing claims 9 and 10 are unpatentable as obvious over Abecassis and Ganesan.

III. CONCLUSION

We conclude that Petitioner has demonstrated a reasonable likelihood of prevailing on its assertion that claims 9 and 10 of the '689 patent are unpatentable.

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim or the construction of any claim term.[8]

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that pursuant to 35 U.S.C. §314(a), an *inter partes* review is hereby instituted on the following grounds:

A. Claims 9 and 10 as obvious over Yeager and P2P Networking;

B. Claims 9 and 10 as obvious over Busam and Phillips; and

C. Claims 9 and 10 as obvious over Abecassis and Ganesan;

FURTHER ORDERED that no other proposed grounds of unpatentability are authorized;

[8] We acknowledge Patent Owner's purported reservation of the right to seek additional discovery regarding the Petitioner's identification of real parties-in-interest. Prelim. Resp. 3–4. Because Patent Owner's reservation of rights has no bearing on whether to institute this proceeding, we need not address Patent Owner's position in this Decision.

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial commencing on the entry date of this decision.

FURTHER ORDERED that an Initial Conference Call is scheduled for Thursday, November 20, 2014, at 4:00 p.m. Eastern time. The parties should be prepared to discuss whether and how to coordinate the final hearings, if necessary, for the *inter partes* review proceedings initiated by Petitioner against Patent Owner. After the Initial Conference Call, the Board will issue a Scheduling Order in due course.

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