

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-00981
Patent 8,472,936 B1

Before JAMESON LEE, KEVIN F. TURNER, and
HYUN J. JUNG, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision on Remand
Determining Some Challenged Claims Unpatentable
35 U.S.C. §§ 144, 318

I. INTRODUCTION

The Board issued a Final Written Decision on November 7, 2023, determining no challenged claims 1, 8–11, 13, 15, 17, and 19 of U.S. Patent No. 8,472,936 B1 (Ex. 1001, “the ’936 patent”) had been proved unpatentable by Petitioner.¹ Paper 34. Petitioner appealed to the U.S. Court of Appeals for the Federal Circuit. Papers 36, 37. On January 21, 2026, the Federal Circuit reversed-in-part, vacated-in-part, and remanded. Paper 38 (*Apple Inc. v. Smart Mobile Technologies LLC*, No. 24-1352, slip op. at 14 (Fed. Cir. Jan. 21, 2026)). On February 27, 2026, the Federal Circuit issued its mandate. Paper 39.

The Federal Circuit reversed the Board’s conclusion with respect to independent claim 1 on Ground 1 of unpatentability,² on the basis that claim 1 is unpatentable by reason of issue preclusion.³ Paper 38, 13–14. The Federal Circuit vacated the Board’s conclusions regarding dependent claims

¹ Original petitioner-entities were Apple, Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. On June 2, 2026, petitioner-entities Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. were terminated from this proceeding based on a Joint Motion to Terminate. Paper 47. Apple Inc. is now the sole petitioner-entity.

² Ground 1 is based on U.S. Patent No. 5,949,775, filed August 30, 1996 and issued September 7, 1999 (“Rautiola” (Ex. 1005)), U.S. Patent No. 5,689,708, filed March 31, 1995 and issued November 18, 1997 (“Regnier” (Ex. 1006)), and U.S. Patent No. 5,845,585, filed September 4, 1996 and issued December 29, 1998 (“Sainton” (Ex. 1007)).

³ The Court concluded that claim 1 of the ’936 patent “is substantially similar” to claim 1 of U.S. Patent No. 8,761,739 B1 (“the ’739 patent”) challenged in IPR2022-00980, and that the differences do not “materially alter the question of unpatentability.” Paper 38, 8. Petitioner asserted the same ground of obviousness in IPR2022-00980 against claim 1 of the ’739 patent as it asserts here in Ground 1 against claim 1 of the ’936 patent. *Id.* In IPR2022-00980, the Board concluded that claim 1 of the ’739 patent is unpatentable over Rautiola, Regnier, and Sainton. *Id.* at 5.

8–11, 13, 15, 17, and 19, and remanded “for consideration of the patentability of those claims.” *Id.* at 14. We understand both the reversal and vacature are with respect to Ground 1 of alleged unpatentability, not Ground 2, because the Federal Circuit’s decision did not discuss anything relating to Ground 2. Paper 43. The parties agreed. Paper 44.

In this remand proceeding, neither party requested the filing of additional briefing or evidence. In a telephone conference call, both parties expressed agreement with the Board (1) that “there is no issue regarding collateral estoppel or issue preclusion with respect to dependent claims 8–11, 13, 15, 17, and 19, and (2) that the remand proceeding would not involve the Board revisiting any matter or issue concerning alleged obviousness of claims 1, 8, 9, 11, 13, 17, and 19 over Ground 2.”⁴ Papers 43, 44. The parties also agreed that the remand proceeding would only involve the Board reviewing the alleged obviousness of dependent claims 8–11, 13, 15, 17, and 19 as obvious over Rautiola, Regnier, and Sainton. *Id.*

We have authority to conduct this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision on Remand is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

On the record before us, which is the same as the record before us at the time we issued the first final written decision (Paper 34), we determine that Petitioner has proved by a preponderance of the evidence that claims 8–11, 13, 17, and 19, but not claim 15, of the ’936 patent are unpatentable over Rautiola, Regnier, and Sainton.

⁴ Ground 2 is based on U.S. Patent No. 5,201,067, filed April 30, 1991, and issued April 6, 1993 (“Grube” (Ex. 1011)), and U.S. Patent No. 4,989,230, filed September 23, 1988, and issued January 29, 1991 (“Gillig” (Ex. 1012)).

A. Background

Petitioner filed a Petition (Paper 3, “Pet.”) requesting *inter partes* review of claims 1, 8–11, 13, 15, 17, and 19 of the ’936 patent. Patent Owner filed a Preliminary Response. Paper 7. Petitioner filed an authorized Preliminary Reply. Paper 8. Patent Owner filed an authorized Preliminary Sur-Reply. Paper 9. The Decision to Institute was entered on December 5, 2022. Paper 14. Thereafter, Patent Owner filed a Response. Paper 20 (“PO Resp.”). Petitioner filed a Reply. Paper 22 (“Reply”). Patent Owner filed a Sur-Reply (“Sur-Reply”). Paper 27.

An oral hearing was held on September 12, 2023. A copy of the hearing transcript has been entered into the record. Paper 33.

B. Real Parties in Interest

The Petition identifies Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. as the real parties-in-interest. Pet. 103.

Patent Owner identifies Smart Mobile Technologies LLC as the real party-in-interest. Paper 5, 1.

C. Related Matters

The parties indicate that the ’936 patent is involved in the following district court cases:

Smart Mobile Technologies LLC v. Apple Inc., Case No. 6:21-cv-00603 (W.D. Tex.); and

Smart Mobile Technologies LLC v. Samsung Electronics Co. Ltd. et al., Case No. 6:21-cv-00701 (W.D. Tex.).

Pet. 103; Paper 5, 1.

Petitioner further indicates that the ’936 patent is also related to five patents that were/are the subject of the following administrative proceedings:

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Smart Mobile Technologies LLC, IPR2022-00807 (PTAB) (challenging U.S. Patent No. 9,756,168 B1);

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Smart Mobile Technologies LLC, IPR2022-00808 (PTAB) (challenging U.S. Patent No. 8,442,501 B1);

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Smart Mobile Technologies LLC, IPR2022-00979 (PTAB) (challenging U.S. Patent No. 9,049,119 B2);

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Smart Mobile Technologies LLC, IPR2022-00980 (PTAB) (challenging U.S. Patent No. 8,761,739 B1); and

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Smart Mobile Technologies LLC, IPR2022-00982 (PTAB) (challenging U.S. Patent No. 8,472,937 B1).

Pet. 103.

D. The '936 Patent

The '936 patent is titled “Dynamically Configurable IP Based Wireless Devices and Wireless Networks.” Ex. 1001, code (54). The '936 patent describes a wireless communication and control system including a universal wireless device (e.g., hand-held computing device, wireless phone, cellular phone) and a server for storing communication and control protocols. *Id.* at 1:46–49, 1:57–58. The wireless device is dynamically configurable to work in multiple different environments (e.g., home, office, public). *Id.* at 2:35–50, Figs. 2A–2C. The wireless device “is able to sense which environment it is primarily operating in . . . while maintaining the

ability to switch instantaneously to a different environment.” *Id.* at 3:5–7. The “[s]erver . . . can be used to keep . . . functional instruction sets (‘FIS’) and software . . . for use by” the wireless device. *Id.* at 3:57–60. For example, the server “will serve to provide the primary repository/exchange to deliver various mode reconfiguration requests” to the wireless device. *Id.* at 3:59–62. In one embodiment, a wireless device “may send a request to the server . . . for configuration as a cell phone because [the wireless device] is not in the home environment.” *Id.* at 3:62–64.

For example, when the wireless device enters an office environment, the wireless device “can serve as a cordless phone in the local environment for interoffice phone calls or local area network . . . access.” *Id.* at 4:43–46. The wireless device “can switch itself for optimal performance in the local office loop” “by downloading/uploading F[IS] . . . and/or protocols in tandem with [the] [s]erver.” *Id.* at 4:39–42. The wireless device configurations can be dynamically changed in real time as the wireless device changes environments. *Id.* at 6:59–67, 8:56–65. The ’936 patent discloses that the wireless device may switch modes and that “[t]his switching may be automatic or per specific functional instruction sets . . . and preferences stored on the [s]erver . . . or in the [wireless device] itself.” *Id.* at 4:13–15, 7:50–53.

Claim 1 is the only independent claim and is reproduced below:⁵

1. [1.0] A wireless communication system, comprising:

[1.1] a wireless device which supports voice and data communications;

⁵ The bracketed captions are used by Petitioner to reference the different elements within claim 1. *See* Pet. 30–55. We use the same captions here for ease of reference, understanding, and consistency.

[1.2] a server; and

[1.3] a memory, wherein a processor is communicatively coupled with the memory,

[1.4] wherein the memory stores functional instructions including instructions for use in providing a plurality of functions to the wireless device, [1.5] at least one of the functional instructions provided for switching between one or more networks including at least one public network, and

[1.6] wherein the memory further stores a plurality of communication protocols, that facilitate communication between the server and the wireless device, and

[1.7] wherein the server is configured to send to the wireless device a plurality of functions,

[1.8] wherein the wireless device is dynamically configurable from a first function to a second function to enable a plurality of functions at the wireless device and

[1.9] wherein the wireless device is configured for Internet access.

Ex. 1001, 9:20–39.

*E. Asserted Grounds and Other Evidence*⁶

Claims Challenged	35 U.S.C. §	References/Basis
1, 8–11, 13, 15, 17, 19 Ground 1	103(a) ⁷	Rautiola, Regnier, Sainton
1, 8, 9, 11, 13, 17, 19 Ground 2	103(a)	Grube, Gillig

Petitioner relies on the Declarations of Michael D. Kotzin, Ph.D. (Exs. 1003, 1066).

Patent Owner relies on the Declaration of Todor Cooklev, Ph.D. (Ex. 2031).

II. ANALYSIS

A. Burden of Proof

Petitioner has the burden of proving unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). That burden never shifts to Patent Owner except in limited circumstances not present here. *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1375 (Fed. Cir. 2016).

⁶ The ’936 patent issued from U.S. Patent Application No. 13/615,274, filed on September 13, 2012, which is a continuation of U.S. Patent Application No. 13/047,718, filed on March 14, 2011, now U.S. Patent No. 8,090,356, which is a continuation of U.S. Patent Application No. 09/591,381, filed on June 9, 2000, now U.S. Patent No. 7,929,950, which is a continuation-in-part of U.S. Patent Application No. 09/281,739, filed on June 4, 1999, now U.S. Patent No. 6,169,789, which is a continuation-in-part of U.S. Patent Application No. 08/764,903, filed on December 16, 1996. Ex. 1001, codes (21), (22), (63). Petitioner has not challenged the ’936 patent’s entitlement to the earlier filing date of any ancestral application.

⁷ The Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284 (2011) (“AIA”), included revisions to 35 U.S.C. §§ 102 and 103 that became effective after the effective filing date of the challenged claims. *See* Ex. 1001, codes (22), (63). Therefore, we apply the pre-AIA versions of 35 U.S.C. §§ 102 and 103(a).

“Preponderance of the evidence means the greater weight of evidence, evidence which is, more convincing than the evidence which is offered in opposition to it.” *United States v. C.H. Robinson Co.*, 760 F.3d 1376, 1383 (Fed. Cir. 2014) (internal quotations omitted).

B. Level of Ordinary Skill in the Art

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995).

According to Petitioner,

[a] Person of Ordinary Skill in The Art (“POSITA”) in December of 1996 would have a bachelor’s degree in electrical engineering, or equivalent training, and approximately two years of experience working in the field of networking and wireless devices. Lack of work experience can be remedied by additional education, and vice versa.

Pet. 10 (citing Ex. 1003 ¶¶ 20–22).

Patent Owner does not dispute Petition’s definition of level of ordinary skill. *See generally* PO Resp. Patent Owner’s expert, Dr. Cooklev, accepts Dr. Kotzin’s proposed level of ordinary skill in the art. Ex. 2031 ¶ 24.

We adopt Petitioner’s proposal regarding the level of ordinary skill in the art. This level of ordinary skill in the art is supported by the testimony of Dr. Kotzin (Ex. 1003 ¶¶ 20–22) and is consistent with the level reflected in the ’936 patent and the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

C. Claim Construction

We use the same claim construction standard that would be used to construe a claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent. 37 C.F.R. § 42.100(b) (2022). The claim construction standard set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc) is applicable.

Claim terms are generally given their ordinary and customary meaning as would be understood by one with ordinary skill in the art in the context of the specification, the prosecution history, other claims, and extrinsic evidence including expert and inventor testimony, dictionaries, and learned treatises, although extrinsic evidence is less significant than the intrinsic record. *Phillips*, 415 F.3d at 1312–17. Usually, the specification is dispositive, and it is the single best guide to the meaning of a disputed term. *Id.* at 1315.

The specification may reveal a special definition given to a claim term by the patentee, or the specification or prosecution history may reveal an intentional disclaimer or disavowal of claim scope by the inventor. *Id.* at 1316. If an inventor acts as his or her own lexicographer, the definition must be set forth in the specification with reasonable clarity, deliberateness, and precision. *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1249 (Fed. Cir. 1998). The disavowal, if any, can be effectuated by language in the specification or the prosecution history. *Poly-Am., L.P. v. API Indus., Inc.*, 839 F.3d 1131, 1136 (Fed. Cir. 2016).

Only those claim terms that are in controversy need to be construed, and only to the extent necessary to resolve the controversy. *Realtime Data*,

LLC v. Iancu, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

1. “*dynamically configurable*”

The term dynamically configurable appears in limitation [1.8] of claim 1 and does not appear again in dependent claims 8–10, 13, 15, 17, and 19. Our analysis below for dependent claims 8–10, 13, 15, 17, and 19 do not depend on the claim construction for “dynamically configurable.” We note, however, that in the first final written decision, we construed “dynamically configurable” as “configurable when and as needed and in real time, without the need for user intervention,” and that the Federal Circuit, on appeal, agreed with our claim construction. Paper 34, 20; Paper 38, 13.

D. *Alleged Unpatentability of Claims 8–10, 13, 15, 17, and 19 over Rautiola, Regnier, and Sainton for Obviousness under § 103*

1. *The Law on Obviousness*

A claim is unpatentable under 35 U.S.C. § 103 “if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a); *see KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations, including commercial success,

long-felt but unsolved needs, failure of others, and unexpected results.

Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17–18 (1966).

2. *Overview of Rautiola (Ex. 1005)*

Rautiola is titled “Office Communication System.” Ex. 1005, code (54). Rautiola describes an integrated office communication system employing a local area network (LAN) for intraoffice communications and a public cellular radio network for outside communications. *Id.* at code (57).

Figure 2 of Rautiola is reproduced below:

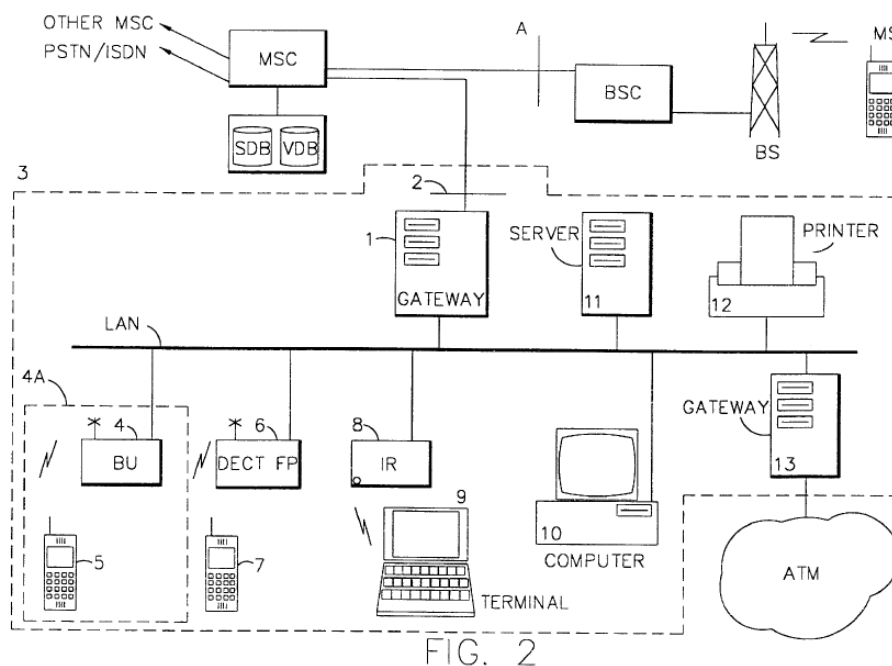


Figure 2 shows an integrated office communication system employing a local area network (LAN) for intraoffice communications. Ex. 1005, 4:63–65. Computers 10 are connected to the LAN and telephones 5, 7 are either mobile or cordless phones for which there are low-power room-specific base stations 4, 6 in the LAN. *Id.* at code (57). Connections to the outside world are made via gateway computer 1 and a public cellular radio network. *Id.*

Inside the office, the coverage areas of the small base stations 4, 6, 8 are nanocells 4a of one or a few rooms. Ex. 1005, code (57). A home or small office user has a similar small base station 14 which is connected to the LAN via a public communication network 15 and gateway equipment 13. *Id.* Location area 3 represents an area for an office wherein various devices located within the office (mobile devices 5, computers 10, printers 12) communicate with each other via the LAN. *Id.* at 5:51–55. Inside the office environment, the LAN can connect to distinct types of devices like mobile stations 5, cordless telephones 7, terminals 9 that use infrared (IR) connections (“IR terminals”), and users’ computers 10. *Id.* at 6:21–38, 6:59–65, 7:9–23.

Figure 2 shows each of the mobile devices connects with the LAN via different types of base stations: mobile stations 5 connect to low power base units 4; cordless telephones 7 connect to their own base units 6; and IR terminals 9 connect to IR base units 8. Ex. 1005, 6:30–44, 6:59–65, 7:14–18. Rautiola explains that terminals interact with “one or more servers which take care of certain functions related to the distribution of resources, such as the database services and voice mail and e-mail services.” *Id.* at 4:30–34.

3. *Overview of Regnier (Ex. 1006)*

Regnier is titled “Client/Server Computer Systems Having Control of Client-Based Application Programs, and Application-Program Control Means Therefor.” Ex. 1006, code (54). Regnier describes a resource manager in a client/server computer network which controls the availability of system resources. *Id.* at code (57). A system administrator generates a set of profiles which specify which system resources each user may employ for each of multiple application programs. *Id.* Thereafter, individual

application programs may internally configure their possible choices of such system resources according to these profiles on a dynamic basis. *Id.*

Regnier explains that “[m]ost present client/server networks implement an ‘application server’ model in which some or all application programs are split into two portions” where a “server portion executes within the server computer, while a separate client portion executes within each client computer.” Ex. 1006, 1:35–40. Regnier’s application resource manager operates using a “control program located in the server.” *Id.* at 3:41–42, 5:16 (identifying server control module 240).

Regnier’s process begins when a user signs on at one of the client terminals 130 and the server authenticates the user’s identity. Ex. 1006, 6:35–39. The user may then choose to initiate an application. *Id.* at 6:49–53. After the user selects an application, the system consults the user’s profile to determine whether access is permitted. *Id.* If no access is permitted, the system blocks the application. *Id.* at 7:8–10. If the user is permitted partial access, a user interface for the chosen application can be dynamically modified so that the interface only displays options accessible to the user. *Id.* at 7:16–19, 7:66–8:3.

4. *Overview of Sainton (Ex. 1007)*

Sainton is titled “Adaptive Omni-Modal Radio Apparatus and Methods.” Ex. 1007, code (54). Sainton generally relates to wireless communication devices and systems for different radio frequencies, transmission protocols and radio infrastructures. *Id.* at 1:8–12. Figure 7 of Sainton is reproduced below.

FIG. 7

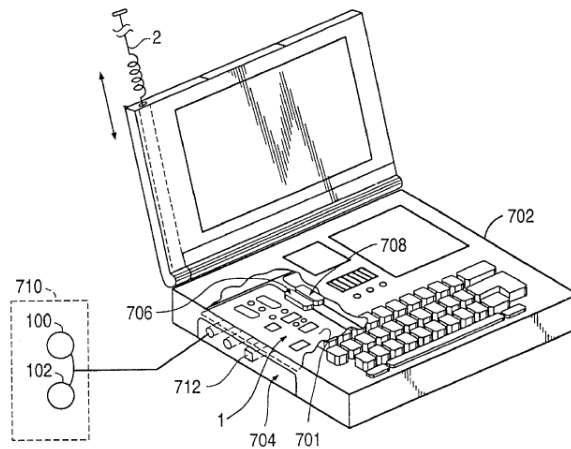


Figure 7 is a block diagram of personal computer 702 incorporating omni-modal radio communications circuit 1. *Id.* at 4:23–26. Computer 702 includes antennae 2 and interface port 704 that allows for an integrated circuit card to be inserted. *Id.* at 15:9–11. Interface port 704 has installed therein removable card 701 comprising omni-modal circuit 1. *Id.* at 15:11–13. In a preferred embodiment, omni-modal radio communications card 701 is in the form of a Personal Computer Memory Card International Association (PCMCIA) card. *Id.* at 15:23–26. Microprocessor 110 in the PCMCIA card allows the circuitry to select either making landline transmission via external jack 712 or making cellular radio transmission via antennae 2. *Id.* at 15:43–46.

5. *Petitioner's Request to Discredit Dr. Cooklev's Declaration*

Petitioner makes several arguments discrediting Dr. Cooklev's declaration (Ex. 2031) and asserts that Dr. Cooklev's declaration should be accorded little to no weight. Reply 13–14. We have already considered and rejected this request in the Final Written Decision issued on November 7, 2023. Paper 34, 21–23. Our reasoning need not be reiterated here.

Petitioner does not persuade us that Dr. Cooklev’s declaration testimony should be accorded little to no weight.

6. *Whether Regnier Constitutes Analogous Art*

“A reference qualifies as prior art for an obviousness determination only when it is analogous to the claimed invention.” *Airbus S.A.S. v. Firepass Corp.*, 941 F.3d 1374, 1379 (Fed. Cir. 2019). A prior art reference constitutes analogous art if it is “from the same field of endeavor” or “reasonably pertinent to the particular problem with which the inventor is involved.” *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004). The petitioner bears the burden of establishing that a reference is analogous art. *See Sanofi-Aventis Deutschland GmbH v. Mylan Pharms. Inc.*, 66 F.4th 1373, 1377 (Fed. Cir. 2023).

Patent Owner asserts that Petitioner has failed to show that Regnier constitutes analogous art. PO Resp. 22. According to Patent Owner, Petitioner does not establish that (1) Regnier is in the same field of endeavor as the ’936 patent (*id.* at 23–31) or (2) Regnier is reasonably pertinent to the problem with which the inventor is involved (*id.* at 31–35). For reasons discussed below, we disagree with both assertions.

Patent Owner asserts that the ’936 patent’s field of endeavor is “wireless communication between wireless mobile devices and networks.” *Id.* at 27 (citing Ex. 2031 ¶ 61). That assertion is not disputed by Petitioner. Pet. 23; Reply 14.

Patent Owner contends:

Regnier is in a different field of endeavor. Regnier’s abstract does not mention—in word or concept—“wireless networking.” Rather, it describes its field of endeavor as, “[a] resource manager in a client/server computer network controls the availability of system resources. A system administrator

generates a set of profiles which specify which system resources each user may employ for each of multiple application programs.” Ex. 1006, Abstract. The abstract is consistent with Regnier’s self-described “Field of the Invention” as relating “to electronic data processing, and more particularly concerns the control of system resources in computer systems arranged in a client/server configuration.” *Id.*, 1:7-11; *see also id.*, 1:1-6 (Title); 2:3-20, 30-5 (Background of Invention). Regnier’s self-described field of endeavor does not refer to wireless devices, wireless communication systems, or wireless networks.

PO Resp. 28–29 (alteration in original).

The argument is unavailing because, although Regnier’s Abstract merely mentions “client/server computer network,” Regnier elsewhere indicates, as Petitioner has noted (Reply 14–15), that communication in the network between client devices and server can be made by “wireless devices.” Ex. 1006, 4:5–27; Ex. 1066 ¶ 16. Thus, Regnier contemplates wireless networking.

Patent Owner also argues that the ’936 patent is directed to multiple networks whereas Regnier is directed to a single network. PO Resp. 30. This argument is also unavailing. We credit the following testimony of Dr. Kotzin:

Patent Owner further alleges that Regnier is not in the same field of endeavor allegedly because “claims of the ’119 Patent recite ‘switching between one or more networks’” while “Regnier, in contrast, is structured to manage shared resources in a single network.” POR, 27. However, Patent Owner’s argument is factually incorrect, as Regnier describes “a network 100 of computers 110-140 configured in a client/server configuration.” Ex.1006, 4:3-4. Regnier explains that “[c]ommunications 150” between the client/server computer “may assume any of a number of conventional forms, such as cables 151-152, switched telephone lines, wireless devices, and many others.” Ex.1006, 4:26-28. As another example, “[c]lient terminals 130, 140 are commonly personal computers (PCs) coupled to facilities 150 by

cable 151 to form a local area network (LAN).” Ex.1006, 4:29-31. Further, Regnier states that “[o]ther arrangements, however, may also be employed in any conventional manner.” Ex.1006, 4:31-33. A POSITA would have understood that Regnier’s client and server computers could be connected by one or multiple networks, such as public switched telephone line network (Ex.1006, 4:27-28) connected to a cable LAN (Ex.1006, 4:28, 4:31), which was a conventional arrangement as demonstrated by Rautiola for example (Ex.1005, Figs.1-3).

Ex. 1066 ¶ 16 (alterations in original). Regarding the reference to the “claims of the ’119 Patent” and the citation to page 27 of the Patent Owner’s Response, Dr. Kotzin opines similarly for the ’936 patent (*id.* ¶ 15) for the same argument made by Patent Owner in this proceeding (PO Resp. 30). We find that Regnier’s disclosure is not limited to communication between devices over only a single network.

We recognize that Regnier’s self-described field of invention does not specifically mention wireless communication. Ex. 1006, 1:8–11 (“The present invention relates to electronic data processing, and more particularly concerns the control of system resources in computer systems arranged in client/server configuration.”). However, as discussed above, the contemplated client/server communication is broad and covers wireless. The Federal Circuit has directed us to construe the scope of analogous art broadly, stating that “‘*familiar items may have obvious uses beyond their primary purposes*, and a person of ordinary skill often will be able to fit the teachings of multiple patents together like pieces of a puzzle.’” *Wyers v. Master Lock Co.*, 616 F.3d 1231, 1238 (Fed. Cir. 2010) (quoting *KSR*, 550 U.S. at 402). Regnier expressly includes wireless communication for its client/server computer network.

Patent Owner further argues:

Regnier also fails to contemplate considerations that a POSITA would expect to find in a disclosure in the field of wireless communication between wireless mobile devices and networks. *Id.*, ¶66. Regnier discloses nothing about error detection, error correction, power output, bandwidth, signal interference, or any other fundamental issues encountered by POSITA's in the field of wireless communication between wireless mobile devices and networks. *Id.* The '936 Patent, in contrast, addresses these issues. *Id.* See, also Ex. 1001, 2:40-49; 4:34-38; 6:47-51). Indeed, Regnier's teachings would not be considered for publications in the field of wireless communications, such as the Wireless and Radio Communication series of the IEEE Communication Standards Magazine. Ex. 2031, ¶67.

PO Resp. 30–31. The argument is unpersuasive. The proper inquiry does not involve a contest to determine if Regnier discloses as many wireless communication details or more, than the '936 patent discloses. And with regard to the assertion that Regnier would not be considered for publications in the field of wireless communications, that is highly speculative.

Patent Owner also asserts that Petitioner failed to establish that Regnier is reasonably pertinent to the problem identified in the '936 patent. *Id.* at 32. Patent Owner explains:

The '936 Patent is directed towards the problem of configuring a single wireless mobile device to communicate with and adapt to multiple networks to avoid a “proliferation of mobile devices.” Ex. 2031, ¶68; Ex. 1001, 1:20-42.

Regnier addresses a different kind of problem. *Id.*, ¶69. Regnier explains its problem thusly:

no facilities exist for specifying that user Alice, executing a particular program, is restricted to (for instance) run database queries only in batch mode, to avoid hogging the system with network traffic and processor time; but user Bob may run small queries in interactive mode, because he accesses

only small amounts of data, or needs results quickly. The problem is that both users upload and run their queries from exactly the same database application programs *That is, the nature of present c[lient]/s[erver] networks make it difficult to achieve a sufficient granularity of control in allowing or denying particular system resources to particular users for particular application programs or in response to certain factors such as the size of a query.*

Ex. 1006, 2:50-3:5 (emphasis added).

Id. at 33–34 (alterations in original).

There are multiple reasons why a POSITA working on the problem addressed by the '936 Patent would not look to Regnier. First, Regnier has nothing to do with configuring wireless devices, so a POSITA would not look to Regnier to determine how to configure a wireless device. Ex. 2031, ¶70. Second, Regnier's problem is particular to managing resources within a *single* network. Thus, Regnier would not commend itself to a POSITA trying to configure a single wireless mobile device to communicate with and adapt to *multiple* networks. *Id.* (citing Ex. 1006, 2:30-35). And, third, Regnier seeks to overcome a “granularity of control” problem so it can save resources by *narrowing* the scope of applications available for particular users. Ex. 2031, ¶70. In contrast, the '936 Patent entails *expanding* the functionality of its wireless device so a single wireless device can replace multiple devices by, among other things, dynamically converting between networks and functions. *Id.* A POSITA would not look to teachings about narrowing application accessibility within one network to figure out how to expand functionality of a wireless device that communicates with multiple networks. *Id.*

Id. at 34–35.

We disagree that Regnier has nothing to do with configuring wireless devices. As Petitioner persuasively explains:

Regnier pertains to a “client/server computer network” for “wireless devices” such as “smaller personal computers.” Ex.1006, Abstract, 4:28, 1:27. It was well known to a POSITA that such smaller personal computers at the time of Regnier, circa 1995, would include a laptop. Ex.1066, ¶18 (citing Ex.1008, 8:41). And it was well known to a POSITA that a laptop is a wireless device that can connect to multiple networks (Ex.1005, Figs.1-3)—and also include cellular telephony (Ex.1007, 15:24-26) and remote control functions (Ex.1008, 8:41, 31:13-16)—to avoid a proliferation of mobile devices; *indeed, Regnier explicitly states that a client/server network can provide a single client device with more functionality and capabilities, than would otherwise be possible by a single client device, by distributing functions onto “one or more complete computer systems functioning as multiple servers” accessible by the client device. See Ex.1006, 4:24-25; Ex.1066, ¶18.*

Reply 16–17 (emphasis added). Thus, Regnier provides a similar solution to essentially the same problem addressed by the ’936 patent, i.e., providing a single wireless device to work with multiple networks to avoid a proliferation of mobile devices, e.g., need for using multiple wireless devices, one for each network. Accordingly, we determine that Petitioner has shown that Regnier is reasonably pertinent to the particular problem with which the inventor of the ’936 patent is concerned.

Finally, Patent Owner argues that Petitioner’s analogous art arguments and evidence are untimely because they were presented in Petitioner’s Reply rather than in the Petition. We do not agree. First, Petitioner stated that Regnier is analogous art because it pertains “to the same field of endeavor, namely wireless networking.” Pet. 23. Second, a “petitioner is not required to anticipate and raise analogous art arguments in its petition; instead a petitioner can use its reply to ‘respond to arguments raised in the . . . patent owner response.’” *Sanofi*, 66 F.4th at 1379.

For the foregoing reasons, we determine that Petitioner has proven, by a preponderance of the evidence, that Regnier is analogous art.

7. *Dependent Claim 8*

Claim 8 depends from claim 1 and further recites: “wherein the wireless device includes any of a TV controller, garage controller, cordless phone, cellular device, and other intelligent appliances.” Ex. 1001, 10:9–12. Petitioner explains that Rautiola’s laptop that connects to a public cellular network, in view of Sainton’s technique of using a laptop for voice calls on a public cellular network, renders obvious the limitation expressly recited in claim 8. Pet. 56–57 (citing Ex. 1003 ¶¶ 166–170; Ex. 1005, 1:37–39; Ex. 1007, Fig. 7, 15:40–46).

Petitioner’s assertion is supported by the cited evidence and not disputed by Patent Owner. We determine that Petitioner has established by a preponderance of the evidence that claim 8 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

8. *Dependent Claim 9*

Claim 9 depends from claim 1 and further recites: “wherein the wireless device is adapted to query a server for frequency to communicate with a separate device.” Ex. 1001, 10:13–15.

Petitioner asserts that dynamic channel allocation is provided in Rautiola where the channel with the least interference and least load at a given moment is selected for use, and that the channel allocation decisions are made in gateway computer 1 and/or base units 4. Pet. 57 (citing Ex. 1005, 9:43–47, 9:53–54). Petitioner identifies the base unit as the claimed “separate device” and the gateway computer as the claimed server, and asserts that it would have been obvious to a POSITA that, for the laptop to communicate with a base unit, it would have to query the gateway

computer for the selected channel frequency. *Id.* at 57–58 (citing Ex. 1005, Figs. 2–3; Ex. 1003 ¶¶ 171–174).

Petitioner’s assertion is supported by the cited evidence and not disputed by Patent Owner. We determine that Petitioner has established by a preponderance of the evidence that claim 9 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

9. *Dependent Claim 10*

Claim 10 depends from claim 1 and further recites: “wherein the wireless device is adapted to work in conjunction with a wireless local area network and wherein the wireless device is coupled to the memory and the processor.” Ex. 1001, 10:16–19.

Petitioner asserts that Rautiola’s laptop connects to a local area network in the office and therefore Rautiola’s laptop teaches “*the wireless device is adapted to work in conjunction with a wireless local area network.*” Pet. 58 (citing Ex. 1005, Fig. 2, 3:36–38). The assertion is supported by the cited evidence and not disputed by Patent Owner. Petitioner persuades us that Rautiola discloses that its wireless device is adapted to work in conjunction with a wireless local area network.

Petitioner further asserts that Rautiola in view of Sainton teaches a laptop including a memory coupled to a processor. Pet. 58. Petitioner notes that Sainton describes laptop computer 702 including electrical connections to microprocessor 110 and memory 112 which are on omni-modal circuit 1. *Id.* at 58–59. Sainton specifically describes that omni-modal circuit 1 is incorporated in removable card 701 which, in a preferred embodiment, is in the form of a “PCMCIA card adapted to interface into a standard slot in a portable or other computing device.” Ex. 1007, 15:7–26.

Petitioner's assertion is supported by the cited evidence and not disputed by Patent Owner. We are persuaded that Rautiola in combination with Sainton discloses a wireless device (laptop) which is coupled to memory 112 and processor 110. We determine that Petitioner has established by a preponderance of the evidence that claim 10 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

10. Dependent Claim 11

Claim 11 depends from claim 1 and further recites: "wherein the server is located on the Internet or at a carrier base station." Ex. 1001, 10:19–20. According to Petitioner :

Rautiola explains that "the implementation of the local area network" can include "[k]nown protocols includ[ing] e.g. **TCP/IP || Transmission Control Protocol/Internet Protocol.**" Ex. 1005, 6:11-15. The office LAN is connected to a gateway for non-LAN or Internet traffic as "connections to the outside world are made via a gateway computer." Ex.1005, Fig.2, Abstract.

Fig.2 illustrates office LAN server 11, which is connected to the outside world via the office LAN Internet protocol network ("located on the Internet"). Ex.1005, Fig. 2; Ex.1003, ¶¶164-165, 179-182.

Pet. 60. Based on the foregoing, Petitioner asserts: "Thus, Rautiola teaches a server configured to connect to the outside world via an office LAN IP network, which discloses '*wherein the server is located on the Internet or at a carrier base station.*'" *Id.* at 61.

Petitioner's assertion is supported by the cited evidence and not disputed by Patent Owner. We are persuaded that Rautiola discloses a server located on the Internet or at a carrier base station. We determine that Petitioner has established by a preponderance of the evidence that claim 11

is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

11. Dependent Claim 13

Claim 13 depends from claim 1 and further recites: “wherein the functional instructions include sets of functions instructions, and wherein as function instruction set is a set of commands that enables wireless device reconfiguration.” Ex. 1001, 10:26–29.

Petitioner explains that “Rautiola teaches a server delivering content and performing functions related to email, voice mail, and database services.” Pet. 62 (citing Ex. 1005, Fig. 2, 1:31–36, 4:31–34). Petitioner further explains that “Regnier further teaches that the ‘**client portion 291**’ of the application distributed between the client and server ‘**may be downloaded from server 110 to terminal 130** upon a request from the user.’ Ex. 1006, 5:52–54.” *Id.* Based on the foregoing, Petitioner asserts: “a POSITA would have found it obvious that Rautiola’s server would provide sets of client portions of various service applications (*e.g.*, database or email functions) for download by the laptop, as taught by Regnier (*“wherein the functional instructions include sets of functions instructions”*). Ex.1003, ¶¶183-185.” *Id.*

Petitioner further asserts:

Regnier explains that, in communicating with client terminals, the server is “receiving data and commands from the user.” Ex. 1006, 4:29-38. Therefore, it would have been obvious that the client portions of applications downloaded by the laptop include “*a set of commands*” for client-server communication. Ex. 1003, ¶¶186.

Pet. 62. Additionally, Petitioner asserts:

[I]t would have been obvious to a POSITA that the client-side applications (*e.g.*, e-mail function) provided for download by the

laptop, as taught by Regnier, allow conversion of the laptop, *e.g.*, from a database function configuration to an e-mail function configuration (“*function instruction set is a set of commands that enables wireless device reconfiguration*”).

Id. at 62–63 (citing Ex. 1003 ¶¶ 187–188).

Petitioner’s assertion is supported by the cited evidence and not disputed by Patent Owner. We are persuaded that Petitioner’s combination of Rautiola and Regnier fully accounts for “wherein the functional instructions include sets of functions instructions, and wherein as function instruction set is a set of commands that enables wireless device reconfiguration.”

We determine that Petitioner has established by a preponderance of the evidence that claim 13 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

12. *Dependent Claim 15*

Claim 15 depends from claim 1 and further recites: “wherein the wireless device utilizes a local network box to identify the location of a user.” Ex. 1001, 10:34–35.

Petitioner asserts that Rautiola teaches base units that are each a local network box, “because it allows wireless connectivity between the LAN and wireless devices.” Pet. 63. Petitioner notes:

Rautiola explains that “home base unit 14 is otherwise similar to the office base unit,” and since “the connection from home to the office environment is selected from among a certain group of public communication networks, the home base unit 14 should include a switch for selecting the network.” Ex.1005, 10:59-65.

Id. at 64 (emphasis omitted). Petitioner explains:

Second, Rautiola teaches that each base unit determines the location of a user terminal (“location network box to identify the location of a user”). Ex.1003, ¶¶191-195. Rautiola’s system

includes “location and mobility monitoring, which is an essential part of all communications systems using mobile terminals.” Ex.1005, 11:58-60.

For instance, when a terminal is located in the office LAN, “a new terminal is registered in a location area controlled by the gateway computer 1.” Ex.1005, 10:23-24. Rautiola further teaches that a particular base unit can identify the user location because “the location of each terminal is determined in the system with the accuracy of a location area” and the system can be configured where “each nanocell constitutes a location area of its own” using “one base unit only.” Ex.1005, 12:7-17.

Id. at 65–66 (emphasis omitted).

The above presentation persuades us that each of Rautiola’s “base unit” is a local network box and that the local network box is operative to identify the location of a user. But the claim requires more. We agree with Patent Owner (PO Resp. 46–47) that Petitioner failed to show a wireless device “utilizes” a local network box to identify the location of a user, as claimed. Patent Owner correctly asserts: “Assuming *arguendo* all their contentions are true, Petitioners still lose because their allegation only concern the function of the base unit. They do not concern how the alleged wireless device functions.” *Id.* at 47.

Petitioner responds to Patent Owner’s argument as follows:

Patent Owner argues that the Petition only focuses on a local network box and does not “address how a *wireless device* utilizes a local network box to identify the location of a user.” POR, 46. However, this argument ignores the plainly stated position in the Petition: the wireless device connects to and utilizes the local network boxes to identify the user’s nanocell location for location and mobility monitoring by the network. Petition, 63-66; Ex.1005, 6:20-25, 11:58-60, 12:7-17.

Reply 21. We have reviewed the cited pages of the Petition (Pet. 63–66), and find only the conclusory statement that the applied prior art shows the

“utilize” limitation of claim 15, and no corresponding actual showing of any such “utilization” by the wireless device.

Petitioner further asserts:

In particular, as set forth in the petition (Petition, 63-66), Rautiola’s wireless devices connect to base units. Ex.1005, 6:20-25. The base units—which are “*local network boxes*”—have a coverage area consisting of nanocells. *Id.* As the wireless devices connect to the network boxes for wireless coverage, the boxes perform “location and mobility monitoring, which is an essential part of all communications systems using mobile terminals”—*e.g.*, for resource distribution and maintaining connections as devices move between base units. Ex.1005, 11:58-60. For instance, “the location of each terminal is determined in the system with the accuracy of a location area” that corresponds to a single base unit. Ex.1005, 12:7-17.

Reply 21–22. The argument is unavailing. That a base unit ascertains the location of a user terminal is not enough to show that it was a wireless device which “utilized” or “utilizes” the base unit to make that determination. Petitioner does not show anything to indicate that the wireless device instructed or asked the base unit to perform that operation. We agree with Patent Owner (Sur-Reply 19) that “[n]either the Petition nor the Reply point to anything in Rautiola teaching that the ‘*wireless device utilizes*’ the local network box to identify the user’s location.”

Consequently, Petitioner has failed to establish by a preponderance of the evidence that claim 15 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

13. Dependent Claim 17

Claim 17 depends from claim 1 and further recites: “wherein the wireless device is adapted to be reconfigured based upon its proximity to an access point or local or office network.” Ex. 1001, 10:39–41.

Petitioner explains that “Rautiola in view of Sainton teaches a laptop terminal that connects to infrared LAN and cellular public networks and includes a handset for telephone services and voice calls.” Pet. 66 (citing Ex. 1005, 4:33–34, 13:30–39; Ex. 1007, 15:40–46; Ex. 1003 ¶¶ 196–197). Petitioner further explains that in Rautiola an office or home LAN base unit (local or office network) monitors and determines the location of a mobile terminal. *Id.* (citing Ex. 1003 ¶ 198; Ex. 1005, 12:7–17).

Petitioner asserts: “Rautiola explains that a terminal receives a call from the office telephone system based on whether the terminal is in the location area of the public cellular network or the office LAN.” Pet. 67 (citing Ex. 1005, 8:55–66). Petitioner explains: “The office LAN thereby includes ‘a way to route **intra-office calls so that they are not necessarily directed to the public cellular radio network.**” *Id.* (citing Ex. 1005, 8:61–63).

Based on the foregoing, Petitioner concludes:

Therefore, a POSITA would have found it obvious that a laptop in Rautiola’s system, which has a handset for voice calls as taught by Sainton, would convert from a cellular telephone configuration to an intra-office telephone configuration when in the location area of a home or office LAN base unit (“*reconfigured based upon its proximity to [a] . . . local or office network*”). Ex. 1003, ¶¶ 199–201.

Pet. 67 (alterations in original).

Petitioner’s assertion is supported by the cited evidence and not disputed by Patent Owner. We are persuaded that Petitioner’s combination of Rautiola and Sainton fully accounts for “wherein the wireless device is adapted to be reconfigured based upon its proximity to an access point or local or office network.”

We determine that Petitioner has established by a preponderance of the evidence that claim 17 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

14. Dependent Claim 19

Claim 19 depends from claim 1 and further recites: “wherein the wireless device is adapted to store one or more profiles on the server.” Ex. 1001, 10:44–45.

Petitioner first explains that Rautiola’s system includes a traditional client/server architecture in which the clients are user computers connected to the local area network. Pet. 68 (citing Ex. 1005, 1:31–36). Petitioner then explains that Rautiola’s system allows users to access the LAN server via their client devices for “home and small office **users and remote working.**” *Id.* (citing Ex. 1005, 4:35). Petitioner further explains that in Rautiola “**users registered in the office communication system** according to the invention have access to the same network services as other registered users of the public cellular radio network.” *Id.* (citing Ex. 1005, 9:2–5). Based on the foregoing, Petitioner asserts: “It would have been obvious to a POSITA that in Rautiola’s system, where users are registered in the office communication system, the telephony server at the office LAN would store ‘profiles’ provided by a user to allow registered users access to the telephony server’s services.” *Id.*

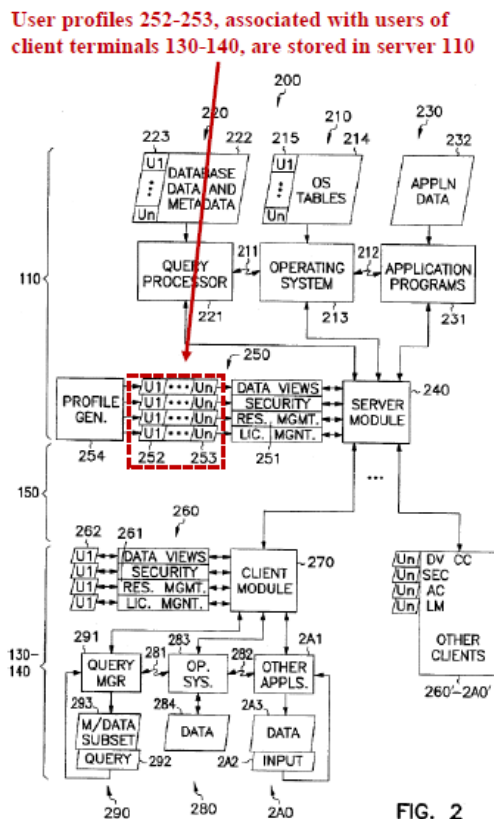
Alternatively, Petitioner explains:

To the extent Rautiola does not explicitly disclose “*wherein the wireless device is adapted to store one or more profiles on the server,*” this would have been obvious in view of Regnier’s teachings. A POSITA would have looked to analogous art such as Regnier—which teaches implementation details regarding a server in a client-server (c/s) network that provides multiple

functions to a client, like Rautiola's server 11. Ex.1003, ¶¶202-205.

For instance, Regnier teaches a resource manager that operates via a “c/s control program located in the server.” Ex.1006, 3:41-42, 5:16. The server's resource manager saves “a set of profiles which specify which system resources each user may employ for each of multiple application programs.” Ex. 1006, Abstract. The “[p]rofiles are generated and stored in the server,” and the server stores “a different profile for each user.” Ex. 1006, 3:23, 3:44-45. The server uses “user profiles 215 to specify data for each user U1-UN, including the access rights of each user to system objects (data and program commands), the language for messages to that user, and library lists.” Ex. 1006, 4:60-64.

Pet. 68–69. Regnier's Figure 2, annotated by Petitioner (*id.* at 70) to show user profiles 252-253, associated with users of client terminals 130-140 and stored in server 110, is reproduced below:



Ex.1006, Fig.2 (annotated); Ex.1003, ¶¶207.

Regnier's Figure 2 is a schematic overview of the client/server network incorporating Regnier's invention. Ex. 1006, 3:57–58.

Petitioner continues, for its alternate theory:

Therefore, Rautiola discloses a system for remote working where users are registered in the office system, but omits implementation details regarding how user registration information is stored in the office LAN server, which are provided by Regnier. A POSITA would have been motivated to implement, in the system of Rautiola, Regnier's technique of storing user profiles in the server because it beneficially allows for granting admissions to application resources on a user-by-user basis. Indeed, because Rautiola's system includes registering users for remote-office work and an office server, a POSITA would have found it obvious for the laptop to store its user registration information on the office server, as taught by Regnier. Ex1003, ¶¶206-209.

Pet. 70–71.

Both of Petitioner's theories are persuasive. Petitioner's assertions are supported by the cited evidence and not disputed by Patent Owner. We are persuaded that Petitioner's combination of Rautiola and Regnier fully accounts for “wherein the wireless device is adapted to store one or more profiles on the server.”

We determine that Petitioner has established by a preponderance of the evidence that claim 19 is unpatentable under 35 U.S.C. § 103 as obvious over Rautiola, Regnier, and Sainton.

III. CONCLUSION⁸

We determine that Petitioner has proved by a preponderance of the evidence that claims 8–11, 13, 17, and 19 of the '936 patent are unpatentable, and that Petitioner has not proved by a preponderance of the evidence that claim 15 of the '936 patent is unpatentable.

In summary:

Claims	35 U.S.C. §	References/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
8–11, 13, 15, 17, 19	103(a)	Rautiola, Regnier, Sainton	8–11, 13, 17, 19	15

IV. ORDER

In consideration of the foregoing, it is hereby

ORDERED that claims 8–11, 13, 17, and 19 of the '936 patent have been proved unpatentable by a preponderance of the evidence;

FURTHER ORDERED that claim 15 of the '936 patent has not been proved unpatentable by a preponderance of the evidence; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

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