

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

FLYPSI, INC,
Patent Owner.

IPR2023-00361
Patent 10,051,105 B2

Before ROBERT J. WEINSCHENK, JAMES J. MAYBERRY, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

CYGAN, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Google LLC (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of *inter partes* review of claims 1–11 of U.S. Patent No. 10,869,105 B2 (Ex. 1001, the “’105 patent”). Flypsi, Inc. (“Patent Owner”) filed a Preliminary Response (“Prelim. Resp.”). Paper 6. After obtaining authorization from the Board, Petitioner filed a Reply (Paper 7, “Pet. Reply”) and Patent Owner filed a Sur-reply (Paper 8, “PO Sur-reply”).

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may be instituted only if “the information presented in the petition . . . and any [preliminary] response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons given below, on this record Petitioner has established a reasonable likelihood that it would prevail in showing the unpatentability of at least claims 1 and 2 of the ’105 patent. Accordingly, we institute an *inter partes* review as to claims 1–11 of the ’105 patent and all of the asserted grounds of unpatentability.

B. *Real Parties in Interest*

Petitioner identifies Google LLC as the real party in interest. Pet. 1. Petitioner identifies Google LLC as a subsidiary of XXVI Holdings, Inc., which is a subsidiary of Alphabet Inc., but states that XXVI Holdings Inc. and Alphabet Inc. are not real parties in interest to this proceeding. *Id.* n.1. Patent Owner identifies itself as the real party in interest. Paper 4, 2.

C. *Related Matters*

The parties represent that the ’105 patent is involved in *Flypsi Inc. d/b/a Flyp v. Google, LLC*, No. 6:22-cv-00031 (W.D. Texas). Pet. 1; Paper

4, 2. The parties further represent that Petitioner has filed, at the same time that this Petition was filed, petitions for *inter partes* review against related family members U.S. Patent No. 9,667,770 B2 (IPR2023-00360), U.S. Patent No. 11,012,554 B2 (IPR2023-00359), U.S. Patent No. 10,334,094 B2 (IPR2023-00358), and U.S. Patent No. 11,218,585 B2 (IPR2023-00357).
Pet. 1–2; Paper 4, 2–3.

D. The '105 Patent

The '105 patent is titled “Telephone Network System and Method.” Ex. 1001, code (54). The '105 patent issued from Application Serial No. 15/582,091, filed on April 28, 2017, and claims priority through a chain of continuation and continuation-in-part applications to Application No. 13/944,853, filed on July 17, 2013. *Id.* at codes (21), (22), (63).

The '105 patent

relates to systems and method for setting up and connecting telephone calls, and delivering information related to such telephone calls using an Internet Protocol (IP) or other data channel while delivering the voice portion of the call in accordance with CDMA, GSM, or like voice channel delivery standards.

Id. at 1:18–23.

E. Illustrative Claims

Claims 1 and 2 are illustrative. Claim 1 recites as follows:¹

[1.pre] A method of providing telephone service, comprising:

[1.a] automatically storing electronic information that indicates an association of a secondary telephone number and a primary telephone number with a telephone handset in a computer memory associated with a server;

¹ Petitioner’s bracketing indicia have been added.

[1.b] automatically storing electronic information that indicates a selection of call processing rules for the primary telephone number in the computer memory;

[1.c] automatically storing electronic information that indicates a selection of call processing rules for the secondary telephone number in the computer memory;

[1.d] receiving an electronic indication of an incoming call to the secondary telephone number at the server, said electronic indication of an incoming call being received from a switch associated with the server;

[1.e] automatically accessing the call processing rules for the secondary telephone number under the control of the server responsive to the receipt of the electronic indication of the incoming call to the secondary telephone number;

[1.f] automatically handing the incoming call in accordance with the accessed call processing rules for the secondary telephone number;

[1.g] transmitting pre-call information via a data channel to the handset under the control of the server, said pre-call information including a bridge telephone number for connecting the handset to the incoming call at the switch; and

[1.h] receiving, at the server via the data channel, an electronic indication of a selection of a call processing rule for handling the incoming call to the secondary telephone number, or

[1.i] establishing a voice channel connection between the handset and the switch as a result of the handset calling the switch using the bridge telephone number.

Claim 2 recites as follows:

[2.pre] A method for providing telephone service to a telephone handset having a primary telephone number assigned to the telephone handset, wherein at least a secondary telephone number is associated with the primary telephone number assigned to the telephone handset, the method comprising:

[2.a] A) in response to an incoming call to the secondary telephone number received by a switch, retrieving, by a server from a

database, a first bridge telephone number to be used for completion of the incoming call to the secondary telephone number, wherein the first bridge telephone number is associated with the switch such that calls to the first bridge telephone number are automatically routed to the switch; and

[2.b] B) transmitting, from the server to the telephone handset via at least one data channel, pre-call information including the first bridge telephone number, whereby the pre-call information allows the telephone handset to accept the incoming call to the secondary telephone number by making a first bridge call using the first bridge telephone number to connect the incoming call to the telephone handset via the switch.

F. Evidence

Petitioner relies on the following patent evidence.

Name	Patent Document	Exhibit
Backhaus	U.S. Pub. No. 2013/0295892 A1, issued Nov. 7, 2013, and filed Aug. 20, 2018.	1005
Logan	U.S. Pub. No. 2010/0128857 A, published May 27, 2010.	1015
Winbladh	U.S. Pub. No. 2009/0310598 A1, published Dec. 17, 2009.	1020
Taylor	U.S. Pub. No. 2009/0052437 A1, Feb. 26, 2009.	1007

Petitioner relies upon a declaration by Dr. Bill Lin. Ex. 1002.

G. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–11 would have been unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1	103 ²	Backhaus, Logan
2–4, 6–11	103	Backhaus, Winbladh
5	103	Backhaus, Winbladh, Logan

² Petitioner asserts, and we agree for purposes of institution, that the AIA patentability scheme applies to the '105 patent. *See* Pet. 4.

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1	103	Backhaus, Logan, Taylor
2–4, 6–11	103	Backhaus, Winbladh, Taylor
5	103	Backhaus, Winbladh, Logan, Taylor

II. ANALYSIS

A. 35 U.S.C. § 314(a)

Patent Owner argues that we should exercise our discretion under 35 U.S.C. § 314(a) to deny the Petition. Prelim. Resp. 21; PO Sur-reply 1. Section 314(a) states that

[t]he Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Under § 314(a), we have discretion to deny institution of an *inter partes* review. *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 (2016). We consider several factors when determining whether to deny institution under § 314(a) based on a parallel district court proceeding, specifically

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and

6. other circumstances that impact the Board’s exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”). We also consider “several clarifications” made by the Director of the United States Patent and Trademark Office (“USPTO”). See USPTO Memorandum, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, 2 (June 21, 2022), *available at* https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf (“Director’s Memo”).

1. Factor 1 – Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted

Under the first *Fintiv* factor, we consider “whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.” *Id.* at 6. Petitioner argues that the District Court “previously granted motions to stay pending instituted IPRs,” so the first factor “weighs against denial” or “is at least neutral.” Pet. Reply 1. Patent Owner argues that the District Court denied Petitioner’s “motion for stay relating to [its] mandamus petition,” so the first factor “is neutral.” Prelim. Resp. 19–20.

Neither party identifies any statements by the District Court or other evidence that specifically addresses a stay of the District Court Litigation pending this proceeding. See Pet. 80; Prelim. Resp. 21–22; Pet. Reply 1; PO Sur-reply 1. We decline to speculate based on the record in this case whether the District Court would grant a stay of the District Court Litigation. See *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 12 (PTAB

May 13, 2020) (informative) (“*Fintiv II*”). As a result, we determine that the first *Fintiv* factor is neutral.

2. Factor 2 – Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision

Under the second *Fintiv* factor, we consider the “proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.” *Fintiv*, Paper 11 at 6. Petitioner argues that the District Court’s trial date of February 19, 2024 “cannot be reliably used” because “[t]rial has already been postponed several times.” Pet. Reply 1. Petitioner also argues that the District Court’s “median time from filing to trial . . . is more than 28 months,” so “trial will likely be in May/June 2024.” Pet. 57. Petitioner concludes that the second factor “weighs against denial or is at least neutral.” Pet. Reply 1. Patent Owner argues that the second factor favors denial because the District Court’s trial date of February 19, 2024 is “around six months before the expected final written decision date of August 8, 2024.” Prelim. Resp. 22. Patent Owner also argues that Petitioner relies on “time-to-trial statistics for the entire Western District of Texas,” but more specific statistics for the presiding judge show that “trial is likely to occur faster” in “December 2023 or January 2024.” *Id.* at 23.

The current trial date in the District Court Litigation is February 19, 2024. Ex. 2003, 3. The projected statutory deadline for a final written decision in this case is in July 2024. However, Petitioner presents statistics indicating that the median time to trial in the Western District of Texas is 28 months (Ex. 1014, 37), and Patent Owner presents statistics indicating that the median time to trial for the presiding judge is 23 months (Ex. 2004, 1). See Director’s Memo at 8–9. On this record, we find Petitioner’s statistics more indicative of the likely time to trial because Petitioner’s statistics

represent the median time to trial for civil cases during the recent 12-month period ending on June 30, 2022. Ex. 1014, 37 (“12-Month Periods Ending . . . Jun 30 2022 . . . Civil Only”). Although Patent Owner’s statistics are specific to the presiding judge, Patent Owner does not assert that its statistics are limited to civil cases or to a recent time period. *See* Prelim. Resp. 20–21; Ex. 2004, 1 (“pending between 2009-01-01 and 2023-05-03 . . . Trial . . . 46 cases”). Based on Petitioner’s statistics, the trial in the District Court Litigation is likely to occur in May 2024, which is a couple of months before the projected statutory deadline for a final written decision in this case. As a result, we determine that the second *Fintiv* factor slightly favors discretionary denial of institution.

3. Factor 3 – Investment in the parallel proceeding by the court and the parties

Under the third *Fintiv* factor, we consider the “investment in the parallel proceeding by the court and the parties.” *Fintiv*, Paper 11 at 6. Petitioner argues that “fact discovery and expert discovery do not close until after the institution deadline,” so the third factor “favors institution or is at least neutral.” Pet. Reply 2. Patent Owner argues that the third factor “strongly weighs in favor of denying the Petition” because 1) the District Court “has performed claim construction, decided a motion to transfer, and decided a motion to stay”; 2) the parties “have engaged in substantial discovery, including production and review of source code, depositions, service of final contentions, written discovery, and document production”; and 3) fact discovery closes on August 22, 2023, and expert discovery closes in October 2023. Prelim. Resp. 21–22.

The evidence of record indicates that the District Court and the parties have invested only some resources in the District Court Litigation as to

issues of unpatentability involving the '105 patent. The District Court issued a claim construction order that addresses two terms in the '585 patent, but the District Court stated only that those terms have their “[p]lain and ordinary meaning.” Ex. 1016, 2. And the evidence of record indicates that fact discovery is ongoing, expert discovery has not begun, and the deadline for dispositive motions is not until October 2023. Ex. 2003, 1–2. Thus, we determine that the third *Fintiv* factor weighs slightly against discretionary denial of institution.

4. Factor 4 – Overlap between issues raised in the petition and in the parallel proceeding

Under the fourth *Fintiv* factor, we consider the “overlap between issues raised in the petition and in the parallel proceeding.” *Fintiv*, Paper 11 at 6. Petitioner states that “if the IPR is instituted, Petitioner will not pursue the IPR grounds in the [D]istrict [C]ourt [L]itigation.” Pet. 81. Thus, according to Petitioner, the fourth factor “weighs against denial.” *Id.* Patent Owner argues that Petitioner’s “narrow[] stipulation only mitigates concerns about overlap ‘to some degree’ and thus, at best, only ‘weighs marginally in favor of not exercising discretion to deny institution.’” Prelim. Resp. 24.

The Petition challenges claims 1–11, and relies on Backhaus, Winbladh, Logan, and Taylor. Pet. 3–4. Neither party explains which claims and references are at issue in the District Court Litigation. *See* Pet. 81; Prelim. Resp. 24–25; Pet. Reply 2–3; PO Sur-reply 2. Thus, on this record, we cannot determine whether there is overlap between issues raised in the Petition and District Court Litigation. Nonetheless, Petitioner’s stipulation that it will not pursue the grounds asserted in the Petition in the District Court Litigation mitigates to some degree concerns of duplicative efforts and potentially conflicting decisions. Pet. 81; *see Sand Revolution II*,

LLC v. Continental Intermodal Grp. – Trucking LLC, IPR2019-01393, Paper 24 at 12 (PTAB June 16, 2020) (informative). Thus, even if we assume that there is overlap between the issues raised in the Petition and the District Court Litigation, we determine that the fourth *Fintiv* factor weighs slightly against discretionary denial of institution.

5. Factor 5 – Whether the petitioner and the defendant in the parallel proceeding are the same party

Under the fifth *Fintiv* factor, we consider “whether the petitioner and the defendant in the parallel proceeding are the same party.” *Fintiv*, Paper 11 at 6. Here, Petitioner is the defendant in the District Court Litigation. Prelim. Resp. 25. But, as we discussed for the second factor, the projected trial date in the District Court Litigation is only a couple months before the projected statutory deadline for a final written decision in this case. Under these circumstances, we determine that the fifth *Fintiv* factor slightly favors discretionary denial of institution.

6. Factor 6 – Other circumstances that impact the Board’s exercise of discretion, including the merits

Under the sixth *Fintiv* factor, we consider “other circumstances that impact the Board’s exercise of discretion, including the merits.” *Fintiv*, Paper 11 at 6. “[W]here the PTAB determines that the information presented at the institution stage presents a compelling unpatentability challenge, that determination alone demonstrates that the PTAB should not discretionarily deny institution under *Fintiv*.” Director’s Memo at 4–5. Petitioner argues, without explication, that the sixth factor “weighs against denial as the merits of Petitioner’s arguments are compelling.” Pet. 81. Patent Owner argues that the sixth factor “weighs in favor of denial”

because “the primary reference Backhaus fails to disclose [several] limitations.” Prelim. Resp. 25–26; *see* PO Sur-reply 2–3.

On balance, we determine that *Fintiv* factors 1–5 do not favor discretionary denial of institution. Specifically, we determine that Petitioner’s stipulation and the parties’ minimal investment in the District Court Litigation as to issues of unpatentability outweigh the projected trial date. As a result, we need not decide whether Petitioner presents a compelling unpatentability challenge. *See CommScope Techs. LLC v. Dali Wireless, Inc.*, IPR2022-01242, Paper 23 at 4–5 (PTAB Feb. 27, 2023) (decision on Director review) (precedential) (“[I]n circumstances where the Board determines that the other *Fintiv* factors 1–5 do not favor discretionary denial, the Board shall decline to discretionarily deny under *Fintiv* without reaching the compelling merits analysis.”).

7. Summary

Based on our holistic view of the *Fintiv* factors, we decline to exercise our discretion under § 314(a) to deny the Petition.

B. Legal Standards

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed subject matter 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].” *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 ordinary skill in the art; and (4) objective evidence

of non-obviousness.³ *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

C. Level of Ordinary Skill in the Art

Petitioner asserts that a person of ordinary skill in the art at the critical time “would have had an undergraduate degree in electrical engineering, computer engineering, computer science or a related field along with two years of work experience in the field of telecommunication. . . . More education can supplement practical experience and vice versa.” Pet. 4–5 (citing Ex. 1002 ¶¶ 17–18).

Patent Owner does not dispute Petitioner’s assessment of the level of ordinary skill for the purposes of institution. Prelim. Resp. 9. Determining the level of ordinary skill in the art involves various factors, 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) (citation omitted). The prior art of record also reflects the level of ordinary skill in the art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). For purposes of this Institution Decision, we adopt the assessment offered by Petitioner, as it is consistent with the ’105 patent and the asserted prior art.

D. Claim Construction

In an *inter partes* review, we construe a patent claim “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b).” 37 C.F.R. § 42.100(b) (2019).

³ Neither party presents evidence or arguments regarding objective evidence of non-obviousness at this stage.

Under this standard, the words of a claim generally are given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the entire patent including the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). We “need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

Here, Petitioner contends that no claims require construction at this time. Pet. 5. Patent Owner agrees. Prelim. Resp. 6. However, the parties disagree whether “pre-call” information is information prior to the entire call, or prior to a voice connection during a call. Petitioner asserts that information is the claimed “pre-call information” if it is “transmitted before connecting the voice call between the calling and called parties.” Pet. 33. Patent Owner argues that Petitioner “relies on a transmission that is part of the call itself.” Prelim. Resp. 1, 7. Patent Owner argues that Petitioner instead focuses its arguments on “when a *voice path*” for an incoming call is connected. *Id.* at 8. Although Patent Owner presents these arguments to distinguish the “via a data channel” limitations, the disagreement necessarily involves the question of when the claimed “call” begins.

For purposes of institution, we need not reach a firm construction of the term because Petitioner provides a “second way” of meeting the “pre-call” limitation in which a prior outgoing call has provided the pre-call information that is stored, and then later used when an incoming call is received from the same number. However, because Patent Owner also

disputes Petitioner's showing for this second way, the parties are invited to further explain the scope of "pre-call" information.

E. Obviousness over Backhaus and Logan

Petitioner asserts that claim 1 is unpatentable under § 103 as obvious over Backhaus and Logan. Patent Owner provides arguments and evidence against these assertions.

Upon consideration of Petitioner's explanations and the totality of evidence in this current record, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that claim 1 is unpatentable under § 103 as obvious over Backhaus and Logan.

1. Backhaus (Ex. 1005)

Backhaus relates to routing calls between two telecommunications device: a subscriber device associated with a primary service and a second line service ("SLS"), and a third party device. Ex. 1005 ¶ 9. An SLS platform is interposed between the service providers of the two devices. *Id.* When a third party device places a call to the SLS of the subscriber device, the call is instead routed to the SLS platform, which redirects the call to the primary number of the subscriber, based on mapping from a local database. *Id.* ¶ 10. That mapping may then be saved on the subscriber device. *Id.* Figure 1 illustrates a configuration of devices according to the invention:

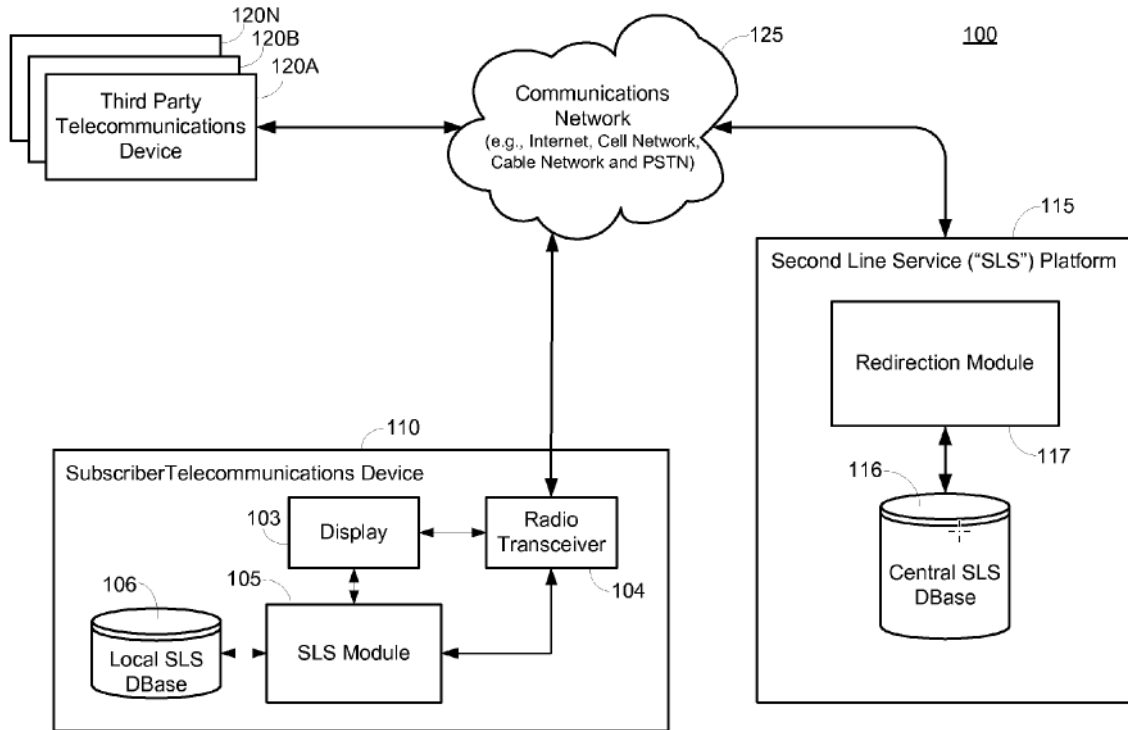


Figure 1 portrays a third party telecommunications devices 120A, 120B, and 120C communicating with communications network 125, which may be an Internet, Cell Network, Cable Network or PSTN. *Id.* at Fig. 1. The communications network 125 communicates with an SLS Platform, containing a central SLS database 116 and redirection module 117. *Id.* The communications network 125 also communicates with a subscriber telecommunications device 110, which has a local SLS database 106, SLS module 105, display 103, and radio transceiver 104.

2. Logan (Ex. 1015)

Logan relates to forwarding phone calls to virtual phone numbers. Ex. 1015, code (57). The user's cellular telephone receives phone calls

associated with virtual phone numbers based upon user-specified preferences. *Id.*

3. Analysis of Claim 1

We begin our analysis of Petitioner's obviousness contentions with Petitioner's assertions as to claim 1.

[1.pre] A method of providing telephone service, comprising:

Petitioner asserts that this limitation, to the extent limiting, is described by Backhaus. Pet. 6. Petitioner points to Backhaus's description of routing calls between two telecommunication devices, where the call routing is facilitated by using a relationship number. *Id.* at 6–7 (citing Ex. 1005 ¶¶ 9, 30, Fig. 1; Ex. 1002 ¶ 58). Patent Owner does not dispute that Backhaus discloses the preamble of claim 1. On this record, Petitioner shows sufficiently that Backhaus teaches the preamble of claim 1.⁴

[1.a] automatically storing electronic information that indicates an association of a secondary telephone number and a primary telephone number with a telephone handset in a computer memory associated with a server;

Petitioner asserts that this limitation is described by Backhaus. Petitioner points to Backhaus's description of associating a primary and secondary telephone number with telephone handset 110. *Id.* at 8 (citing Ex. 1005 ¶¶ 29, 31). Petitioner points to Backhaus's SLS Master ID Table 305 as containing that association in a stored form in a computer memory 116 associated with a server 205. *Id.* at 9–12 (citing Ex. 1005 ¶¶ 42, 69, 71–72, Fig. 3A; Ex. 1002 ¶¶ 71–72). Patent Owner does not dispute that Backhaus

⁴ Because Petitioner presents evidence that the prior art discloses the recitations in the preamble of claim 1, at this stage of the proceeding, we need not decide whether the preamble is limiting.

teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that Backhaus teaches this limitation of claim 1.

[1.b] automatically storing electronic information that indicates a selection of call processing rules for the primary telephone number in the computer memory;

[1.c] automatically storing electronic information that indicates a selection of call processing rules for the secondary telephone number in the computer memory;

Petitioner asserts that these limitations are described by Backhaus in view of Logan. *Id.* at 12. Petitioner asserts that Backhaus describes call processing rules for the primary phone number in the form of a voicemail service or message service that responds when a subscriber elects not answering a call. *Id.* (citing Ex. 1005 ¶¶ 35, 68, 73). Petitioner asserts that Logan provides user-specified preferences that cause a server to forward calls either to the user's cellphone 140 or to a voicemail database. *Id.* at 12–14, 19–20 (citing Ex. 1015 ¶¶ 26–27, Fig. 1). Petitioner points to Logan's description that the user's preferences may be specified for each of a base number and virtual number associated with the cellphone 140; i.e., its primary number and secondary number. *Id.* at 14, 19–20 (citing Ex. 1015 ¶¶ 5, 11, 27–29, 39, 43, 46, 55, 79).

Petitioner asserts that a person having ordinary skill in the art would have been motivated to implement Logan's server-based call processing features in Backhaus. Petitioner asserts that Logan's features would permit Backhaus's server 205 to provide voicemail and preset responses to unanswered calls even when the subscriber's handset 110 is unable to do so. *Id.* at 16–17 (citing Ex. 1002 ¶ 81). Petitioner also asserts that it would have been obvious to use Logan's teaching of providing responses for both the primary and secondary numbers, because Logan describes such features as

“highly desirable,” and would allow the subscriber to better manage calls. *Id.* at 17–18 (citing Ex. 1015 ¶¶ 24, 40, 43; Ex. 1002 ¶ 82).

Petitioner further asserts that, because it was well known to implement such features on a server associated with a telecommunication device, and because Backhaus’s SLS platform provides features for both primary and secondary numbers, a person having ordinary skill in the art would have expected success in such combination. *Id.* at 18 (citing Ex. 1008 ¶¶ 158–159, 164; Ex. 1015 ¶¶ 25–38, 50, 71; Ex. 1002 ¶ 83). Patent Owner does not dispute that Backhaus discloses these limitations of claim 1. On this record, Petitioner shows sufficiently that Backhaus in view of Logan teaches these limitations of claim 1.

[1.d] receiving an electronic indication of an incoming call to the secondary telephone number at the server, said electronic indication of an incoming call being received from a switch associated with the server;

Petitioner asserts that Backhaus does not explicitly describe such indication, but that it must receive it. Pet. 21. Petitioner asserts that Backhaus describes its SLS platform 115 as including an SLS server 205 configured to received calls directed to and from a second line number associated with the subscriber handset 110. *Id.* (citing Ex. 1005 ¶ 39). Petitioner asserts that a person having ordinary skill in the art would understand that, because components in telecommunications networks “must indicate (that is, signal) certain information to each other to coordinate themselves for providing services,” Backhaus’s server 205 receives an electronic signal of such incoming calls. *Id.* (citing Ex. 1011, 5–6). Petitioner further points to Backhaus’s use of the called SLS number to identify a relationship number. *Id.* at 21–22 (citing Ex. 1005 ¶ 67).

Petitioner further points to Backhaus's use of a PSTN as necessarily including signal switching points, including a local switch that communicates with the server. *Id.* at 22 (citing Ex. 1002 ¶¶ 92–93; Ex. 1004 ¶ 4; Ex. 1011, 62–63, 81). Petitioner asserts that because Backhaus's network 125 (containing the local switch) routes the incoming call to the SLS number, the local switch necessarily receives the incoming call directed to the SLS number before routing the same to the SLS server 205 and SLS platform 115. *Id.* at 24 (citing Ex. 1002 ¶ 94). Patent Owner does not dispute that Backhaus teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that Backhaus teaches this limitation of claim 1.

[1.e] automatically accessing the call processing rules for the secondary telephone number under the control of the server responsive to the receipt of the electronic indication of the incoming call to the secondary telephone number;

[1.f] automatically handing the incoming call in accordance with the accessed call processing rules for the secondary telephone number;

Petitioner asserts that Backhaus in view of Logan teaches these limitations. Petitioner asserts that Logan describes processes for executing a user's call forwarding preference in response to receiving an incoming call. *Id.* at 25–27 (citing Ex. 1015 ¶¶ 42–44; Ex. 1002 ¶¶ 96–97). Petitioner further asserts that these processes may be specified and executed for each of the base and virtual number. *Id.* at 28–29 (citing Ex. 1015 ¶¶ 11, 44; Ex. 1002 ¶ 99). Patent Owner does not dispute that Backhaus in view of Logan teaches these limitations of claim 1. On this record, Petitioner shows sufficiently that Backhaus in view of Logan teaches these limitations of claim 1.

[1.g] transmitting pre-call information via a data channel to the handset under the control of the server, said pre-call information including a bridge telephone number for connecting the handset to the incoming call at the switch;

Petitioner asserts that Backhaus describes this limitation in two ways. Because we determine Petitioner’s “second way” assertions sufficient to teach limitation [1.g], we do not reach Petitioner’s “first way” assertions for limitation [1.g].⁵

In its “second way” assertions, Petitioner points to Backhaus’s description of a subscriber making an outgoing call to a third party where no relationship number has previously been associated with that number. Pet. 34. In such a situation, the SLS module on the handset 110 requests and receives a new relationship number from the SLS platform 115 on the server. *Id.* (citing Ex. 1005 ¶¶ 71, 74). Petitioner asserts that the received relationship number is “pre-call” information because it occurs prior to any incoming call from that third party. *Id.* at 35. Petitioner further asserts that the relationship number is taught to be received by a data channel because Backhaus describes that communications between handset 110 and platform 115 used in setting up the relationship databases may occur by various mechanisms including IP-based interaction, cellular data, and WiFi. *Id.* at 36 (citing Ex. 1005 ¶¶ 72–73; Ex. 1002 ¶ 109).

With respect to the “second way,” Patent Owner argues that Petitioner is relying on an outgoing call whereas the claim recites an incoming call. *Id.* at 9–10. Patent Owner further argues that Petitioner’s declarant is merely conclusionary because it is substantially identical to the Petition, and

⁵ As discussed at Section II(D), we invite further briefing on the scope of “pre-call” information.

because it contains no explanation or analysis beyond that in the Petition, and therefore should be accorded little weight. *Id.* at 11.

With respect to the “second way” assertion, we are persuaded, sufficient for institution, that Petitioner has shown Backhaus to teach a pre-call bridge telephone number information being transmitted to the handset under the control of the server, in the form of the SLS platform server transmitting a new relationship number to the SLS module on the handset, which may occur during an outgoing call from a third party to the handset prior to any incoming call from that third party, but for use in future incoming calls from that third party.

Moreover, because Petitioner relies upon stored information in Backhaus for providing the relationship number, we find persuasive its argument that such information may be gathered during an outgoing call, stored at server SLS database 116, and then provided to SLS module 105 in connection with an incoming call.

Patent Owner argues, for both the “first way” and “second way” assertions, that Petitioner has not explained why only the transmittal of the relationship number should occur by a data channel rather than a voice channel. Prelim. Resp. 10–11. Patent Owner further argues that the timing of the connection of an incoming voice path is “immaterial” to whether a pre-call transmission occurs via a data channel. *Id.* at 8. Patent Owner further argues that neither Backhaus nor Petitioner explains why only the relationship number should be transmitted by a data channel. *Id.* at 9. Patent Owner argues that Backhaus’s generic teaching that IP communications may minimize delay does not explain why it would be used only for the relationship number. *Id.*

We find Petitioner’s assertions as to the data path connection persuasive. The portion of Backhaus cited by Petitioner discloses that “an IP-based interaction over the TD’s data service may be used” for “sharing information between the SLS module 105 [of the subscriber TD 110] and the SLS platform 115.” Ex. 1005 ¶ 73; *see* Pet. 33. And Backhaus explains that one piece of information shared between the SLS platform and the subscriber TD is a relationship number. Ex. 1005 ¶ 72 (“the SLS module 105 may communicate with the SLS platform 115 . . . to obtain a relationship number”); *id.* ¶ 74 (“[T]he determined next available relationship number is returned to the SLS module 105 of the subscriber TD 110.”). Thus, Backhaus refers to a specific transmission—the sharing of a relationship number between the SLS platform and the subscriber TD—as occurring via an IP data channel.

For the above described reasons, we determine that Petitioner has sufficiently shown Backhaus to teach limitation [1.g].

[1.h] receiving, at the server via the data channel, an electronic indication of a selection of a call processing rule for handling the incoming call to the secondary telephone number, or.

Petitioner asserts that the combination of Backhaus and Logan teach stored user call processing rules, which have been received from the user through Logan’s Internet-based application. Pet. 36–37 (citing Ex. 1015 ¶¶ 11, 29, 46, 55, claim 2). Petitioner points to Logan’s description of server 130 receiving user-specified preferences from MNC 140 via the Internet for handling calls directed to the virtual number (the “secondary telephone number”). *Id.* (citing Ex. 1002 ¶¶ 112–113). Petitioner alternately asserts that its Backhaus-Logan combination responds to incoming calls with processing rules that are triggered by the current time, the user’s location, or

by the activation of a handset command that is communicated to the server. Pet. 38–39 (citing Ex. 1015 ¶¶ 61–69).

With respect to Petitioner’s primary assertion, Patent Owner argues that this does not teach a call processing rule for the claimed incoming call, but instead, for handling calls generally. Prelim. Resp. 12. With respect to Petitioner’s alternate assertion, Patent Owner argues that none of these actions are described as occurring via the data channel as recited by limitation [1.h]. Prelim. Resp. 13. Patent Owner further argues that Petitioner’s reliance on Logan’s MNC is ill-explained; particularly, as to why Logan’s system would be used to handle incoming calls despite Backhaus having its own system for handling calls. *Id.* at 14.

We find Petitioner’s alternate assertion to be persuasive. Patent Owner acknowledges that Logan teaches a communication in which “a group member may handoff incoming calls without answering the phone by activating on the handset a command that is then ‘communicat[ed] to the server.’” *Id.* at 13 (citing Ex. 1015 ¶ 69). Logan teaches that its user cellphone (termed a “Multi-Number Cellphone”, or “MNC”), communicates user preferences with the server via an Internet-based application. Ex. 1002 ¶ 119; Ex. 1015 ¶ 21, claim 2. Moreover, Backhaus teaches that “any mechanism that can be used to establish a communication path between SLS module 105 and the SLS platform 115 for the purposes of supporting the SLS service can be utilized.” Ex. 1005 ¶ 73. Backhaus further provides an open-ended list of such purposes. *Id.* For purposes of institution, we determine that Petitioner has sufficiently shown that Backhaus in view of Logan teaches this limitation.

[1.i] establishing a voice channel connection between the handset and the switch as a result of the handset calling the switch using the bridge telephone number

Petitioner argues that, because limitations [1.h] and [1.i] are recited in the alternative, Petitioner need not show that limitation [1.i] is taught because Petitioner has shown that limitation [1.h] is taught. Pet. 39. Patent Owner argues that Petitioner does not contend that limitation [1.i] is taught by a combination of Backhaus and Logan. Prelim. Resp. 14–15.

We agree that limitation [1.i] need not be shown because Petitioner has sufficiently shown that limitation [1.h] is taught by the applied combination of references.

Determination

In view of the foregoing, we determine that Petitioner has sufficiently shown, for purposes of institution, that each element of claim 1 has been taught or suggested by Backhaus in view of Logan. Further, we determine that Petitioner has sufficiently shown, for purposes of institution, that a person having ordinary skill in the art would have reason to combine Backhaus and Logan as suggested by Petitioner, and would have a reasonable expectation of success in doing so.

F. Obviousness over Backhaus and Winbladh

Petitioner provides detailed assertions that the combination of Backhaus and Winbladh teaches the invention of claims 2–4 and 6–11. Pet. 3. Patent Owner argues that this combination does not teach at least limitation 2.b, and thus, does not make obvious claim 2 and claims 3, 4, and 6–11 that ultimately depend therefrom. Prelim. Resp. 15, 20. We begin with a summary of Winbladh and analysis of claim 2.

1. Winbladh

Winbladh addresses the problem of interconnecting standard-type telephones via the Internet. Ex. 1020 ¶ 6. Figure 1 portrays Winbladh's system:

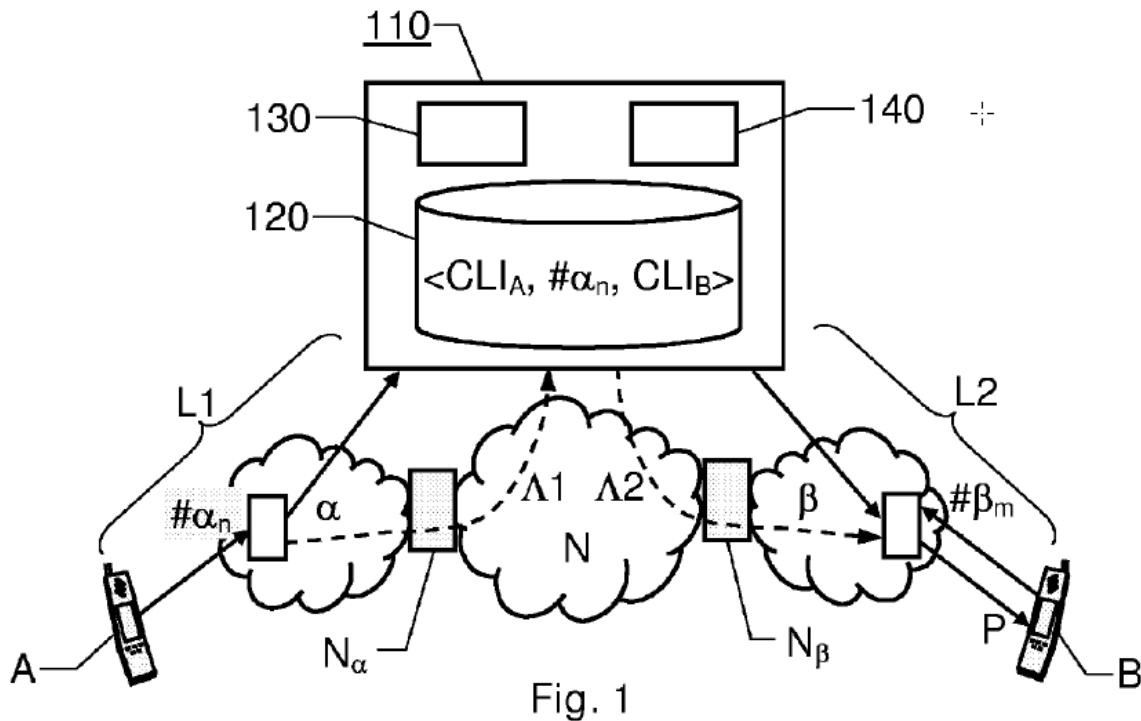


Fig. 1

In Figure 1, terminals A and B, which may be fixed or mobile phones, are connected through respective networks N_α and N_β to host resource 110, which is adapted to set up a bi-directional connection between the terminals after having routed the call. *Id.* ¶ 32. After setting up this connection, terminal B may send a termination request, causing host resource 110 to disconnect only the connection to terminal B. *Id.* ¶ 33. Terminal B may then place a return call to a predefined telephone number, causing host resource 110 to establish a bi-directional secondary connection between terminals A and B. *Id.* The predefined telephone number is associated with the connection between terminal A and host resource (shown in Figure 1 as “L1”), and may be either a fixed number for all of B’s requests to the

system, or may be assigned on a call-by-call basis. *Id.* ¶ 34. As further shown in Figure 1, the host resource 110 is associated with a database that stores one entry for each unique combination of the first network identity CLI_A, second network identity CLI_B, and first common telephone number # α_n to be dialed by each first terminal A to reach each first terminal B. *Id.* ¶ 30.

2. Analysis of Claim 2

[2.pre] A method for providing telephone service to a telephone handset having a primary telephone number assigned to the telephone handset, wherein at least a secondary telephone number is associated with the primary telephone number assigned to the telephone handset, the method comprising:

Petitioner asserts that, to the extent limiting, the preamble is taught by Backhaus. Pet. 40. Petitioner refers to its assertions for limitation 1.a to show that Backhaus teaches a method for providing telephone service to a telephone handset having a primary number assigned thereto. *Id.* Petitioner asserts that Backhaus has a secondary number associated thereto, citing Table 305, which illustrates a “2nd Line Number” associated with the first line number of an individual subscriber. *Id.* at 40–41 (citing Ex. 1005, Fig. 3A). Patent Owner does not dispute that Backhaus discloses the preamble of claim 2. On this record, Petitioner shows sufficiently that Backhaus teaches the preamble of claim 2.⁶

[2.a] A) in response to an incoming call to the secondary telephone number received by a switch, retrieving, by a server from a database, a first bridge telephone number to be used for completion of the incoming call to the secondary telephone

⁶ Because Petitioner presents evidence that the prior art discloses the recitations in the preamble of claim 2, at this stage of the proceeding, we need not decide whether the preamble is limiting.

number, wherein the first bridge telephone number is associated with the switch such that calls to the first bridge telephone number are automatically routed to the switch; and

Petitioner asserts that Backhaus teaches this limitation. Petitioner points to its discussion of limitation [1.d] to show that a local switch in network 125 necessarily receives an incoming call to the SLS number before routing that call to the SLS server 205/SLS platform 115. *Id.* at 42.

Petitioner further points to its discussion of limitation [1.g] in asserting that Backhaus describes that in response to an incoming call from an unknown caller, the SLS platform 115 assigns the next available relationship number (“first bridge telephone number”) that associates the incoming, SLS, and primary numbers. *Id.* at 42–43 (citing Ex. 1005 ¶¶ 53–55, 64–66; Ex. 1002 ¶ 126). To assign that number, SLS platform first queries the server database 116 to determine the next available number. *Id.* at 43 (citing Ex. 1005 ¶ 71). Petitioner further asserts that the incoming call containing the relationship number is then connected to the SLS number of the handset 110. *Id.* at 44–45 (citing Ex. 1005 ¶¶ 54–56, 64–66). Patent Owner does not dispute that Backhaus teaches this limitation of claim 2. On this record, Petitioner shows sufficiently that Backhaus teaches limitation [2.a].

[2.b] B) transmitting, from the server to the telephone handset via at least one data channel, pre-call information including the first bridge telephone number, whereby the pre-call information allows the telephone handset to accept the incoming call to the secondary telephone number by making a first bridge call using the first bridge telephone number to connect the incoming call to the telephone handset via the switch.

Petitioner asserts that Backhaus teaches transmitting, from SLS platform 115 (server) to TD 110 (handset), information including the relationship number. Pet. 46 (citing to its discussion of limitation [1.g]). As

stated in our discussion of limitation [1.g], Petitioner points to Backhaus's description of assigning a new relationship number to a third party number when the subscriber at TD 110 desires to call a new third party number. *Id.* at 34 (citing Ex. 1005 ¶ 71), 46 (citing Ex. 1002 ¶¶ 134–135) (Petitioner's "second way" assertions). In such a situation, the SLS platform 115 transmits the requested relationship number to TD 110. *Id.* at 34 (citing Ex. 1005 ¶¶ 71, 74), 46 (citing Ex. 1002 ¶¶ 134–135). Petitioner asserts that this is "pre-call" information because this transmission occurs when the subscriber desires to place an outgoing call to a new third party number, and therefore occurs prior to future incoming calls from that party. *Id.* at 35. Petitioner asserts that this information is transmitted by a data channel because it occurs prior to the connection of the outgoing voice call to the third party, and because IP-based communications are taught by Backhaus for establishing the relationship between various numbers and associated databases. *Id.* (citing Ex. 1005 ¶¶ 55–56, 72–73).

Petitioner relies on Winbladh to provide the additional teaching that "the pre-call information allows the telephone handset to accept the incoming call to the secondary telephone number by making a first bridge call using the first bridge telephone number to connect the incoming call to the telephone handset via the switch." *Id.* at 46–47. Specifically, Petitioner points to Winbladh's description of establishing a telephone connection between wireless phone terminals A and B, in which a host resource 110 routes a call from terminal A to terminal B based on caller identity and a common telephone number $\#a_n$ to set up a bi-directional primary connection between the terminals. *Id.* at 47 (citing Ex. 1020 ¶¶ 28–29, 31–32, 37–51). Petitioner points to a situation in which terminal B desires that the call occur at a local rate, which would require terminal B to be connected at a different

phone number. *Id.* at 48–49 (citing Ex. 1020 ¶¶ 56–62). In this situation, terminal B disconnects the call, causing the host 110 to maintain the host-terminal A connection for a certain period of time. *Id.* (citing Ex. 1020 ¶¶ 33–34). If terminal B places a return call to a predefined telephone number β_r before that time period expires, host 110 establishes a secondary connection between the terminals. *Id.* at 49 (citing Ex. 1020, Fig. 4, ¶¶ 33–34, 56–62).

Petitioner characterizes its combination as follows:

in the modified Backhaus system, a POSITA would have understood the disclosed “pre-call information” containing the relationship number (“first bridge telephone number”) would allow TD 110 (“telephone handset”) to accept the incoming call to its SLS number [] by making a first bridge call to SLS platform 115 using the relationship number to connect the incoming call to TD 110, similar to as described in Winbladh, so as to reconnect with the first leg of the call (between the caller and SLS platform 115) via the local switch in network 125 (“switch”).

Id. at 51–52 (citing Ex. 1002 ¶¶ 145–146.)

Thus, Petitioner asserts that Winbladh teaches that the pre-call information (predefined telephone number β_r) allows the telephone handset (terminal B) to accept the incoming call to the secondary telephone number by making a first bridge call (return call from terminal B) using the first bridge telephone number (predefined telephone number β_r) to connect the incoming call to the telephone handset (terminal A). Petitioner relies on Backhaus for teaching that the incoming call is made to a secondary telephone number, as set forth for limitation [2.pre]. Pet. 40–41 (citing Ex. 1005, Fig. 3A (associating a subscriber with a primary number and a second line number)). Patent Owner does not identify any limitations that are not

taught individually by either Winbladh or Backhaus, but instead argues against the motivation to combine the two. Prelim. Resp. 16–20.

Petitioner asserts that a person having ordinary skill in the art would have been motivated to use Winbladh’s call-back feature when implementing Backhaus because incoming calls that are long-distance or international are relatively expensive, and that the call-back feature provides a connection at a local-call rate, thus reducing the cost of the call. Pet. 40–41 (citing Ex. 1020 ¶¶ 2, 12, 18, 56).

Patent Owner argues that such a cost reduction justification makes no sense in the context of Backhaus’s placement of a call to the user’s handset. Prelim. Resp. 17–18 (citing Ex. 1005 ¶ 54). Patent Owner argues that if this call were to be reversed through the teachings of Winbladh, then the reversed call would require the handset to call the switch, which would also be a long distance call. *Id.* at 18. Patent Owner further argues that the proposed combination would require relationship numbers that are local, and therefore, would require the user to stay within that local zone. *Id.* Patent Owner argues that the nature of the carrier may determine whether a particular number is local. *Id.*

Patent Owner further argues against this motivation to combine Winbladh and Backhaus because they have “vastly disparate scopes.” Prelim. Resp. 16–17. Patent Owner argues that Petitioner has not explained how or why Winbladh’s system for managing end to end connections between terminals on wireless phone networks would be combined with Backhaus’s SLS platform used only in connection with calls to and from virtual secondary lines, which handles calls to the primary number “as is understood in the art.” *Id.* (citing Ex. 1005 ¶ 33; Pet. 47–48). Patent Owner argues that such a combination might seem to require controlling the entire

telephone system, and that Petitioner has not explained how that would be consistent with Backhaus's description of its system designed to work with "cross-carrier" users who have different providers for primary and secondary lines. *Id.* (citing Ex. 1005 ¶ 122). Patent Owner argues that the Petition does not articulate its specific combination.

At this stage, we are persuaded that the Winbladh-Backhaus combination would, in view of the considerations raised by Patent Owner, provide sufficient motivation for their combination. Although Winbladh may be concerned with management of end to end connections, "[t]he test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference [but rather] what the combined teachings of those references would have suggested to those of ordinary skill in the art." *Facebook, Inc. v. Windy City Innovations, LLC*, 973 F.3d 1321, 1343 (Fed. Cir. 2020) ("KSR does not support [the] theory that a person of ordinary skill can only perform combinations of a puzzle element A with a perfectly fitting puzzle element B"). Petitioner's combination, in which the call-back feature of a called terminal to the intermediary is added to the two-terminal call system of Winbladh, does not appear to require the control of an entire telephone system.

Moreover, Patent Owner's arguments concerning whether the asserted combination would be consistent with Backhaus's capability of working with "cross-carrier" users improperly frame the obviousness question. The obviousness question is "whether the relevant artisan would be motivated to make the combination to arrive at the claims' actual limitations," not whether such a combination would preserve all aspects of either Backhaus or Winbladh. *See Axionics, Inc. v. Medtronic, Inc.*, 2023 WL 4410686 (Fed. Cir. July 10, 2023).

Further, because Winbladh's receiving terminal is mobile and provides advantages of a local number over a long distance number when connecting a call from an intermediating host, it is not clear why Backhaus's mobile receiving terminal having a call connected by a switch local to an intermediating SLS server would not enjoy the same advantages. Petitioner's combination provides for a pre-call transmission of local telephone number β_r , and would logically provide advantage in those situation in which a long distance number was originally used for the connection; i.e., those situations for which Winbladh is purposed.

We note that we do not find persuasive Petitioner's assertion that it was "well known to accept an incoming call by making an outbound call to a bridge number." *Id.* at 50 (citing Ex. 1021 (EP published application EP 1,119,168 A2, published July 25, 2001) ¶ 16). The cited paragraph merely shows an instance of a user initiating an outbound call to bridge two voice calls. Ex. 1021 ¶ 16. This paragraph does not state that such bridging was common in the art, or otherwise support Petitioner's contention that such bridging was "well known."

Petitioner asserts that a person having ordinary skill in the art would have had a reasonable expectation of success in the applying Winbladh's teachings when implementing Backhaus's system and method because they both route calls between two terminals through a server associated with a database, and provide a bridge number via pre-call information. Pet. 48, 50–51 (citing Ex. 1002 ¶ 139). However, Patent Owner argues that Petitioner does not show "what modifications are necessary, how to perform those modifications, or why a [person of ordinary skill in the art] would expect those specific modifications to be successful." Prelim. Resp. 19–20. For purposes of institution, however, we find sufficient similarity in the call

routing technologies of Winbladh and Backhaus to be persuaded that a person having ordinary skill in the art would have had a reasonable expectation of success in implementing Winbladh's call-back features into Backhaus's secondary line system.

Thus, we determine that Petitioner's combination of Backhaus and Winbladh teaches all of the limitations of [2.b], and that Winbladh's showing of a lower cost connection through Winbladh's use of a local telephone callback number provides sufficient reason to combine the references as asserted by Petitioner.

3. Determination

For the above described reasons, we determine that Petitioner has shown a reasonable likelihood that claim 2 would have been obvious over the combined teachings of Backhaus and Winbladh.

We have reviewed Petitioner's assertions for dependent claims 3–11. Pet. 51–79. Patent Owner has not provided arguments against these assertions separate from those provided against Petitioner's assertions against claims 1 and 2. Prelim. Resp. We find Petitioner's assertions to be supported by the record with the following caveats.

For claim 7, Petitioner asserts that Backhaus teaches establishing a voice channel "in the connected call." Pet. 57. That statement indicating that the connection of a voice *channel* is a part of a more comprehensive *connected call* may further involve the construction of "call," as discussed at Section II(D).

For claim 8, Petitioner relies solely on Backhaus for the teaching of the first bridge telephone number as being associated with the switch and the first contact telephone number. Pet. 59–60. However, to provide the advantage in the Backhaus-Winbladh combination for claim 2, Petitioner

relies on Winbladh's local call-back number as the predefined bridge call number. Pet. 50. For purposes of institution, we understand Petitioner's reliance on the Winbladh teachings for claim 2 as carrying through to its assertions for dependent claim 8,

III. CONCLUSION

For the reasons discussed above, we conclude Petitioner has shown a reasonable likelihood of prevailing with respect to claims 1 and 2 of the '105 patent. We determine that the record supports institution. Accordingly, we institute an *inter partes* review of all challenged claims under all grounds set forth in the Petition.

Our determination at this stage of the proceeding is based on the evidentiary record currently before us. This decision to institute trial is not a final decision as to patentability of any claim for which *inter partes* review has been instituted. Our final decision will be based on the full record developed during trial.

IV. ORDER

For the foregoing reasons, it is

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

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1	103(a)	Backhaus, Logan
2–4, 6–11	103(a)	Backhaus, Winbladh
5	103(a)	Backhaus, Winbladh, Logan
1	103(a)	Backhaus, Logan, Taylor
2–4, 6–11	103(a)	Backhaus, Winbladh, Taylor
5	103(a)	Backhaus, Winbladh, Logan, Taylor

And 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; the trial will commence on the entry date of this Decision.

IPR2023-00361
Patent 10,051,105 B2

FOR PETITIONER:

Naveen Modi
Joseph E. Palys
Daniel Zeilberger
Howard Herr (PHV motion forthcoming)
Puja Patel (PHV motion forthcoming)
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
josephpalys@paulhastings.com
danielzeilberger@paulhastings.com

FOR PATENT OWNER:

Louis C. Campbell
Juan C. Yaquian
Michael A. Bittner (PHV motion forthcoming)
William M. Logan (PHV motion forthcoming)
WINSTON & STRAWN LLP
LLcampbell@winston.com
JYaquian@winston.com
MBittner@winston.com
WLogan@winston.com