

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

VOIP-PAL.COM, INC.,  
Patent Owner.

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IPR2022-01075  
Patent 10,880,721 B2

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Before MITCHELL G. WEATHERLY, TERRENCE W. McMILLIN, and  
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

DECISION  
Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314, 37 C.F.R. § 42.4

## I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 51, 57, 63, 77, 103, 104, 108–110, 124, 130, 133, 138, and 139 (“the challenged claims”) of U.S. Patent No. 10,880,721 B2 (Ex. 1001, “the ’721 patent”) pursuant to 35 U.S.C. § 311 *et seq.* Paper 1 (“Petition” or “Pet.”). VoIP-Pal.com, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Preliminary Response” or “Prelim. Resp.”).<sup>1</sup> For the reasons discussed below, we deny institution.

### A. Related Matters

The parties identify the following related proceedings: *VoIP-Pal.com, Inc. v. Amazon.com, Inc.*, No. 6-21-cv-00668 (W.D. Tex.); *VoIP-Pal.com, Inc. v. Verizon Communications Inc. et al*, No. 6-21-cv-00672 (W.D. Tex.); *VoIP-Pal.com, Inc. v. T-Mobile US, Inc. et al*, No. 6-21-cv-00674 (W.D. Tex.); *Cellco Partnership d/b/a Verizon Wireless Inc. et al v. VoIP-Pal.com, Inc.*, No. 3-21-cv-05275 (N.D. Cal.); *VoIP-Pal.com Inc. v. Samsung Electronics Co., Ltd. et al*, No. 6-21-cv-01246 (W.D. Tex.); *VoIP-Pal.com Inc. v. Huawei Technologies Co., Ltd. et al*, No. 6-21-cv-01247 (W.D. Tex.); and *VoIP-Pal.com, Inc. v. Google, LLC f/k/a Google Inc.*, No. 3-22-cv-03199 (N.D. Cal.). Pet. 1–2; Paper 5, 2.

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<sup>1</sup> Petitioner also filed a Reply (Paper 7) and Patent Owner also filed a Sur-reply (Paper 8). However, the Reply and Sur-reply were limited to discussing discretionary denial under 37 C.F.R. § 314(a) and the factors considered by the Board under the precedential opinion in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020). As we deny institution on the merits, we do not reach the issue of discretionary denial and do not consider the *Fintiv* factors. And, there is no further discussion of the Reply or the Sur-reply in this decision.

Petitioner further identifies the following related proceedings: *VoIP-Pal.com, Inc. v. Samsung Electronics Co., Ltd. et al*, No. 1-21-cv-01084 (W.D. Tex.); *VoIP-Pal.com, Inc. v. Huawei Technologies Co., Ltd. et al*, No. 1-21-cv-01085 (W.D. Tex.); *Apple Inc. v. VoIP-Pal.com, Inc.*, No. 3-21-cv-05110 (N.D. Cal.); *AT&T Corp. et al. v. VoIP-Pal.com, Inc.*, 3-21-cv-05078; *VoIP-Pal.com, Inc. v. Facebook, Inc. et al*, No. 6-21-cv-00665 (W.D. Tex.); *VoIP-Pal.com, Inc. v. Google, LLC f/k/a Google Inc.*, No. 6-21-cv-00667 (W.D. Tex.) (transferred to N.D. Cal.); *VoIP-Pal.com, Inc. v. Apple Inc.*, No. 6-21-cv-00670 (W.D. Tex.); and *VoIP-Pal.com, Inc. v. AT&T Corp. et al*, No. 6-21-cv-00671 (W.D. Tex.). Pet. 1–2.

Patent Owner further identifies the following related proceedings: *Twitter, Inc. v. VoIP-Pal.com, Inc.*, No. 3-21-cv-09773 (N.D. Cal.); and *VoIP-Pal.com, Inc. v. Meta Platforms, Inc. et al*, No. 3-22-03202 (N.D. Cal). Paper 5, 2.

Petitioner further states that it is concurrently filing another *inter partes* review petition challenging the '721 patent.<sup>2</sup> Pet. 3. Petitioner additionally states the '721 patent is related to U.S. Patent No. 8,630,234 (“the '234 patent”), which is also at issue in the above-referenced civil actions, and that Petitioner is concurrently filing *inter partes* review petitions challenging the '234 patent.<sup>3</sup> *Id.*

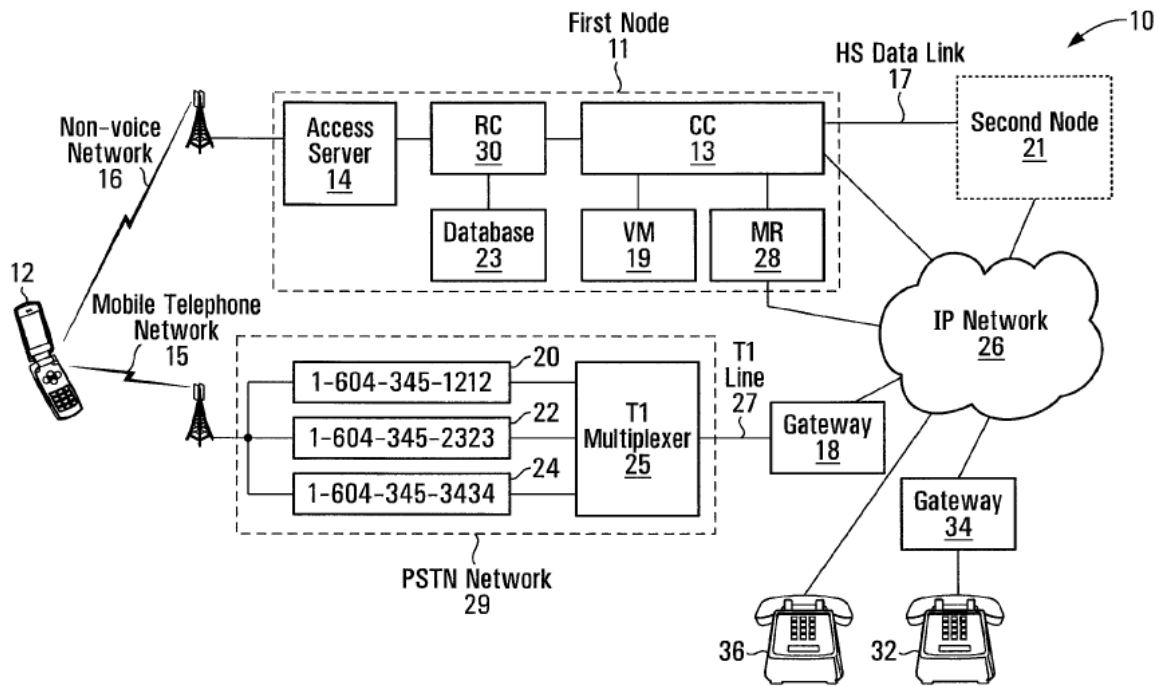
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<sup>2</sup> The '721 patent is challenged in eight pending IPRs: IPR2022-01074, IPR2022-01075, IPR2022-01180, IPR2022-01181, IPR2022-01234, IPR2022-01235, IPR2022-01392, IPR2022-01393.

<sup>3</sup> The '234 patent is challenged in eight pending IPRs: IPR2022-01072, IPR2022-01073, IPR2022-01178, IPR2022-01179, IPR2022-01231, IPR2022-01232, IPR2022-01390, IPR2022-01391.

*B. The '721 Patent*

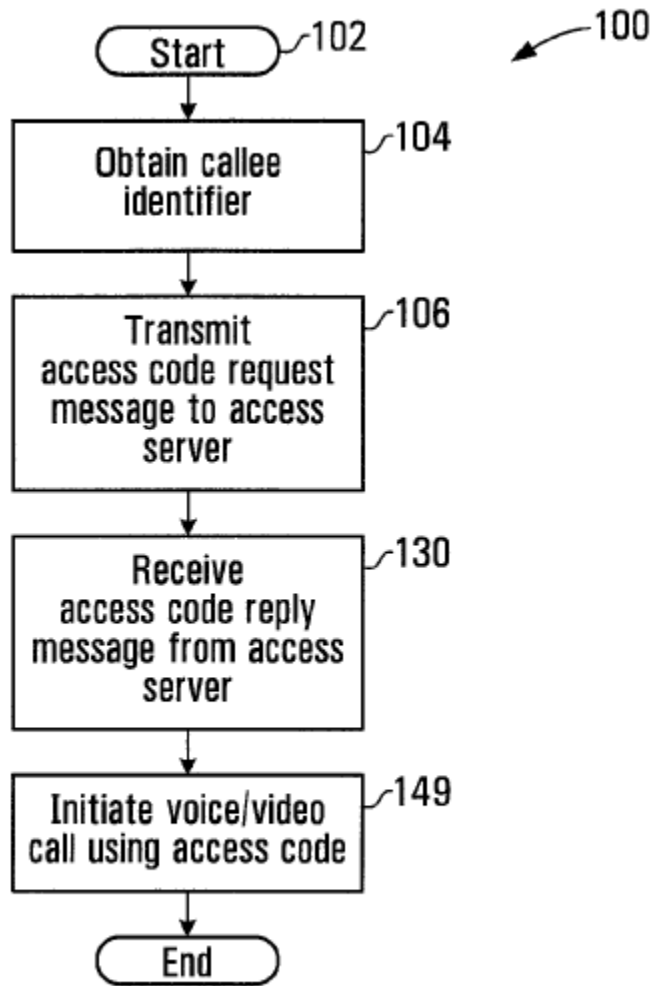
The '721 patent is titled "Mobile Gateway." Ex. 1001, code (54). The '721 patent is directed to a method of initiating a call to a callee using a mobile telephone. *Id.* at 1:41–42. The method involves receiving, from a user of the mobile telephone, a callee identifier associated with the callee. *Id.* at 1:42–44. The method further involves transmitting an access code request message to an access server, where the access code request message includes the callee identifier. *Id.* at 1:45–47. The method further involves receiving an access code reply message from the access server in response to the access code request message, where the access code reply message includes an access code different from the callee identifier and associated with the callee identifier. *Id.* at 1:47–51. The method further involves initiating a call with the mobile telephone using the access code to identify the callee. *Id.* at 1:51–52. Figure 1 of the '721 patent is reproduced below.



**FIG. 1**

Figure 1 depicts a system 10 for enabling a mobile telephone to initiate a call to a callee. *Id.* at 8:32–34. The system 10 includes a first node 11, a second node 21, and a mobile telephone 12. *Id.* at 8:34–35. The first and second nodes 11 and 21 support “voice-over-IP” (VoIP) calls between telephones and/or videophones using the Internet Protocol (IP). *Id.* at 8:36–41. The first node 11 includes a call controller (CC) 13, an access server 14, a routing controller (RC) 30, a database 23, a voicemail server 19, and a media relay 28. *Id.* at 8:65–9:1. The system 10 further includes a gateway 18 in communication with at least one, and preferably, a plurality of channels 20, 22, and 24, to which the mobile telephone 12 may initiate a call over the mobile telephone network 15. *Id.* at 9:21–25. The channels 20, 22, and 24, are configured to cooperate with an IP network 26 via gateway 18 to cause a call involving the mobile telephone 12 and the callee to be routed through the IP network in response to a call received at one of the channels. *Id.* at 9:57–62. The access server 14 is in communication with the routing controller 30 of the first node 11, and the routing controller 30 is configurable to associate a callee identifier with one of the channels 20, 22, and 24. *Id.* at 9:63–67.

Figure 3 of the '721 patent is reproduced below.



**FIG. 3**

Figure 3 depicts a flow chart 100 that directs a microprocessor 52 (not shown in Figure 2) to initiate a call with the mobile telephone 12 to a callee. *Id.* at 11:30–33. The processor 100 begins at 102, and, upon initiation of the process 100, block 104 directs the microprocessor 52 to obtain a callee identifier. *Id.* at 11:41–43. The callee identifier is associated with a desired callee. *Id.* at 11:46–48. Block 106 directs the microprocessor 52 to transmit an access code request message, the access code request message including the callee identifier obtained at block 104. *Id.* at 11:51–55. The process 100

continues at block 130, which directs the microprocessor 52 to receive an access code reply message from the access server 14 in response to the access code request message that was transmitted at block 106. *Id.* at 12:63–67. Further, block 149 directs the microprocessor 52 to initiate a call with the mobile telephone 12 on the mobile telephone network 15 using the access code received in the access code reply message. *Id.* at 13:38–43.

### *C. Challenged Claims*

Petitioner challenges claims 51, 57, 63, 77, 103, 104, 108–110, 124, 130, 133, 138, and 139 of the '721 patent. Pet. 1. Challenged claims 51, 77, 103, and 130 are independent claims. Ex. 1001, 40:12–35, 42:22–47, 44:46–45:10, 47:39–48:4. Claim 51 recites:

51. A method for enabling a wireless device to establish communications with a destination node, the method comprising:  
receiving from the wireless device an access code request message including a destination node identifier associated with the destination node and ***a location identifier identifying a geographical location of the wireless device;***  
in response to receiving the access code request message, causing a routing controller to produce an access code identifying a communications channel on a gateway through which communications between the wireless device and the destination node can be conducted, ***the access code being based on the location identifier of the access code request message received from the wireless device,*** wherein the access code is useable by the wireless device to initiate communications with the destination node through the communications channel; and  
transmitting, to the wireless device, an access code reply message including ***the access code based on the location identifier,*** to cause the wireless device to use the access code to initiate communications with the destination node through the communications channel.

*Id.* at 40:12–35 (emphasis added).

*D. The Asserted Grounds*

Petitioner challenges claims 51, 57, 63, 77, 103, 104, 108–110, 124, 130, 133, 138, and 139 of the '721 patent based on the grounds set forth in the table below.

<b>Claim(s) Challenged</b>	<b>35 U.S.C. §</b>	<b>Reference(s)</b>
51, 57, 77, 103, 104, 108, 124	103(a)	Teodosiu <sup>4</sup>
63, 109, 110, 138, 139	103(a)	Teodosiu, Nix <sup>5</sup>
130, 133	103(a)	Teodosiu, Nix, Kaal <sup>6</sup>

Petitioner relies on the Declaration of Dr. Nader Mir (Ex. 1002) to support its challenges to the claims of the '721 patent. Patent Owner relies on the Declaration of Dr. William Henry Mangione-Smith (Ex. 2017) to support its arguments.

II. ANALYSIS

*A. Legal Standards*

A patent claim is unpatentable as obvious 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

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<sup>4</sup> US 2008/0137642 A1, published June 12, 2008 (Ex. 1005).

<sup>5</sup> US 2007/0127449 A1, published June 7, 2007 (Ex. 1014).

<sup>6</sup> US 2008/0144578 A1, published June 19, 2008 (Ex. 1006).



skill in the art; and (4) objective evidence of obviousness or non-obviousness.<sup>7</sup> *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”)). Petitioners cannot satisfy their burden of proving obviousness by employing “mere conclusory statements.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016).

#### *B. Level of Ordinary Skill in the Art*

With regard to the level of ordinary skill in the art, Petitioner contends “[a] person of ordinary skill in the art as of the claimed priority date of the ’721 patent . . . would have had a bachelor’s degree in electrical engineering, computer engineering, computer science, or a related field along with at least two years of work experience in the field of networking.” Pet. 5 (citing Ex. 1002 ¶¶ 19–21). Petitioner further contends “[m]ore education can complement practical experience and vice versa.” Pet. 5 (citing Ex. 1002 ¶¶ 19–21). Patent Owner does not address the level of ordinary skill in the art. *See generally* Prelim. Resp.

For purposes of this Decision, we adopt Petitioner’s definition of the level of ordinary skill in the art because it is consistent with the ’721 patent and the asserted prior art.

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<sup>7</sup> At this stage, the parties do not submit objective evidence of obviousness or non-obviousness. *See generally* Pet.; Prelim. Resp.

### *C. Claim Construction*

In an *inter partes* review for a petition filed on or after November 13, 2018, “[claims] of a patent . . . shall be construed using the same claim construction standard that would be used to construe the [claims] in a civil action under 35 U.S.C. § 282(b), including construing the [claims] in accordance with the ordinary and customary meaning of such claims 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) (2018); *see also Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005). We shall construe only terms that are in controversy and then only to the extent necessary to resolve the controversy. *VividTechs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). We determine that it is not necessary to explicitly construe any claim terms in order to make this decision.

### *D. Summaries of Cited Art*

In our analysis of the challenges to the claims, we discuss Teodosiu (Ex. 1005) and Kaal (Ex. 1006). Summaries of these references are provided below.

1. Teodosiu

Teodosiu is titled “Mobile Device Call to Computing Device.” Ex. 1005, code (54). Teodosiu discloses technology that enables a mobile device to make a call to a contact that is logged into a communication service at a computer. *Id.* ¶ 6. Figure 3 of Teodosiu is reproduced at right and is a flowchart describing a method for establishing an audio connection between a mobile device and a computer. *Id.* ¶ 55. At step 310, a first request is received by a network server from the mobile device. *Id.* The request is made to establish a call from the mobile device to a contact through a computer application. *Id.* At step 320, a VoIP phone number is provided to the mobile device from the network server. *Id.* ¶ 56. The VoIP phone number may be selected based on the phone number of the mobile device. *Id.* At step 330, a first call to the VoIP phone number is received by the Voice to IP System from the mobile device. *Id.* ¶ 57. The call is made to the VoIP system phone number provided to the mobile device. *Id.*

Next, at step 340, a call invitation is sent to the computer which runs an application. *Id.* The call invitation is sent by a soft switch through a Session Internet Protocol (SIP) proxy to the machine or set of machines

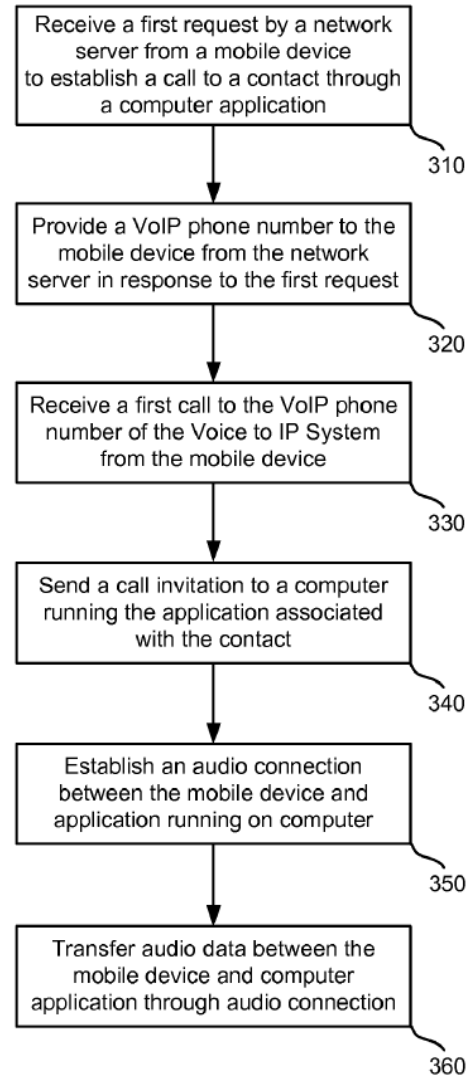


Figure 3

where the selected contact is currently logged into a messaging service. *Id.* At step 350, an audio connection is established between the mobile device and an application running on the computer. *Id.* ¶ 58. The audio connection can be a hybrid connection consisting of a voice connection between the mobile device and a Voice to IP gateway and a VoIP connection between the Voice to IP gateway and the computer. *Id.* After establishing the audio connection, at step 360, audio data may be transferred between the mobile device and the computer application through an audio connection. *Id.* ¶ 59.

## 2. *Kaal*

*Kaal* is titled “Communication System.” Ex. 1006, code (54). *Kaal* discloses a method for handling communication in a communication system. *Id.* ¶ 2. Figure 1 of *Kaal* is reproduced below.

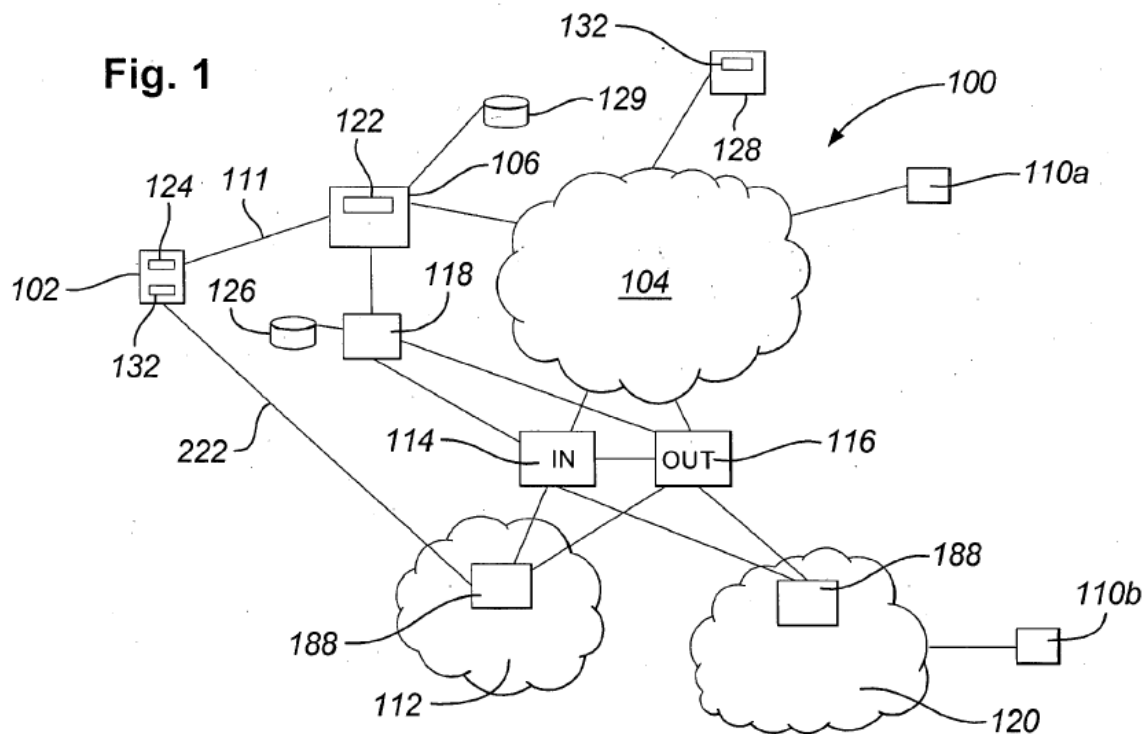


Figure 1 depicts a communication network 100. *Id.* ¶ 26. Communication network 100 includes a peer to peer system 104 operating on a packet

switched network (*e.g.*, the internet), and Public Switched Telephone Network (PSTN) networks 112 and 120. *Id.* A user device 102 is connected to the peer to peer system 104 via a session node 106. *Id.* ¶ 27. The user device 102 is also connected to the PSTN network 120. *Id.* The session node 106 runs a communication instance 122 defining a session dedicated to a user of the user device 102. *Id.* ¶ 30. The communication instance 122 enables the user of the user device 102 to communicate across the communication network 100 to establish a connection with another device enabled to communicate via the peer to peer system 104. *Id.* The communication instance 122 allocates the other device a PSTN number that is transmitted and interpreted by both the PSTN network 120 and the peer to peer system 104. *Id.* ¶ 76.

#### *E. Discussion of Challenges to the Claims*

For all its grounds, Petitioner relies on Teodosiu (Ex. 1005) for allegedly disclosing “a location identifier identifying a geographical location of the wireless device” as recited in each of the challenged independent claims of the ’721 patent. *See* Pet. 15–18 (claim 51), 32 (claim 77), 43 (claim 103), 70 (claim 130).<sup>8</sup> Petitioner relies on its showing as to this limitation of claim 51 for each of the other independent claims. *Id.* Because the Petitioner fails to establish that Teodosiu discloses this limitation, we determine that the Petition does not show a reasonable likelihood that the

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<sup>8</sup> Claim 130 recites, “a location identifier *associated with* a geographical location of the wireless device.” Ex. 1001, 47:44–45 (emphasis added). Petitioner states this limitation “does not vary substantively” from “a location identifier *identifying* a geographical location of the wireless device” in claim 51 (*id.* at 40:18–19 (emphasis added)) and, despite the difference in claim language, relies on its showing as to claim 51. Pet. 70.

Petitioner would prevail in showing any of the challenged claims are unpatentable.

All the challenged independent claims of the '721 patent require, “receiving/receive from the wireless device an access code request message including . . . a location identifier identifying a geographical location of the wireless device.”<sup>9</sup> Ex. 1001, 40:15–19 (claim 51), 42:43–47 (claim 77), 44:55–59 (claim 103), 47:42–45 (claim 130).<sup>10</sup> In an effort to establish Teodosiu teaches this limitation, the Petition states:

The mobile device 110 phone number includes “geographic information” (EX1005, cl. 12),<sup>[11]</sup> including an area code (*id.* ¶¶[0066].) An area code of a device’s phone number identifies an area/location where the device may be located. (EX1002 ¶¶81-82; EX1005 ¶[0066]; *see also* EX1001, 18:29-37, 18:9-27; EX1020 ¶¶[0027], [0070].)<sup>[12]</sup> Additionally, because the geographic information is used in Teodosiu’s method to select a VoIP phone number in close geographic vicinity to the mobile device 110 (EX1005 ¶[0066]), the geographic information thus identifies the location of the mobile device 110. (EX1002 ¶83.)

Pet. 17. Petitioner’s basis for its assertion that Teodosiu discloses receiving “a location identifier identifying a geographical location of the wireless

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<sup>9</sup> Neither party argued that any explicit claim construction was necessary for the phrase “a location identifier identifying a geographical location of the wireless device.” *See* Pet. 9–12; Prelim. Resp. 19–26. Accordingly, we apply the ordinary and customary meaning to this phrase and the terms in this phrase.

<sup>10</sup> Claim 130 recites “request message” not “access code request message.”

<sup>11</sup> Teodosiu’s claim 12 recites: “[t]he method of claim 11, wherein the second phone number is derived from geographic information associated with the first phone number.” Ex. 1005 cl. 12.

<sup>12</sup> Petitioner indicates “Exhibit 1020 is cited only to demonstrate knowledge of a POSITA [person of ordinary skill in the art].” Pet. 17 n.9.

device” is that Teodosiu discloses transmitting the phone number of the wireless device which includes an area code. *See id.*

The cited paragraph 66 in Teodosiu provides:

Network server 130 receives the confirmation message from call registration server 140 at step 530. Next, network server 130 selects a phone number associated with Voice to IP system 190 that is based on the mobile device phone number at step 540. In some embodiments, network server 130 selects a Voice to IP system phone number which is close in geographic vicinity to the phone number associated with mobile device 110. A Voice to IP system phone number that is close geographically to mobile device 110 may reduce the costs associated with a call between mobile device and the particular selected phone number. For example, the selected VoIP phone number may have the same area code as the mobile device phone number.

Ex. 1005 ¶ 66. In this paragraph, Teodosiu is determining what phone number to supply to the mobile device to use to access the VoIP system. *See id.* ¶¶ 67–69. Teodosiu discloses selecting a VoIP phone number with the same area code as the mobile device phone number and “which is close in geographic vicinity to the phone number associated with mobile device 110.” *Id.* ¶ 66.

But Patent Owner argues, and we agree, that the area code in the phone number of Teodosio’s mobile device is not “a location identifier identifying a geographical location of the wireless device.” *See Prelim. Resp.* 34–41. The area code does not change as the geographical location of the wireless device changes. The area code of the phone number associated with the mobile device does not identify the geographical location of the wireless device.

Teodosiu does not disclose otherwise. Teodosiu uses the phone number of the mobile device to select a VoIP phone number “which is close in geographic vicinity to the phone number associated with mobile device 110.” Ex. 1005 ¶ 66. And, because the location of the mobile device is not identified by the area code of the phone number associated with the mobile device, by disclosing receipt of the mobile device phone number (*id.* ¶ 63, Fig. 4 (ref. no. 440)), Teodosiu does not disclose “receiving/receive from the wireless device an access code request message including . . . a location identifier identifying a geographical location of the wireless device.” as recited in the challenged independent claims of the ’721 patent.

For this limitation, the Petitioner also relies on paragraphs 81–83 of the Mir Declaration. *See* Pet. 17 (citing Ex. 1002 ¶¶ 81–83). We have considered the Mir Declaration and determine that it does not support finding that Teodosiu discloses receiving “a location identifier identifying [or associated with] a geographical location of the wireless device” as recited in the challenged independent claims of the ’721 patent by disclosing receipt of the mobile device’s phone number. The Mir Declaration states: “[a] person of ordinary skill in the art would have understood that an area code associated with a device’s phone number can identify an area (e.g., location) in which the device may be located.” Ex. 1002 ¶ 81. We agree with this statement to the extent that we agree that the device’s phone number could possibly identify an area or location in which the device might be located. But, we do not agree with Dr. Mir’s conclusion that “a person of ordinary skill in the art would have understood that the mobile device 110 phone number [as disclosed in Teodosiu] includes [a] ‘location identifier,’ as claimed.” *Id.* ¶ 83. Dr. Mir fails to adequately explain how or why the area



code of a mobile device's phone number is a "location identifier identifying a geographical location of the wireless device."

Patent Owner relies on the Declaration of William Henry Mangione-Smith (Ex. 2017 ("Mangione-Smith Decl.)) in disputing the showing as to this limitation. *See* Prelim. Resp. 34–41. Patent Owner argues that "an 'area code' of a mobile phone does not identify 'a geographical location of the wireless device.' Rather, it identifies a location of a rate center associated with the mobile phone's billing account." *Id.* at 34–35 (citing Ex. 2017 ¶ 12). Dr. Mangione-Smith testifies:

A phone number that is assigned to a mobile phone within the United States of America includes an "area code" portion, however, the area code does not identify the location of the *phone*. The point of having a mobile phone is to have telephone service while being mobile. The location of a mobile phone can change to outside of the geographical boundary of an area code, including the area code in the phone number. Indeed, the mobile phone need not operate at all within the area code boundaries of its phone number.

Ex. 2017 ¶ 11. And, outside the U.S., Dr. Mangione-Smith testifies that "what sometimes appears to be an 'area code' may actually convey *no* location information, despite the original meaning of the term." *Id.* ¶ 17. And, for VoIP services (to which Teodosiu is directed (*see* Ex. 1005 ¶¶ 6–9 (Summary)); *see also* Pet. 15–16)), Dr. Mangione-Smith testifies that "Voice-over-IP services in the U.S. also provided virtual phone numbers since at least 2003" and "[v]irtual phone numbers have an 'area code' that is chosen by the user, therefore a virtual number does not necessarily reflect anything about the user's location or the location of the user's phone." *Id.* ¶ 18. Dr. Mangione-Smith concludes, "[i]n summary,

independent Claims 51, 77, 103, and 130 of the '721 Patent each require a 'location identifier' that is 'identifying a geographical location of the wireless device'" and "[a]n 'area code' associated with the phone number assigned to the mobile phone does not provide this information." *Id.* ¶ 21.

Weighing the competing evidence of the parties' declarants, we determine that the testimony of Dr. Mangione-Smith, Patent Owner's declarant, comports with real-world experience and is better reasoned and supported than the testimony of Dr. Mir, Petitioner's declarant. Therefore, we determine that Dr. Mangione-Smith's testimony is entitled to greater weight and is more persuasive on the issue of whether an area code constitutes a location identifier as recited in the claim.

Independent claim 130 includes a "wherein" clause related to the "location identifier" not found in the other challenged independent claims and warrants further discussion. *See* Ex. 1001, 47:46–48. Claim 130 recites:

receiving from the wireless device a request message including a destination node identifier associated with the destination node and a location identifier associated with a geographical location of the wireless device ***wherein the location identifier comprises a first Internet Protocol (IP) address associated with the wireless device.***

*Id.* at 47:42–48 (emphasis added). Petitioner contends that "Teodosiu in combination with Kaal discloses or suggests this limitation." Pet. 70 (citing Ex. 1002 (Mir Decl.) ¶¶ 242–254). Petitioner relies on Teodosiu for disclosing all the elements of this limitation including "a location identifier associated with a geographical location of the wireless device" except the

elements of the “wherein” clause.<sup>13</sup> *Id.* at 70. For the elements in the “wherein” clause, the Petition states, “Kaal discloses the feature of a location identifier comprising an IP address associated with the wireless device.” Pet. 71. However, the showing in the Petition as to this “wherein” clause and independent claim 130 is not very well-explained or well-supported.

With regard to the elements in the “wherein” clause of claim 130, the Petition states, “[t]o the extent Teodosiu does not disclose the ‘location identifier comprises an Internet Protocol (IP) address associated with the wireless device,’ it would have been obvious in view of Kaal to modify Teodosiu to comprise such features.” Pet. 70 (citing Ex. 1002 (Mir Decl.) ¶¶ 242). But Petitioner presents no argument that Kaal teaches or suggests: (1) “receiving from the wireless device a request message” that includes “a location identifier” in any form (including an IP address) or (2) “receiving from the wireless device a request message” that includes both “a destination node identifier” and “a location identifier.” *See* Pet. 70–73. The Petition does not state when or in what context the IP address of the wireless device as disclosed in Kaal is received from the wireless device.

The challenged independent claims of the ’712 patent contain additional limitations which reference the “location identifier.” Claim 1 recites:

in response to receiving the access code request message,  
causing a routing controller to produce an access code  
identifying a communication channel on a gateway through  
which communications between the wireless device and the  
destination node can be conducted, ***the access code being***

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<sup>13</sup> As discussed above, we determine that Teodosiu does not disclose “a location identifier [identifying or] associated with a geographical location of the wireless device” as recited in the challenged independent claims including claim 130.

*based on the location identifier of the access code request message received from the wireless device*, wherein the access code is useable by the wireless device to initiate communications with the destination node through the communications channel; and transmitting, to the wireless device, an access code reply message including *the access code based on the location identifier*, to cause the wireless device to use the access code to initiate communications with the destination node through the communications channel.

Ex. 1001, 40:20–35 (emphasis added). Independent claims 77, 103, and 130 recite commensurate limitations. *Id.* at 42:30–47 (claim 77), 44:60–45:10 (claim 103), 47:49–48:4 (claim 130). All these limitations require that the access code be “based on the location identifier.” For these limitations, Petitioner relies on its purported showings discussed above for disclosing the “location identifier of the access code request message.” *See* Pet. 25, 27–28, 37, 43, 44, 74, 75–76. For the reasons discussed above, we determine that, as Petitioner has not shown the cited art discloses a “location identifier of the access code request message,” it necessarily follows that Petitioner has not shown a reasonable likelihood of establishing the cited art discloses these additional limitations.

We determine that the Petition fails to show that the cited art discloses the “location identifier” limitations as recited in challenged independent claims 51, 77, 103, and 103. For dependent claims 57, 63, 104, 108, 109, 110, 124, 133, 138, and 139, our determination with regard to the independent claims dictates that the challenges to these dependent claims also fail. In summary, we determine that Petitioner has not shown that the cited art discloses all the limitations of any challenged claim and we deny institution on this basis.

### III. CONCLUSION

On the record before us, we conclude that there is not a reasonable likelihood that the Petitioner would prevail with respect at least one of the claims challenged in the Petition. Therefore, we do not institute *inter partes* review on any claims or any challenge to the claims of the '721 patent.

### IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is *denied* and we do not institute *inter partes* review of any challenged claim of U.S. Patent No. 10,880,721 B2.

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Patent 10,880,721 B2

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