

Fed. Circ. Affirms Sweeping PTAB Win For Straight Path IP

By **Matthew Bultman**

Law360, New York (June 23, 2017, 7:03 PM EDT) -- The Federal Circuit on Friday affirmed Patent Trial and Appeal Board decisions that largely upheld the validity of three Straight Path IP patents related to real-time video teleconferencing technology, handing the licensing firm a decisive win after a series of attacks from telecom giants like Samsung and Cisco.

With a pair of final decisions last year, the PTAB ended 12 challenges brought against three Straight Path IP Group Inc. patents when it found the vast majority of claims were not shown to be invalid. The appeals court said the board did not err in its findings or conclusions.

James Wodarski of Mintz Levin Cohn Ferris Glovsky and Popeo PC, an attorney for Straight Path, said they were "overjoyed" with the decision about the patents, which have undergone intense scrutiny in inter partes review and other administrative proceedings at the patent office.

"From our client's perspective, it's been an undue period of delay in scrutinizing every aspect" of the patents' validity, Wodarski said. "They're looking forward to getting back to the issue that is important to them, which is addressing the industry's pervasive use of their innovation."

A spokeswoman for Samsung declined comment. Representatives for the other companies did not respond to a message seeking comment.

Straight Path has filed various lawsuits over the patents in Virginia and Texas. It has also engaged in litigation at the U.S. International Trade Commission over allegedly infringing imports. This litigation has prompted a host of challenges from the accused infringers.

And this wasn't the first time Straight Path's technology has been before the Federal Circuit.

In 2015, the appeals court reversed a PTAB decision that found numerous claims in one of the patents were invalid following a challenge from Sipnet EU SRO. In that **decision**, the court said the PTAB had misinterpreted the phrase "is connected to the computer network."

For context, the patent describes a method of facilitating real-time communication between two users over the internet that involves a database of internet protocol addresses. The patent describes the first user querying the database as to whether the second user "is connected to the network."

Several months after the Sipnet decision, the PTAB **issued** two final decisions that consolidated 12 IPRs brought by eight separate companies, including Samsung Electronics Co. Ltd., Cisco Systems Inc., Vizio Inc. and Verizon Services Corp.

In both, the board applied the Federal Circuit's interpretation of the phrase "is connected to the computer network." And it upheld the validity of every challenged claim that included that limitation.

On appeal, Samsung and the others didn't challenge the PTAB's interpretation of this phrase. But the group **argued** that the board misapplied it.

More specifically, the companies said the PTAB improperly added a requirement that the prior art references demonstrate "perfect accuracy" when querying whether a process is connected to the computer network.

But the Federal Circuit disagreed Friday, saying the PTAB properly applied its construction.

It noted the board never used the phrase "perfect accuracy." And all references in its decisions to "accuracy" and similar terms were either quotations from Sipnet that explain errors the board made before or how the Federal Circuit's reasoning applied here.

"We will not fault the board for following precedent," the appeals court wrote, concluding that the PTAB correctly determined "that the [cited] references do not teach the claimed 'is connected to the computer network.'"

The patents at issue are U.S. Patent Numbers 6,108,704; 6,009,469; and 6,131,121.

The appellants are represented by DLA Piper, Baker Botts LLP, Fish & Richardson PC, Finnegan Henderson Farabow Garrett & Dunner LLP, Dorsey & Whitney LLP, Baker & McKenzie LLP and Kecker & Van Nest LLP.

Straight Path is represented by Mintz Levin Cohn Ferris Glovsky and Popeo PC.

The case is Samsung Electronics Co. Ltd. v. Straight Path IP Group Inc., case number 16-2004, in the U.S. Court of Appeals for the Federal Circuit.

--Additional reporting by Jimmy Hoover and Ryan Davis. Editing by Katherine Rautenberg.