UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANASONIC AVIONICS CORP,
Petitioner,

v.

LINKSMART WIRELESS TECHNOLOGY, LLC,
Patent Owner.

Case IPR2019-00043
Patent RE46,459

Before JEAN R. HOMERE, BRIAN J. McNAMARA, and CHARLES J. BOUDREAU, *Administrative Patent Judges.*

McNAMARA, *Administrative Patent Judge.*

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

BACKGROUND

Panasonic Avionics Corp. ("Petitioner") filed a Petition, Paper 2 ("Pet."), to institute an *inter partes* review of claims 91–99, 108–120, and 122–125 (the "challenged claims") of U.S. Patent No. RE46,459 ("the '459 patent"). 35 U.S.C. § 311. Linksmart Wireless Technology, LLC ("Patent Owner") timely filed a Preliminary Response, Paper 6 ("Prelim. Resp."), contending that the petition should be denied as to all challenged claims. We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition "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." Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we decline to institute *inter partes* review.

REAL PARTIES IN INTEREST

The Petition states "The Petitioner is Panasonic Avionics Corp. ('Panasonic' or 'Petitioner'). Panasonic is a subsidiary of Panasonic Corporation of North America, which in turn is a subsidiary of Panasonic Holding (Netherlands) B.V., which is a subsidiary of Panasonic Corporation, all of which are real parties-in-interest." Pet. 6. Petitioner also states that it has a vendor-customer relationship with multiple companies that have been sued for alleged infringement of the '459 patent and may, therefore, benefit from institution of *inter partes* review. *Id.* Citing *Applications in Internet Time v. RPX Corp.*, No. 2017-1698, slip op. at 26 (Fed. Cir. July 9, 2018), and without conceding they are actual real parties-in-interest, Petitioner also identifies the following entities as real parties-in-interest: Aerovias de

Mexico, SA de CV; Grupo Aeromexico SAB de CV; Société Air France a/k/a Air France; Koninklijke Luchtvaart Maatschappij N.V. a/k/a KLM Royal Dutch Airlines; Air France-KLM SA; United Airlines, Inc.; United Continental Holdings, Inc.; American Airlines, Inc.; American Airlines Group, Inc.; WestJet Airlines Ltd.; WestJet Operations Corp.; WestJet, an Alberta Partnership Southwest Airlines Company; Emirates; and The Emirates Group.

Id.

Patent Owner identifies itself as the sole real party-in-interest. Paper 3.

RELATED PROCEEDINGS

Petitioner states that, to the best of its knowledge, as of the filing date of the Petition, the '459 patent is involved in the following litigation: *Linksmart Wireless Technology, LLC v. Panasonic Avionics Corp*., No. 8:18-cv-00662 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Caesars Entm't Corp*., No. 2:18-cv-00862 (D. Nev.); *Linksmart Wireless Technology, LLC v. Golden Nugget, Inc*., No. 2:18-cv-00864 (D. Nev.); *Linksmart Wireless Technology, LLC v. Las Vegas Sands Corp*., No. 2:18-cv-865 (D. Nev.); *Linksmart Wireless Technology, LLC v. MGM Resorts Int'l*, No. 2:18-cv-00867 (D. Nev.); *Linksmart Wireless Technology, LLC v. Wynn Resorts, Ltd*., No. 2:18-cv-00868 (D. Nev.); *Linksmart Wireless Technology, LLC v. Deep Blue Commc'ns, LLC*, No. 1:18-cv-02441 (E.D.N.Y.); *Linksmart Wireless Technology, LLC v. DCI-Design Commc'ns LLC*, No. 2:18-cv-02444 (E.D.N.Y.); *Linksmart Wireless Technology, LLC v. Aerovias de Mexico, SA de CV*, No. 2:18-cv-03335 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Air Canada*, No. 2:18-cv-03337 (C.D. Cal);

Linksmart Wireless Technology, LLC v. Société Air France a/k/a Air France and Koninklijke Luchtvaart Maatschappij N.V. a/k/a KLM Royal Dutch Airlines, No. 2:18-cv-03341 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Alaska Air Group, Inc*., No. 2:18-cv-03345 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. United Airlines, Inc*., No. 2:18-cv-03348 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. American Airlines, Inc*., No. 2:18-cv-03349 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. British Airways, PLC*, No. 2:18-cv-03352 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Emirates*, No. 2:18-cv-03353 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Delta Air Lines, Inc*., No. 2:18-cv-03354 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. Gogo Inc*., No. 8:18-cv-00654 (C.D. Cal.); *Linksmart Wireless Technology, LLC v. WestJet Airlines Ltd. and WestJet Operations Corp*., No. 8:18-cv-00657 (C.D. Cal.); and *Linksmart Wireless Technology, LLC v. Southwest Airlines Co*., No. 8:18-cv-00660 (C.D. Cal.).

THE ’459 PATENT (EXHIBIT 1001)

The ’459 patent describes a database system for use in dynamically redirecting and filtering Internet traffic. Ex. 1001, 1:21–22. The system “allows for creating and implementing dynamically changing rules, to allow the redirection, blocking, or allowing, of specific data traffic for specific users, as a function of database entries and the user’s activity.” *Id.* at 3:7–11. The system is programmable and “may be implemented to control (block, allow, and redirect) any type of service, such as Telnet FTP, WWW and the like.” *Id.* at 8:24–29.

Figures 1 and 2 of the ’459 patent are reproduced below side-by side.

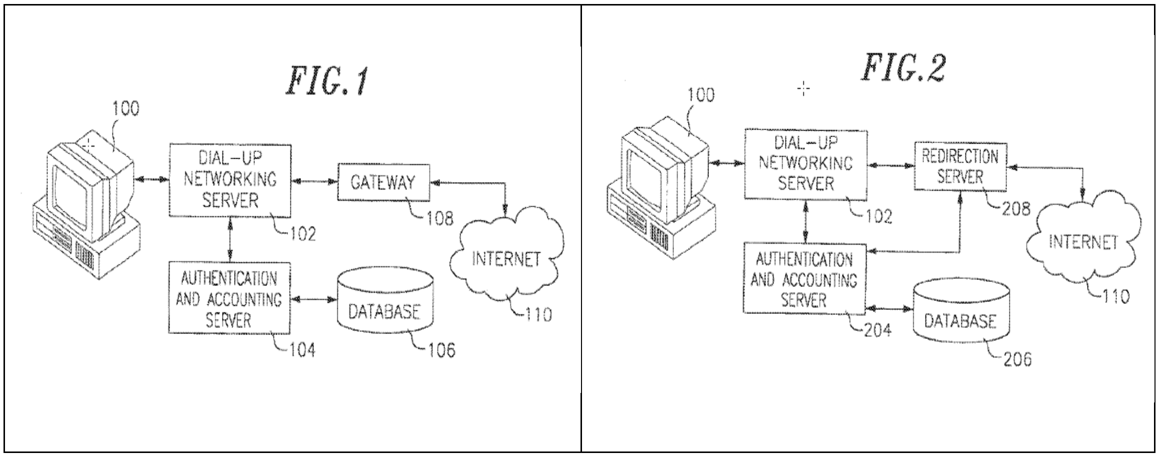
FIG.1
100
DIAL-UP NETWORKING SERVER
102
GATEWAY
108
INTERNET
110
AUTHENTICATION AND ACCOUNTING SERVER
104
DATABASE
106
FIG.2
100
DIAL-UP NETWORKING SERVER
102
REDIRECTION SERVER
208
INTERNET
110
AUTHENTICATION AND ACCOUNTING SERVER
204
DATABASE
206

Figures 1 and 2 of the ’459 patent

Figure 1 on the left shows a typical Internet Service Provider environment and Figure 2 on the right shows an embodiment of an Internet Server Provider environment with integrated redirection. Ex. 1001, 3:50–54.

In the conventional system of Figure 1, networking server 102 communicates with terminal 100, authentication and accounting server 104, and the Internet 110 through gateway 108. In conventional redirection in the context of World Wide Web (WWW) access, a user instructs a browser to access a remote page (specified by a universal resource locator (URL)), the browser sends the request to the server, and the server returns the requested page—but the returned page contains hypertext markup language (HTML) code instructing the browser to request a different page, thereby redirecting the request to the URL in the first page’s HTML code. *Id.* at 1:48–2:3. A disadvantage of this approach is that redirection is controlled at the remote end (the WWW server end), rather than at the user end. *Id.* at 2:6–10.

In the system according to the invention shown in Figure 2, networking server 102 communicates with the Internet 110 through redirection server 208. For a newly established session, authentication accounting server 204 queries database 206 and forwards the currently assigned Internet Protocol (IP) address and rules set to redirection server 208. *Id*. at 4:63–5:5. Redirection server 208

> is programmed to implement the rule set for the IP address, as well as other attendant logical decisions such as: checking data packets and blocking or allowing the packet as a function of the rules sets, performing the physical redirection of data packets based on the rule sets, and dynamically changing the rule sets based on conditions.

Id. at 5:7–12. Upon notice of session termination from authentication and accounting server 204, redirection server 208 removes outstanding rules sets and information associated with the session. *Id*. at 5:13–16. Thus, redirection occurs at the user end.

According to the '459 patent, a user whose access is "locked" can access only one location or set of locations—i.e., each time the user attempts to access another location, redirection server 208 redirects the user to a default location. *Id.* at 5:36–41. In such cases, the redirection server acts as a proxy for the destination address, or, in the case of WWW traffic, the redirection server replies to the user request with a page containing a redirection command. *Id.* at 5:41–44. Redirection server 208 may also redirect a user based on a condition, such as the passage of time, e.g., after being directed to a first location, the user is allowed to access other locations, but every 10 minutes, the user is redirected to the first location. *Id*. at 5:46–47. One way such conditional redirection can be accomplished is to activate an initial temporary rule set that redirects all traffic and after the user accesses the redirected location, remove the rule set or replace it with a standard rule set, until the expiration of the time period, when the rule set is reinstated. *Id*. at 5:51–59. Periodic redirection can be based on any number of factors, such as time spent at a location, the types of locations accessed, the number of locations accessed. *Id*. at 7:60–64.

Signals from the Internet 110 side of redirection server 208 can be used to modify the redirection server's rule sets. *Id*. at 8:3–5. In an example of this embodiment a rule set programmed into the redirection server 208 redirects a user to a questionnaire web site where the user fills out a questionnaire or provides some other information. *Id*. at 8:9–14. After the questionnaire web site receives acceptable data in all required fields, it sends an authorization to redirection server 208 that deletes the redirection to the questionnaire web site from the rule set. *Id.* 8:14–18.

ILLUSTRATIVE CLAIM

Claim 91 of the '459 patent, reproduced below with Petitioner's claim element designation in brackets, is illustrative:

> 91[.0] A system comprising:
> [.1] a redirection server programmed with a user's rule set correlated to a temporarily assigned network address;
> [.2] wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;
> [.3] wherein the redirection server is configured to automatically modify at least a portion of the rule set while the rule set is correlated to the temporarily assigned network address;
> [.4] wherein the redirection server is configured to automatically modify at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and
> [.5] wherein the redirection server is configured to modify at least a portion of the rule set as a function of time while

> the rule set is correlated to the temporarily assigned network address.

ART CITED IN PETITIONER'S CHALLENGES

Petitioner cites the following references in its challenges to patentability:

Reference	Designation	Exhibit No.
U.S. Patent No. 5,983,270 issued Nov. 9, 1999	Abraham	1005
U.S. Patent No. 6,247,054 B1 issued Jun. 12, 2001	Malkin	1006
European Patent Appl. Publication No. EP 0 762 707 A2	Telia	1007

In support of the Petition, Petitioner also cites the Declaration of Dr. Bill Lin. Ex. 1003 ("Lin Decl.").

The Preliminary Response does not cite any expert testimony.

CHALLENGES ASSERTED IN PETITION

The sole ground asserted in the Petition is that all the challenged claims are unpatentable under 35 U.S.C. § 103(a) as obvious over Abraham in view of Malkin and Telia.

ORDINARY SKILL IN THE ART

Petitioner states that a person of ordinary skill in the art is someone familiar with and knowledgeable of network security and access controls, such as firewall configuration and operation, redirection, rule-based packet control, and common networking protocols, such as IP, TCP, HTTP, Telnet, and DCHP. Pet. 17–18 (citing Ex. 1003, Lin Decl. ¶ 37). According to Petitioner such a person would have (i) a Bachelor's degree in Electrical and/or Computer Engineering, Computer Science, or equivalent training, and

(ii) approximately three years of experience working in hardware and/or software design and development related to network security and access controls. *Id.* (citing Ex. 1003, Lin Decl. ¶¶ 35–39). Petitioner's assessment of the level of ordinary skill is consistent with the subject matter of the '459 patent and we apply Petitioner's definition of the level of ordinary skill in this Decision.

CLAIM CONSTRUCTION

Introduction

The Petition has been accorded a filing date of October 9, 2018. Paper 5. For petitions filed before November 13, 2018, we interpret claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016).[1] However, the '459 patent will expire during this *inter partes* review. In such circumstances, claim terms are given their ordinary and customary meaning at the time of the invention, consistent with the principles of *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–19 (Fed. Cir. 2005). Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

[1] *See also* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340, 51,344 (Oct. 11, 2018) ("The Office will continue to apply the BRI standard for construing unexpired patent claims . . . in AIA proceedings where a petition was filed before the [November 13, 2018] effective date of the rule.").

Redirection Server

Petitioner proposes that we construe "redirection server" to mean "a server operable to control network access by applying the following actions: block, allow, and redirect." Pet. 15 (citing Ex. 1003, Lin Decl. ¶¶ 44–45). Petitioner cites the Specification's disclosure that "the invention may be implemented to control (block, allow and redirect) any type of service." *Id.* (quoting Ex. 1001, 8:24–26). Petitioner cites a prior appeal to the Board of an Examiner's final rejection in a reexamination proceeding involving the '459 patent pre-reissue that affirmed the rejection in part, reversed the rejection in part, and entered a new ground of rejection. *Id.*; *see* Ex. 1009, 352. In that appeal, a panel of this Board construed "redirection server" as "requir[ing] some sort of redirection functionality" and noted that "blocking and allowing are 'further' functions of the redirection server." *Id.* (quoting Ex. 1009, 354–55).

Patent Owner argues we need not address whether a "redirection server" includes the blocking or allowing functions for purposes of this Decision. Prelim. Resp. 11–13. We agree. In the reexamination appeal, the Board noted "blocking and allowing are 'further' functions of the redirection server rather than its essential function for purposes of the claim." Ex. 1009, 355.

According to Patent Owner the plain and ordinary meaning of "redirection" is appropriate for construing this term. Prelim. Resp. 15. Patent Owner urges that, to the extent any construction is necessary, "the 'redirection server' must have the functionality of redirecting the user by modifying the user's request for a network location or service to request a different network location or service." *Id.* at 15–16 (emphasis omitted).

Patent Owner argues that in the reexamination appeal the Board distinguished the claimed "redirection server" from a "credential server" used to determine whether a user was authorized (thus allowed access) or unauthorized (thus blocked from access). *Id.* at 14. (citing Ex. 1009, 354–55). The Board stated: "[p]roperly construed the redirection server must, at a minimum, be configured to redirect something. He's [the reference under consideration] credential server 204, while providing the control functions of blocking and allowing, does not appear to teach or suggest redirecting, alone or in combination with Zenchelsky." Ex. 1009, 356.

Patent Owner further notes that the Specification of the '459 patent states that the logic employed by the redirection server to implement the rule set changes the request from one website to a request for a different website and does not disclose any other form of redirection. *Id.* at 15 (citing Ex. 1001, 6:53–7:5, 7:38–55).

We agree with the prior Board panel that "redirection" requires the server perform a redirection function as distinguished from merely blocking or allowing user access, i.e., there must be some form of redirection of the user's request. In one example disclosed in the Specification, for a particular source IP address (10.0.0.1) the authentication-accounting server transmits to the redirection server a rule set that programs the redirection server to allow the user access to website www.us.com and Telnet services and to redirect any request to access a server in the xyz domain (*.xyz.com) to www.us.com—requests to access any other services are blocked. Ex. 1001, 5:60–7:5. In another example, the redirection server is programmed to redirect a particular user to www.widgetsell.com before allowing the user access to other web sites, e.g., by removing the rule after the redirection. *Id.* at 7:10–57. These examples illustrate that an essential function of the redirection server of the ’459 patent is to redirect users to Internet locations that are different from those in the user’s request.

Further evidence supporting our understanding of the functions performed by the claimed redirection server can be found in the ’459 patent’s description of conventional redirection. The ’459 patent identifies a disadvantage of conventional redirection technology is ceding control of the redirection to the remote end, as distinguished from the local or user end. Ex. 1001, 1:56–2:11. The’459 patent’s description of conventional redirection states that when a browser sends a request to a web server, the web server sends the requested page to the browser, but the html code instructs the browser to request some other WWW page, “hence the redirection of the user begins. The browser then requests the redirected WWW page according to the URL in the first page’s html code.” *Id.* 1:63–2:3. As the ’459 patent does not describe any other type of redirection, we have no basis for interpreting the term “redirection server” in the context of the ’459 patent in any other way.

Thus, we construe the redirection server to be a server that at least must be capable of redirecting a user to a network location that is different from the network location in the user’s request.

ANALYSIS OF PETITIONER’S PRIOR ART CHALLENGES

Introduction

A patent claim is unpatentable under 35 U.S.C. § 103(a) 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 nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

Claims 91–99, 108–120, and 122–125 as Unpatentable over Abraham in view of Malkin and Telia

Abraham (Ex. 1005)

Abraham discloses a system in which an operator, via a graphical user interface, inputs policies to be applied against a mapping of network users and computers. Ex. 1005, 2:37–42, 6:23–31. A filter executive optimizes the policies into rules that a filter engine applies to verify all inbound data packets from the network and to filter all outbound data packets. *Id.* at 2:47–53. If a rule denies a user access to a particular service or type of information, any IP packets from that user requesting access for that service or information are be allowed to pass through the network server to its intended destination on the Internet. *Id.* at 6:31–36.

Inbound and outbound global network protocol rules are records that retain a protocol number field, a port number field, an access/deny rule flag, a log/no log rule flag, a notify/no notify rule flag, and a rule type code indication the rule is a protocol type rule. *Id.* at 36:2–15, Fig. 17. A user policy table, i.e., a collection of records for each user from each of the protocol, site, and file type policy tables with similar rules, is provided by the filter executive. *Id.* at 17:7–29, 36:16–63. Each inbound packet is inspected to determine if the packet should be allowed to pass through the filter engine and/or be logged by the filter engine based on the inbound global network protocol rules only. *Id.* at 43:47–44:26. Outbound packets are first filtered using the global network protocol rules to determine if a log/no log, notify/no notify, or access/deny rule applies. *Id.* at 44:30–45. If a global network protocol rule is not applicable, the filter engine maps the source IP address to a user ID in the user mapping table. If the filter engine determines a record in the user mapping rules table contains a source IP address matching the source ID address of the outbound IP packet, the filter determines if any rules corresponding to the mapped user ID apply. *Id.* at 44:46–59. If no such record is found, or if the user rule set does not contain any rules for the user ID, a default rule logs the packet and denies the outbound packet without notifying the user of the action. *Id.* at 44:59–66.

Malkin (Ex. 1006)

In Malkin an Internet subscriber transmits a service request packet (first packet) to a Network Access Server (NAS) that evaluates whether the request exceeds that subscriber's subscription. Ex. 1006, 1:40–44. If the service request exceeds the subscriber's subscription, the NAS encapsulates the first packet, which includes the original destination of the service request, into a second packet and sends the second packet to a "redirection server" that generates a reply specifying why the service request was denied. *Id.* at 1:44–52. The redirection server substitutes the address of the original destination as the source of the reply message, so that it appears the reply message is received from the original destination, even though the Internet service provider (ISP) did not allow access to the Internet. *Id.* at 52–55.

Telia (Ex. 1007)

In Telia, a filter, such as router between a modem pool and an IP network, allows a user initial access only to an access check server, such as a

WWW server. Ex. 1007, 2:47–50. After completing an initial access check (and debiting the user's account, if appropriate), a program module in the server messages the filter to allow the user's IP address access to servers on the network. *Id.* at 2:54–3:2. When the user disconnects, a message is transmitted from the modem pool to the filter to block user access, except to the access check server. *Id.* at 3:3–6. Network access can also be blocked conditionally, e.g., until the user demonstrates it has read an advertisement message. *Id.* at 3:10–20. In addition, messages can be transmitted to all filters to block specific servers or other IP networks, or to employ transmitted or predefined profiles that allow users at specific IP addresses to access some servers and not others, e.g. based on offensive content. *Id.* at 3:21–41.

Analysis

Petitioner cites Abraham as teaching sending "violation messages" to the requesting client's computer in a "notification thread" that "alert[s] users when their request to access a site has been denied." Pet. 22 (citing Ex. 1005, 13:62–65; Ex. 1003, Lin Decl. ¶ 63). Acknowledging that Abraham does not provide details about the contents of the service denial message or how it is delivered, Petitioner cites Malkin as disclosing how to use an NAS to redirect rejected requests to another server that "spoofs" the expected destination and sends the requesting server a denial explanation that appears to come from the expected destination. *Id.* at 23. Petitioner contends that a person of ordinary skill would have been motivated to combine the teachings of Abraham and Malkin to avoid Abraham's mapping, which Malkin does not require, and to provide the requesting server more information regardless of the nature of the user's network access request (e.g., HTTP, telnet, FTP, etc.). *Id.* at 23–24 (citing Ex. 1003, Lin Decl. ¶¶ 67–68).

Petitioner also contends it would have been obvious further to combine Abraham with Telia's filter controlled by an authorization server to produce the beneficial and predictable result of requiring a user logging in (per Abraham) to authenticate and verify compliance with advertised policies and procedures (per Telia) before gaining network access to the IP network. *Id.* at 26–28.

As to the claimed redirection server (designated claim element 91.1), Petitioner cites Abraham as disclosing a network server that allows or denies the transmission of IP packets. Pet. 29–30. Petitioner argues it would have been obvious to augment Abraham's network server with Malkin's packet redirection "thereby making Abraham's network server a '*redirection server*'" and that this combination "would have allowed Abraham's network server to filter packets using rules that specify whether a packet should be allowed, blocked or redirected to another server." Pet. 31, 33 (citing Ex. 1003, Lin Decl. ¶ 92, ¶ 94). Petitioner asserts that "it would have been obvious for Abraham's network server to redirect packets that are blocked, as described by Malkin." *Id.* at 32 (citing Ex. 1003, Lin Decl. ¶ 94)

Patent Owner responds that, using filtering to deny a user access to an unauthorized service level, Malkin is directed only to blocking user access and does not teach a redirection server, under a proper construction of that term. Prelim. Resp. 16. Patent Owner argues that Petitioner focuses on Malkin's use of the term "redirection" because Malkin discloses the NAS may redirect a request to a redirection server, but that Malkin does not teach redirecting the user's data packages to any location on the Internet. *Id.* at 17.

Instead, in Malkin unauthorized packets never leave the ISP network because they are blocked. *Id.* at 17 (citing Ex. 1006, Fig. 1 as illustrating that the NAS and redirection server are within the ISP network.).

We agree with Patent Owner that Malkin fails to disclose the claimed redirection server. To the extent that Malkin discloses redirecting a request, such redirection is a step in informing a user he has been blocked from accessing a network, as opposed to a redirection of the user to a location other than the one the user requested on that network. Indeed, despite its name, Malkin's redirection server does not actually redirect the user's request. When the NAS detects a user attempting unauthorized access, Malkin routes the user's request to redirection server 14 within ISP 16, as shown in Figure 1. Ex. 1006, Fig. 1. Instead of redirecting the user to another site on the network, redirection server 14 sends the user a message that appears to be generated from the user's requested destination on the network. As the user's packets never enter the network, we are not persuaded that Malkin's NAS or redirection server "redirects" a request as that term is used in the '459 patent. Malkin either allows network access for authorized user requests or blocks network access for unauthorized user requests, but it does not redirect a request to another location on the network.

Malkin's redirection server also operates differently from the redirection server of the '459 patent. In Malkin, NAS 14 blocks unauthorized network access by encapsulating the request into a different message, without modifying the requested destination, and sending the encapsulated message to redirection server 16. "By redirecting the subscriber's packet via encapsulation, the destination address of the subscriber's request is preserved." Ex. 1006, 4:38–41. Redirection server 16 then responds to the user.

In contrast, when performing redirections, the redirection server in the '459 patent modifies a request to access a destination on the network by changing the requested destination. Ex. 1001, Abstract. As a result, in the claimed redirection server the request is transformed into a request to access a different destination on the network. *Id.* The difference in effect is significant. In Malkin, the user can only be blocked. In the '459 patent, the server at the alternate destination can perform other processing on the request and take whatever action is programmed into the redirection server, e.g., examining the request and, depending upon its contents, passing the request to still another location.

As Patent Owner notes, Petitioner does not argue that Telia teaches the claimed redirection server. PO Resp. 19, *see* Pet. 29–33. Instead, Petitioner argues that Telia teaches a filter controlled by an authorization server that allows a user access to a network only after specific conditions are met. Pet. 25.

All of the challenged claims recite a redirection server. As we are persuaded that Petitioner has not demonstrated the references disclose a redirection server as that term is properly construed within the meaning of the challenged claims, we conclude that Petitioner has not demonstrated a likelihood that it will prevail on its challenge to any of the claims.

Patent Owner also argues that Petitioner has failed to demonstrate that Abraham's "global rules" and "user rules" together constitute a user's rule set correlated to a temporarily assigned network address, as also recited in all the claims. Prelim. Resp. 22. The Petition includes a version of

Figure 22 of Abraham annotated to show "applying user's rules set" as "applying global rule set" and "applying user rules" "for each user." Pet. 34–35 (citing Ex. 1005, 3:66–4:2, Fig. 22). Patent Owner argues that Petitioner relies upon Abraham's "user rules" (user mapping rules table) as mapped to a user's assigned IP address but contends Abrahams' "timing rules," which are "global network protocol rules" are not "user rules." Prelim. Resp. at 20–21.

Petitioner asserts that, to the extent Patent Owner contends "global protocol rules" including timer rules are not part of a user rule set because they are not user specific, it would have been obvious to include timer rules in user rules as a matter of design choice because timing on a per user basis was a known option. *Id.* at 35–36 (citing Lin. Decl. Ex. 1003, ¶ 103)

Patent Owner notes that Abraham's global rules are processed separately before processing of the user rules. *Id.* at 22–23 (citing Ex. 1005, 44:46–64 as disclosing that only after evaluating global rules does the filter engine scan user mapping rules table 140 to determine if user rule set 156 contains any rules that must be applied). Patent Owner also notes that Abraham's global rules are modified on a fixed schedule irrespective of whether a user is logged on and therefore cannot be correlated to a user's temporarily assigned network address. *Id.* at 23 (citing Ex. 1005, 41:36–40).

Given that Petitioner cites applying the global rules and the user rules as applying the user rule set, we are persuaded by Patent Owner's argument that the periodic updating of the global rules, even while the user is not connected, demonstrates that at least a portion of the user rule set is not correlated to the temporarily assigned network address, as required by all the challenged claims.

In consideration of the above, we are not persuaded that Petitioner has demonstrated that the asserted combination of references discloses a redirection server programmed with a user's rule set correlated to a temporarily assigned network address, as recited in all the challenged claims.

SUMMARY

For the reasons discussed above, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that it will succeed on challenges asserted in the Petition.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that a trial on Petitioner's challenge to the '459 patent is not instituted.

PETITIONER:

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