

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LIBRESTREAM TECHNOLOGIES, INC.,  
Petitioner,

v.

JOHN A. THOMASON<sup>1</sup>,  
Patent Owner.

---

Case IPR2014-00369  
Patent 6,317,039 B1

Before KRISTEN L. DROESCH, MICHAEL W. KIM, and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
35 U.S.C. § 318 and 37 C.F.R. § 42.73

---

<sup>1</sup> Wireless Remote System LLC assigned all of its rights, title, and interest in U.S. Patent No 6,317,039 to John A. Thomason, effective October 1, 2014. Paper 17.

## I. INTRODUCTION

Librestream Technologies Inc., (“Petitioner”) filed a Petition (Paper 1, “Pet.”) on January 21, 2014 requesting *inter partes* review of claims 1–13 (“the challenged claims”) of U.S. Patent No. 6,317,039 B1 (“the ’039 Patent”). See 35 U.S.C. §§ 311-319. Wireless Remote System LLC (Patent Owner prior to October 1, 2014) did not file a Preliminary Response to the Petition. We instituted *inter partes* review of claims 1–13 on June 12, 2014. Paper 6.

Following institution of trial, the parties indicated that they had engaged in settlement negotiations, but that a settlement did not result. See Papers 13, 14. Patent Owner’s counsel indicated to the Board that the Patent Owner would not be able to file a Patent Owner Response by the Due Date of September 24, 2014 (this Due Date was extended by stipulation between the parties from its original Due Date of August 27, 2014). Paper 13. After providing Patent Owner one last opportunity to file a Patent Owner Response by October 3, 2014, counsel for Wireless Remote System LLC affirmatively notified the Board that no Patent Owner’s Response would be filed. Papers 14, 15. After holding a conference call on October 9, 2014 with counsel for Petitioner and counsel for Wireless Remote System LLC to confirm that it was indeed Patent Owner’s intent to forego the filing of a Patent Owner’s Response and with the express consent of all counsel, we issued an Order vacating Due Dates 2 through 7 of the Scheduling Order, thereby enabling trial to proceed to a final written decision without further input from the parties. Paper 16. The Board did not receive any further communication concerning this issue from either party.

We have jurisdiction under 35 U.S.C. § 6(c). In this final written decision, issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, we determine Petitioner has shown by a preponderance of the evidence that all of the challenged claims of the '039 Patent are unpatentable.

#### *A. Related Proceedings*

Petitioner indicates the '039 Patent is at issue in *Wireless Remote System LLC v. Librestream Technologies, Inc.*, No 6:12-cv-00899 (E.D. Tex.). Pet. 1. There is also an instituted *inter partes* review of claims 1 and 2 of related U.S. Patent No. 6,690,273 B2 (IPR 2014-00368), which was also filed by Petitioner. *Id.*; IPR 2014-00368, Paper 5 (June 12, 2014).

#### *B. The '039 Patent (Ex. 1001)*

The '039 Patent relates to “a method and system for remote assistance and review of a technician or multiple technicians, in real time, working with equipment of various complexit[ies].” Ex. 1001, Abs; col. 1, ll. 48–50.

Figure 1 of the '039 Patent is reproduced below:

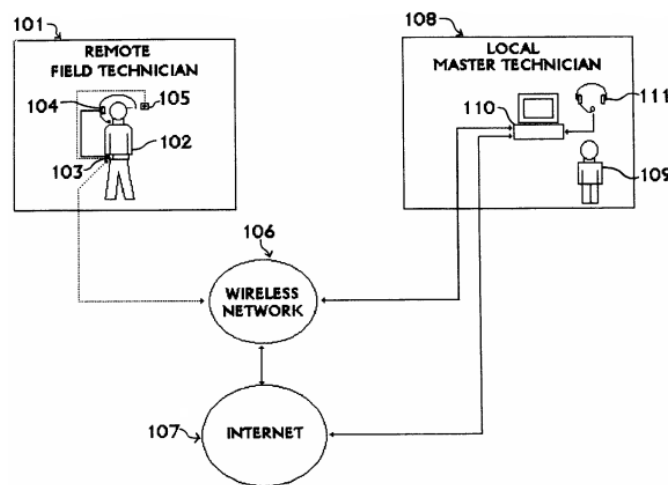


Figure 1 depicts a block diagram of a wireless remote system. Ex. 1001, col. 2, ll. 35, 63–64. Remote system 101, utilized by mobile field technician 102, is coupled by wireless network 106 to local station 108, utilized by

local master technician 109. *Id.* at col. 2, l. 65–col. 3, l. 7. Remote system 101 includes wireless portable processor 103, wireless audio headphone/microphone 104, and wireless camera 105. *Id.* at col. 2, l. 65–col. 3, l. 1; *see id.* at col. 3, ll. 43–47. Wireless portable processor 103 further includes an embedded web browser that connects to Internet 107 via wireless network 106. *Id.* at col. 3, ll. 47–61. Local station 108 includes local processor 110 and audio/microphone headset 111. *Id.* at col. 3, ll. 4–6; *see id.* at col. 5, ll. 35–38, 44–47. The '039 Patent describes another embodiment in which a centralized expertise station including one or more local processors 110 is coupled to multiple wireless portable remote systems 102. *Id.* at col. 2, ll. 43–45; col. 7, ll. 30–34; Fig. 5.

Mobile field technician 102 may operate/service/maintain an apparatus at a remote job site with the advice and control of local master technician 109. Ex. 1001, col. 3, ll. 7–10. Local master technician 109 may view and hear the same stimuli as remote field technician 102, at the remote site, by way of audio and video sensors at the remote site (e.g., microphone 104, camera 105). *Id.* at col. 3, ll. 11–14; *see id.* at col. 5, ll. 51–55. Remote field technician 102 communicates with local master technician 109 by way of wireless network 106 or Internet 107, or both. *Id.* at col. 3, ll. 15–21.

### *C. Illustrative Claim*

Claims 1 and 12 are independent claims. Claims 2–11 depend directly from claim 1, and claim 13 depends from claim 12. Claim 1, reproduced below, is illustrative of the claims at issue.

1. A system, comprising:  
a wireless remote system disposed to be operated by a mobile field operator, said wireless remote system comprising an audio sensor, a video sensor, a wireless portable processor,

an audio receiver and a wireless transceiver, wherein the audio sensor, the video sensor, the audio receiver and wireless transceiver move with the mobile field operator;

a local station disposed to be operated by a local master technician, said local station comprising an audio sensor, a video receiver, a processor and an audio receiver;

a wireless communication network coupled to said local station and said wireless remote system,

wherein said wireless remote system audio sensor and said local station audio receiver are disposed to recover remote sound and deliver said remote sound to said local master technician, said wireless remote system video sensor and said local station monitor are disposed to recover remote images and

deliver remote images to said local master technician, and said local station audio sensor and said wireless remote system receiver are disposed to recover local sound and deliver said local sound to said mobile field operator, and

wherein said local master technician may view and hear stimuli available to said mobile field operator, said local master technician and said mobile field operator are capable of communicating, and said local master technician can directly advise said mobile field operator and wherein said local station is comprised of a plurality of said local processors operated by a plurality of said local master technicians advising a plurality of said mobile field operators.

## II. ANALYSIS

### *A. Principles of Law*

To prevail on its challenges to the patentability of the claims, Petitioner must prove unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d). A claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). For an obviousness analysis, it can be important to identify a reason that would have prompted one with ordinary skill in the art to combine prior art elements in way claimed by the patent at issue. *Id.* at 418 (quoting *In re Khan*, 441 F.3d 977, 988 (Fed. Cir. 2006)). We analyze the instituted grounds of unpatentability in accordance with these principles.

### *B. Grounds of Unpatentability*

We instituted *inter partes* review of the following specific challenged claims as unpatentable under 35 U.S.C. § 103 based on the following prior art references (Pet. 3):

| <b>Claim(s)</b> | <b>References<sup>2</sup></b>                       |
|-----------------|-----------------------------------------------------|
| 1 and 3–11      | Beller, Ziegler, McPheely, Thorpe, and David        |
| 2               | Beller, Ziegler, McPheely, Thorpe, David, and Fryer |
| 12–13           | Beller and Ziegler                                  |

#### *1. Obviousness of Claims 1 and 3–11 Over Beller, Ziegler, McPheely, Thorpe, and David*

With respect to the assertion of unpatentability of claims 1 and 3–11, we have reviewed the Petition, as well as the evidence discussed in the Petition. We are persuaded by a preponderance of the evidence that claims 1

---

<sup>2</sup> The Petition relies on the following references: U.S. Patent No. 6,046,712 A (Ex. 1008) (“Beller”); U.S. Patent No. 5,619,183 (Ex. 1004) (“Ziegler”); U.S. Patent No. 5,844,601 (Ex. 1006) (“McPheely”); Thorpe et al., *Multimedia communications in construction*, 108 PROCEEDINGS OF THE ICE - CIVIL ENGINEERING 12-16 (February 1995), (Ex. 1005) (“Thorpe”); U.S. Patent No. 5,544,649 (Ex. 1016) (“David”); U.S. Patent No. 6,233,428 B1 (Ex. 1009) (“Fryer”). The Petition also relies on the Declaration of Anthony Mines (Ex. 1010).

and 3–11 are unpatentable under 35 U.S.C. § 103 as obvious over Beller, Ziegra, McPheely, Thorpe, and David. See Pet. 3, 10–43.

a. *Beller (Ex. 1008)*

Beller describes a head-mounted system for providing “interactive visual and audio communications between a user of the head mounted system and an operator of a remote system.” Ex. 1008, Abs. The operator of the system can see what the user of the head-mounted system is viewing, and the user of the head-mounted system can view inputs received from the remote system. *Id.* at col. 1, ll. 50–57.

Figure 1 of Beller is reproduced below:

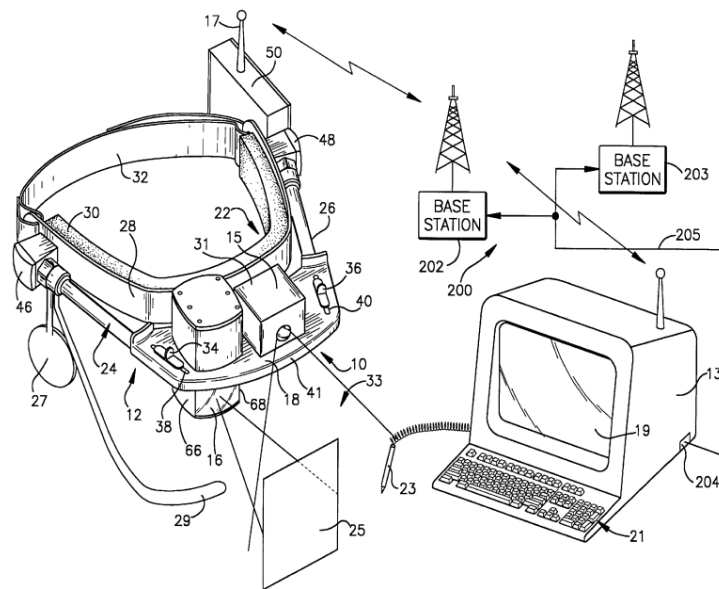


Figure 1 depicts head-mounted communication system 10 in communication with remote assistant's terminal 13. Ex. 1008, col. 3, ll. 17–19, 42–45.

Figure 3 of Beller is reproduced below:

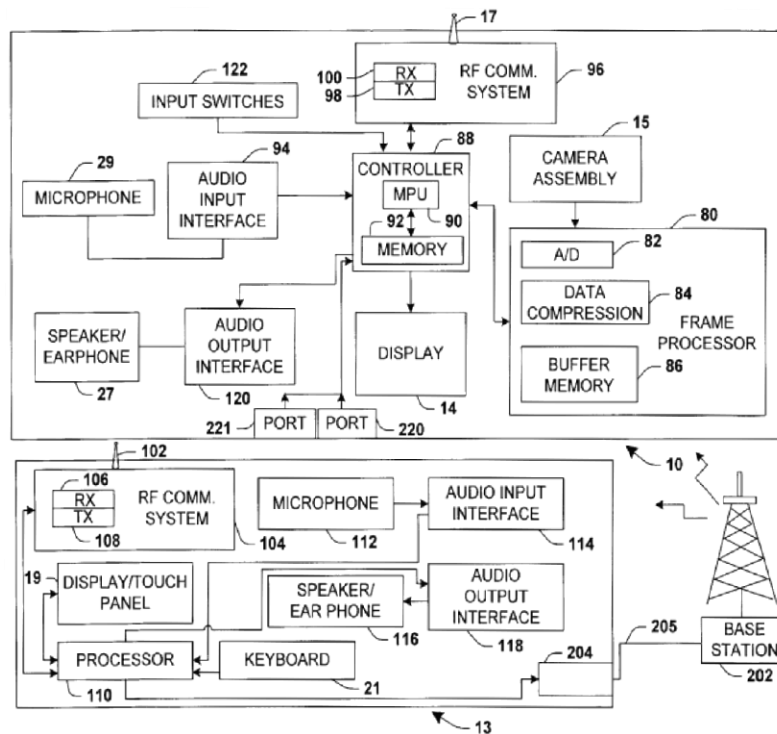


Figure 3 depicts the controls of head-mounted communication system 10 and remote assistant's terminal 13. Ex. 1008, col. 3, ll. 23–25. Head-mounted communication system 10 includes housing 50, RF communication system 96, camera 15, earphone 27, microphone 29, and display 14. *Id.* at col. 3, ll. 45–48; col. 4, ll. 18–21, 39–51; col. 4, l. 66–col. 5, l. 4; col. 7, ll. 39–43. Remote assistant's terminal 13 includes display/touch panel 19, keyboard 21, microphone 112, speaker/earphone 116, and radio frequency communication system 104. *Id.* at col. 3, l. 52–col. 4, l. 5; col. 7, ll. 49–66. Head-mounted system 10 and remote terminal 13 communicate via radio frequency network 200, which includes a plurality of base stations 202, 203. *Id.* at col. 7, ll. 21–25.

Beller teaches that when a radio system is employed to provide wireless communication with remote terminal 13, radio system 96 of head-

mounted system 10 formats audio and video data into packets. Ex. 1008, col. 7, ll. 1–3. Each packet includes a header portion that includes an address or code identifying the particular terminal 13 to which the signal is intended to be sent, as well as an address or code identifying the particular head-mounted communication system 10 that is transmitting the signal. *Id.* at col. 7, ll. 3–12. Upon receipt of a radio frequency signal, radio system 96 of head mounted system 10 compares the destination identity code contained within the header portion of the received signal to the unit’s own identity code stored in memory, to determine if there is a match. *Id.* at col. 8, ll. 12–17. If there is a match, radio system 96 determines whether the received signal was intended for the particular head-mounted system, and the system couples the received audio and video data to controller 88 of head mounted system 10. *Id.* at col. 8, ll. 16–19. Controller 88 controls the display to depict the retrieved video data, and further controls an audio output interface and speaker to generate audio from the retrieved audio data. *Id.* at col. 3, 21–24.

*b. Ziegra (Ex. 1004)*

Ziegra describes a method and system for remote assistance and review of an operator working on complex equipment. Ex. 1004, Abs, col. 1, ll. 52–54; *see id.* at Fig. 1. An operator at a local site is coupled to an advisor at a station at a remote site, so that the advisor may view and hear the same stimuli as the operator, and may communicate with the operator. *Id.* at Abs.; col. 1, ll. 54–62. The operator has limited training, or is otherwise in need of support, and may be a field engineer or technician. *Id.* at Abs.; col. 2, ll. 11–13. The local station comprises a video and audio sensor, and a receiver for a communication link with the remote station. *Id.*

at col. 1, l. 65–col. 2, l. 3. The remote station comprises a video and audio display, and a transmitter for the communication link with the remote station. *Id.* at col. 2, ll. 6–10. The advisor views and listens to the local apparatus, and gives advice to the operator for manipulating the local apparatus. *Id.* at Abs.; col. 2, ll. 27–33. The operator operates the local apparatus as if the advisor were peeking over the operator’s shoulder. *Id.* at Abs.; col. 2, ll. 34–35.

*c. David (Ex. 1016)*

David describes an ambulatory (in the home) patient health monitoring system in which a patient at a remote station is monitored by a health care worker at a central station. Ex. 1016, Abs; col. 4, ll. 57–61, 66–67. Cameras are provided at both the patient’s remote location and at the central station to enable interactive visual and audio communication between the patient and the health care worker. *Id.* at Abs.; col. 5, ll. 26–29, 54–59.

David provides the following additional disclosure:

[i]f a staff or team of patient monitors or health care workers at the central station are employed, as when a large number of patients are being monitored, multiple cameras or even small-scale studios may be used, one for each health monitor or nurse, so that individual patients at the remote locations can see their own particular health care worker that they are used to.

*Id.* at col. 11, ll. 22–28.

*d. Claims 1 and 3–11*

We are persuaded that Petitioner has shown by a preponderance of the evidence that claims 1 and 3–11 are unpatentable in view of Beller, Ziegra, McPheely, Thorpe, and David. For example, we are persuaded that Petitioner relies properly on Beller’s head-mounted system 10, and remote assistant’s terminal 13 for teaching “a system, comprising” “a wireless

remote system,” and “a local station,” as recited in claim 1. Pet. 12 (citing Ex. 1008, col. 1, ll. 33–40, 64; col. 2, ll. 2–5; col. 3, ll. 42–45; col. 4, l. 66–col. 5, l. 2; Ex. 1010 ¶¶ 49–50); Pet. 15 (citing Ex. 1008, col. 1, ll. 32–45; col. 3, ll. 52–57; Ex. 1010 ¶ 57); *see* Pet. 35–36. We are also persuaded that Beller discloses the individual components of the “wireless remote system” and the “local station,” e.g., audio sensors, video sensors, processors, receivers, etc. *See id.* at 13–17 (citing Ex. 1008, col. 1, ll. 62–64; col. 3, ll. 43–48, 52–57; col. 4, ll. 43–45; col. 4, l. 66–col. 5, l. 2; col. 5, ll. 51–54; col. 6, ll. 10–12, 59–61; col. 7, ll. 39–43, 52–59; col. 10, ll. 36–43; col. 11, ll. 34–37; Figs. 1, 3; Ex. 1010 ¶¶ 51–56, 58–61); Pet. 35–37. Petitioner contends that Beller’s description of head-mounted communications system 10 in wireless communication with remote assistant’s terminal 13 that allows interactive visual or audio communications, or both, between the systems 10 and 13, teaches the wireless remote system audio and video sensors and the local station are disposed to recover remote sound, local sound, and remote images, and deliver remote sound, local sound, and remote images to the local master technician, as recited in claim 1. *Id.* at 17–19 (citing Ex. 1008, col. 3, ll. 5–10, 45–57; col. 4, l. 66–col. 5, l. 2; col. 7, ll. 56–59; col. 10, ll. 34–46; col. 11, ll. 14–20; Ex. 1010 ¶¶ 63, 64, 66, 67); *see* Pet. 37–38. Petitioner further relies on Beller’s wireless two-way communication between head-mounted system 10 and remote system 13, and Beller’s teaching that a user can gain assistance from a supervisor located remotely from the repair site, for teaching “said local master technician and said mobile field operator are capable of communicating, and said local master technician can directly advise said mobile field operator,” as recited in claim 1. *Id.* at 21–22 (citing

Ex. 1008, col. 1, ll. 34–37, 43–45; col. 2, ll. 2–5; Ex. 1010 ¶¶ 69–70); *see* Pet. 38.

For the limitation “said local master technician may view and hear stimuli available to said mobile field operator,” Petitioner asserts Beller discloses that operator of terminal 13 can see at least a portion of the field of view of the user or head-mounted system picked up by camera 15. *Id.* at 20 (citing Ex. 1008, col. 3, ll. 52–57); *see id.* at 38. Petitioner acknowledges that Beller does not disclose expressly that microphone 29 on head-mounted system 10 permits the local master technician at terminal 10 to hear the stimuli available to the user of head-mounted system 10. *Id.* at 20 (citing Ex. 1008, col. 4, ll. 66–52). Petitioner instead relies on Ziegra for teaching that an operator at a local station is coupled to a remote advisor station, so that the advisor may view and hear the same stimuli as the operator, with the advantage of permitting the operator to operate the apparatus as though the advisor were peeking over the operator’s shoulder. *Id.* at 20–21 (citing Ex. 1004, Abs.); *see id.* at 38 (citing Ex. 1010 ¶ 68).

Petitioner provides the following articulated reasoning to explain why one with ordinary skill in the art at the time of the invention would have modified the teachings of Beller in light of Ziegra’s teachings:

it would have been obvious to . . . use the microphone and camera of Beller’s head mounted system 10 to provide the local master technician . . . with the stimuli available to the user of [] head mounted system 10 because it would permit the local master technician to view and listen to an apparatus that the user was operating, maintaining, or repairing[,] and thereby permit the local master technician to give the user better advice.

*Id.* at 21 (citing Ex. 1004, Abs.; Ex. 1010 ¶ 68). We are persuaded Petitioner's proffered rationale and evidence is sufficient to support the proposed modification.

For the limitation "said local station is comprised of a plurality of said local processors operated by a plurality of said local master technicians advising a plurality of said mobile field operators," Petitioner asserts that "Beller contemplates . . . multiple terminals 13 operated by respective local master technicians . . . advising multiple mobile field operators," and contemplates multiple head-mounted systems 10 being used simultaneously. Pet. 22–23 (citing Ex. 1010 ¶ 71a–c). Petitioner's assertion is based on Beller's disclosure that each head-mounted system 10 has an identity code that determines whether signals sent over radio system 96 are intended for that particular head-mounted system, and Beller's further disclosure of the use of an address or code to identify a particular terminal 13. *Id.* at 22–24 (quoting Ex. 1008, col. 7, ll. 8–12; col. 8, ll. 12–18). Petitioner asserts that "[u]sing more than one terminal at the claimed local station would have also been a matter of convenience and would be more cost-effective than, for example, dedicating a separate service center to each individual terminal 13 of Beller's system." *Id.* at 24 (citing Ex. 1010 ¶ 71f). Petitioner also contends that there are no unexpected results from the duplication of Beller's basic system because it simply allows more users and master technicians to communicate. *Id.* at 24 (citations omitted). We are persuaded that Petitioner has provided sufficient analysis and evidence to support its conclusion.

Also addressing the limitation "said local station is comprised of a plurality of said local processors operated by a plurality of said local master technicians advising a plurality of said mobile field operators," Petitioner

asserts that David teaches an interactive conferencing system by which a remote health care worker provides instructions to an ambulatory patient, and David contemplates multiple conferencing systems so that a team of health care workers can remotely provide advice to multiple patients. *Id.* at 26 (citing Ex. 1016, Abs., col. 6, ll. 31–51; col. 11, ll. 21–28). Petitioner asserts

it would have been obvious to one with ordinary skill in the art at the time of the invention to modify Beller to provide a ‘local station’ with more than one terminal 13 for [the following] reasons: . . . [1] David expressly teaches that each of the remote experts (e.g., health care workers) can have their own studios so that each patient can interact with and see their own particular health care worker . . . , and [2] it would have been apparent to one of ordinary skill in the art . . . that this modification to Beller would predictably and advantageously permit multiple supervisors to communicate with multiple users, each with their own head mounted system 10, and thereby permit more than two users to be advised simultaneously by different supervisors.

*Id.* at 27 (citing Ex. 1010 ¶ 71k). We are persuaded that Petitioner has provided sufficient analysis and evidence to support its conclusion.

Petitioner further asserts that McPheely and Thorpe also teach the above limitation. *Id.* at 25–26.

After considering Petitioner’s position and evidence proffered in support of its position, we determine that Petitioner has shown by a preponderance of the evidence that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Beller, Ziegra, McPheely, Thorpe, and David. In addition, the explanations and supporting evidence presented by Petitioner are sufficient to show that the cited prior art references teach or suggest the claimed subject matter recited in dependent claims 3–11. Pet. 27–35, 40–43.

Therefore, upon consideration of Petitioner's position, and evidence proffered in support of its position, we determine that Petitioner has shown by a preponderance of the evidence that dependent claims 3–11 are unpatentable under 35 U.S.C. § 103 as obvious over Beller, Ziegra, McPheely, Thorpe, and David.

*2. Obviousness of Claim 2 Over Beller, Ziegra,  
McPheely, Thorpe, David, and Fryer*

Regarding the assertion of unpatentability of claim 2, we have reviewed the Petition, as well as the evidence discussed in the Petition. We are persuaded by a preponderance of the evidence that claim 2 is unpatentable under 35 U.S.C. § 103 as obvious over Beller, Ziegra, McPheely, Thorpe, David, and Fryer. *See* Pet. 3, 43–51.

*a. Fryer (Ex. 1009)*

Fryer describes “[a] child care monitoring network [that] integrates a centralized information dissemination system with live streaming video . . . enabling parents to monitor their children during the workday over the Internet.” Ex. 1009, Abs. Fryer further discloses displays based on conventional web page technologies using widely available browser software to receive streaming video feeds at the subscriber computer. *Id.* at col. 7, ll. 56–62.

*b. Claim 2*

Claim 2 depends from claim 1, and further recites “the wireless remote system further comprises a monitor, a web browser, a codec and a wireless modem; and the local station further comprises a web browser and a codec; and wherein said wireless communication network is coupled to a computer network.” Ex. 1001, col. 9, l. 65–col. 10, l. 4. We are persuaded that

Petitioner relies properly on Beller's display mounted on the support of head-mounted system 10, video compression chip 84, radio frequency communication system 104, expansion and compression steps depicted in Figure 6, and plurality of base stations 202, 203 coupled to each other by high speed network back bone 205, for teaching the recited codec and wireless modem of wireless remote system, the codec of the local station, and the wireless communication network coupled to a computer network. Pet. 43–48 (citing Ex. 1008, col. 1, l. 66–col. 2, l. 2; col. 5, l. 40–col. 6, l. 12; col. 6, ll. 51–52; col. 7, ll. 21–27, 32–37, 49–52; col. 8, ll. 6–11; Figs. 3, 6; citing Ex. 1010 ¶¶ 84, 86, 87, 89, 90); *see* Pet. 49–51.

Petitioner acknowledges that Beller does not teach that head-mounted system 10 and local station 13 have web browsers. Pet. 44, 46. Petitioner relies on Fryer for teaching that a web browser was a known way to establish communication of audio and video signals over a public network. *Id.* at 44, 46 (citing Ex. 1009, col. 1, l. 62–col. 2, l. 8; col. 7, ll. 51–62; Ex. 1010 ¶¶ 85b, 88a); *see* Pet. 49–50. Petitioner provides the following articulated reasoning to explain why one with ordinary skill in the art would have modified the teachings of Beller to include web browsers:

[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to include a web browser in the head mounted system 10 and the terminal 13 so that they could use the Internet and World Wide Web to establish communication, as taught by Fryer.

*Id.* at 44, 46–47 (citing Ex 1010 ¶¶ 85b, 88b). We are persuaded Petitioner's rationale and evidence is sufficient to support the proposed modification.

Upon consideration of Petitioner's position and evidence proffered in support of its position, we determine that Petitioner has shown by a

preponderance of the evidence that independent claim 2 is unpatentable under 35 U.S.C. § 103 as obvious over Beller, Ziegra, McPheely, Thorpe, David, and Fryer.

*3. Obviousness of Claims 12 and 13 Over Beller and Ziegra*

Independent claim 12 differs from claim 1 because it is a method claim, and does not recite a plurality of local processors, a plurality of local master technicians, and a plurality of mobile field operators. Pet. 51; *compare* claim 1 (Ex. 1001, col. 9, ll. 31–64), *with* claim 12 (Ex. 1001, col. 10, ll. 32–61). We are persuaded that Petitioner relies properly on their analysis of Beller with respect to claim 1 to address all of the limitations of claim 12, with the exception of “viewing and hearing by said local master technician of stimuli available to said mobile field operator.” *Id.* at 51–54 (citing Ex. 1010 ¶¶ 93–99, 101–102); *see id.* at 12–19, 21–22, 35–38. Also relying on the analysis of independent claim 1, we are persuaded that Petitioner relies properly on Beller in combination with Ziegra to teach the aforementioned limitation that is not taught by Beller alone. *Id.* at 53 (citing Ex. 1010 ¶ 100); *see id.* at 20–21, 38. Petitioner provides the following articulated reasoning to explain why one with ordinary skill in the art would have modified the teachings of Beller to include hearing by the local master technician stimuli available to the mobile field operator:

it would have been obvious to one of ordinary skill at the art at the time of the invention to use the microphone and camera of Beller’s head mounted system 10 to provide the local master technician at the terminal 13 with the stimuli available to the user of the head mounted system 10 because it would permit the local master technician to view and listen to an apparatus that the user was operating, maintaining, or repairing and thereby permit the local master technician to give the user better advice.

*Id.* at 53 (citing Ex. 1004, Abs.; Ex. 1010, ¶ 68; *see id.* at 21. We are persuaded Petitioner's rationale and evidence is sufficient to support the proposed modification.

After considering Petitioner's position and evidence proffered in support of its position, we determine that Petitioner has shown by a preponderance of the evidence that independent claim 12 is unpatentable under 35 U.S.C. § 103 as obvious over Beller and Ziegra. In addition, the explanations and supporting evidence presented by Petitioner are sufficient to show the cited prior art references teach or suggest the claimed subject matter recited in dependent claim 13. Pet. 54. Therefore, upon consideration of Petitioner's position, and evidence proffered in support of its position, we determine that Petitioner has shown by a preponderance of the evidence that dependent claim 13 is unpatentable under 35 U.S.C. § 103 as obvious over Beller and Ziegra.

### III. CONCLUSION

Based on the record before us, Petitioner has demonstrated by a preponderance of the evidence that claims 1–13 are unpatentable.

### IV. ORDER

Accordingly, it is:

ORDERED that Petitioner has demonstrated by a preponderance of the evidence that claims 1–13 of U.S. Patent No. 6,317,039 B1 are unpatentable; and

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

IPR2014-00369  
Patent 6,317,039 B1

PETITIONER:

Robert C. Mattson  
Vincent K. Shier  
Oblon Spivak  
cpdocketMattson@oblon.com  
cpdocketshier@oblon.com

PATENT OWNER:

David S. Moreland  
Lawrence A. Aaronson  
Meunier Carlin & Curfman  
dmoreland@mcciplaw.com  
laaronson@mcciplaw.com

John A. Thomason  
j.thomason@metroenv.com