

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVIGILON USA CORPORATION, INC. and
AVIGILON CORPORATION
Petitioner,

v.

JDS TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2016-00520
Patent 6,891,566 B2

Before JONI Y. CHANG, DAVID C. McKONE, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

Avigilon USA Corp., Inc., and Avigilon Corp. (collectively, “Petitioner”) filed a Petition (Paper 3, “Pet.”) to institute an *inter partes* review of claims 1, 6–10, 16–24, and 28 of U.S. Patent No. 6,891,566 B2 (Ex. 1001, “the ’566 patent”). JDS Technologies, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we conclude, under 35 U.S.C. § 314(a), that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. Accordingly, we do not institute an *inter partes* review of the ’566 patent.

B. Related Matters

The parties indicate that the ’566 patent has been asserted in *JDS Technologies, Inc. v. Avigilon USA Corp., Inc.*, Case No. 2:15-cv-10385-AC-EAS (E.D. Mich.), and *JDS Technologies, Inc. v. Exacq Technologies, Inc.*, Case No. 2:15-cv-10387-AC-EAS (E.D. Mich.). Pet. 3; Paper 6, 1. The ’566 patent also is the subject of three additional *inter partes* review petitions in IPR2016-00522, IPR2016-00532, and IPR2016-00568. Pet. 3; Paper 6, 1.

C. Evidence Relied Upon

Petitioner relies on the following prior art:

AXIS Communications, AXIS 240 NETWORK CAMERA SERVER USER'S MANUAL, Rev. 1.4 (Nov. 1998) (Ex. 1004, "AXIS Manual");¹

U.S. Patent No. 6,477,648 B1, issued Nov. 5, 2002, filed Mar. 23, 1997 (Ex. 1005, "Schell");

PCT publication WO 98/19450, published May 7, 1998 (Ex. 1006, "Winter");

Axis 240 Camera Server Helps Pilots Monitor Weather In Rural Alaskan Villages, archived at https://web.archive.org/web/19991128111956/http://www.axis.com/products/camera_servers/flightcam.html (Ex. 1007, pp. 73–75, "FlightCam Whitepaper");

FlightCam Home Page, archived at <https://web.archive.org/web/19991013044622/http://flightcam.net> (Exhibit 1007, pp. 76–79, "FlightCam Webpage");²

U.S. Patent No. 5,539,908, issued July 23, 1996 (Ex. 1010, "Chen");

¹ Petitioner also cites to Exhibit 1007, at 16–70. Exhibit 1007 is a declaration from Christopher Butler at Internet Archive attaching various documents from the website www.axis.com, archived by Internet Archive. Petitioner contends that the "relevant pages" of AXIS Manual are also shown as html pages in Exhibit 1007 and includes parallel citations to Exhibits 1004 and 1007. Pet. 10–12. Our citations are to Exhibit 1004.

² Petitioner groups FlightCam Whitepaper and FlightCam Webpage as "Flightcam Publications" and further groups AXIS Manual and Flightcam Publications as "AXIS Publications." Pet. 5. We do not adopt these groupings and, instead, refer to each of these references individually throughout.

U.S. Patent No. 6,741,977 B1, issued May 25, 2004, filed Jan. 28, 2000 (Ex. 1011, “Nagaya”).

Petitioner also relies on the Declaration of Thomas A. Gafford (Ex. 1008, “Gafford Decl.”).

D. The Asserted Grounds

Petitioner asserts the following grounds of unpatentability (Pet. 5–6):

Reference(s)	Basis	Claim(s) Challenged
AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, and Schell	§ 103(a)	1, 8, 16, 23, 28
AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Winter	§ 103(a)	6, 7, 17–22
AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Chen	§ 103(a)	9, 10
AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Nagaya	§ 103(a)	24

E. The '566 Patent

The '566 patent describes a system for networking digital video cameras. Ex. 1001, Abstract. Figure 1, reproduced below, illustrates an example:

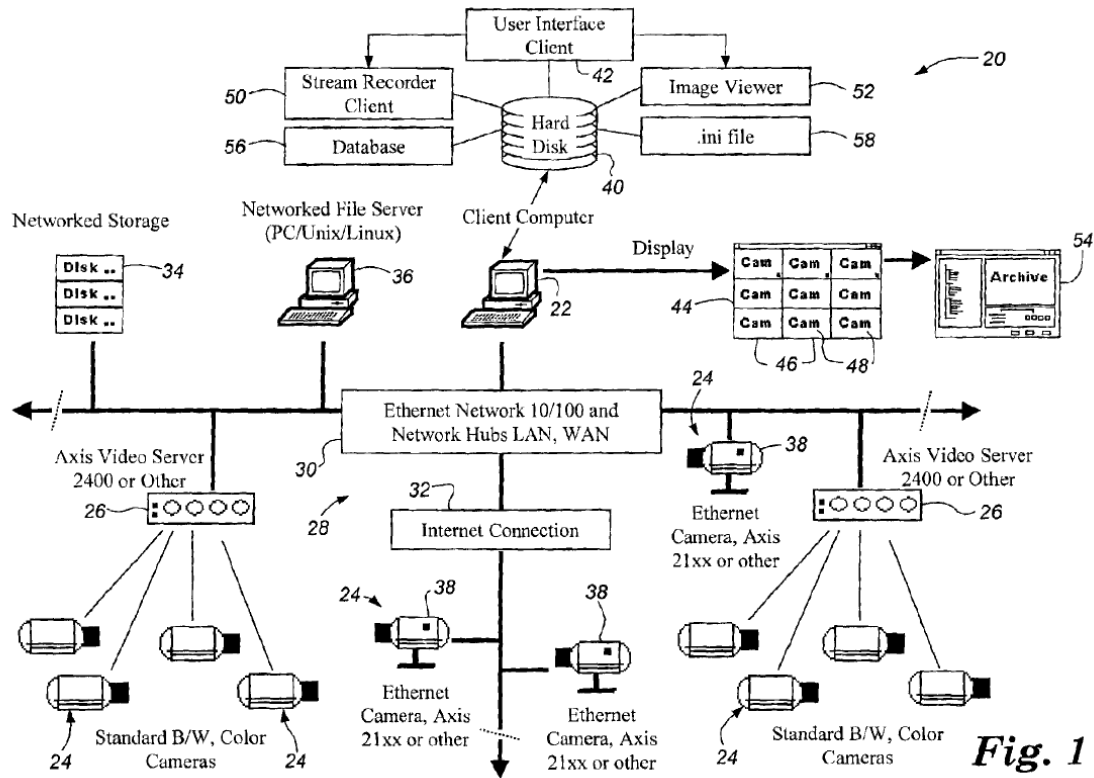


Figure 1 is a block diagram of digital video system 20. *Id.* at 4:20–21.

A plurality of digital video cameras 24 are connected to one or more standalone video servers 26 (which can be Axis 2400, 2401, or 240 video servers). *Id.* at 5:5–6, 5:17–19. Client computer 22 connects to video servers 26 via network 28, which can include private network segment 30 and public network 32 (e.g., the Internet). *Id.* at 5:7–10. Client computer 22 includes a computer readable memory, such as fixed hard drive 40, for storing user interface client application 42. *Id.* at 5:27–30. User interface client application 42 includes a user interface program, in computer readable form, along with additional software components, such as Web browser extensions, operating system libraries, and compression libraries. *Id.* at 5:30–42.

User interface client program 42 is operable to access locally stored (on hard drive 40) data that uniquely identify cameras 24. *Id.* at 5:51–53. User interface client program 42 then attempts to access those cameras over network 28. *Id.* at 5:53–54. User interface client program 42 is operable to verify access to those cameras 24 that are currently accessible, and to generate user interface display 44 (on the computer’s monitor) including display window 46, for each of cameras 24 accessed over network 28, and to display in each display window 46 image 48 received from the camera associated with that display window. *Id.* at 5:54–61.

In one example, each of video cameras 24 has a unique media access control (“MAC”) address. *Id.* at 6:48–51. To validate access to a camera, user interface client program 42 retrieves MAC addresses from database 56 (stored on hard drive 40), queries the camera for its MAC address (using file transfer protocol (“FTP”)), and compares the camera’s MAC address to the MAC addresses from database 56 to verify that the camera’s MAC address is valid. *Id.* at 6:36–51.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer readable medium for use by a computer in providing an interface to multiple cameras via one or more video servers accessible to the computer via a network, comprising:
 - a digital storage device;
 - a user interface program stored on said digital storage device in computer readable form, said program being operable upon execution by the computer to access server data uniquely identifying each video server and to attempt access to the video servers over the network, said program also being operable

to obtain from each of the accessible video servers
a hardware address stored in the video server;

wherein said program is further operable to validate the
hardware addresses received from the video servers
using the server data and, for those video servers
having valid hardware address, said program is
operable to generate a user interface display on the
computer that includes a display window for each
of the cameras accessed via the validated servers
over the network and to display in each of the
display windows an image received from the
camera associated with that display window.

II. ANALYSIS

A. *Claim Construction*

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); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 890 (U.S. Jan. 15, 2016) (No. 15-446). In applying a broadest reasonable construction, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner contends that “digital storage device” should be construed to mean “device for digitally storing computer code or other data.” Pet. 8. Petitioner cites to various examples in the Specification, including hard disk drives, removable disks, and optical storage media such as CD-ROM and DVD drives, that store user interface client 42 and additional software

components. *Id.* at 8–9 (citing Ex. 1001, 5:28–33, 5:44–50). Patent Owner argues that Petitioner’s proposed construction “does not comport with the specification, and therefore does not reflect the broadest reasonable construction in light of the specification.” Prelim. Resp. 17. Patent Owner does not explain this argument. Petitioner’s proposed construction is consistent with the Specification. On this record, we agree that it is the broadest reasonable construction.

For purposes of this Decision, no other claim term requires express construction.

B. Asserted Grounds of Unpatentability

A 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.” We resolve the question of obviousness 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 skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

In an obviousness analysis, some reason must be shown as to why a person of ordinary skill would have combined or modified the prior art to achieve the patented invention. *See Innogenetics, N.V. v. Abbott Labs.*, 512 F.3d 1363, 1374 (Fed. Cir. 2008). A reason to combine or modify the prior art may be found explicitly or implicitly in market forces; design incentives;

the “interrelated teachings of multiple patents”; “any need or problem known in the field of endeavor at the time of invention and addressed by the patent”; and the background knowledge, creativity, and common sense of the person of ordinary skill. *Perfect Web Techs., Inc. v. InfoUSA, Inc.*, 587 F.3d 1324, 1328–29 (Fed. Cir. 2009) (quoting *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418–21 (2007)).

1. Level of Ordinary Skill

Relying on Mr. Gafford’s testimony, Petitioner contends that a person of ordinary skill in the art would have had a bachelor’s degree in electrical engineering or the like and three years of experience in the design of computer networks and applications. Pet. 9–10 (citing Ex. 1008 ¶ 22). Patent Owner argues that a skilled artisan would have had an Associate’s or Bachelor’s degree in electrical engineering or the like or would have had one year of experience in the field of computer software. Prelim. Resp. 14–15. At this stage of the proceeding, we credit Mr. Gafford’s testimony and adopt Petitioner’s statement of the level of ordinary skill.

2. Alleged Obviousness of Claims 1, 8, 16, 23, and 28

Petitioner contends that claims 1, 8, 16, 23, and 28 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpages, and Schell. Pet. 5.

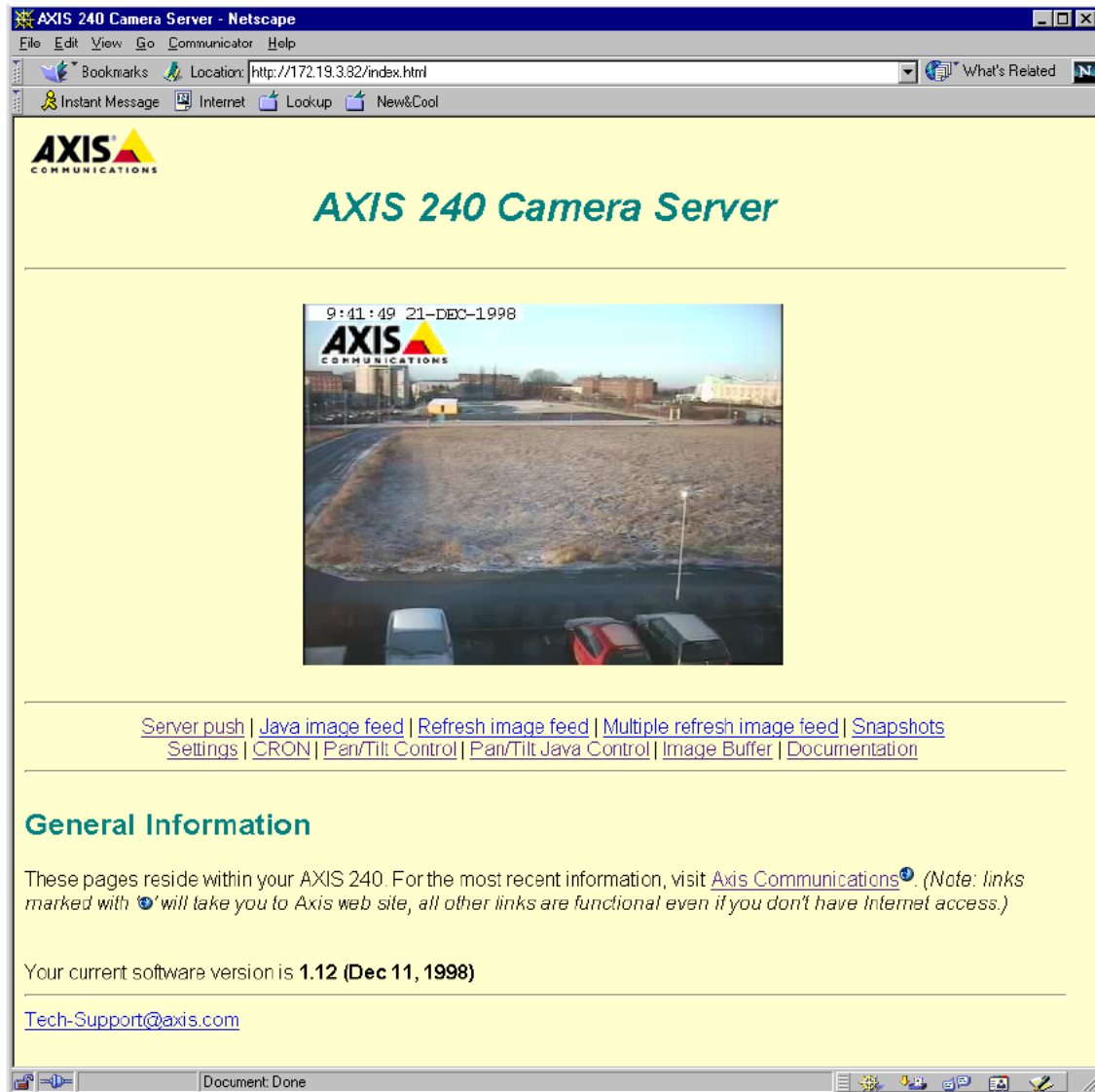
a. Overview of AXIS Manual

AXIS Manual is a user’s manual for an AXIS 240 Network Camera Server. Ex. 1004, 3. According to AXIS Manual, network camera servers

“provide live images using standard Internet technology, thus enabling access to live cameras via any standard Web browser” and “support Ethernet as well as PSTN and GSM phone lines.” *Id.* at 4.

Up to five cameras can be connected to an AXIS 240 camera server. The AXIS 240 camera server includes a built-in web server. According to AXIS Manual, images can be captured and distributed over a local network or the Internet using a standard Web browser. *Id.* at 7. Using a standard Web browser, a user can configure and manage the AXIS 240 camera server directly from the server’s web pages. *Id.* at 8.

An example AXIS 240 home page is reproduced below:



The picture appearing on page 17 of AXIS Manual is an example Web page served by an AXIS 240 server. After the user enters the appropriate IP address in the standard Web browser, this home page appears. *Id.* at 17. When the user returns to the homepage, a picture just taken by the default camera is displayed. *Id.* To display snapshots from multiple cameras, the user clicks on the “Pan/Tilt Control” link. *Id.* at 18.

b. Overview of Schell

Schell describes a technique for establishing a trusted workstation in a networked computer system. Ex. 1005, Abstract, 1:15–17. An example trusted workstation is shown in Figure 2, reproduced below:

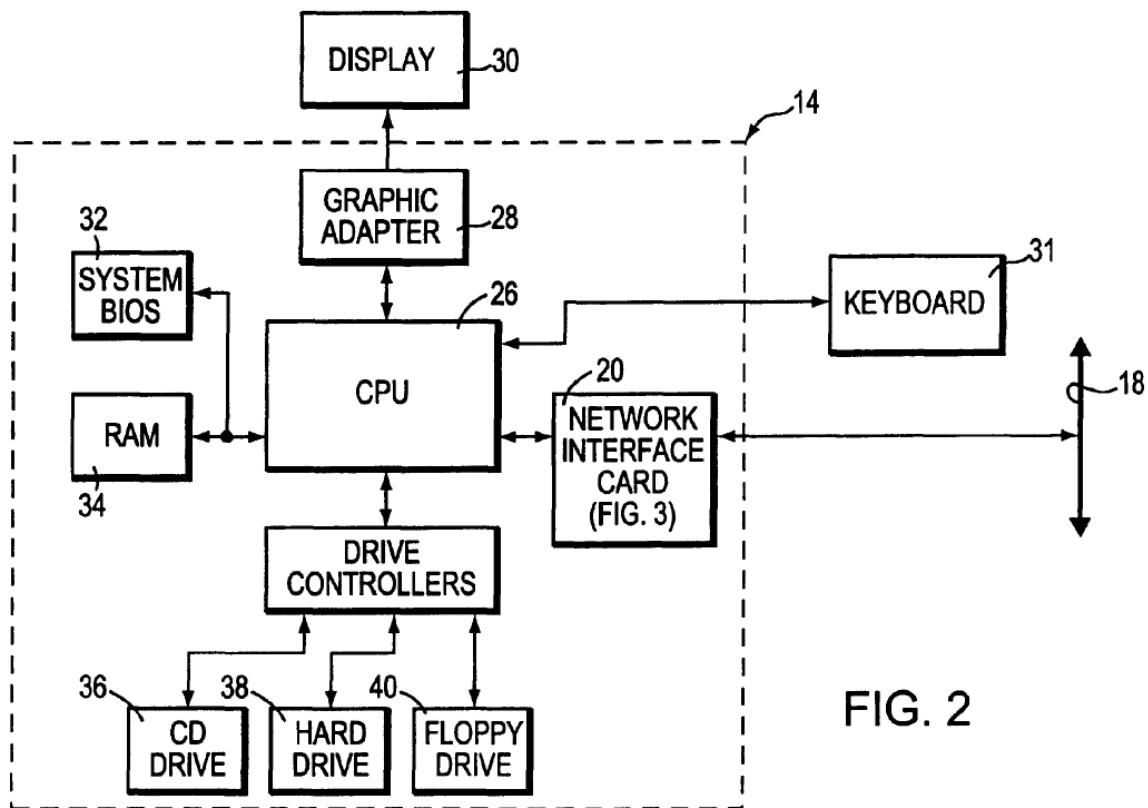


FIG. 2

Figure 2 is a block diagram of trusted workstation 14. *Id.* at 3:33–34.

Workstation 14 includes conventional components such as central processing unit (“CPU”) 26, basic input/output system (“BIOS”) 32, and memory such as RAM 34, hard drive 38, and CD drive 36. *Id.* at 3:63–67. Workstation 14 communicates with a server through network interface card (“NIC”) 20, which can be an expansion card connected to CPU 26. *Id.* at 4:1–3, 4:7–10.

Schell describes performing network security using NIC 20. *Id.* at 1:65–2:6, 4:1–5. For example, when workstation 14 sends a packet of data to the server, NIC 20 compares the source address (e.g., a MAC address) of the packet with a trusted source address value stored in a register of the NIC. If the source addresses do not match, NIC 20 prevents the packet from being transmitted on network 18 to the server. *Id.* at 4:13–42. Similarly, when NIC 20 receives a packet from the server destined for workstation 14, NIC 20 compares the source address of the packet to valid addresses. If the source address is within a range of valid addresses, NIC 20 forwards the packet to the workstation. If not, NIC 20 discards the packet. *Id.* at 4:55–5:17.

c. Overview of FlightCam Whitepaper and FlightCam Webpage

FlightCam Whitepaper is an archived Web page describing an implementation of an AXIS 240 server. According to FlightCam Whitepaper, an AXIS 240 camera server was used at airports in Alaska to control remote digital cameras providing multiple views of the sky and runways. Ex. 1007, 73. In this implementation, pilots logged onto the Internet and entered the URL “http://www.flightcam.net” to view the images. *Id.* For a given view, the Web site displayed a current photo next to a clear day reference photo so that a pilot could compare current weather conditions with ideal weather conditions at the location of the camera. *Id.* According to FlightCam Whitepaper,

In operation, a computer makes a telephone call to each of the remote sites, where the AXIS 240 server polls each of the three cameras to get an up-to-date picture of runway conditions. The

images are then transmitted to an Internet Service Provider and displayed on FlightCam's Web site.

Id. at 74.

FlightCam Webpage is an archived version of the Web page "http://flightcam.net." Petitioner argues that clicking on the URL "http://www.flightcam.net" included in FlightCam Whitepaper would have brought a user to FlightCam Webpage. Pet. 14. According to Petitioner, clicking on the "Anaktuvuk Pass" link on Exhibit 1007, page 76, would have brought a user to the Web page shown on Exhibit 1007, pages 77–78, which includes three camera views at Anaktuvuk Pass, "Looking Northeast," "Looking Southwest," and "Looking At the Runway." Pet. 14.

d. Claim 1

Claim 1, the only independent claim challenged, is directed to "[a] computer readable medium for use by a computer in providing an interface to multiple cameras via one or more video servers accessible to the computer via a network." It recites "a digital storage device" on which "a user interface program" is stored. That user interface program is "operable to" do several things, including "access server data uniquely identifying each video server," "obtain from each of the accessible video servers a hardware address stored in the video server," and "validate the hardware addresses received."

Petitioner contends that the AXIS 240 server described in AXIS Manual is a video server accessible to a computer via a network, such as the Internet. Pet. 19. AXIS Manual does not describe in detail the computer that might access an AXIS 240 server and, specifically, does not identify a

computer readable medium or digital storage device. Nevertheless, AXIS Manual states that the AXIS 240 server “can . . . be used in mixed operating system environments such as Windows, UNIX, Macintosh and OS/2” and can be configured “[u]sing a standard Web browser.” Ex. 1004, 8. From this, Petitioner and Mr. Gafford conclude that “the client computer necessarily includes a computer readable medium, such as a hard drive, removable disk, CD-ROM, DVD, or other computer readable medium for storing the operating system, Web browser application, and other system and program code.” Pet. 19 (citing Ex. 1008 ¶ 82); *see also id.* at 20–21 (“The client computer must necessarily have a device for digitally storing computer code or other data (i.e., a digital storage device) in order to contain an operating system, pre-configured Web browser application, locally stored web pages, and cached images.” (citing Ex. 1008 ¶ 86)). Mr. Gafford largely repeats Petitioner’s argument without citation to additional evidence.

Petitioner further contends that a standard Web browser running on the client computer that would access the AXIS 240 server is a “user interface program,” as recited in claim 1. Pet. 21. Petitioner concedes that AXIS Manual does not teach that the Web browser is operable “to access server data uniquely identifying each [video] server” or “operable to obtain from each of the accessible video servers a hardware address stored in the video server.” Pet. 22–23. Nevertheless, Petitioner contends that Schell teaches an NIC that performs these functions. *Id.* at 23–25. Petitioner also concedes that AXIS Manual does not teach that the Web browser is “operable to validate the hardware addresses received from the video servers using the server data,” as recited in claim 1. *Id.* at 26. Nevertheless, Petitioner contends that Schell’s NIC performs this function as well. *Id.* at

26–27. Petitioner contends that Schell’s technique for validating access to network servers is a generic technique that would have been used predictably with an AXIS 240 server. *Id.* at 33–34. Petitioner further contends that FlightCam Whitepaper and FlightCam Webpage teach a user interface program “operable to generate a user interface display on the computer that includes a display window for each of the cameras accessed via the validated servers over the network and to display in each of the display windows an image received from the camera associated with that display window,” as recited in claim 1. Pet. 28–29.

Patent Owner responds that Schell teaches a hardware solution to validating trusted workstations and that it expressly teaches away from software, such as a user interface, performing this role. Prelim. Resp. 44–45. Similarly, Patent Owner argues that Schell teaches away from software, such as a user interface, accessing server data uniquely identifying each video server. *Id.* at 45–56. Patent Owner frames Petitioner’s proposed combination as follows: “Petitioner asserts that one skilled in the art would be motivated to combine Schell’s hardware design in the web browser for the AXIS video server.” *Id.* at 49. Patent Owner then argues that “Schell expressly teaches away from the proposed modification of software proposed by Petitioner by criticizing, discrediting, and/or discouraging the use of ‘untrusted software’ for network security, opting instead for confirmation circuits modifiable only in a pre-boot state.” *Id.* at 52.

We disagree with Patent Owner’s characterization of Petitioner’s arguments as proposing modification of Web browser software to incorporate Schell’s authentication technique. Petitioner contends that AXIS Manual discloses “a user interface program (i.e., Web browser) that accesses

video servers over a network by controlling a NIC” and that this Web browser would control the NIC described in Schell to access server data uniquely identifying each video server and obtain from each of the accessible video servers a hardware address stored in the video server.

Pet. 26. Similarly, Petitioner contends that AXIS Manual discloses “a Web browser that accesses video servers over a network by controlling a NIC” and that this Web browser would control the NIC of Schell to validate the servers’ hardware addresses using server data. *Id.* at 27.

Thus, Petitioner’s contention is that, in the combined system, the functions attributable to the claimed user interface program (“access server data uniquely identifying each video server,” “obtain from each of the accessible video servers a hardware address stored in the video server,” and “validate the hardware addresses received from the video servers using the server data”) would be performed by a specialized NIC, as taught in Schell, and that this NIC would be controlled by a microprocessor that would be controlled, in turn, by a standard Web browser, as purportedly taught in AXIS Manual. This is stated by Mr. Gafford in his testimony: “To clarify, the combination of the AXIS Manual and Schell would result in the AXIS client computer utilizing a specialized NIC that is pre-populated by a pre-boot module (discussed above) with a range of MAC addresses for video servers that the computer would be authorized to access.” Ex. 1008 ¶ 98; *see also id.* ¶¶ 102 (same), 117 (“One technique would have involved exchanging the NIC in the AXIS client computer with a Schell-type NIC prepared during setup so that it could perform MAC address validation of the video server when receiving communications from the server.”).

Petitioner's arguments appear to depend on an unstated construction of "operable to," as recited in claim 1. In a footnote, Petitioner (Pet. 21 n.2) reproduces a portion of the '566 patent's statement that:

As used in the specification and claims in reference to the program 42 or other executable program code, the phrase "operable to" [carry out some action] means that, when executed by a microprocessor or other processing device of the computer, the program directs the microprocessor to carry out or otherwise cause execution of the specified action.

Ex. 1001, 5:61–67. It appears that Petitioner is arguing that, if a Web browser controls a microprocessor to control an NIC to perform certain functions, the Web browser itself is "operable to" perform those functions by otherwise causing execution of those functions by another entity.

Neither party proposes an express construction of "operable to," "operable upon execution by the computer to," or the like from claim 1. Aside from the citation in footnote 2 of the Petition, neither party provides any argument or presents any evidence regarding whether these terms reasonably should be construed broadly enough to encompass controlling a microprocessor to control, in turn, an NIC to "access server data uniquely identifying each video server," "obtain from each of the accessible video servers a hardware address stored in the video server," or "validate the hardware addresses received," as recited in claim 1. Nevertheless, even if claim 1 is this broad, Petitioner has not introduced evidence sufficient to show that the prior art teaches a standard Web browser controlling a microprocessor to, in turn, control an NIC.

As explained above, Petitioner contends that AXIS Manual discloses a Web browser controlling a microprocessor to control an NIC. Specifically, Petitioner argues that AXIS Manual discloses that, after an AXIS IP Installer

installs a camera server IP address on an AXIS 240 server, “the Web browser can be used to direct the computer’s microprocessor to control a NIC to attempt to access camera images through the video server for display on the computer, such as on the server’s Home Page or on a custom Web page.” Pet. 22. Petitioner cites to page 18 of AXIS Manual as providing this disclosure. *Id.* We see no disclosure in AXIS Manual of an NIC or using a Web browser to direct a microprocessor to control an NIC.

Petitioner also cites to Mr. Gafford’s testimony and argues that he “explain[s] how [a] Web browser directs control of [an] NIC and use of CGI parameters for [a] custom Web page.”). *Id.* (citing Ex. 1008 ¶¶ 39, 89). Petitioner appears to be arguing that disclosure of a standard Web browser inherently or implicitly teaches control of a microprocessor and corresponding control of an NIC. In the cited testimony, Mr. Gafford states:

A server or other hardware device typically contains a network interface card or controller (NIC) for communicating over the Internet or Ethernet. When a computer executes a Web browser application, such as Internet Explorer, the application will direct the microprocessor to control the operation of the NIC.

Ex. 1008 ¶ 39; and

CGI (Common Gateway Interface) parameters are parameters used in a standard environment for web servers to interface with executable programs installed on a server (like the AXIS server) that generate web pages dynamically. A person of ordinary skill in the art as of 2000 would have been knowledgeable about designing computer networks and applications, including how to use so-called CGI parameters to build a custom webpage for accessing AXIS video server images, as those parameters were standard parameters used for building webpages at the time.

Id. ¶ 89. Mr. Gafford cites to no evidence supporting either of these conclusions. Similarly, paragraphs 97–98, 101–02, and 116–19 of

Mr. Gafford's testimony (additional testimony stating that the client computer referenced in AXIS manual would have had an NIC and that a Web browser, executed by a microprocessor, would cause the NIC to perform claimed operations) cite to no evidentiary support. "Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight." 37 C.F.R. § 42.65(a). On these points, Mr. Gafford's testimony is entitled to little weight.

Petitioner also argues that "the client computer's Web browser application . . . , as a software application, . . . includes coded software instructions for controlling the operation of a computer, such that it provides a user interface to the back-end cameras through the AXIS 240 video server." Pet. 21. Petitioner cites to page 22 of AXIS Manual, which includes no such disclosure.

On the evidence Petitioner presents, we are not persuaded that the prior art shows a standard Web browser that directs a microprocessor of a client computer to carry out or otherwise cause execution of the operations attributed to the user interface program of claim 1. Specifically, Petitioner has not shown that the standard Web browser referenced in AXIS Manual would have controlled a microprocessor of a client computer to instruct Schell's NIC to "access server data uniquely identifying each video server," "obtain from each of the accessible video servers a hardware address stored in the video server," or "validate the hardware addresses received," as recited in claim 1. Thus, Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing that claim 1 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, and Schell.

e. Claims 8, 16, 23, and 28

Claims 8, 16, 23, and 28 depend from claim 1. In its showings for these dependent claims (Pet. 39, 42–43, 54–55, 57–60), Petitioner does not remedy the deficiencies in its showing for claim 1. Accordingly, Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing that claims 8, 16, 23, and 28 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, and Schell.

3. Alleged Obviousness of Claims 6, 7, 9, 10, 17–22, and 24

Claims 6, 7, and 17–22 depend, directly or indirectly, from claim 1. Petitioner cites Winter for the additional limitations of these claims. Pet. 35–39, 43–54. Nevertheless, in its showing for claims 6, 7, and 17–22, Petitioner does not remedy the deficiencies in its showing for claim 1. Accordingly, Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing that claims 6, 7, and 17–22 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Winter.

Claim 9 depends from claim 1 and claim 10 depends from claim 9. Petitioner cites Chen for the additional limitations of claim 9 and AXIS Manual for the additional limitation of claim 10. Pet. 39–42. Nevertheless, in its showing for these claims, Petitioner does not remedy the deficiencies in its showing for claim 1. Accordingly, Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing that claims 9 and 10 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Chen.

Claim 24 depends from claim 1. Petitioner cites Nagaya for the additional limitations of claim 24. Pet. 55–57. Nevertheless, in its showing for this claim, Petitioner does not remedy the deficiencies in its showing for claim 1. Accordingly, Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing that claim 24 would have been obvious over AXIS Manual, FlightCam Whitepaper, FlightCam Webpage, Schell, and Nagaya.

III. CONCLUSION

Petitioner has not established a reasonable likelihood that it would prevail with respect to any of claims 1, 6–10, 16–24, and 28. Accordingly, we do not institute an *inter partes* review of the '566 patent.

IV. ORDER

Accordingly, it is:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is not instituted for claims 1, 6–10, 16–24, and 28 of U.S. Patent No. 6,891,566 B2.

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