

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

M2M SOLUTIONS LLC,
Patent Owner.

Case IPR2017-01894
Patent 8,504,007 B2

Before KARL D. EASTHOM, DAVID C. McKONE, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

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

I. INTRODUCTION

Amazon.com, Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–30 of U.S. Patent No. 8,504,007 B2 (Ex. 1001, “the ’007 patent”). Paper 2 (“Pet.”). M2M Solutions LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . 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.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition and the Preliminary Response, we conclude that the information presented does not show that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–30 of the ’007 patent.

A. Related Matter

The parties identify the following judicial proceeding, which may affect, or be affected by, a decision in this proceeding: *M2M Solutions LLC v. Amazon.com, Inc.*, Case No. 1:17-cv-00202-LPS-CJB (D. Del.). Pet. 1; Paper 4, 1; *see* 37 C.F.R. § 42.8(b)(2).

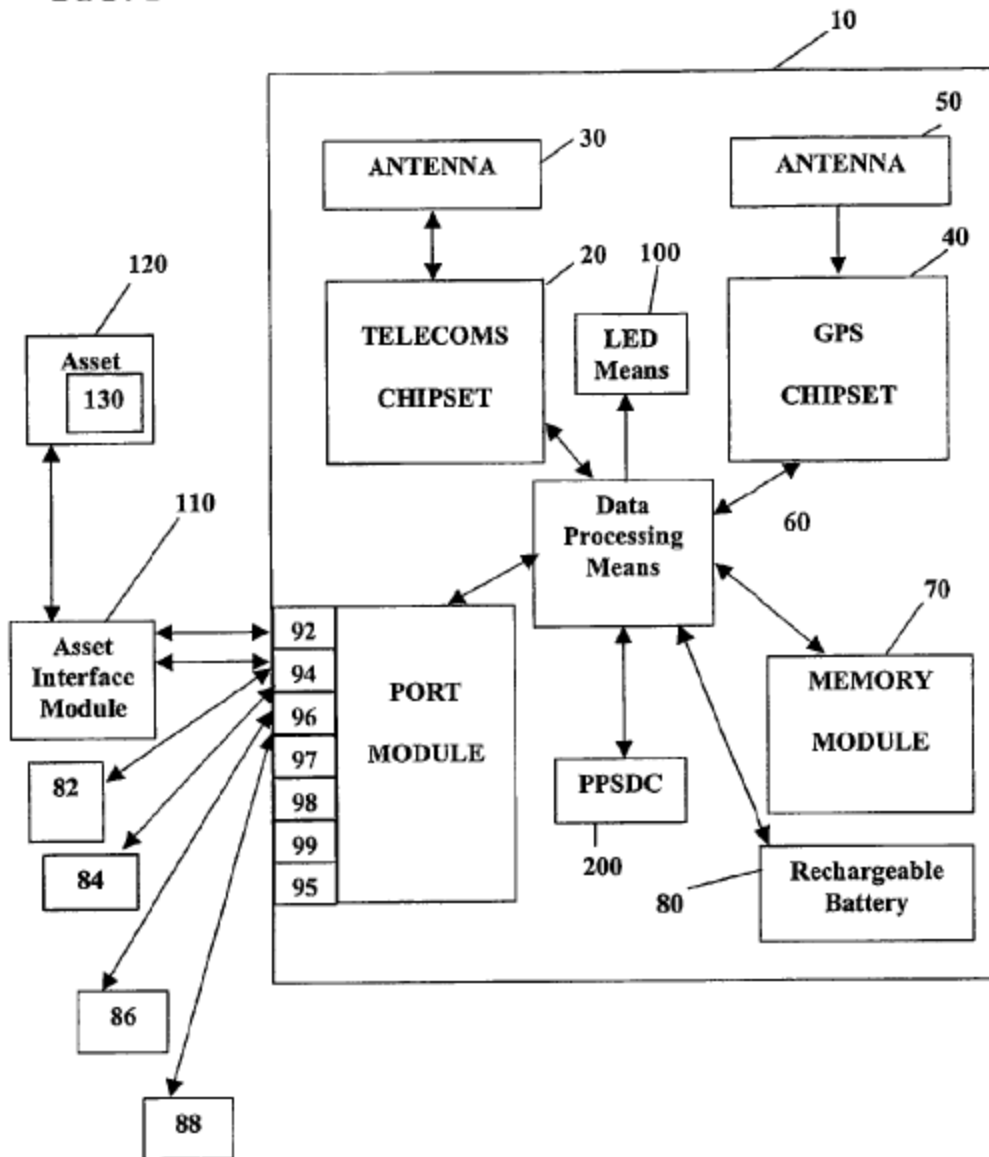
B. The ’007 Patent

The ’007 patent is directed to a system for autonomously monitoring and managing consumer device assets registered with a remote computer server platform. Ex. 1001, Abstract. The ’007 patent explains as background that “a diverse range of electronic tags is available for determining the location of vehicles and such” and that “other systems are available for providing operational status data of remote devices.” *Id.* at 2:11–15. The ’007 patent states that “it would be beneficial if each [remote]

asset would comprise the capability to enable a remote server to determine the operational status of the . . . asset and change its operational status according to preset conditions.” *Id.* at 2:20–26.

Figure 1 of the '007 patent, below, illustrates an embodiment of the remote asset management system, including wireless module 10:

FIG. 1

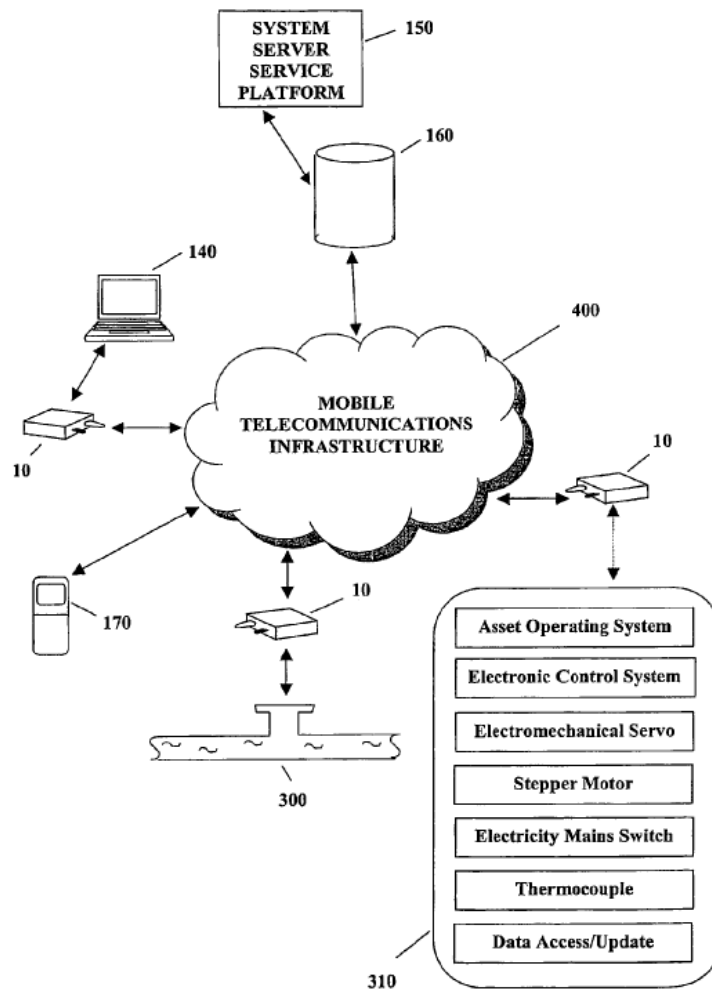


Id. at 12:64–67, 13:4–8.

As illustrated in Figure 1 above, wireless module 10 includes telecommunications chipset 20 and antenna 30, GPS chipset 40 and antenna 50, data processing means 60, memory module 70, and port module 90. *Id.* at 13:4–8. According to the '007 patent, data processing means 60 “is programmed with a data processing asset management application to manage the asset through the port module (90).” *Id.* at 13:20–23. Figure 1 also illustrates asset interface module 110, which is associated with an asset that the wireless module is managing (asset 120) and which makes possible direct communication between the wireless module and the operational control system of the asset or the data collection system of the asset (130). *Id.* at 13:36–41.

Figure 2 of the '007 patent, below, “illustrates the different applications controlled by the wireless module in the particular example where the mobile telecommunications network operates according to the GSM standard”:

FIG. 2



Id. at 15:4–7.

According to the '007 patent, “[e]ach wireless module (10) comprises the capability to communicate via the mobile telecommunication infrastructure (400).” *Id.* at 15:14–16. The '007 patent discloses that “[a] mobile phone or message-enabled wireless terminal (170) can communicate with a specific wireless module (10)” or with system server service platform 150 via point of interconnection 160 with mobile telecommunication infrastructure 400. *Id.* at 15:17–21. The '007 patent also discloses that, “[f]or asset management applications, which comprise a small number of

wireless modules (10), it is possible to manage these using a laptop PC (140).” *Id.* at 15:22–24.

The ’007 patent discloses that the remotely located system server service platform “receives data relating to any specific remotely located asset either directly from the wireless module in response to a status request interrogation message . . . or periodically and automatically according to a predetermined and pre-programmed data generation period.” *Id.* at 15:50–56. The ’007 patent describes a number of uses for the purported invention. For example, the ’007 patent describes an embodiment in which the wireless module can “update an associated in-vehicle GPS car navigation system with map data and localised real-time data relating to traffic congestion events.” *Id.* at 20:31–35. The patent also gives an example of remotely monitoring “the operational characteristics of the asset, such as a car engine performance.” *Id.* at 22:28–31.

C. Illustrative Claim

Among the challenged claims (claims 1–30), claims 1 and 20 are independent. Claim 1 is illustrative of the subject matter of the challenged claims and reads as follows:

1. A system for providing a range of consumer services by autonomously monitoring and managing consumer device assets, said system comprising:

a plurality of consumer device assets wirelessly connected to one or more communications networks, each asset having operating system and application software, non-volatile memory for storing files of data content for display to a consumer user of the device, and a display apparatus for displaying the stored data content;

a remote computer server platform connected to the one or more communications networks, the remote computer server

platform configured to execute software applications for monitoring and managing the plurality of consumer device assets, each of the plurality of consumer device assets being registered with the remote computer server platform;

the plurality of consumer device assets and the remote computer server platform being configured to communicate over the one or more communication networks via transmissions including at least one selected from the group consisting of General Packet Radio Service (GPRS) data messages, Enhanced Data rates for GSM Evolution (EDGE) data messages, and other packet switched data messages;

the plurality of consumer device assets being configured to communicate operational status information and *consumer usage information* to the remote computer server platform automatically as a result of at least one selected from the group consisting of pre-programmed conditions and instructions received from the remote computer server platform;

the remote computer server platform being configured to receive and process the operational status information and the consumer usage information of the plurality of consumer device assets automatically according to preprogrammed conditions; and

the remote computer server platform being configured to communicate, based upon the results of processing at least some of the received consumer usage information, one or more management instructions that cause the stored data content files of one or more of the plurality of consumer device assets to be automatically modified.

Id. at 25:2–43 (emphasis added to disputed limitations).

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–30 of the '007 patent are unpatentable based on the following specific grounds (Pet. 3, 19–67):

References	Basis	Challenged Claims
Saylor ¹ and Loughran ²	35 U.S.C. § 103(a) ³	1–3, 6–18, 20, and 23–30
Saylor, Loughran, and Chow ⁴	35 U.S.C. § 103(a)	4, 19, and 21
Saylor, Loughran, and GSM Security ⁵	35 U.S.C. § 103(a)	5
Saylor, Loughran, GSM Security, and Kuskin ⁶	35 U.S.C. § 103(a)	22

In its analysis, Petitioner relies on the declaration testimony of Dr. George Kesidis (Ex. 1009). Pet. 19–67.

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016)

¹ U.S. Patent No. 6,400,265 B1, filed Apr. 24, 2001, issued June 4, 2002 (Ex. 1010).

² U.S. Patent Application Publication No. 2002/0129107 A1, filed Mar. 12, 2001, published Sept. 12, 2002 (Ex. 1011).

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. § 103, effective March 16, 2013. Because the challenged patent was filed before March 16, 2013, we refer to the pre-AIA version of § 103 in this Decision.

⁴ U.S. Patent Application Publication No. 2002/0191557 A1, filed June 14, 2001, published Dec. 19, 2002 (Ex. 1012).

⁵ *ETSI-GSM Technical Specification: European Digital Cellular Telecommunications System (Phase 1); Security-Related Network Functions*, European Telecommunications Standards Institute, Feb. 1992 (Ex. 1013).

⁶ U.S. Patent No. 7,185,196 B1, filed Sept. 15, 2000, issued Feb. 27, 2007 (Ex. 1014).

(upholding the use of the broadest reasonable interpretation standard). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Petitioner proposes constructions for “consumer device asset,” “operational status information,” “consumer usage information,” and “management instructions.” Pet. 7–11. Patent Owner disagrees with Petitioner’s proposed constructions of “operational status information” and “consumer usage information” and proposes different meanings for those terms. Prelim. Resp. 8–16. Patent Owner also argues that “consumer device asset” and “management instructions” need not be construed, but if they are, Petitioner’s proposed constructions should be rejected. *Id.* at 6–8, 17.

We determine that no claim terms require express construction in order to determine whether or not to institute *inter partes* review.

B. Level of Ordinary Skill

Petitioner’s declarant, Dr. Kesidis, opines that a person having ordinary skill in the art of the alleged invention would have had “(a) a master’s degree in electrical engineering, computer engineering, computer science or the equivalent, with coursework covering networked devices and servers, or (b) a bachelor’s degree in one of those fields and at least two years of industry experience working with networked devices and servers; or

(c) four years of industry experience working with networked devices and servers.” Ex. 1009 ¶ 54; *see* Pet. 17 (citing Ex. 1009 ¶ 54).

Patent Owner does not address Dr. Kesidis’s opinion regarding the level of ordinary skill. Prelim. Resp. 4. Patent Owner’s declarant, Mr. Brian Berg, likewise does not challenge Dr. Kesidis’s opinion and instead proposes that a person of ordinary skill in the art in May 2002 would have had “(1) a bachelor’s degree in computer engineering, electrical engineering, mathematics, computer science or a closely related field; and (2) a minimum of 2–3 years of industry experience with consumer electronics and related software and firmware, and networked electronic devices.” Ex. 2001 ¶ 27; *see* Prelim. Resp. 4 (citing Ex. 2001 ¶ 27). Mr. Berg also opines that an individual with an advanced degree in a relevant field, such as computer or electrical engineering, would require less industry experience (e.g., 1–2 years). Ex. 2001 ¶ 27; *see* Prelim. Resp. 4 (citing Ex. 2001 ¶ 27).

We do not ascertain a meaningful difference between the parties’ competing proposals and the parties do not argue that any issue in the case turns on such a difference. We find that both proposals are essentially the same and that both reflect the level of ordinary skill in the art.

C. Asserted Obviousness over Saylor and Loughran

Petitioner contends that claims 1–3, 6–18, 20, and 23–30 are unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor and Loughran. Pet. 3, 19–58. Relying in part on the testimony of Dr. Kesidis, Petitioner explains how the references allegedly teach or suggest the claim limitations and provides reasoning for combining the teachings of the references. *Id.* at 19–58.

1. Summary of Saylor

Saylor is a U.S. patent titled “System and Method for Monitoring Security Systems by Using Video Images.” Ex. 1010, [54]. Saylor discloses “a security system where a user may personalize alert notifications for various security devices.” *Id.* at 3:41–43. Figure 1 of Saylor is shown below:

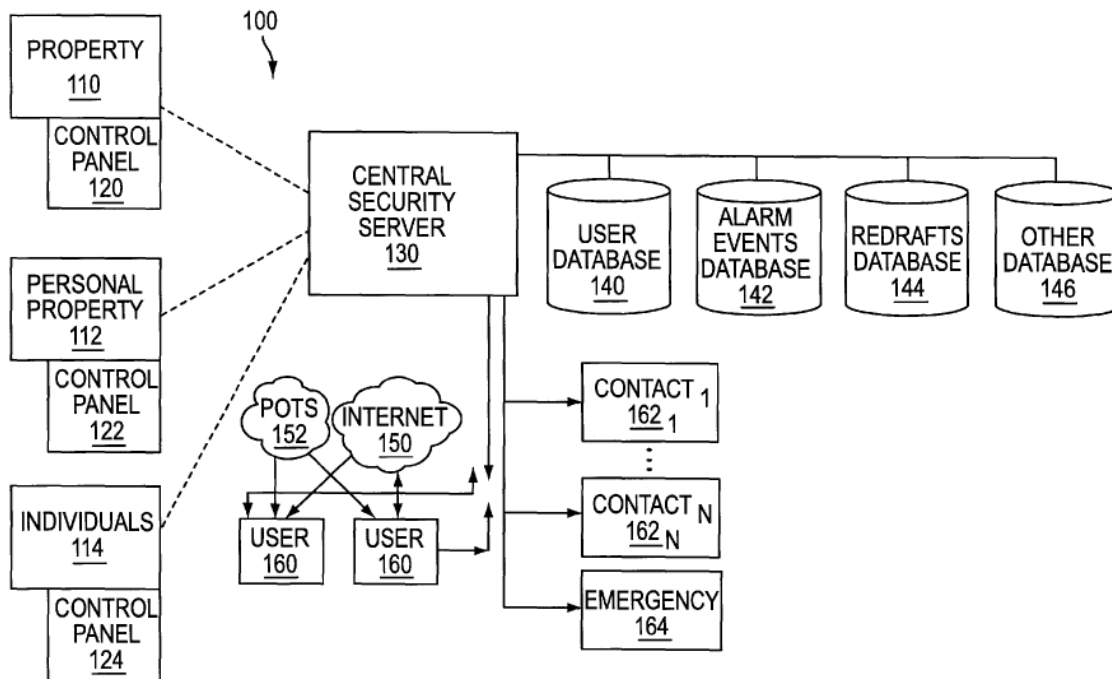


FIG. 1

Figure 1 above illustrates an embodiment of central network security system 100. *Id.* at 4:18–20. Saylor discloses that “[a] user may register various types of security devices, including those associated with property 110, personal property 112 and/or individuals 114[,] with the central security network 130.” *Id.* at 4:20–23. According to Saylor, property 110 may include a user’s home or office and personal property 112 may include a car, boat, or other mobile property. *Id.* at 4:59–64. Saylor explains that “[f]or

property 110, security devices may include sensors, detectors and/or other devices for detecting alarm situations,” “[f]or personal property 112, security devices may include global positioning devices,” and “[f]or individuals 114, security devices may include a panic button or other similar device.” *Id.* at 5:1–8.

According to Saylor, and as illustrated in Figure 1 above, “[a]larm situations may be detected by a control panel 120, 122, 124 associated with and preferably local to each security device and/or system (e.g., property, personal property, individual, or combination).” *Id.* at 4:23–27. Saylor states that “[c]ontrol panels 120, 122, 124 may transmit alarm information to central security network 130.” *Id.* at 4:27–28.

Saylor discloses that the security devices “may be predominantly wireless and communicate locally over short-range radio.” *Id.* at 5:17–20. According to Saylor, each of the sensors “may be equipped with a transmitter and the control panel may be equipped with a receiver.” *Id.* at 20–22. Saylor discloses that the control panel “may receive regular status information from the sensors and may be alerted when a sensor detects an alarm situation.” *Id.* at 5:22–25.

Saylor further discloses that “[w]hen an alarm situation is detected, a local control panel 120 or other similar device may communicate to a central security network 130.” *Id.* at 5:32–34. Saylor explains that “[c]ontrol panels 120 may serve as a link between an alarm system (for each property, personal property, individual, or combination) and a central security network.” *Id.* at 5:34–38. Saylor discloses that “[c]ommunication may be established through various mediums,” including “POTS (plain old telephone service), cable modem, DSL (digital subscriber links), wireless

(two-way pager, packet switched, telephone cellular networks) and others.”
Id. at 5:38–49.

Figure 2 of Saylor appears below:

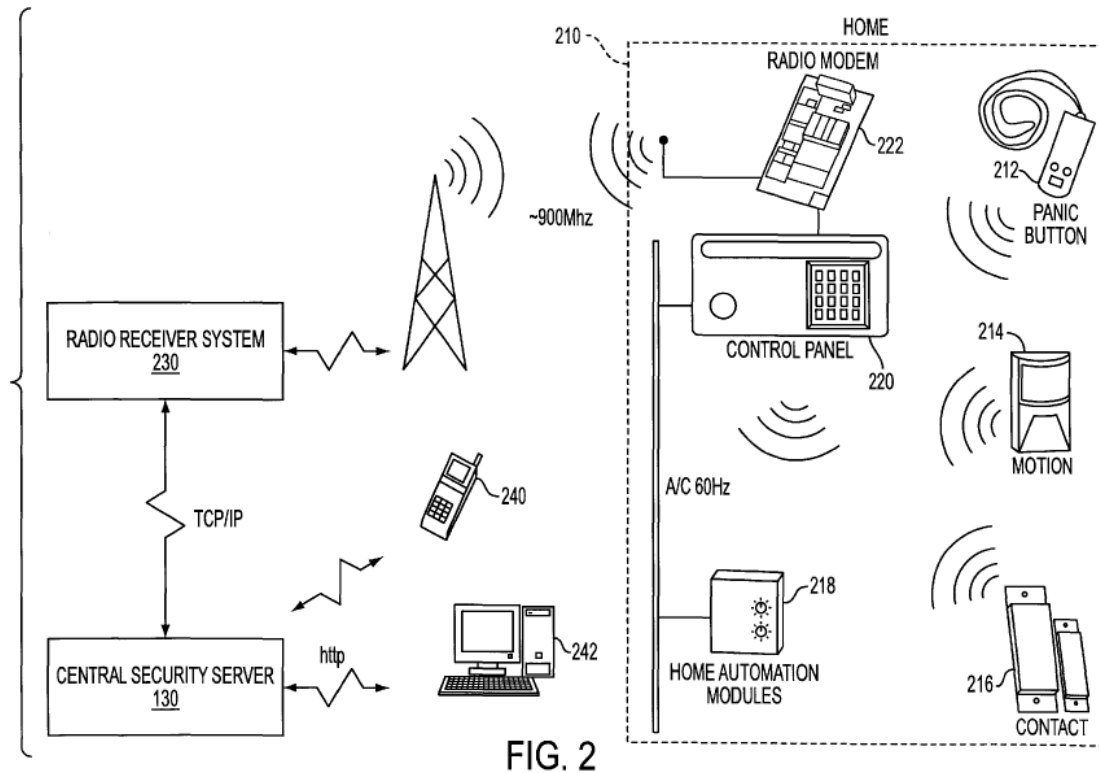


FIG. 2

Figure 2 above illustrates an example of an alarm transmission. *Id.* at 5:50–51. According to Saylor, a location such as home 210 may include various security and other devices, including “panic button 212, motion sensor 214, motion contact 216, home automation modules 218, which communicate with control panel 220.” *Id.* at 5:50–55. Saylor discloses that “[c]ontrol panel 220 may send a signal via radio modem 222 to radio receiver system 230” and that “[r]adio receiver system 230 may then communicate with central security server 130 via a TCP/IP connection.” *Id.* at 5:55–57, 5:59–61. Saylor states that “[c]entral security server 130 may then alert users and other identified entities via wireless and/or other

devices, such as mobile device 240, via a voice alarm, text message or other notifications.” *Id.* at 5:62–65.

2. *Summary of Loughran*

Loughran is a U.S. patent application publication titled “Method and Apparatus for Automatic Content Handling.” Ex. 1011, [54]. Loughran discloses a mail server that notifies a mobile computing device that the server has received new email. *Id.* at Abstract. Loughran states that its invention, with modification, “may also be used in the area of remote network and/or hardware management . . . , including situations of monitoring, locating and remotely controlling computer hardware.” *Id.* ¶ 2.

Loughran describes as background that when a user maintains a constant, live connection to the network, a notifying signal such as an icon or an audible tone is sent to the user interface when a new email arrives. *Id.* ¶ 3. Loughran states that “mobile users must actively initiate a connection to read their new email” and that without doing so, “there is no way that the user can know whether there is new incoming email waiting to be downloaded or read.” *Id.* Loughran discloses a method in which “a mail server notifies a mobile computing device that the server has received new email.” *Id.* at Abstract; *see also id.* ¶¶ 11, 15, 19 (describing method). According to Loughran, the mobile computing device, acting in accordance with an instruction contained within the notification, connects to the server and downloads the email. *Id.* at Abstract. Loughran discloses that “[t]he data connection is preferably a wireless connection and the notification is preferably in the form of a SMS message.” *Id.*

Loughran discloses that its method can also apply to a software upgrade or database update. *Id.* at Abstract, ¶¶ 25, 49. For example,

according to Loughran, the notification message “may contain instructions which cause the computing platform to connect to the data source, download the upgrade software, and install the upgrade.” *Id.* ¶ 25.

3. Analysis

a. Independent claim 1

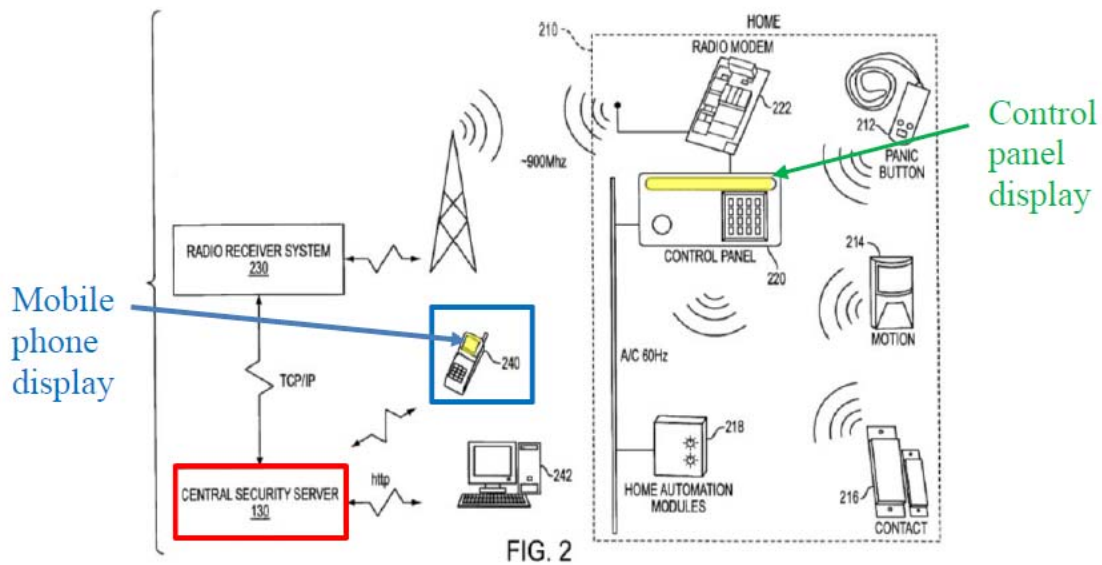
Petitioner contends that the subject matter of claim 1 of the ’007 patent would have been obvious over Saylor and Loughran. Pet. 25–38. Petitioner generally contends that Saylor teaches (i) security devices “including control panel 220 and mobile phone 240” (*id.* at 27), (ii) central security server 130 that monitors control panel 220 and mobile phone 240 (*id.* at 28), (iii) that the server and the security devices communicate via packet switched data messages (*id.* at 30), (iv) that the security devices send operational status information and data relating to interactions between the devices and individuals to the central security server (*id.* at 30–32), and (iv) that the central security server processes alarm situation data according to preprogrammed user preferences (*id.* at 32–33).

Petitioner also generally contends that Loughran teaches using a server to send management instructions that command the user’s mobile device to store new or updated content, and that an ordinarily skilled artisan “would have been motivated to incorporate [Loughran’s] teaching into Saylor, such that the messages sent from Saylor’s server would contain instructions for the mobile phones to download images, video, email, text messages, or other data content files relating to an alarm situation.” *Id.* at 34–35.

Patent Owner argues that Saylor does not disclose a number of the limitations of claim 1 and thus Petitioner fails to show that the combination of Saylor and Loughran renders claim 1 obvious. Prelim. Resp. 18–49.

Having reviewed the record, we determine that the information presented does not establish a reasonable likelihood that Petitioner would prevail in showing that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor and Loughran. As explained below, Petitioner does not show sufficiently that the following limitation would have been obvious: “a plurality of consumer device assets . . . , each asset having . . . nonvolatile memory for storing files of data content for display . . . and a display apparatus for displaying the stored data content.”

Petitioner contends that Saylor discloses “a plurality of consumer device assets . . . , each asset having operating system and application software, nonvolatile memory for storing files of data content for display to a consumer user of the device, and a display apparatus for displaying the stored data content.” Pet. 26–28. Petitioner annotates Figure 2 of Saylor to identify what Petitioner contends are the claimed “plurality of consumer device assets”:



Pet. 26. As illustrated above, Petitioner annotates Figure 2 to indicate “[m]obile phone display” and a “[c]ontrol panel display.” *Id.* Petitioner asserts that “control panel 220 . . . is a ‘consumer device asset’ and that “[m]obile phone 240 . . . is a second ‘consumer device asset.’” *Id.* at 27.

Petitioner does not show sufficiently that Saylor discloses that each purported consumer device asset has “nonvolatile memory for storing files of data content for display to a consumer user of the device” and “a display apparatus for displaying the stored data content.”

Control panel 220

Petitioner contends that Saylor’s control panel 220 “includes a display for displaying content to a consumer,” citing to Figure 2 of Saylor. Pet. 26. Petitioner also contends that “[t]o display information, control panel 220 necessarily includes operating system software, application software, and nonvolatile memory for storing files of data content for display.” *Id.* at 27 (citing Ex. 1009 ¶ 415). Petitioner provides no explanation in the Petition for why control panel 220 necessarily includes the listed components.

Petitioner cites to testimony of its declarant, Dr. Kesidis, who opines as follows:

In order to display information to users on its display, the home security control panel 220 must necessarily have operating system software, application software, and nonvolatile memory for storing files of data content for display to users. Security system control panels display information to users, for example, during initial setup, when the security system's settings are being modified, and in the course of normal day-to-day operation of the security system. Because information such as setup options and settings must persist on the security control panel so that the information can be displayed to the user when needed, that information must be stored in data content files in non-volatile (*i.e.*, non-temporary) memory. Furthermore, the security control panels must necessarily have application software to provide the logic for displaying that information as well as operating system software to host that application software.

Ex. 1009 ¶ 415.

Petitioner has not shown sufficiently that Saylor discloses that control panel 220—which Petitioner contends is a “consumer device asset”—has “nonvolatile memory for storing files of data content for display to a consumer user of the device” and “a display apparatus for displaying the stored data content.” Even though control panel 220 shown in Figure 2 of Saylor appears to include a display, Saylor does not describe the display or describe what, if anything, is displayed on the portion identified by Petitioner as the display. *See, e.g.*, Ex. 1010, 5:50–57. Saylor also does not describe any memory components of the control panel. The only components of control panel 220 that Saylor describes are in connection with communication, not data storage or display. *Id.* at 5:20–22 (“Each of the sensors (or group of sensors) may be equipped with a transmitter and the

control panel may be equipped with a receiver.”), 10:20–21 (“The control panel may have a built-in modem or other communication device.”).

Petitioner’s one sentence in its Petition regarding inherency is conclusory and lacks any explanation. Dr. Kesidis’s testimony is likewise conclusory, without sufficient evidentiary support or explanation. Dr. Kesidis’s use of present tense makes it unclear as to whether all control panels at the time of the invention necessarily displayed the information he describes or that that information necessarily persisted after termination of power of the control panel such that it would have been stored in nonvolatile memory. *See* Ex. 1009 ¶ 415 (“Security system control panels *display* information to users, for example, during initial setup, when the security system’s settings are being modified, and in the course of normal day-to-day operation of the security system.”) (emphasis added). Dr. Kesidis also fails to cite support in Saylor that set-up options and settings were necessarily displayed on control panel 220. Nor does Dr. Kesidis cite to other contemporaneous evidence to support his opinion.

Given the minimal disclosure in Saylor regarding the components of control panel 220 and what information was stored in nonvolatile memory or displayed on the control panel, Petitioner fails to show sufficiently that Saylor inherently discloses that control panel 220 includes the claimed display and nonvolatile memory.

Mobile phone 240

Petitioner also contends that Saylor’s mobile phone 240 “includes a display for displaying content to a consumer,” citing to Figure 2 of Saylor. Pet. 27. Petitioner contends that “[t]o display information to a consumer[,] mobile phone 240 necessarily includes operating system software,

application software, and nonvolatile memory for storing files of data content for display.” *Id.* at 27 (citing Ex. 1009 ¶ 416). As with its contention regarding Saylor’s control panel, Petitioner provides no explanation in the Petition for why mobile phone 240 necessarily includes the claimed components. Rather, Petitioner cites to testimony of its declarant, Dr. Kesidis, who opines as follows:

Mobile phone 240 must also necessarily have operating system software, application software, and nonvolatile memory for storing files of data content for display to users. Mobile phones display information to users, for example, when users make calls, receive calls, look up call history, and access content information in an address book. As with the home security control panels, the mobile phones must store such information in data content files in non-volatile memory so that the information can persist been [sic] uses. Additionally, the mobile phones must have application software to provide the logic for displaying that information and operating system software to host that application software (as well as other software).

Ex. 1009 ¶ 416.

Petitioner has not shown sufficiently that Saylor discloses that “mobile phone 240”—which Petitioner contends is a second “consumer device asset”—has “nonvolatile memory for storing files of data content for display to a consumer user of the device” and “a display apparatus for displaying the stored data content.” Petitioner relies on the depiction of mobile device 240 in Figure 2, apparently because the mobile device appears to have a display. Petitioner also asserts, however, that the claimed consumer device asset is a mobile phone with a built-in panic button, relying on a disclosure in Saylor that wireless panic buttons “may be built into mobile phones, cars, walkmen, bicycles, wristwatches and/or other portable

or mobile devices.” Pet. 27 (quoting Ex. 1010, 5:8–13). Saylor describes such a mobile phone with a panic button as an example of a security device for “Individuals” 114 illustrated in Figure 1 (with accompanying control panel 124). Ex. 1010, 5:8–13; *see also* Pet. 36–37 (Petitioner relying on element 114 in Figure 1 as the mobile phone “consumer device asset”). Saylor does not describe the display or the memory of any such mobile phones with built-in panic buttons. Nor does Saylor describe the components of mobile device 240 shown in Figure 2. *See, e.g.*, Ex. 1010, 5:62–6:3. Even though mobile device 240 shown in Figure 2 appears to include a display, Saylor does not describe the display or describe what is displayed on the display. Saylor also does not describe any memory components of the mobile device 240.

Petitioner’s one sentence in its Petition regarding inherency is conclusory and lacks any explanation. Petitioner’s declarant’s testimony is likewise conclusory, without sufficient evidentiary support or explanation. Again, Dr. Kesidis’s use of present tense makes it unclear as to whether all mobile phones with built-in panic buttons at the time of the purported invention necessarily displayed the information he describes or that that information necessarily persisted after termination of power of the mobile phone such that it would have been stored in nonvolatile memory. *See* Ex. 1009 ¶ 416 (“Mobile phones *display* information to users, for example, when users make calls, receive calls, look up call history, and access content information in an address book.”) (emphasis added). Dr. Kesidis also fails to cite support in Saylor that data content stored in nonvolatile memory was displayed on the mobile phone that had a built-in panic device. Nor does Dr. Kesidis cite to other contemporaneous evidence to support his opinion.

Given the minimal disclosure in Saylor regarding the components of a mobile phone with a built-in panic button and no disclosure of information stored in nonvolatile memory or displayed on the mobile phone, Petitioner fails to show sufficiently that Saylor inherently discloses that a mobile phone with a built-in panic button includes the claimed display and nonvolatile memory.

Summary

The information presented does not establish a reasonable likelihood that Petitioner would prevail in showing that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor and Loughran. Petitioner relies exclusively on Saylor for disclosing “a plurality of consumer device assets . . . , each asset having . . . nonvolatile memory for storing files of data content for display . . . and a display apparatus for displaying the stored data content.” Pet. 26–28. Petitioner does not show sufficiently that Saylor expressly or inherently discloses that each of the purported plurality of consumer device assets includes the claimed nonvolatile memory and display apparatus.

b. Independent claim 20

Independent claim 20 is similar to claim 1 but recites two pluralities of consumer device assets—a first plurality “wirelessly connected to a cellular mobile telecommunications network” and a second plurality “wirelessly connected to the Internet.” Petitioner contends that the “first plurality of consumer device assets” are “the cellular phones of multiple users being monitored concurrently by the central security server.” Pet. 54. Petitioner contends that the “second plurality of consumer device assets” are “the control panels 220 of multiple homes being concurrently monitored by

the central security server.” *Id.* at 55. Petitioner relies on its analysis of claim 1 for the requirements of claim 20 that each asset of the first plurality of consumer device assets and each asset of the second plurality of consumer device assets have “nonvolatile memory for storing files of data content for display . . . and a display apparatus for displaying the stored data content.” *Id.* at 54–55.

Patent Owner raises the same arguments for claim 20 that it raises for claim 1. *See* Prelim. Resp. 49–50.

Having reviewed the record, for the reasons explained above in connection with claim 1, the information presented does not establish a reasonable likelihood that Petitioner would prevail in showing that claim 20 is unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor and Loughran. Petitioner does not show sufficiently that the following limitations would have been obvious: (i) “a first plurality of consumer device assets . . . , each asset having . . . nonvolatile memory for storing files of data content for display . . . and a display apparatus for displaying the stored data content”; and (ii) “a second plurality of consumer device assets . . . , each asset having . . . nonvolatile memory for storing files of data content for display . . . and a display apparatus for displaying the stored data content.”

c. Dependent claims 2–19 and 21–30

Claims 2–19 of the ’007 patent depend directly or indirectly from claim 1 and claims 21–30 depend directly or indirectly from claim 20. In addressing the patentability of the dependent claims, Petitioner does not add to its patentability analysis concerning the limitations of claims 1 and 20. *See* Pet. 38–53, 56–67.

For the reasons explained above in connection with independent claim 1, the information presented does not establish a reasonable likelihood that Petitioner would prevail in showing that (i) claims 2, 3, 6–18, and 23–30 are unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor and Loughran, (ii) claims 4, 19, and 21 are unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor, Loughran, and Chow, (iii) claim 5 is unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor, Loughran, and GSM Security, or (iv) claim 22 is unpatentable under 35 U.S.C. § 103(a) as obvious over Saylor, Loughran, GSM Security, and Kuskin.

III. CONCLUSION

For the above reasons, we determine that the information presented does not establish a reasonable likelihood that Petitioner would prevail in showing that claims 1–30 of the '007 patent are unpatentable on the grounds asserted in the Petition.

IV. ORDER

Accordingly, it is

ORDERED that the Petition is denied as to all challenged claims, and no trial is instituted.

IPR2017-01894
Patent 8,504,007 B2

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