

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, LLC,

Petitioner,

v.

OZMO LICENSING LLC,

Patent Owner.

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Case No. IPR2023-00193

U.S. Patent No. 9,264,991

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**PATENT OWNER'S DEMONSTRATIVE EXHIBITS FOR ORAL  
ARGUMENT**

Pursuant to the Board's Order Setting Oral Argument (Paper 27) and the parties' Joint Stipulation, Request, and Request in the Alternative (Paper 30), and further subject to the Board's rulings on the parties' pending Joint Motion to Terminate the Proceeding (Paper 29) and Joint Stipulation, Request, and Request in the Alternative (Paper 30), Patent Owner Ozmo Licensing LLC hereby submits the following demonstrative exhibits for use at the oral argument scheduled for March 19, 2024.

Respectfully submitted this 15<sup>th</sup> day of March, 2024.

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***Lead Counsel for Patent Owner,  
Ozmo Licensing LLC***

# Demonstratives of Patent Owner Ozmo Licensing LLC

Inter Partes Review No.: IPR2023-00193  
U.S. Patent No. 9,264,991

*Unified Patents, LLC*  
Petitioner

v.

*Ozmo Licensing LLC*  
Patent Owner

**Oral Hearing: March 19, 2024**  
**Before the Patent Trial and Appeal Board**

# Petitioner's Invalidity Grounds

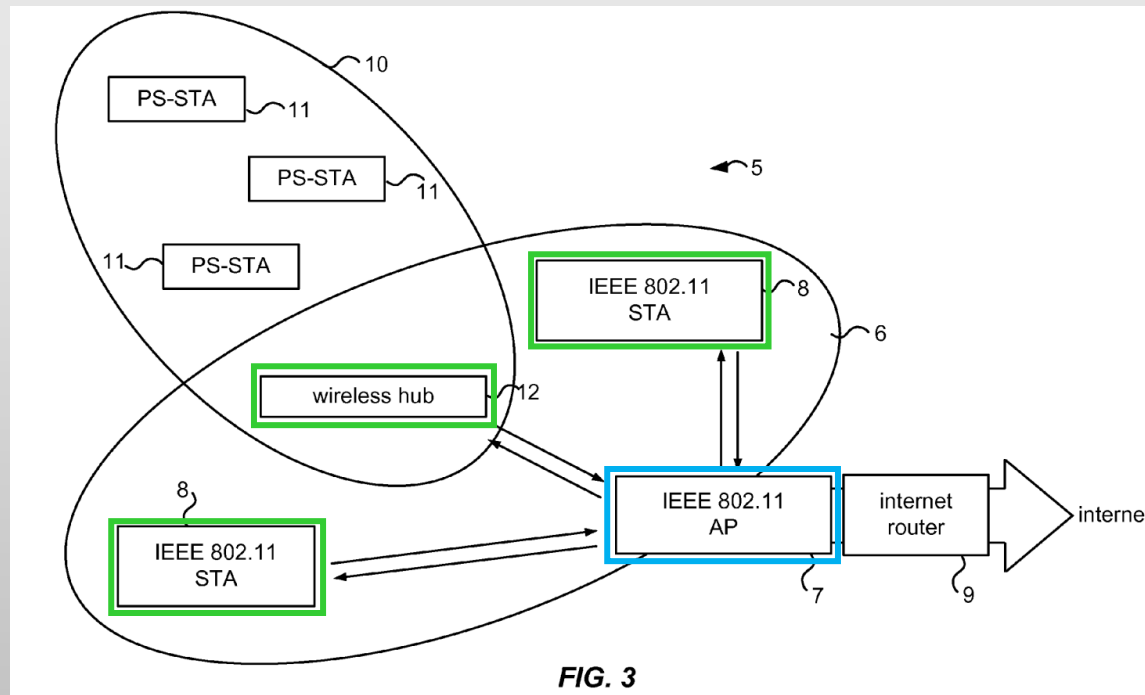
| Ground | References <sup>1</sup>                                  | Basis                     | Claims                     |
|--------|----------------------------------------------------------|---------------------------|----------------------------|
| 1      | <i>Cromer</i> (Ex-1004) in view of <i>Ganu</i> (Ex-1005) | Pre-AIA §103 <sup>2</sup> | 1, 3-4, 6-7, 14, and 16-17 |
| 2      | Ground 1 further in view of <i>Sinivaara</i> (Ex-1006)   | Pre-AIA §103              | 1, 3-4, 6-7, 14, and 16-17 |
| 3      | Ground 1 further in view of <i>Judd</i> (Ex-1019)        | Pre-AIA §103              | 15, 18                     |
| 4      | Ground 2 further in view of <i>Judd</i>                  | Pre-AIA §103              | 15, 18                     |

Source: Pet. at 1 (footnotes omitted)

- All grounds require the Cromer-Ganu combination

# Overview of the '991 Patent

- Wireless local area network (WLAN) is a common type of wireless network
- In a WLAN
  - Wireless-enabled devices (laptops, printers, smartphones, etc.), called STAs
  - Connect to an access point (AP)
  - For communicating with each other, and for accessing the Internet



Sources:

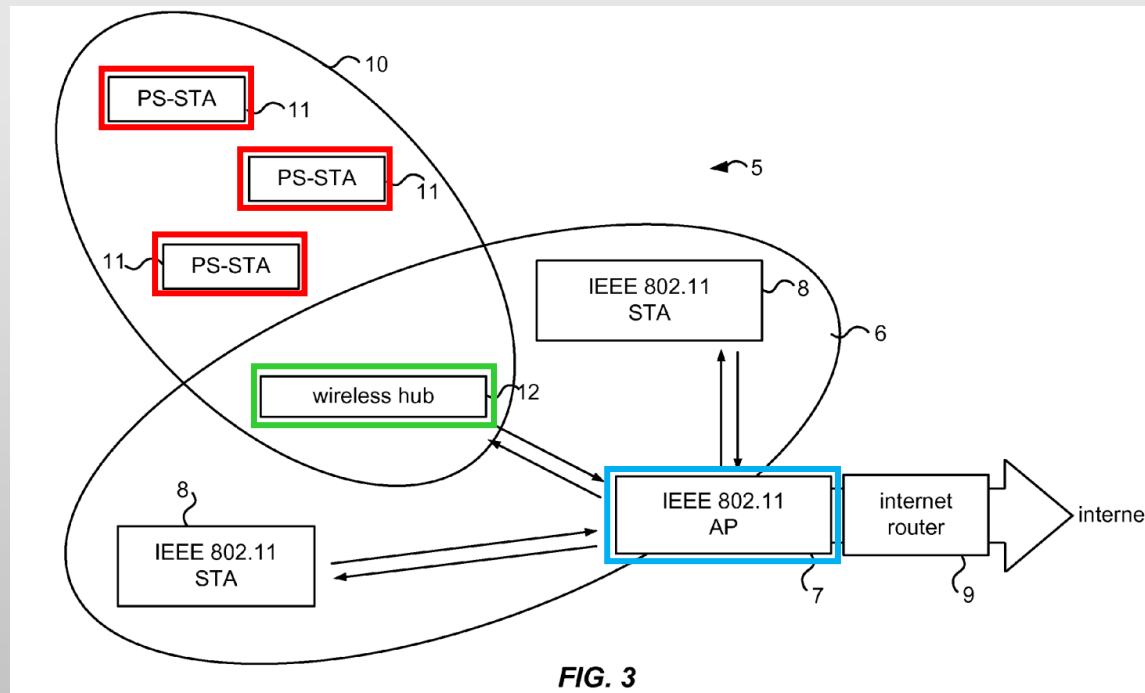
Pet. at 3

POR at 2; EX2004, ¶15

EX1001, 1:32-2:13, 10:3-8, FIG. 3

# Overview of the '991 Patent (Cont'd.)

- **Wireless peripheral devices** (mouse, headphone, etc.)
  - Are often low-power, battery-operated devices
  - May connect to a **laptop (STA)** and not directly to an **AP**
  - The '991 Patent describes these peripherals as power-sensitive STAs (**PS-STAs**)
  - The intermediary STA functions as a “**hub**” for one or more **PS-STAs**



Sources:

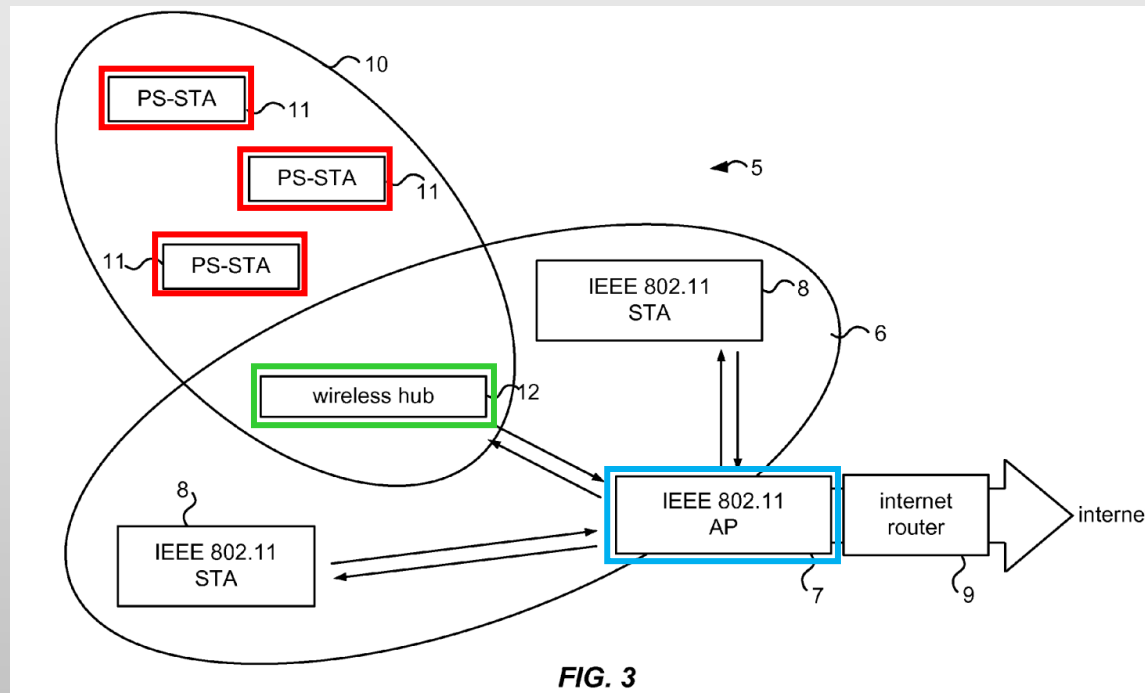
Pet. at 3

POR at 3; EX2004, ¶¶16-18

EX1001, 9:28-51, 10:9-30, FIG. 3

# Overview of the '991 Patent – Problems to Be Solved

- Because the **peripherals** are typically low-power devices
  - They may not be able to support the standard WLAN protocols
  - Communication between a **peripheral** and **STA/hub** is often not sensed by other **STAs** / **AP**
  - Another **STA** / **AP** may transmit data while communication with a **peripheral** is on-going
    - This can create an interference



Sources:

Pet. at 2

POR at 3-4; EX2004, ¶¶15-20

EX1001, 2:37-3:24, 9:28-51, FIG. 3

## Overview of the '991 Patent – Problems to Be Solved (Cont'd.)

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- One solution to the problem that low-power peripherals may not support a WLAN protocol:
  - Use a different protocol, e.g., Bluetooth, Zigbee, designed for low-power communication
- But this creates a different problem for the STA functioning as the hub
  - Such a hub requires additional circuitry / software to support two different protocols
- A lack of synchronization between two protocols can exacerbate the interference problem

Sources:

POR at 3-5; EX2004, ¶¶18-20  
EX1001, 2:14-36, 8:64-9:3

# Overview of the '991 Patent – Proffered Solution

- A hub is provided that can communicate across two networks
  - A primary wireless network (PWN), using a first / primary protocol, and
  - A secondary wireless network (SWN), using a second / overlay protocol
- The overlay protocol
  - **Shares certain aspects** with the first / primary protocol
    - Allowing reuse of some hardware used for communication using the first protocol
  - Is **only partially compliant** with the first protocol, so as to **reduce interference**

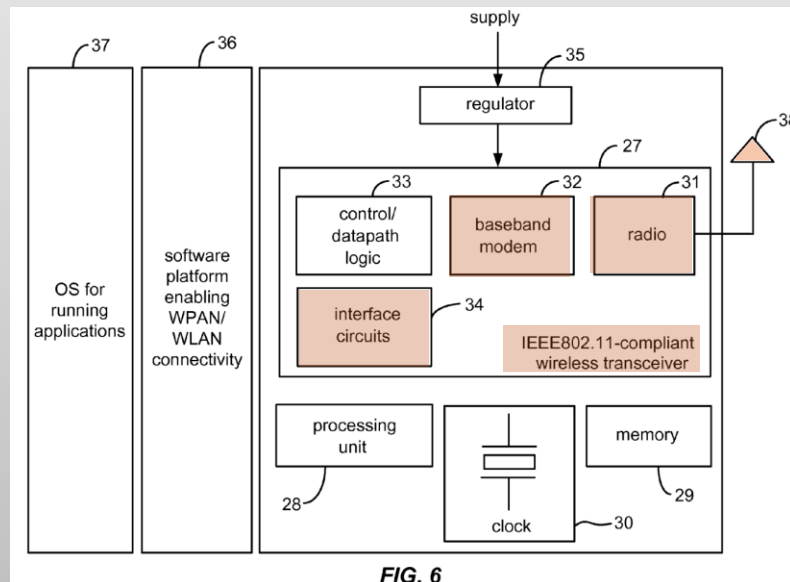


FIG. 6

Integration of low-power short-range networks in the ubiquitous WLAN infrastructure results in cost savings since **already-present hardware can be re-used**. Little or no

can communicate without interference. To **reduce interference**, the computing device **coordinates the usage** of the wireless medium with devices of a WLAN that may be active in the same space. **Coordination is achieved by** the use of a **secondary network (WPAN) protocol that is an overlay protocol that is partially compatible with the WLAN protocol**, but not entirely, in terms of power, frame contents and sequences, timing, etc. The secondary network (WPAN) protocols might be 802.11x frames with new frame arrangements adapted for WPAN needs, such as reduced latency, power etc.

Sources:  
POR at 5-6; EX2004, ¶¶23-26  
Sur-Reply at 7-8  
EX1001, 8:64-9:3, 9:53-64, FIG. 6

# Cromer and Ganu Cannot Be Combined

- Petitioner argues that Cromer-Ganu combination meets the “overlay protocol” limitation
- In particular:
  - Claim 1 recites a “second network protocol [that] is an overlay protocol ... in that communications using the second network protocol are partially consistent with the first network protocol”
  - Petitioner argues:
    - Cromer discloses the infrastructure-mode protocol as the “first network protocol”
    - Ganu discloses a *modified* ad-hoc mode protocol that is partially consistent, e.g., conforms to a part, but not entirely of Cromer’s infrastructure-mode protocol
- **But Petitioner’s Cromer-Ganu combination is untenable, because:**
  - It either renders Cromer inoperable for its purpose – or –
  - Renders Ganu inoperable for its purpose
    - The purposes of Cromer and Ganu both cannot be maintained simultaneously
- **Cromer-Ganu combination cannot meet Claim 1 preamble [1pre] together with limitations [1e.2] and [1h] simultaneously**

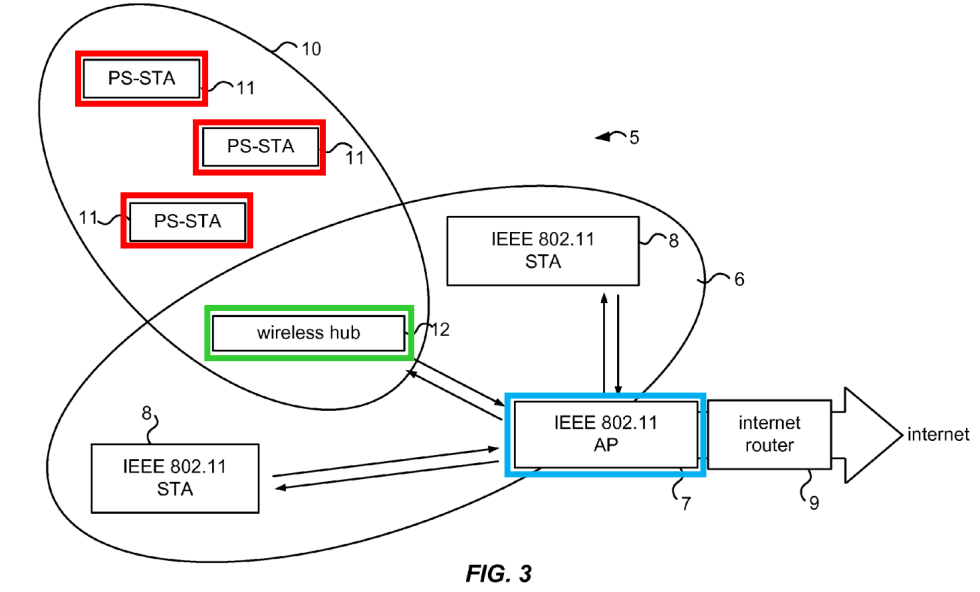
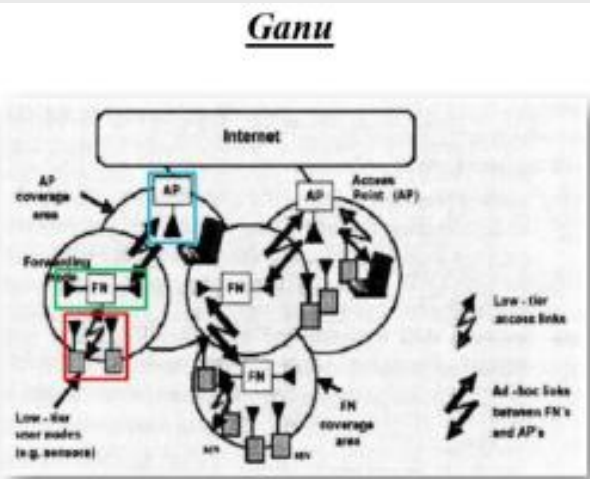
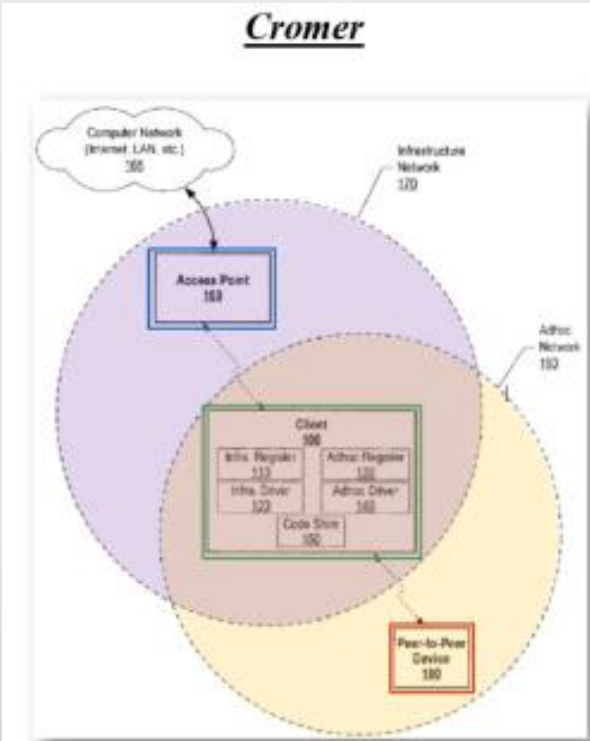
Sources:

Pet. at 47-51, 53-56

POR at 25-39, EX2004, ¶¶ 80-87

Sur-Reply at 13-19

# Petitioner's Superficial Comparison of Cromer, Ganu, and '991 Patent



Sources:  
Rep. at 23; EX1035 at 22  
Sur-Reply at 13-14  
EX1001, FIG. 3

|                         | Cromer                    | Ganu                  | '991 Patent  |
|-------------------------|---------------------------|-----------------------|--------------|
| Peripheral Node         | Peer-to-Peer (P2P) Device | Mobile Node (MN)      | PS-STA       |
| Intermediate / Hub Node | Client Device*            | Forwarding Node (FN)* | Wireless Hub |
| Internet Connected Node | Access Point (AP)         | AP                    | AP           |

\* These nodes are not “hub” per Claim 1. Throughout the presentation, they are referred to as “hub” for the sake of comparison only.

# Cromer-Ganu Contrast – Cromer's Operation

- Cromer's **client device (“hub”)** selects **P2P device (peripheral)** to which client (“hub”) wants to connect

network and a WPAN network. For example, the user's client may display a presentation by interfacing to a projector over a WPAN, and request access to the Internet over a WLAN.

FIG. 5 is a flowchart showing steps taken in a client's wireless device loading configuration profiles based upon configuration and network modes. Processing commences at 500, whereupon a determination is made as to whether to operate in a single configuration mode or a dual configuration mode based on whether both WLAN and WPAN network connections are required by the client (decision 510). This is dynamically decided based upon applications that are being run by a user, such as printing to a WPAN-based printer while connected to an infrastructure WLAN.

new network profile (decision 410). For example, a user may travel to a new worksite and wish to use a particular overhead projector that communicates on a WPAN. In this example, the user adds an adhoc network that corresponds to the overhead projector's WPAN.

Sources:

POR at 8-9

Sur-Reply at 15-16

EX1004, 2:2-4, 5:2-4, 5:38-45, FIG. 1

# Cromer-Ganu Contrast – Ganu’s Operation

- In Ganu, in the opposite manner, the **MN (peripheral)** is in charge of selecting a **FN (“hub”)**

*Mobile Node (MN)*, is a mobile end-user device (such as a sensor or a personal digital assistant) at the lowest tier (tier 1) of the network. The MN attaches itself to one or more nodes at the higher tiers of the network in order to obtain service using a discovery protocol. The

For our implementation, energy conservation at the MNs was chosen as the objective and the discovery metric was based on minimizing the transmit power consumption at the MNs. We modified the device drivers to append transmit

exchanged information. The MNs are not involved in the routing mechanism and simply forward their data to the best cost parent selected by the discovery procedure.

Sources:

POR at 9-12

Sur-Reply at 16-17

EX1005, p. 880, col. 2, p. 882, cols. 1-2, Fig. 1

# Cromer-Ganu Contrast

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## Cromer

- Client device (“hub”) selects P2P device (peripheral) to which client (“hub”) wishes to connect

## Ganu

- MN (peripheral) selects FN (“hub”) to which MN (peripheral) wishes to connect

If Alice goes to a new worksite, and wishes to use a particular projector

- Alice’s laptop (client device (“hub”)) **can select** that particular projector (P2P device (peripheral))
- To minimize its own energy consumption, the projector (MN) chooses the “best cost parent,” which may be an FN (or even an AP) that is not Alice’s laptop
- Alice’s laptop (FN (“hub”)) **cannot select** that projector (MN (peripheral))

Sources:

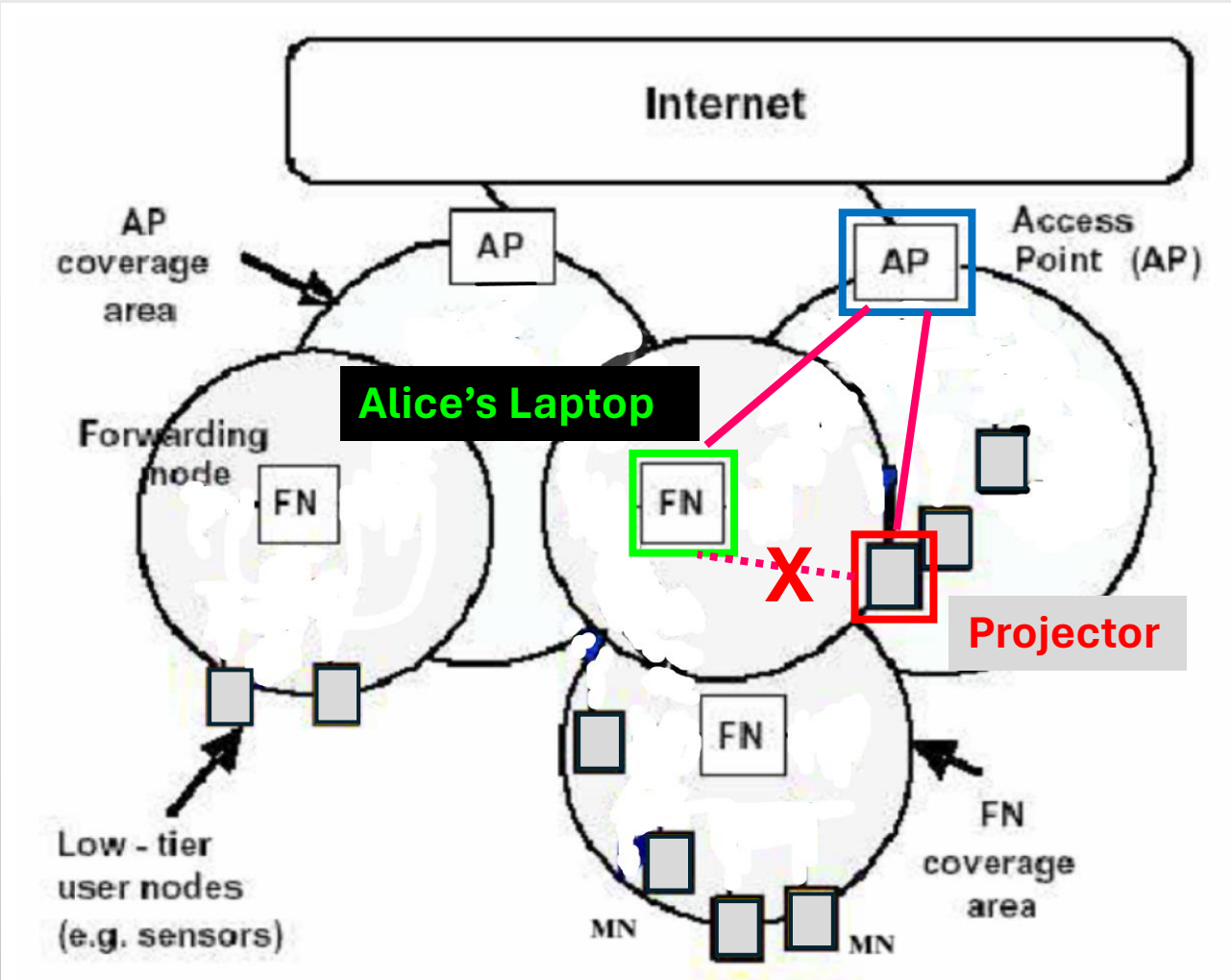
POR at 8-12  
Sur-Reply at 13-19  
EX1004, 5:2-4  
EX1005, p. 882, col. 2

## Cromer-Ganu Combination Renders Either Ganu or Cromer Inoperable

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- Per Cromer's system, if Alice's laptop ("hub") forces a connection with a particular projector (peripheral)
  - Ganu's discovery protocol, *i.e.*, the modified ad-hoc mode protocol, which is the alleged "overlay protocol," is not employed
  - The projector (MN per Ganu) has not selected the "best cost parent"
- **Thus, Ganu's stated purpose is inoperable**

Sources: POR at 25-39; Sur-Reply at 13-19



- In Ganu's system
  - The **projector (MN)** can select any available FN, or directly the **AP** as shown, to minimize the energy consumption at the **projector (MN)**
  - Even though **Alice's laptop** may want to connect to that particular **projector (peripheral)**, that **laptop ("hub") cannot select** that or any other projector
- **Thus, Cromer-Ganu combination destroys Cromer's purpose and renders its system inoperable**

Sources: POR at 25-39; Sur-Reply at 13-19

# Cromer-Ganu Combination Cannot Succeed

- A POSITA would know that Cromer-Ganu combination
  - **Renders either Ganu or Cromer inoperable for their respective purposes**, and
  - It also cannot meet Claim 1 preamble [1pre] together with limitations [1e.2] and [1h]

|                 |                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------|
| Preamble [1pre] | “A network-enabled <b>hub</b> ”                                                                                                |
| [1e.2]          | “ <b>maintaining</b> at least a first network connection ... and a <b>second network connection</b> ”                          |
| [1h]            | “ <b>implement[ing] data forwarding logic</b> ... that forwards data between <b>[nodes] of the first and second networks</b> ” |

- In Cromer-Ganu combination, because **Alice’s laptop (“hub”)** cannot select the desired **projector (node in second network)**, the laptop (“hub”) cannot:
  - Maintain second network connection – fails to meet [1e.2]
  - Forward data between the AP (node in first network) and the desired projector (node in second network) – fails to meet [1h]
- **Therefore, a POSITA would know that this combination cannot succeed**

Sources: POR at 25-39; Sur-Reply at 13-19

# Purported Benefits of Cromer-Ganu Combination Are Untenable

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- To recap, Cromer-Ganu combination is unworkable because it renders inoperable:
  - Either Ganu, if Cromer's client device ("hub," like Ganu's FN) selects projector / P2P device (peripheral, like Ganu's MN), Ganu's discovery protocol is not employed – or –
  - Cromer, if Ganu's discovery protocol is used, Cromer's client device ("hub") cannot select a desired projector / P2P device (peripheral)
- **Because the combination is unworkable, its purported benefits listed below are immaterial**
  - Power saving
  - Data forwarding
  - Reduction of interference
- **Moreover, the combination cannot not achieve these benefits without violating Cromer**

Source: Sur-Reply at 19-20

# Cromer-Ganu Combination Cannot Yield Power Savings

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- In Ganu, the discovery protocol yields power savings because
  - It allows MN to minimize its energy consumption by allowing MN to select its best cost parent, which can be an FN or an AP
- But if Ganu's discovery protocol is used
  - Cromer's client device ("hub") cannot select a desired projector / P2P device (peripheral)
  - **This renders Cromer inoperable for its intended purpose**
- On the other hand, if Ganu's discovery protocol is not employed Cromer-Ganu combination
  - **No power savings can be achieved**

Source: Sur-Reply at 13-21

# Cromer-Ganu Combination Cannot Perform Data Forwarding

- Claim 1 recites, in part:

|                 |                                                                                                                                                                                    |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preamble [1pre] | “A network-enabled <b>hub</b> ”                                                                                                                                                    |
| [1e.2]          | “ <b>maintaining</b> at least a first network connection [to the AP node] and <b>a second network connection</b> ” to the <b>desired peripheral node</b>                           |
| [1h]            | “ <b>Implement[ing] data forwarding logic</b> ... that forwards data between an originating node [e.g., AP node] and a destination node,” e.g., the <b>desired peripheral node</b> |

- Using Ganu’s discovery protocol, MN (peripheral) selects best cost parent, FN (“hub”) or AP
  - Cromer’s client device (“hub”) cannot select the desired projector/P2P device (peripheral)
  - Cannot forward data between client device (“hub”) and desired projector (peripheral)
  - This renders Cromer inoperable for its intended purpose**
- In contrast, if Cromer’s client device (“hub”) is allowed to connect to a desired projector, printer, etc., *i.e.*, a P2P device (peripheral)
  - Ganu’s discovery protocol is not used
  - No local neighbor table used for routing in Ganu is generated
  - Ganu’s routing / data forwarding cannot be implemented in Cromer-Ganu combination**

Source: Sur-Reply at 13-23

# Cromer-Ganu Combination Does Not Reduce Interference

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- To show interference reduction, Petitioner
  - Does not point out any particular feature of Cromer-Ganu combination
  - Alleges that Cromer and Ganu both utilize known interference reduction techniques of 802.11, including “operating on different channels” and “CSMA-CA techniques”
- '991 Patent Inventors
  - Knew of these interference reduction techniques
  - Recognized the need / provided additional techniques for reducing interference when STA in WLAN (primary network) acts as coordinator/hub for a WPAN (secondary network)
- Example: coordination of inactivity period between STA / hub and peripheral in WPAN
- **Petitioner does not point out any such additional interference reduction techniques in Cromer-Ganu, where the interference is reduced by the overlay protocol**

Sources:

Rep. at 16-17; EX1035, ¶26; EX1003, ¶¶139-144

Sur-Reply at 13-24

# Cromer-Ganu Combination Does Not Reduce Interference (Cont'd.)

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- **Cromer or Ganu do not suggest coordination of beacon frames, and it is nevertheless insufficient to reduce interference**
  - Dr. Haas states that it would be obvious “for [Cromer’s] client device 100 to issue its WPAN beacons at times that minimized interference with [Cromer’s] AP 160”
  - But **neither** Cromer **nor** Ganu contemplates or remotely suggests such coordination between the beacons at a client device
  - Moreover, even if collision / interference between beacon frames is avoided:
    - Client beacon frames and other frames can **nevertheless interfere** with
      - Other frames from APs, other clients, and P2P devices in Cromer-Ganu combination

Sources:

Rep. at 16-17; EX1035, ¶26; EX1003, ¶¶139-144  
Sur-Reply at 13-24

# Cromer-Ganu Combination Does Not Reduce Interference (Cont'd.)

- Ganu's use of two radio cards is also insufficient to reduce interference

higher-tier APs defined below. Optionally, an FN may have two radio cards, one for traffic between FNs and MNs and another for inter FN and FN-AP traffic flows (typically carried on a different frequency). The FN is

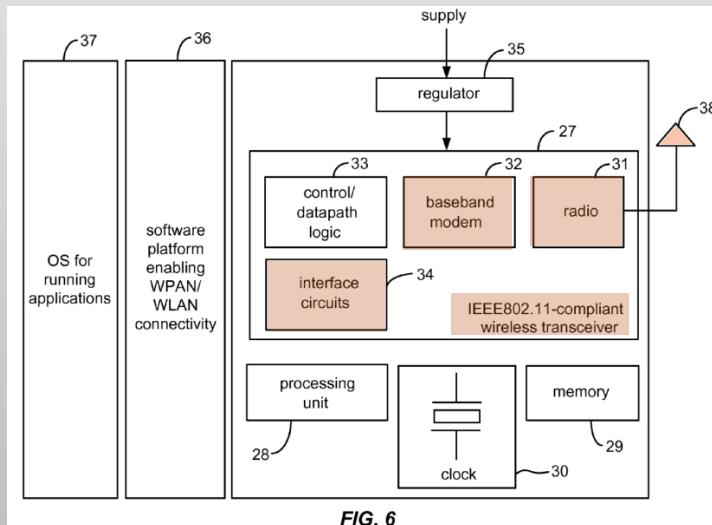
- This can reduce interference at a FN (“hub”)
- This entails using different frequency channels – which was a **known** 802.11 technique
- It can also **increase** interference at MNs (peripherals) / AP

Sources:

Rep. at 16-17; EX1035, ¶26; EX1003, ¶¶139-144  
Sur-Reply at 13-24  
EX1005, p. 881, col. 1

# Ganu Does Not Teach or Suggest “Overlay Protocol”

- First, the fact that **Cromer and Ganu are incompatible** with each other
  - Because their combination renders the purpose of at least one of them inoperable
  - **Is independent of whether or not Ganu teaches/suggests “overlay protocol”**
- Per Petitioner, Ganu’s modified ad-hoc mode protocol is an overlay protocol because
  - It is allegedly partially consistent with the 802.11 protocol in that
    - It “**share[s] the un-modified aspects** of the 802.11 standard used by the 802.11 infrastructure[-mode], WLAN protocol”
  - This is consistent with ’991 Patent, which describes hardware reuse for shared aspects:



Integration of low-power short-range networks in the ubiquitous WLAN infrastructure results in cost savings since **already-present hardware can be re-used.** Little or no

Sources:

Pet. at 53; Ex. 1003 ¶¶ 139–144; Ex. 1010, 27–31  
Decision on Institution at 16  
EX1001, 8:64-9:3, 9:53-64, FIG. 6

## Ganu Does Not Teach or Suggest “Overlay Protocol” (Cont’d.)

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- **To share** the un-modified aspects of the 802.11 infrastructure-mode, WLAN protocol
  - The overlay protocol must be at the same layer as that of the underlying WLAN protocol
- Ozmo **did not argue that “overlay protocol”**:
  - Implicitly requires an OSI Layer 2 protocol – or –
  - **Must be construed as a Layer 2 protocol**
- Rather, Ozmo argued only that
  - Underlying “first network protocol” and corresponding “second network protocol” which is an “overlay protocol” must be at the same layer
  - So that their un-modified aspects can be shared
- Cromer’s protocol for client device to AP communication is 802.11 infrastructure-mode, WLAN protocol, *i.e.*, a Layer 2 protocol
- **Accordingly, “overlay protocol” in Cromer-Ganu combination must also be a Layer 2 protocol**

Source: Sur-Reply at 3-5

# Ganu Does Not Teach Partially Consistent Layer 2 Protocol

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Based on these results, we use augmented 802.11 MAC beacons and associations in SOHAN to support neighbor discovery and determination of the logical topology. Note also that for ease of implementation, the beacons used in the prototype are application-level packets, since actual 802.11 beacons are generated by the firmware in most of the existing 802.11b network adapters and are not customizable.

- Thus, Ganu is explicit in stating that its “augmented,” *i.e.*, modified, **application-level** protocol is **not** a modification of the 802.11 ad-hoc mode protocol, which is a Layer 2 protocol
- **Thus, Ganu does not teach a partially consistent Layer 2 protocol**

Sources:  
Sur-Reply at 3-5  
EX1005, p. 882, col. 1

# Ganu Does Not Suggest Partially Consistent Layer 2 Protocol

- Regarding its experiment using “application-level” packets, Ganu states:

also dropped. This resulted in extremely large discovery times, which further amplified the problem of packet loss. However, using firmware-generated beacons should solve this problem. Fig. 8b shows that the end-to-end delay even

predictions from simulation. It is observed that implementing the discovery protocol in firmware will result in better network performance.

- Thus, Ganu merely contemplates discovery protocol implemented at Layer 2
- **Ganu does not inform how** such a Layer 2 protocol can be implemented
- Dr. Sharony did explain such an implementation
  - But that implementation yields a Layer 2 protocol that is **fully consistent** with – not only partially consistent with – the standard 802.11 protocols

Sources:

Sur-Reply at 9-13

EX2004, ¶93

EX1005, p. 882, col. 1, p. 884, cols. 1-2

## Ganu Does Not Suggest Partially Consistent Layer 2 Protocol (Cont'd.)

- Ganu's augmented discovery protocol includes Tx/Rx Power fields included in beacon and association messages

```
typedef struct wl_beacon  
(or wl_assoc)  
{  
    uint32 msg_type;  
    uint32 node_type;  
    uint32 node_id;  
    uint32 channel;  
    uint32 beacon_no;  
}wl_beacon (or wl_assoc);
```

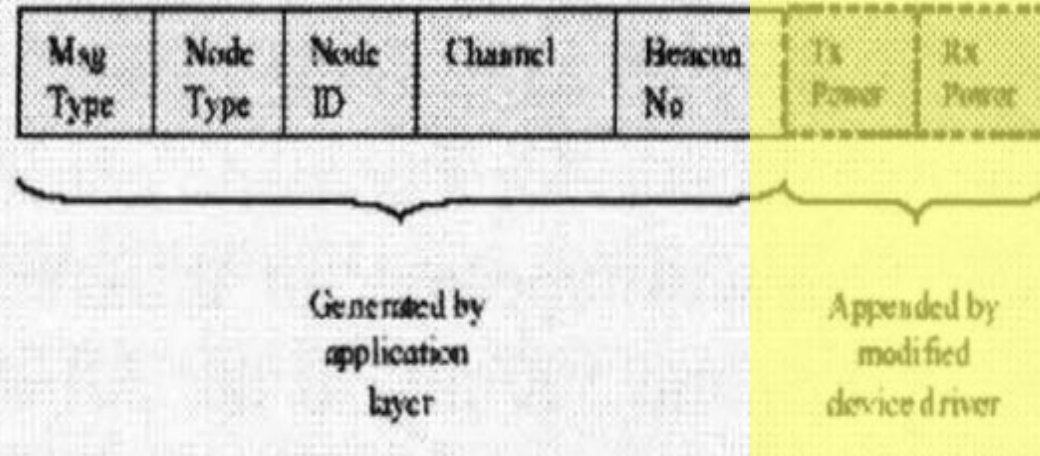


Figure 4. Beacon and Association Message Format

Sources:

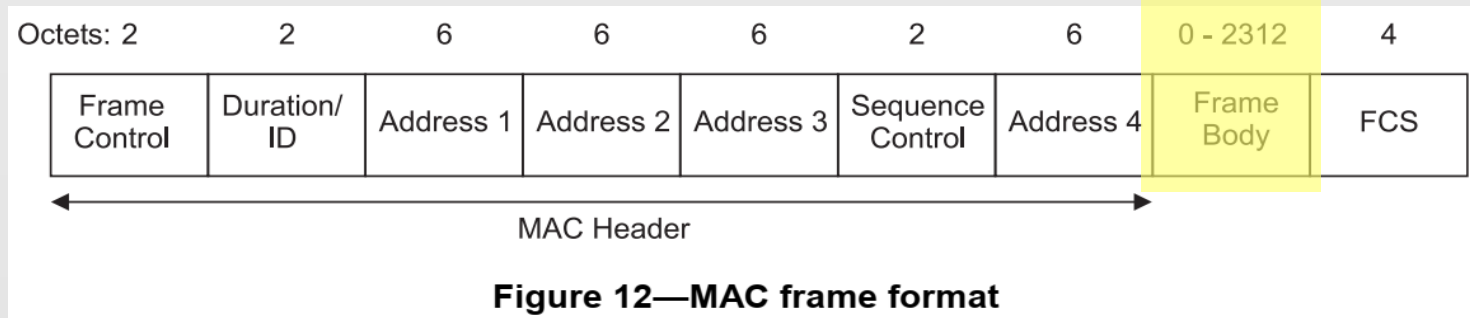
Pet. at 49

Sur-Reply at 11-12

EX1005, p. 882, col. 1

## Ganu Does Not Suggest Partially Consistent Layer 2 Protocol (Cont'd.)

- Standard 802.11 beacon and association message frames are management frames
- Standard 802.11 management frames include payloads in the frame body



- Dr. Sharony explained that Tx/Rx fields can be included in the frame body as a payload
- Such a frame is **fully consistent**, **not** only partially consistent, with the standard 802.11 protocol
- Dr. Haas did not refute this analysis or show how the frames can be modified and made partially consistent in another way
- Thus, **even when implemented in firmware / Layer 2, Ganu's discovery protocol is**
  - Not** partially consistent with a standard 802.11 protocol
  - Hence, **not an “overlay protocol”**

Sources:

Sur-Reply at 9-13, 24-26  
POR at 37-39  
EX2004, ¶93  
EX1029 at 049, 061, 062

# Ganu Does Not Teach or Suggest “Overlay Protocol” – Summary

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- Because Cromer’s infrastructure mode protocol is a Layer 2 protocol, to be partially consistent, “overlay protocol” must also be a Layer 2 protocol
- Ganu only teaches an application-layer discovery protocol
- Ganu only contemplates a firmware-level / Layer 2 implementation of discovery protocol
  - It informs no such implementation
- A possible implementation is **fully**, not partially, consistent with standard 802.11 protocol
- **Therefore, Ganu does not teach or suggest an “overlay protocol” for use with Cromer**
- **Regardless** of whether Ganu teaches / suggests an “overlay protocol”
- **Cromer and Ganu are incompatible** with each other, and their combination fails
  - Because it renders the purpose of at least one of them inoperable

Source: Sur-Reply at 10-13, 24-26

# Summary of Ozmo's Arguments

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- **Cromer-Ganu combination fails because it cannot meet the purposes of Cromer and Ganu both**
  - Cromer requires “hub” to select a peripheral
  - This is inconsistent with Ganu
    - Ganu requires the opposite – for the peripheral to select the best “hub”
- **Purported benefits of Cromer-Ganu combination are untenable**
  - They cannot be achieved if Ganu's discovery protocol is ignored
  - If discovery protocol is employed, Cromer's system cannot operate as intended
    - Cromer's client (“hub”) cannot select the desired projector, printer, etc. (peripheral)
- **Ganu does not teach / suggest “overlay protocol”**
  - Note, Cromer-Ganu combination fails regardless, due to the incompatibility identified above
- **Cromer-Ganu combination is essential all grounds asserted by Petitioner**
- **Because this combination fails, all grounds fail**
- **Therefore, all challenged claims should be found patentable**

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on March 15, 2024 the foregoing *Patent Owner's Demonstrative Exhibits for Oral Argument* is being served electronically by agreement of the parties at the following email addresses:

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