

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZOHO CORPORATION and ZOHO CORPORATION PVT., LTD.,
Petitioners

v.

MEETRIX IP, LLC,
Patent Owner

Case IPR2023-00382
Patent 9,843,612

PATENT OWNER MEETRIX IP, LLC'S SUR-REPLY

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EXHIBIT LIST

Previously Filed – Petitioners

Ex. No.	Description
1001	U.S. Patent No. 9,843,612 (“the ’612 patent”)
1002	Patent Assignments for the ’612 patent
1003	Declaration of Dr. Henry H. Houh
1004	<i>Curriculum Vitae</i> for Dr. Henry H. Houh
1005	File History of Application No. 14/984,709 (the ’709 application)
1006	U.S. Patent No. 7,180,997 (“Knappe”)
1007	U.S. Patent No. 6,690,654 (“Elliott”)
1008	U.S. Patent No. 7,089,285 (“Drell”)
1010	1010 Guichard <i>et al.</i> , “MPLS and VPN Architectures, A practical guide to understanding, designing, and deploying MPLS and MPLS-enabled VPNs,” Cisco Press, 2001 (“VPN Textbook”)
1011	Declaration of Ingrid Hsieh-Yee, Ph.D., under 37 C.F.R. § 1.68
1012	U.S. Patent No. 3,060,265
1013	U.S. Patent No. 4,139,731
1014	U.S. Patent No. 3,601,530
1015	U.S. Patent No. 4,796,293
1016	A Primer on the T.120 Series Standard
1017	T.120 Standard (1996)
1018	U.S. Patent No. 6,237,025
1019	U.S. Patent No. 6,782,413
1020	U.S. Patent No. 6,980,526
1021	Caputo, “Cisco Packetized Voice & Data Integration,” McGraw-Hill, 2000
1022	De Moraes <i>et al.</i> , “The Internet Multicast from ITS: How it was Done and Implications for the Future,” IEEE Communications Magazine, January 1995
1023	U.S. Patent Publication No. 2004/0261116 A1
1024	U.S. Patent No. 6,850,496
1025	U.S. Patent No. 6,553,515
1026	U.S. Patent No. 6,633,848
1027	Computer Desktop Encyclopedia
1033	H.323 Standard

1034	US Patent No. 7,266,091
1035	US Patent No. 5,606,550
1040	WO2001018665 (“Hendricks”)
1041	U.S. Patent No. 6,768,914
1042	U.S. Patent No. 6,501,740
1043	U.S. Patent No. 6,424,647
1044	U.S. Patent No. 6,961,416
1045	U.S. Patent No. 6,011,851
1046	Declaration of C.J. Alice Chuang
1047	Declaration of Carolyn Chang
1048	Declaration of Ryan J. Marton

Previously Filed – Patent Owner

Ex. No.	Description
2001	Declaration of Thomas Dye
2002	Memorandum Opinion and Order Regarding Claims Construction dated December 1, 2017

I. INTRODUCTION

Patent Owner Meetrix IP, LLC (“Patent Owner”) respectfully submits this Patent Owner Sur-Reply. It is being timely filed on or before February 23, 2024, pursuant to the Scheduling Order issued in this proceeding and the Stipulation to Modify Due Date 3. Paper 7 (Scheduling Order) at 12; Paper 14 (Stipulation to Modify Due Date 3).

A. STATEMENT OF RELIEF REQUESTED

Pursuant to 35 U.S.C. § 316, Patent Owner respectfully requests that the Board find that originally issued claims 19-29 of the ’612 Patent are not invalid based upon the instituted grounds of rejection.

B. LEVEL OF ORDINARY SKILL IN THE ART

Petitioners propose that a person of ordinary skill in the art (“POSITA”) as of March 2003 “would have had a bachelor’s degree in computer science, computer engineering, or an equivalent, and three or more years of professional experience relating to conferencing systems in packet-based networks.” Paper 1 (Petition) at 7. Patent Owner believes a POSITA would have a bachelor’s degree in electrical engineering, computer science, or equivalent with two years or more of experience in computing systems development. Exhibit 2001 (Dye Decl.) at ¶3. A POSITA need not have specific experience related to conferencing systems in packet-based networks to understand the ’612 Patent’s invention. An individual with a bachelor’s

degree in electrical engineering or computer science with general experience in computing systems development would clearly have the requisite abilities to understand voice conference calls and internet network communications. The Petitioners desire a more sophisticated definition of a POSITA to permit them to allege knowledge and abilities in combining the prior art in excess of what a true POSITA would possess. The Board should adopt Patent Owner's more reasonable and appropriate POSITA definition.

C. CLAIM CONSTRUCTION

Various terms in the '612 Patent family were construed in a related district court litigation. Exhibit 2002 (Memorandum Opinion and Order Regarding Claims Construction dated December 1, 2017). Petitioners failed to disclose Exhibit 2002, which is material to the resolution of this IPR, to the Board. Even Petitioners concede that "a handful of the listed terms actually appear in the claims of the '612 patent." Paper 13 (Reply) at 2. Hence, the Board should have been made aware of these constructions from the outset to determine whether the prior art presented in the Petition met the claim constructions of these relevant terms.

D. SUMMARY OF PATENT OWNER'S ARGUMENTS

The Board instituted *inter partes* review on claims 19-29, utilizing Knappe, Elliott, VPN Textbook, Hendricks and/or Drell as references.

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
19–21, 25–27	103(a)	Knappe, ² Elliott, ³ VPN Textbook, ⁴ Hendricks ⁵
22–24, 28, 29	103(a)	Knappe, Elliott, VPN Textbook, Hendricks, Drell ⁶

Paper 6 (Decision Granting Institution) at 6.

Patent Owner alerted the Board in its Response that the USPTO has already determined that general VPN textbooks are not alone invalidating prior art, having considered during prosecution, *inter alia*, the following:

- Cisco Systems, Inc., “Multicast VPN Design Guide-Cisco Systems,” Aug. 9, 2003, 25 pgs.
- Cisco Systems, Inc., “Multicast VPN-IP Multicast Support for MPLS VPNs,” 2002, 86 pgs.
- Cisco Systems, Inc., “Networkers: Multicast Support for MPLS/BGP VPNs: RST-322,” cisco.com, 2001, 89 pgs.

Exhibit 1001 (’612 Patent), References Cited/Other Publications. These types of references do not disclose how to implement a VPN tunnel in a web videoconferencing network. Patent Owner did not argue that the VPN Textbook could not be used as prior art, but rather just that this type of general textbook has already been considered and was found not to be invalidating prior art with respect to certain limitations of the claims.

Claims 19-29 should be determined not to be invalid based on the instituted grounds because Knappe would not be combined with Elliott and, in any event, the

asserted references do not disclose a VPN tunnel for transmission of mixed audio data.

II. PATENT OWNER'S RESPONSE TO PETITIONERS' REPLY

A. THE PRIOR ART OF RECORD DOES NOT DISCLOSE GENERATING MULTIPLE STREAMS OF MIXED AUDIO DIFFERENTIATED FOR MULTIPLE RECIPIENTS AS REQUIRED BY INDEPENDENT CLAIMS 19 AND 25

The independent claims refer to mixing of different audio streams comprising different input signals for different recipients. For example, claim 19 recites:

mixing the first audio data with the second audio data into a first mixed audio data;

mixing the second audio data with the third audio data into a second mixed audio data;

mixing the first audio data with the third audio data into a third mixed audio data;

transmitting the first mixed audio data from the server to the PSTN client through the PSTN gateway;

transmitting the second mixed audio data from the server to the first remote client through the first VPN tunnel;

transmitting the third mixed audio data from the server to the second remote client through the second VPN tunnel.

Exhibit 1001 ('612 Patent), claim 19.

No reference discloses this sequence of mixed audio signals. Exhibit 1001 ('612 Patent) at 9:5-53. Drell simply says a single mixer combines “in its broadest and most general sense.” Exhibit 1008 (Drell) at 5:8-25. Knappe says that mixing can be a “suitable mix dictated by the type of multiparty session and/or the

participant.” Exhibit 1006 (Knappe) at 5:33-39. In the Petition and Reply, the Petitioners admit that “Knappe does not identify which specific communications device 16 or PSTN telephone/gateway (in Figure 1) corresponds with which specific participant (in Figure 3). Paper 1 (Petition) at 33; Paper 13 (Reply) at 6. However, they take the liberty of adding significant annotations to these figures to include disclosures Petitioners wish were present. Knappe does not disclose these “mixing” and “transmitting” limitations in the manner claimed. In particular, the use of a VPN tunnel is not disclosed in Knappe, and Elliott/VPN Textbook would not be combined with Knappe to cure this deficiency nor cure this deficiency even if combined for the reasons discussed, *infra*.

B. NONE OF KNAPPE, ELLIOTT NOR THE OTHER PRIOR ART OF RECORD TEACHES OR SUGGESTS “RECEIVING FIRST AUDIO DATA, FIRST VIDEO DATA, AND FIRST COLLABORATION DATA AT A SERVER FROM A FIRST REMOTE CLIENT” OF INDEPENDENT CLAIM 19

Knappe and Elliott would not be combined to disclose the limitations of claim 19. Knappe teaches a method for facilitating a conference or video or audio conferencing between communication devices, including PSTN clients via a network, whereas Elliott discloses a method and system for efficient communication with multiple remote parties separated by a network, enabling multimedia collaboration. In Elliott, a first party, an agent in a call-center, manages interactions with two or more remote parties via a computer program, establishing separate

sessions for each party. This allows independent communication. Elliott simply discloses two independent calls with two independent remote parties connected to a call-center. The two remote parties are not connected to each other, directly or indirectly. This call-center configuration is specifically designed to allow the agent at the call-center to control any information shared with remote parties and would not be combined with the conferencing systems between remote parties of Knappe which allow the remote parties to freely exchange data.

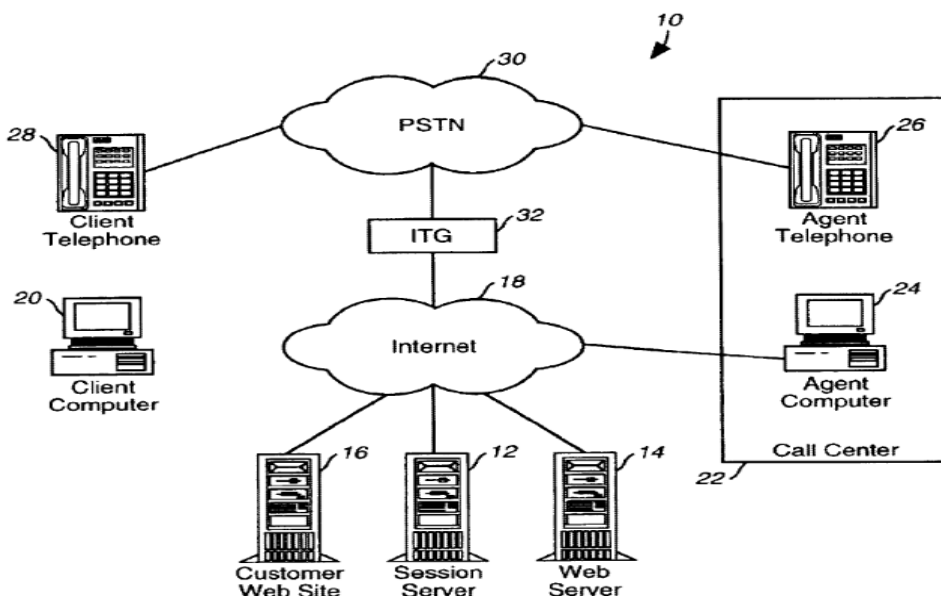


FIG. 1

The only configuration of Elliott's invention is depicted in FIG. 1 (above). Exhibit 1007 (Elliott) at FIG. 1. In the simplest of terms, Elliott embodies a scenario where participants communicate over a traditional PSTN phone line (*e.g.* circuit-switched network) with an agent, but separately utilize an independent data network

(e.g. packet-switched network) to “share” website data.

This arrangement is detailed in the “Summary of the Invention.”

The present invention provides a method and system for communicating with a plurality of remote parties. This method and system allows for multi-media collaboration. A first party, which may be an agent in a call center, receives requests for access from first and second remote parties. Each of these remote parties is provided access to a computer program and a session is initiated for each party. The first party can then independently communicate with the first and second remote parties via the computer program.

Exhibit 1007 (Elliott) at 1:50-59. To the extent Elliott discusses URL push and IP-based collaboration, it refers to sharing website information—not audio data.

Also, in the “Summary of the Invention,” Elliott states:

The preferred embodiment of the present invention also enables control of URL push. A user decides which (if any) URL to push to a remote party. This feature of present invention also allows the user and the remote party to browse independently of each other. When the user decides to push the URL to the remote party, that URL is pushed and the remote party's browser goes to that URL site. But the remote party can then go elsewhere. The remote party can also disable the URL trigger, for example, by hitting the escape key or by closing the program that allows for collaboration.

Exhibit 1007 (Elliott) at 2:14-25. In summary, Elliott discloses how an agent/user can send website information to a remote party. Elliott is clear that “[w]hen an agent logs in ...she sees who (e.g., clients and agents) is currently logged into each session.” Exhibit 1007 (Elliott) at 7:49-52. “The present invention uses

the session server 12 to conduct multiple 1:1, 1:n, n:1 and n:n sessions (referring to, for example, agents:clients).” Exhibit 1007 (Elliott) at 7:57-60. In other words, Elliott discloses at least one agent communicating with at least one remote client—not remote client to remote client communication. In fact, Elliott expressly states that “a client places an Internet telephone call to an agent, he can be automatically placed in a session on the session server 12 in a manner that is transparent to him. That is, it appears to the client that there is a one-to-one direct link with an agent.” Exhibit 1007 (Elliott) at 7:61-65. “One aspect of the present invention is that it allows for independent communication with a number of remote parties. For example, call center 22 may be in simultaneous communications with a plurality of client computers 20. Call center 22 can communicate independently with each of the client computers.” Exhibit 1007 (Elliott) at 7:66-8:4.

Given Elliott’s teaching away of sharing audio data between remote parties, it would not be combined with Knappe which does involve sharing audio and video between remote parties.

Knappe/Elliott also do not disclose collaboration data as a distinct set of data from video and audio. Elliott only discloses pushing URLs or applets to clients using standard Internet techniques. Exhibit 1007 (Elliott) at 3:13-39. Knappe’s teaching is limited to video and audio. Exhibit 1006 (Knappe) at 5:40-48. Its vague references to “data” cannot be reasonably replaced with the claimed “collaboration

data.” Exhibit 2001 (Dye Decl.) at ¶24.

However, even if Elliott is construed to disclose video and collaboration data being shared between remote parties, it expressly teaches away from sharing audio data between remote parties and would not be combined with Knappe to disclose “receiving first audio data, first video data and first collaboration data” as the claim language requires.

C. NONE OF KNAPPE, ELLIOTT, VPN TEXTBOOK NOR DRELL DISCLOSE “THROUGH A FIRST VIRTUAL PRIVATE NETWORK (VPN) TUNNEL” LIMITATION OF INDEPENDENT CLAIM 19 OR THE “FIRST VPN TUNNEL” OR “SECOND VPN TUNNEL” OF CLAIM 23

Elliott teaches combining a traditional analog phone connection with an agent workstation. Elliott would not suggest to a person of ordinary skill in the art that VPN tunneling should or could be implemented to protect voice over the Elliott PSTN phone connection or access to a publicly-available URL on the Web. Exhibit 2001 (Dye Decl.) at ¶21. First, a VPN (a private network of securely connected appliances configured within a public network) cannot be implemented over PSTN. Exhibit 2001 (Dye Decl.) at ¶22. Second, there would be no motivation to protect a direct PSTN connection in the manner claimed. Exhibit 2001 (Dye Decl.) at ¶¶ 21-22.

Elliott enables multimedia collaboration by allowing a first party, an agent in a call-center, to manage interactions with two or more remote parties via a computer

program, establishing separate sessions for each party. This allows independent communication. Elliott is simply talking about two independent calls with two independent remote parties connected to a call-center. The two remote parties are not connected to each other, directly or indirectly. Because Elliott is directed to a different problem, the discussion in Elliott related to VPNs is never in relation to mixed audio as claimed and certainly does not suggest VPN tunneling would be used in transmitting mixed audio. Exhibit 2001 (Dye Decl.) at ¶23. Although Elliott mentions in passing a Virtual Private Network (VPN), its application can only be understood as directed to “network 18,” which is used to connect two computers over the Internet, and not audio data, mixed or otherwise. Exhibit 1007 (Elliott) at 4:6-19.

VPN Textbook does not cure the deficiencies of Elliott in teaching VPN tunneling related to transmission of mixed audio data. Petitioners merely assert that the VPN Textbook discloses “‘more and more business-to-business traffic takes place over the Internet’ and this type of communication is ‘riddled with security issues.’” Paper 13 (Reply) at 15. A POSITA would not have found it obvious to combine Knappe’s conferencing system with the alleged VPN and VPN tunneling technology disclosed in Elliott and the VPN Textbook as Petitioners argue because neither Elliott nor VPN Textbook disclose using a VPN Tunnel to protect mixed

audio.

Claim 19 recites “transmitting the second mixed audio data from the server to the first remote client through the first VPN tunnel” and “transmitting the third mixed audio data from the server to the second remote client through the second VPN tunnel.” Claim 23 recites “a first VPN tunnel” and a “second VPN tunnel” carrying specific data. In summary, a VPN tunnel as recited in claims 19 and 23 is not disclosed or suggested for transmission of mixed audio data by the prior art of record.

D. NONE OF THE PRIOR ART DISCLOSES THE “SECOND VPN TUNNEL” LIMITATION OF INDEPENDENT CLAIM 19

For the same reasons discussed in Section C, *supra*, none of the prior art discloses the “second VPN tunnel.”

E. NONE OF THE PRIOR ART DISCLOSES THE “MIXING THE FIRST AUDIO DATA WITH THE SECOND AUDIO DATA INTO A FIRST MIXED AUDIO DATA” LIMITATION OF INDEPENDENT CLAIM 19

For the same reasons discussed in Sections A, B and C, *supra*, none of the prior art discloses “mixing the first audio data with the second audio data into a first mixed audio data” limitation.

F. NONE OF THE PRIOR ART DISCLOSES THE “MIXING THE FIRST AUDIO DATA WITH THE THIRD AUDIO DATA INTO A THIRD MIXED AUDIO DATA” LIMITATION OF INDEPENDENT CLAIM 19

For the same reasons discussed in Sections A, B and C, *supra*, none of the

prior art discloses the “mixing the first audio data with the third audio data into a third mixed audio data” limitation.

G. NONE OF KNAPPE, ELLIOTT NOR DRELL DISCLOSE THE “TRANSMITTING THE FIRST VIDEO DATA AND THE FIRST COLLABORATION DATA FROM THE SERVER TO THE SECOND REMOTE CLIENT” LIMITATION OF INDEPENDENT CLAIM 19

For the same reasons discussed in Section B, *supra*, none of the prior art discloses the “transmitting the first video data and the first collaboration data from the server to the second remote client.” In particular, a POSITA would not combine Elliott with Knappe to meet this limitation. Knappe/Elliott also do not disclose collaboration data as a distinct set of data from video and audio. Elliott only discloses pushing URLs or applets to clients using standard Internet techniques. Exhibit 1007 (Elliott) at 3:13-39. Knappe’s teaching is limited to video and audio. Exhibit 1006 (Knappe) at 5:40-48. Its vague references to “data” cannot be reasonably replaced with the claimed “collaboration data.” Exhibit 2001 (Dye Decl.) at ¶24.

III. CONCLUSION

Patent Owner has shown that Petitioners' proposed grounds of unpatentability fail because they utilize references that would not be combined and that do not disclose or suggest each and every limitation as recited by the '612 Patent claims. For at least the foregoing reasons, the Petition's grounds for unpatentability are legally deficient and claims 19-29 of the '612 Patent should be confirmed under 35 U.S.C. § 316.

Date: February 23, 2024

Respectfully submitted,

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CERTIFICATE OF WORD COUNT UNDER 37 C.F.R. § 42.24(C)(4)

I, the undersigned, do hereby certify that the foregoing PATENT OWNER MEETRIX IP, LLC'S SUR-REPLY, including footnotes, contains 2,646 words, as measured by the Word Count function of Word 2007. This is less than the limit of 5,600 words as specified by 37 C.F.R. § 42.24(c)(4).

/s/ Andrew G. DiNovo
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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024, a true and correct copy of the foregoing PATENT OWNER MEETRIX IP, LLC'S SUR-REPLY was served by electronic mail upon the following counsel of record for Petitioners:

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