

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD**

---

ADT LLC and THE ADT CORPORATION  
Petitioner

v.

APPLIED CAPITAL, INC.  
Patent Owner

---

CASE IPR: IPR2017-01825  
U.S. PATENT NO. 8,378,817

---

**PETITION FOR *INTER PARTES* REVIEW**

**Mail Stop *Patent Board***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box. 1450  
Alexandria, VA 22313-1450

Table of Contents

|       |                                                                                                                              |    |
|-------|------------------------------------------------------------------------------------------------------------------------------|----|
| I.    | Introduction.....                                                                                                            | 1  |
| II.   | Mandatory Notices.....                                                                                                       | 1  |
|       | A. Real Parties-in-Interest.....                                                                                             | 1  |
|       | B. Related Matters.....                                                                                                      | 1  |
|       | C. Counsel and Service Information.....                                                                                      | 2  |
| III.  | Certification of Grounds for Standing.....                                                                                   | 2  |
| IV.   | Fees .....                                                                                                                   | 2  |
| V.    | Overview of the '817 Patent.....                                                                                             | 3  |
|       | A. Summary of Specification.....                                                                                             | 3  |
|       | B. Summary of File History.....                                                                                              | 4  |
| VI.   | Person of ordinary skill in the art .....                                                                                    | 5  |
| VII.  | Claim Construction.....                                                                                                      | 6  |
|       | A. “hierarchically organized graphical images” (claim 1).....                                                                | 7  |
|       | B. “determining one or more ... of [a list of items]” (claims 11, 12, and 13).....                                           | 8  |
|       | C. “receiving one or more signals containing a device [identifier for/condition of] [a list of items]” (claims 2 and 3)..... | 10 |
|       | D. “support information” (claim 9).....                                                                                      | 11 |
| VIII. | Overview of Prior Art.....                                                                                                   | 12 |
|       | A. Saylor.....                                                                                                               | 12 |
|       | B. Davis.....                                                                                                                | 14 |
|       | C. Concord User Instructions.....                                                                                            | 14 |
|       | D. SX-V Manual .....                                                                                                         | 15 |
| IX.   | Statement of Relief Requested and Identification of Challenge .....                                                          | 16 |
|       | A. Ground 1: Saylor in View of Davis Renders Claims 1-4, and 6-16 Obvious. ....                                              | 16 |
|       | 1. Claim 1 .....                                                                                                             | 16 |

Petition for *Inter Partes* Review of U.S. Patent No. 8,378,817

|     |                                                                                               |    |
|-----|-----------------------------------------------------------------------------------------------|----|
| 2.  | Claim 2 .....                                                                                 | 27 |
| 3.  | Claim 3 .....                                                                                 | 28 |
| 4.  | Claim 4 .....                                                                                 | 30 |
| 5.  | Claim 6 .....                                                                                 | 30 |
| 6.  | Claim 7 .....                                                                                 | 31 |
| 7.  | Claim 8 .....                                                                                 | 32 |
| 8.  | Claim 9 .....                                                                                 | 33 |
| 9.  | Claim 10 .....                                                                                | 35 |
| 10. | Claim 11 .....                                                                                | 36 |
| 11. | Claim 12 .....                                                                                | 37 |
| 12. | Claim 13 .....                                                                                | 37 |
| 13. | Claim 14 .....                                                                                | 38 |
| 14. | Claim 15 .....                                                                                | 39 |
| 15. | Claim 16 .....                                                                                | 40 |
| B.  | Ground 2: Saylor in View of Jackson, Davis, Concord and SX-V<br>Renders Claim 2 Obvious. .... | 41 |
| X.  | Secondary Considerations of Obviousness .....                                                 | 44 |
| XI. | Conclusion .....                                                                              | 46 |

List of Exhibits

- Ex. 1001 U.S. Patent No. 8,378,817 (“the ’817 Patent”)
- Ex. 1002 U.S. Patent No. 6,661,340 (“Saylor”)
- Ex. 1003 U.S. Patent No. 6,552,732 (“Davis”)
- Ex. 1004 GE Systems User Instructions for Concord Security System  
 (“Concord User Instructions”)
- Ex. 1005 Interactive Technologies, Inc. SX-V Security System Reference and  
 Installation Manual (“SX-V Manual”)
- Ex. 1006 Patent Owner’s District Court Complaint against Petitioner in *Applied*  
 *Capital, Inc. v. The ADT Corporation* (D.N.M., 16-cv-00815)
- Ex. 1007 Exhibit B to Patent Owner’s Complaint against Petitioner in *Applied*  
 *Capital, Inc. v. The ADT Corporation* (D.N.M., 16-cv-00815)
- Ex. 1008 Prosecution History of the ’817 Patent
- Ex. 1009 Declaration of Joel Christianson
- Ex. 1010 Resume of Joel Christianson
- Ex. 1011 First Alert Professional’s FA168CPS specification sheet
- Ex. 1012 Advent Home Navigator Product Line Overview
- Ex. 1013 Simon Owner’s Manual
- Ex. 1014 ITI Dealer Price List

Petition for *Inter Partes* Review of U.S. Patent No. 8,378,817

Ex. 1015     Exhibit D to Patent Owner's Complaint against Petitioner in *Applied Capital, Inc. v. The ADT Corporation* (D.N.M., 16-cv-00815)

## **I. INTRODUCTION**

ADT, LLC and The ADT Corporation (“Petitioner”) requests *Inter Partes* Review of claims 1-4 and 6-16 of U.S. Patent No. 8,378,817 (“the ’817 Patent”) (Ex. 1001) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.

## **II. MANDATORY NOTICES**

### **A. Real Parties-in-Interest**

ADT, LLC and The ADT Corporation, both with a principal place of business at 1501 Yamato Road, Boca Raton, Florida 33431, are the real parties-in-interest.

### **B. Related Matters**

Petitioner understands that Patent Owner Applied Capital, Inc. has asserted the ’817 Patent has been in the following matter:

*Applied Capital, Inc. v. The ADT Corporation* (D.N.M., 16-cv-00815). See Ex. 1006.

Additionally, U.S. App. No. 13/767,580 filed on February 14, 2013 will issue August 8, 2017 and claims the benefit of the ’817 Patent. Further, U.S. App. No. 15/642,023 filed on July 5, 2017 is pending (although unpublished) and claims the benefit of the ’817 Patent.

**C. Counsel and Service Information**

| <b>Lead Counsel</b>                                                                                                                                         | <b>Backup Counsel</b>                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jackson Ho<br>Reg. No. 72,360<br>K&L Gates LLP<br>630 Hansen Way<br>Palo Alto, CA 94304<br>jackson.ho@klgates.com<br>T: (650) 798-6719<br>F: (650) 798-6701 | Benjamin E. Weed<br>Reg. No. 65,939<br>K&L Gates LLP<br>70 W. Madison St., Suite 3100<br>Chicago, IL 60602<br>benjamin.weed.ptab@klgates.com<br>T: (312) 781-7166<br>F: (312) 345-1843<br><br>Kacy L. Dicke<br>Reg. No. 67,392<br>K&L Gates LLP<br>70 W. Madison St., Suite 3100<br>Chicago, IL 60602<br>kacy.dicke@klgates.com<br>T: (312) 807-4311<br>F: (312) 345-9961 |

Petitioner consents to electronic service by email.

**III. CERTIFICATION OF GROUNDS FOR STANDING**

Petitioner certifies pursuant to 37 C.F.R. § 42.104(a) that the '817 patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

**IV. FEES**

Petitioner authorizes the USPTO to charge the required fees for IPR and any additional fees to Deposit Account No. 02-1818.

## **V. OVERVIEW OF THE '817 PATENT**

### **A. Summary of Specification**

The '817 Patent describes a remote alarm premises monitoring system. Ex. 1001, Abstract. This system includes one or more premises with monitoring devices such as a smoke detector, a security detector, etc. Ex. 1001, 2:64-3:2, 17:11-17. These monitoring devices transmit signals containing a device identifier and a device condition to a premises monitoring system. Ex. 1001, 1:63-2:1, 3:6-26. The premises monitoring system may then retrieve “enhanced information” from a data store based on the device identifier and device condition. Ex. 1001, 2:36-49. The '817 Patent discloses that the “enhanced information” may be one or more graphical images associated with the monitoring device. Ex. 1001, 4:8-6:3. Other types of enhanced information are possible such as video, audio, maps, floorplans, etc. Ex. 1001, 4:17-23.

The premises monitoring system may also determine to communicate with one or more destinations via one or more communication methods. Ex. 1001, 2:49-61. For example, communication methods include email, text message, instant message, website link, phone, and/or mail. Ex. 1001, 9:55-65. The communication method used is dependent on the device identifier and device condition information. *Id.* Further, the premises monitoring system may send “enhanced information” to the communication destination. Ex. 1001, 13:3-10.

The '817 Patent has a single independent claim (claim 1) which is reproduced below for reference:

1. A method comprising:

receiving one or more signals containing a device identifier and a device condition from one or more remote alarm monitoring systems;

retrieving enhanced information based on the device identifier and the device condition;

determining one or more communication methods and communication destinations based on the device identifier and the device condition; and

dispatching the enhanced information to the one or more communication destinations using the one or more communication methods; and

wherein the retrieving enhanced information based on the device identifier and the device condition comprises retrieving images based on the device identifier and the device condition, the images comprising all of the members selected from the group consisting of superimposed visual indicators, hierarchically organized graphical images, and vector-based graphical images.

**B. Summary of File History**

U.S. Application Serial No. 12/695,373, which eventually issued as the '817 Patent, was filed on January 28, 2010. Ex. 1001. In a May 18, 2012 non-final rejection, the examiner rejected all pending claims under 35 USC §103 using a

variety of references. Ex. 1008, 325-364. In a subsequent amendment, the patentee amended independent claim 1 to include requirements from then pending dependent claims 4-7. Ex. 1008, 391-396. These added limitations included the requirements that the “enhanced information” comprise superimposed visual indicators, hierarchically organized graphical images, and vector based graphical images. *Id.*

The examiner was apparently persuaded by the amendment, as he allowed the as-amended claims to issue as the '817 Patent. Ex. 1008, 407-419. While the examiner allowed the claims based on this amendment because the examiner was unable to locate references disclosing the specific type of claimed enhanced information, the examiner did not possess the prior art used in this petition. Ex. 1008, 414-418. He also did not possess the expert declaration of Joel Christianson, submitted herewith as Exhibit 1009. *See* Ex. 1010 (resume of Joel Christianson).

## **VI. PERSON OF ORDINARY SKILL IN THE ART**

A person of ordinary skill in the art is a hypothetical person presumed to know the relevant prior art. *Gnosis S.P.A et al. v. S. Ala. Med. Sci Foundation*, Case IPR2013-00116, Paper 68 at 9 (PTAB June 20, 2014). Such a person is of ordinary creativity, not merely an automaton, and is capable of combining the teachings of the prior art. *Id.* (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 420-21 (2007)).

Petitioner submits that a person of ordinary skill in the art of the '817 Patent as of January 28, 2009 (the earliest possible priority date of the '817 Patent) would have had a bachelor's degree in computer science, electrical engineering, or a similar field, and would have at least two years industry experience in networking or security systems. Ex. 1009, ¶12.

## **VII. CLAIM CONSTRUCTION**

The claims of the '817 Patent should be given their broadest reasonable interpretation consistent with the specification. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2142-45 (2016). The broadest reasonable interpretation of a claim term “must be consistent with the ordinary and customary meaning of the term (unless the term has been given a special definition in the specification), and must be consistent with the use of the claim term in the specification and drawings. Further, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach.” M.P.E.P. § 2111 (*citing In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)). To the extent there is any ambiguity regarding the broadest reasonable interpretation, the ambiguity should be resolved in favor of the broader

construction absent amendment by the patent owner. Final Rules, 77 Fed. Reg. at 48699<sup>1</sup>.

**A. “hierarchically organized graphical images” (claim 1)**

The broadest reasonable construction of “hierarchically organized graphical images” is “any group of graphical images arranged relative to one another and/or accessible through one another.” Ex. 1001, 5:39-41.

The specification of the ’817 Patent states that hierarchically organized graphical images “may include any group of graphical images arranged relative to one another and/or accessible through one another.” Ex. 1001, 5:39-41. Since the

---

<sup>1</sup> Petitioner expressly reserves the right to advance different constructions in matters now pending in district court and at the International Trade Commission, as appropriate, since the applicable claim construction standard for proceedings in those venues are currently different than the “broadest reasonable interpretation standard” applied in *inter partes* review. Further, due to the different claim construction standards in the proceedings, Petitioner identifying any feature in the cited references as teaching a claim term of the ’817 Patent or relying on Patent Owner’s infringement contentions are not admissions by Petitioner that that claim term as construed under a different claim construction standard than that applicable here is met by any feature for infringement purposes.

specification states that hierarchically organized graphical images “may include” certain things, then the broadest reasonable interpretation of hierarchically organized graphical images must at least include those things. Therefore, under the broadest reasonable interpretation, the claim limitation “hierarchically organized graphical images” should be construed as “any group of graphical images arranged relative to one another and/or accessible through one another.”

**B. “determining one or more ... of [a list of items]” (claims 11, 12, and 13)**

The claim phrase “determining one or more ... of [a list of items]” is present in claims 11, 12, and 13. In claim 11, the claim phrase is “determining one or more communication methods of [a list of items].” In claim 12, the claim phrase is “determining one or more device communication destinations of [a list of items].” And in claim 13, the claim phrase is “determining one or more entity communication destinations of [a list of items].”

Claims that use the phrase “determining one or more...of [a list of items]” indicate a Markush group, which means the claims “recite[ ] a list of alternatively useable species.” MPEP § 2173.05(h). The members of the Markush group indicate alternative species, and the items in the Markush group itself is interpreted as being separated by an “or.” Thus, Petitioner posits that under the broadest reasonable construction standard, the limitation “determining one or more ... of [a list of items]” is satisfied when the determination is made as to one item in the list

and that this limitation does not require making a determination as to all items in the list.

In Patent Owner's allegations of infringement against Petitioner, Patent Owner alleges that claims 11, 12, and 13 are satisfied if only one item in the list of items is satisfied. Ex. 1007, 6-7. For example, for claim 11 Patent Owner alleges that the claim is satisfied by the accused system sending alert by email with a message containing a website link and by text message. Ex. 1007, 6. The infringement allegations do not allege that the accused system uses the communication methods of instant message, phone or mail, all of which are recited in the claimed list. *Id.* For claim 13, Patent Owner only alleges that the accused system sends alerts to owners and does not allege other communication destinations in the claimed list such as "authority," "first responder," "service company," etc. Ex. 1007, 7.

The broadest reasonable interpretation of claims 11, 12, and 13 should at least include Patent Owner's interpretation of the claims. Therefore, "determining one or more ... of [a list of items]" is satisfied when the determination is made as to one item in the list and does not require making a determination as to all items in the list.

**C. “receiving one or more signals containing a device [identifier for/condition of] [a list of items]” (claims 2 and 3)**

Claim 2 recites the phrase “receiving one or more signals containing a device identifier for a smoke detector, a pull station, a security device, a carbon monoxide detector, and a check-in monitor” and claim 3 recites the phrase “receiving one or more signals containing a device condition of normal, fault, and supervisory.” Petitioner believes that under the broadest reasonable construction standard, these limitations are satisfied when one signal containing an item in the list is received. For example, the limitation in claim 2 is satisfied if one signal containing a device identifier for a smoke detector is received and the limitation in claim 3 is satisfied if one signal containing a device condition of fault is received.

The claims use of the phrase “receiving one or more signals...for [a list of items]” indicate a Markush group, which means the claims “recite[ ] a list of alternatively useable species.” MPEP § 2173.05(h). The members of the Markush group indicate alternative species, which is interpreted as an “or.” This interpretation is consistent with the claim’s recitation of “one or more signals” implying that one signal alone can satisfy the claim language. This interpretation is also consistent with the specification which discloses “receiving one or more signals containing a device identifier for a smoke detector, a pull station, a security detector, a carbon monoxide detector, *and/or* a check-in monitor.” Ex. 1001, 2:65-3:1 (emphasis added). Similarly, the specification discloses “receiving one or more

signals containing a device condition of normal, fault, **and/or** supervisory.” Ex. 1001, 3:3-4 (emphasis added). Indeed, the specification consistently discloses that the one signal would contain a single device identifier and a single device condition. *See, e.g.*, Ex. 1001, 2:36-44, 3:31-39, 14:43-45. The system could receive multiple device identifiers and multiple device conditions, but only from multiple signals. Requiring all items of the lists recited in these claims to be satisfied would require multiple signals. But requiring multiple signals is inconsistent with the explicit claim language, which is broad enough to encompass reciting “one or more” signals. Therefore, the claim limitation should be construed such that it only requires one item in the list be satisfied.

To the extent there is any ambiguity regarding the broadest reasonable interpretation, the ambiguity should be resolved in favor of the broader construction absent amendment by the patent owner. Final Rules, 77 Fed. Reg. at 48699.

**D. “support information” (claim 9)**

Claim 9 recites “The method of claim 8, wherein the retrieving enhanced information including written information based on the device identifier and the device condition comprises: retrieving enhanced information including date/time information, account information, premises information, device information, condition information, **support information**, contact information, linked

information, and instructional information based on the device identifier and the device condition.” Ex. 1001, claim 9 (emphasis added).

In Patent Owner’s allegations of infringement against Petitioner, Patent Owner alleges that “support information” includes system level alerts such as “a device going offline, a device with low battery power, a system AC power failure, or a user locked out after failed sign in attempts.” Ex. 1007, 6; Ex. 1015, 65.

While Petitioner does not necessarily agree with Patent Owner’s interpretation of “support information,” Petitioner at least assumes Patent Owner’s interpretation is reasonable, such that the broadest reasonable interpretation of this phrase should at least include items that Patent Owner considers “support information.” As such, the term “support information” should at least include information concerning a device going offline, a device with low battery power, a system AC power failure, or a user locked out after failed sign in attempts.

## **VIII. OVERVIEW OF PRIOR ART**

### **A. Saylor**

United States Patent No. 6,661,340 to Saylor et al. (“Saylor,” Ex. 1002) was issued on December 9, 2003 and is therefore prior art to the ’817 Patent under 35 U.S.C. § 102(b).

Saylor discloses a system of security devices connected to a central security network that allows users to set up personalized alarms to receive alert and other

relevant security information. Ex. 1002, Abstract. The Saylor system allows a user to register various types of security devices including those associated with a property with the central security network. Ex. 1002, 4:18-23. When an alarm situation is detected the control panel associated with the local security system can transmit alarm information to the central security network. Ex. 1002, 4:23-30.

Multiple databases containing user information, alarm events, etc. are associated with a central security server. Ex. 1002, 4:31-40, Fig. 1. The central security network may process the alarm situation by retrieving profile information from the user database. Ex. 1002, 6:56-61. User preferences may include mode of communication, order of communication, contact information and other preferences. Ex. 1002, 6:63-67.

Similar to the '817 Patent, Saylor discloses that a user may also view alarm situations from a web site. Ex. 1002, 11:10-36; Fig. 7. From the web site, users have the option to view photographs and/or video clips associated with the alarm incident. Ex. 1002, 11:66-12:8. Users may be notified of alarm situations via pager, cell phone or other forms of wireless communications. Ex. 1002, 13:66-14:3. Further, Saylor discloses that device status information may be displayed using icons or images. Ex. 1002, 12:8-13.

**B. Davis**

United States Patent No. 6,552,732 to Davis, Jr. et al (“Davis,” Ex. 1003) was issued on April 22, 2003 and is therefore prior art to the ’817 Patent under 35 U.S.C. § 102(b).

Davis teaches an interactive vector object downloadable over a network. Ex. 1003, Abstract. As Davis explains, web pages, circa 1997 at the filing of the Davis patent, were well known for providing graphics and associated information over the Internet and generally included an HTML file with embedded bit mapped graphics. Ex. 1003, 1:19-30. Bit mapped graphics files are generally large, static and device dependent, and take a relatively long amount of time download. Ex. 1003, 1:27-30. Davis teaches the use of interactive vector graphics that substantially reduce or eliminate the disadvantages and problems associated with bit mapped graphics. Ex. 1003, 1:42-47; Ex. 1009, ¶¶33, 34.

**C. Concord User Instructions**

The Concord User Instructions document (Ex. 1004) was available to the public in June 2004 and is therefore prior art to the ’817 Patent under 35 U.S.C. § 102(b). Ex. 1009, ¶39. As Mr. Christianson explains, the Concord User Instructions was available and distributed to purchasers of the Concord system. Ex. 1009, ¶39. The Concord User Instructions was packaged with every system and was designed to be provided to the home owner by the system installer during the

system training. Ex. 1009, ¶39. Additionally, the Concord User Instructions was available for purchase separately. Ex. 1009, ¶39; Ex. 1014, 67.

The Concord User Instructions are user instructions for the Concord home security system offered by GE Security. Ex. 1004, 1; Ex. 1009, ¶38. The Concord system contained standard security devices such as door and window sensors, a control panel, and modules for communicating with a central station. Ex. 1004, 1-2. The Concord system provides a latchkey paging feature that allows a user to check if a child did not arrive home. Ex. 1004, 25-27.

**D. SX-V Manual**

The SX-V Security System Reference and Installation Manual (“SX-V Manual” Ex. 1005) was available to the public in May 1993 and is therefore prior art to the ’817 Patent under 35 U.S.C. § 102(b). Ex. 1009, ¶46. As Mr. Christianson, a former employee of Interactive Technologies Inc. (provider of the SX-V) explains, the SX-V was readily available to interested parties in 1993 and also packaged with every system sold to the public. Ex. 1009, ¶46.

The SX-V Manual discloses a home security system. Ex. 1009, ¶47. The SX-V Manual discloses the use of many different types of security devices including a fire pull station. Ex. 1005, 57; Ex. 1009, ¶47.

**IX. STATEMENT OF RELIEF REQUESTED AND IDENTIFICATION OF CHALLENGE**

Petitioner requests cancellation of claims 1-4 and 6-16 of '817 Patent on the following grounds:

| Ground | 35 U.S.C. | Relied-On References                                                                                  | Claims        |
|--------|-----------|-------------------------------------------------------------------------------------------------------|---------------|
| 1      | § 103     | Saylor (Ex. 1002) and Davis (Ex. 1003)                                                                | 1-4 and 6-16. |
| 2      | § 103     | Saylor (Ex. 1002), Davis (Ex. 1003), Concord User Instructions (Ex. 1004), and SX-V Manual (Ex. 1005) | 2             |

Pursuant to 37 C.F.R. § 42.6(c), copies of the relied-on references are marked as exhibits filed herewith. Petitioner also provides the declaration of Joel Christianson, an expert in the field of the '817 Patent and the prior art, as Ex. 1009 hereto in support of its proposed grounds of unpatentability. *See generally* Ex. 1010.

**A. Ground 1: Saylor in View of Davis Renders Claims 1-4, and 6-16 Obvious.**

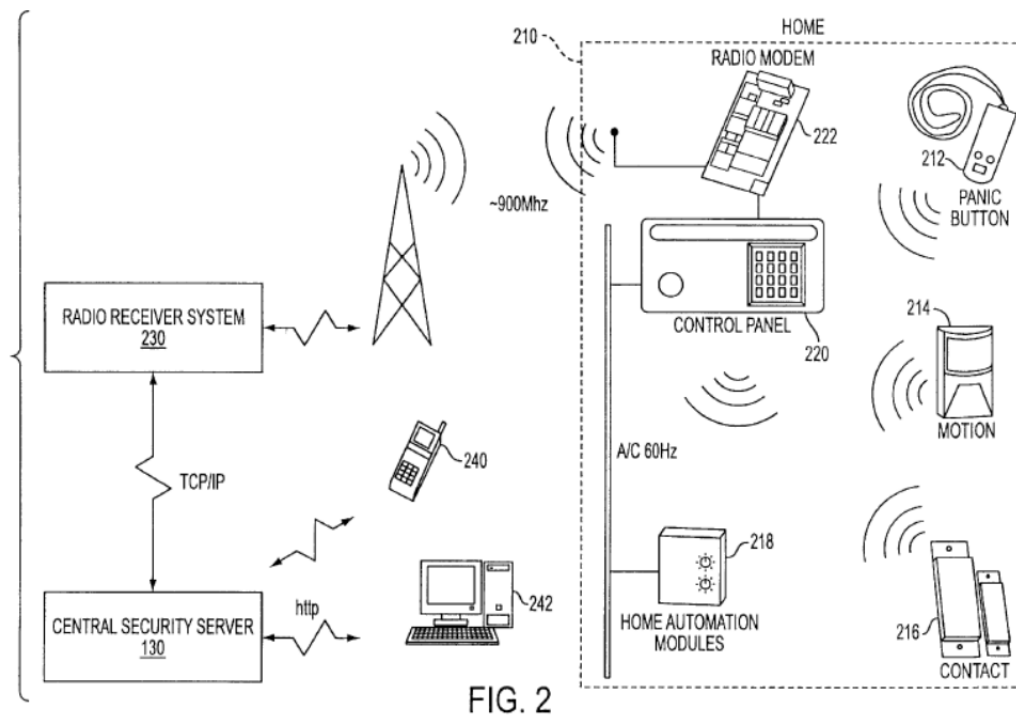
**1. Claim 1**

a) A method comprising:

This preamble does not limit the scope of the claim under the broadest reasonable interpretation standard. Nevertheless, Saylor discloses a method as discussed below. *See, e.g.*, Ex. 1002, 1:7-12.

- b) receiving one or more signals containing a device identifier and a device condition from one or more remote alarm monitoring systems;

Saylor teaches one or more remote alarm monitoring systems. For example, Figure 2 of Saylor, reproduced below, shows a home with various alarm monitoring devices such as contact 216 and motion sensor 214. Ex. 1002, 5:50-55, Fig. 2; Ex. 1009, ¶21.



The contact sensor, motion sensors, and other security sensors are capable of detecting alarm situations. Ex. 1002, 5:1-7; Ex. 1009, ¶21. Saylor also discloses the use of video cameras, temperature monitors, and flood sensors within the home. Ex. 1002, 8:54-57. Therefore, the home system disclosed in Saylor constitutes an

alarm monitoring system. Ex. 1002, 2:34-38, 11:39-57, 14:66-15:7; Ex. 1009, ¶¶17, 18.

Further, Saylor teaches that the home alarm monitoring system communicates via radio and TCP/IP connections with a central security server. Ex. 1002, Fig. 2, 5:55-62. The home alarm monitoring system is located remotely from the central security server. Ex. 1009, ¶21; *see also* Ex. 1002, 23:64-65 (describing the monitoring devices as “remote security devices”).

Saylor further teaches that the control panel within the home will communicate with the central security server by sending data packets containing “various types of relevant information, such as one or more of identification number of the control panel, identification number of the device issuing the alarm, [and] relevant information regarding the nature of the alarm.” Ex. 1002, 10:23-27. This data packet represents a signal received by the central security network. Ex. 1009, ¶¶22, 23. The data packet contains the “identification number of the device” which is the “device identifier.” The data packet also contains a “device condition” in that the data packet is signaling that the device is in the “alarm” state. Ex. 1009, ¶22.

- c) retrieving enhanced information based on the device identifier and the device condition;

Saylor’s system provides the user with the ability to generate personal reports based on current and historical security information. Ex. 1002, 12:43-50.

These reports may draw on information from the entire network, not just the user's own system. Ex. 1002, 12:54-58. One type of report that the user can generate is a map based report showing alarms of a certain type within a geographic area and certain time frame. Ex. 1002, 12:58-13:3. For example, a user may generate a report of fire incidents within a 10 mile radius of the user's home address within the last 6 months. *Id.* The fire incident on the map is represented by a fire icon. *Id.*

The fire icon that can be added to a generated report constitutes "enhanced information" under the broadest reasonable interpretation standard because the icon presented on a map represents a fire alarm in the context of other fire alarms. The icon on the map conveys more or additional information as compared to a single text alert. The fire icon also constitutes "enhanced information" under the broadest reasonable interpretation standard because it presents the information in a graphical form which may be easier for a user to digest than a text alert.

The fire icon is also based on device identifier and device condition information. Saylor states that these generated reports are "based on current and historical security information from one or more entities registered with the central security network of the present invention." Ex. 1002, 12:45-49, 12:62-13:11. As an example, Saylor discloses reports "generated at the occurrence of a triggering event, such as an alarm situation." Ex. 1002, 13:35-41. Saylor discloses an "event database" where event information such as fire incidents may be stored. Ex. 1002,

4:37-38, 4:31-54; Ex. 1009, ¶27. Therefore, the fire icon on the map is based on either a current or historical fire events reported to the central security network by registered entities sending a data packet containing a device identifier and condition as discussed above in §A.1.b. Ex. 1009, ¶¶27, 29, 30.

As discussed below in §A.1.i, the graphics file representing the icon image (which would have been obvious to store as a vector graphics file) is retrieved from memory and presented in the personal report. Ex. 1009, ¶35.

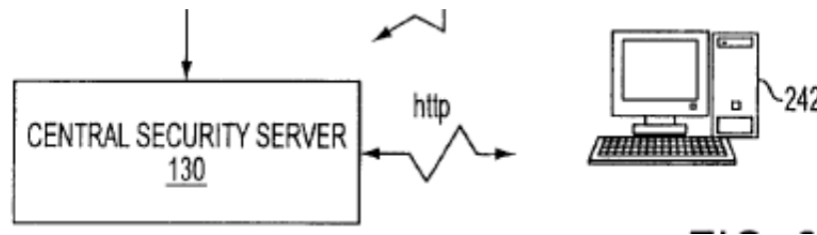
- d) determining one or more communication methods and communication destinations based on the device identifier and the device condition; and

Saylor teaches determining one or more communication methods and communication destinations based on the device identifier and the device condition. In general, Saylor provides a security network where users “set up personalized alarms and alert services; identify various methods of contact; order at which to be contacted; individuals and entities to be contacted; type of situations to be alerted of.” Ex. 1002, Abstract. Saylor states that “users may identify various personal preferences, which may include contact information, contact individuals, methods of communication, order of contact, special instructions and other information.” Ex. 1002, 3:54-58.

Saylor states that a “user may be informed of an alarm situation and/or alarm worthy situations **via web**, WAP, voice and other methods of communication,

***depending on the user's preferences***, permissions and/or other information.” Ex. 1002, 3:61-65 (emphasis added). Therefore, Saylor teaches the communication method of sending information via web.

Saylor discloses in Figure 2 that a user can interface with the web site using “personal computer 242” as illustrated below. Ex. 1002, 5:65-6:1, Fig. 2.



One of ordinary skill in the art would understand that the “http” in Figure 2 indicates that that personal computer 242 is interfacing with a web server. Ex. 1009, ¶25. Thus, Saylor discloses the “communication destination” of the user’s personal computer when communicating “via web.”

Saylor teaches that determining which of these one or more communication methods and communication destinations is used is based on the device identifier and device condition. Saylor teaches that in setting up a security system, a user registers each security device with central security network by entering the identification code for each registered device. Ex. 1002, 8:44-65. Next, a user may assign alarm situations to each security device. Ex. 1002, 9:5-16. For example, a user may assign the fire alarm situation to a smoke detector device or an intrusion situation to motion sensor, window contact and door contact devices. *Id.* Finally, a

user may identify notification specifics for each alarm or group of alarms. Ex. 1002, 9:27-51. These notification specifics include “methods of notification desired, the order of notification, a list of individuals and/or entities to be notified and other notification information.” *Id.* Therefore, the user determines one or more communication methods, i.e. the “methods of notification,” based on device identifier, i.e. the “identification code” and the device condition, i.e. the alarm situations assigned to each device, by assigning notification specifics to alarms, which are in turn assigned to specific devices. As discussed above, one of those methods of notification is notification “via web.” Ex. 1002, 3:61-65; Ex. 1009, ¶20.

In addition to the user determining the communication methods, the central security network of Saylor may do so as well. Saylor teaches that in an alarm situation, the control panel of the remote monitoring system will send a data packet to the central security network containing the identification number of the device issuing the alarm. Ex. 1002, 10:20-27. Then based on the device ID, the central security network queries a user database where the device ID is associated with the various user preferences discussed above. Ex. 1002, 10:30-35. Using this information, the central security network can determine how the system should react to the specific type of alarm. Ex. 1002, 10:35-38, Fig. 5. For example, the

system can determine to communicate “via web.” Ex. 1002, 3:61-65; Ex. 1009, ¶20.

- e) dispatching the enhanced information to the one or more communication destinations using the one or more communication methods; and

As discussed in §A.1.c, the enhanced information is an image on a map representing alarms within a specified geographic range, i.e. a fire icon. The enhanced information is generated at the occurrence of a triggering event or a user-defined preference. Ex. 1002, 13:34-41. As discussed above in §A.1.d, the communication method is sending information via a hosted web site and the communication destination is a user’s personal computer.

As will be discussed below in §A.1.i, the vector graphics file representing the fire image, i.e. the “enhanced information,” which is rendered obvious by the posited combination, is dispatched from the web server to the user’s personal computer, i.e. the “communication destination,” using the central security web server, i.e. the “communication method.” Ex. 1009, ¶35.

- f) wherein the retrieving enhanced information based on the device identifier and the device condition comprises retrieving images based on the device identifier and the device condition,

As discussed in §A.1.c, the enhanced information is a fire icon. An icon displayed on a website constitutes an “image” under the broadest reasonable interpretation of that term. Saylor teaches that the reports can include all events

within a given geographical range and given time period. Ex. 1002, 12:62-13:11; Ex. 1009, ¶¶29, 30. One of ordinary skill in the art would understand that a map may contain multiple icons representing multiple historical events. Ex. 1009, ¶30. Therefore, Saylor teaches multiple fire icon “images” on the map.

As discussed below in §A.1.i, the vector graphics files representing the icon images rendered obvious by this combination are retrieved from memory and presented in the personal report. Ex. 1009, ¶35. As discussed above in §A.1.c, the icons are based on device identifier and device condition information. Ex. 1002, 12:45-49; Ex. 1009, ¶¶27, 29, 30.

- g) the images comprising all of the members selected from the group consisting of superimposed visual indicators,

The fire icon is a “superimposed visual indicator” since the fire icon is placed on, superimposed on, the map. Ex. 1009, ¶29. Therefore, the icon is also a visual indicator of a fire incident that occurred at a specific location. Ex. 1002, 13:1-3.

- h) hierarchically organized graphical images, and

In addition, the fire icons are “hierarchically organized graphical images.” As discussed above in the claim construction section, “hierarchically organized graphical images” should be construed to mean “any group of graphical images arranged relative to one another and/or accessible through one another.” Since the fire icons are arranged on a map, the icons are a group of graphical images arranged relative to one another. For example, fire icons in one neighborhood are

arranged relative to the fire icons in another neighborhood on the map. Or the fire icons on one street are arranged relative to the fire icons on another street on the map. Ex. 1009, ¶29.

In addition, the user may save generated reports for later viewing. Ex. 1002, 13:7-9. Therefore, the icons associated with one report, a group of graphical images, are stored separately from the icons associated with a second report, i.e. the other group of graphical images. Ex. 1009, ¶31. Therefore, the icons are arranged relative to one another because the icons are on separate maps.

i) vector-based graphical images.

One of ordinary skill in the art would have found it obvious to use vector-based graphical images for the map icons. Ex. 1009, ¶36. For example, Saylor discloses displaying the images on different sized display screens such as mobile web and PDAs. Ex. 1002, 11:30-33. Davis teaches providing interactive vector graphics over a network that can scaled to the correct size. Ex. 1003, Title, 2:33-35. One of ordinary skill in the art would have found it obvious to use vector graphics as taught by Davis to display the map icons of Saylor to allow for easy reproduction of images and resizing on different user device displays. Ex. 1009, ¶36. The benefits associated with vector graphics would have been applicable in Saylor's system for the reasons described immediately below.

***Motivation to Combine Saylor with Davis***

One of ordinary skill in the art would have known that there are essentially only two choices for display graphics on a webpage, either vector-based graphics or non-vector based graphics such as embedded bit mapped graphics. See Ex. 1003, 1:19-30; Ex. 1009, ¶33. But bit mapped images have a number of disadvantages including large file sizes and long associated download times, lack of scaling, and device dependence. See Ex. 1003, 1:19-30.

The vector graphics methodologies taught by Davis largely overcome the difficulties associated with relying on bit mapped images. Ex. 1003, 1:42-47. One of ordinary skill in the art would have motivated to use vector-based graphics to display the map icons because disadvantages noted by Davis concerning the use of bit mapped images would have applied to the system disclosed in Saylor. Specifically, like Davis, Saylor displays the icons from a web site. Ex. 1002, 11:28-30. Therefore, the larger file sizes and longer loading times associated with bit mapped images are a concern in the Saylor system. Ex. 1009, ¶36. Also, Saylor discloses the web site displayed on different interfaces such as mobile web and PDAs. Ex. 1002, 11:30-33. Therefore, the device dependency of bit mapped images is a concern. Ex. 1009, ¶36. Vector images may be downloaded, cached, and displayed at different sizes on the same or different web pages; in this scenario all instances of the vector images can be derived from a single stored

representation of that image which is thereafter resized and positioned as needed.

Ex. 1003, 2:29-31. Therefore, one of ordinary skill in the art would be motivated to use vector-based graphical images to display the icons as taught by Davis to reduce or eliminate these disadvantages of bit mapped images. Ex. 1009, ¶36.

One of ordinary skill in the art would have had an expectation of success in using vector-based graphical images in displaying icons. Davis specifically teaches the display of vector-based graphical icons on a website. See Ex. 1003, Fig. 4 (showing an example of a star-shaped vector-based icon). Saylor does not specifically teach the display of vector-based graphical icons because it does not matter to the system of Saylor how the images are displayed. There is no reason to believe that one of ordinary skill in the art could not follow the teachings of Davis to provide vector-based icons on the web based personalized reports discussed in Saylor. Ex. 1009, ¶37.

## **2. Claim 2**

Claim 2 recites “The method of claim 1, wherein the receiving one or more signals containing a device identifier and a device condition from one or more remote alarm monitoring systems comprises: receiving one or more signals containing a device identifier for a smoke detector, a pull station, a security detector, a carbon monoxide detector, and a check-in monitor from one or more remote alarm monitoring systems.” As discussed above, the claim phrase

“receiving one or more signals containing a device identifier for a smoke detector, a pull station, a security detector, a carbon monoxide detector, and a check-in monitor” should be construed under the applicable claim construction standard to require receiving one signal containing a device identifier for any one or more of the listed devices.

Saylor discloses that users may register many different types of security and monitoring devices with the central security network. Ex. 1002, 8:24-9:4. As discussed above, when these devices are triggered, a data packet is communicated from the remote alarm system to the central security network. Ex. 1002, 10:20-29. This data packet will contain a device identifier and relevant information regarding the nature of the alarm, i.e. the device condition. *Id.*

Saylor discloses registering and receiving signals for smoke detector and carbon monoxide detector devices from a remote alarm monitoring system. Ex. 1002, 8:54-58 (within a house, a user may have “smoke detectors” and “CO” detectors). Saylor also discloses registering and receiving signals for “various **security** ... **devices** such as panic button 212, motion sensor 214, [and] motion contact 216.” Ex. 1002, 5:51-54 (emphasis added).

### 3. Claim 3

Claim 3 recites “The method of claim 1, wherein the receiving one or more signals containing a device identifier and a device condition from one or more

remote alarm monitoring systems comprises: receiving one or more signals containing a device condition of normal, fault, and supervisory from one or more remote alarm monitoring systems.” As discussed in the above claim construction section, only one signal containing one condition is required to satisfy this claim language. Even so, Saylor discloses multiple device conditions.

Saylor discloses many different event types that may be reported by a device including: “off, tripped, value, fire, battery, AC, malfunction, tamper, disarming, arming stay, arming away, arming failed, disarming failed, sensor bypassed, programming, open, and others.” Ex. 1002, 12:36-39. These event types are device conditions.

While Saylor does not explicitly use the word “normal” to describe a device condition, one of ordinary skill in the art would understand that “disarming,” “arming stay” and “arming away” are normal conditions as opposed to “arming failed,” “disarming failed,” and “malfunction” which are abnormal conditions. Ex. 1009, ¶28.

While Saylor does not explicitly use the word “fault” to describe a device condition, one of ordinary skill in the art would understand “tripped” or “tamper” as “fault” conditions. Ex. 1009, ¶28.

Again while Saylor does not explicitly use the word “supervisory” to describe a device condition, one of ordinary skill in the art would understand

“programming” or “sensor bypassed” as panel supervisory conditions. Ex. 1009, ¶28.

#### **4. Claim 4**

Claim 4 recites “The method of claim 1, wherein the retrieving enhanced information based on the device identifier and the device condition comprises: retrieving enhanced information including one or more sounds based on the device identifier and the device condition.”

Saylor teaches that the alarm alerts may take the form of “voice alerts.” Ex. 1002, 15:64-16:6. These voice alerts are voice messages to a voice enabled device and provided via a “‘Telecaster’ which *delivers* the personalized information *from a data warehouse*.” *Id.* (emphasis added). Since the alerts are based on device identifier and device condition, so too is the voice message, i.e. “one or more sounds,” announcing that alert based on device identifier and condition.

#### **5. Claim 6**

Claim 6 recites “The method of claim 1, wherein the retrieving enhanced information based on the device identifier and the device condition comprises: retrieving enhanced information including one or more communication links based on the device identifier and the device condition.”

Saylor discloses a website wherein various types of enhanced information concerning alarms and alerts can be retrieved. See Ex. 1002, 11:28-13:42. On the

web page, the term “ALERT” may be displayed and by clicking on or otherwise selecting the “ALERT” notification entry, the user may receive details regarding the alert. Ex. 1002, 11:66-12:4, Fig. 7; Ex. 1009, ¶25. As one of ordinary skill in the art would understand, clicking or selecting an item on a web page to retrieve more information is enabled by a communication link, e.g. a link to the additional information on the web server. *Id.* Therefore, the web link is based on the identity of the device and its condition since the web link provides more detailed information for a specific device in the alarm condition.

In addition, Saylor states that “*Links to news bulletins, prevention data and other information may be provided as well*” on the web interface. Ex. 1002, 13:5-8 (emphasis added).

## **6. Claim 7**

Claim 7 recites “The method of claim 6, wherein the retrieving enhanced information including one or more communication links based on the device identifier and the device condition comprises: retrieving enhanced information including one or more communication links organized on one or more graphical images based on the device identifier and the device condition.”

As discussed above, Saylor teaches allowing users to click on or select the “ALERT” notification entry to receive details regarding the alert. Ex. 1002, 11:66-12:4, Fig. 7; Ex. 1009, ¶26. Instead of using the text “ALERT,” Saylor also

discloses using “icons or other images” to indicate status information. Ex. 1002, 12:8-12. Therefore, Saylor discloses organizing the web links on one or more graphical images, i.e. “icons or other images” indicating status. Ex. 1009, ¶26.

## **7. Claim 8**

Claim 8 recites “The method of claim 1, wherein the retrieving enhanced information based on the device identifier and the device condition comprises: retrieving enhanced information including written information based on the device identifier and the device condition.”

Saylor teaches a web page that provides written enhanced information retrieved based on the device identifier and device condition. For example, the written information provided in column 740 of Figure 7 is written information that is retrieved by the central security network based on the various monitoring devices communicating to the central network an alarm condition, wherein that communicated data packet includes the device identifier and device condition. Ex. 1002, Fig. 7; Ex. 1009, ¶25.

Further, Saylor discloses that user may provide special instructions such as the user has two pets living in the residence to the fire department. Ex. 1002, 7:7-15. When the fire detector is activated, which triggers communication to the central security network of a data packet that includes the device identifier and condition, the central network retrieves the special instructions, i.e. the written

enhanced information, based on the device identifier and provides it to the fire department. Ex. 1002, 6:56-7:15, 10:20-65; Ex. 1009, ¶20.

### **8. Claim 9**

Claim 9 recites “The method of claim 8, wherein the retrieving enhanced information including written information based on the device identifier and the device condition comprises: retrieving enhanced information including date/time information, account information, premises information, device information, condition information, support information, contact information, linked information, and instructional information based on the device identifier and the device condition.”

As discussed above, Saylor teaches a website that provides various types of enhanced information. Saylor teaches retrieving information “such as date and time of the occurrence.” Ex. 1002, 12:24-36. Therefore, Saylor teaches retrieving “date/time information.”

Saylor further teaches that users may create a profile that includes “user identification information (e.g. name), address information, contact information (e.g. phone number, mobile phone number, etc.), email address, billing information and other information.” Ex. 1002, 8:10-14. The system retrieves this information from the user database and presents it on the website. Ex. 1002, 16:18-22; Ex. 1009, ¶¶25, 31, 32. Therefore, Saylor teaches retrieving “account information,”

e.g. profile information, “premises information,” e.g. address information, and “contact information,” e.g. phone number.

Saylor also teaches that the website can provide “device information,” “condition information,” and “support information.” For example, Saylor teaches that the web site can provide the following information on device status “alarm, open, tampering, no AC power, shut, sensor bypassed, battery low, siren if alarm, contact if alarm, [and] monitor.” Ex. 1002, 12:8-13. Under the broadest reasonable interpretation standard, all of these status alerts would constitute “device information.” Under the broadest reasonable interpretation, most of these status alerts including no AC power, open, shut, and alarm would constitute “condition information.”

As discussed in the claim construction section, “support information” should be construed to at least include information concerning a device going offline, a device with low battery power, a system AC power failure, or a user locked out after failed sign in attempts. Saylor discloses “support information” in the form of “battery low” and “no AC power” events. Ex. 1002, 12:8-11.

Finally, Saylor’s website also provides “linked information” and “instructional information.” Saylor teaches that further information about incidents may be provided through “[l]inks to news bulletins, prevention data and other information.” Ex. 1002, 13:5-8. Saylor states that a “user may also access

preventive information, which may include *instructions, contact information* and other information to enable the user [to, sic] remedy the alert situation.” Ex. 1002, 12:22-25 (emphasis added).

### **9. Claim 10**

Claim 10 recites “The method of claim 8, wherein the retrieving enhanced information including written information based on the device identifier and the device condition comprises: retrieving enhanced information including written information organized on one or more graphical images based on the device identifier and the device condition.”

As discussed in §A.6, in reference to claim 7, Saylor teaches information organized on one or more graphical images. Specifically, Saylor teaches that a user may click on or select an icon or other image to obtain more detailed information concerning an alert. Ex. 1002, 12:8-12; Ex. 1009, ¶26. The more detailed information can be in the form of written information. *See* Ex. 1002, Fig. 7 (showing the more detailed written information in column 740). This written information is based on device identifier and device condition. For example, the written information presented in Figure 7 (“Your safe was tampered with”) is based on an alarm alert from a safe security device. Ex. 1009, ¶25.

### **10.Claim 11**

Claim 11 recites “The method of claim 1, wherein the determining one or more communication methods and communication destinations based on the device identifier and the device condition comprises: determining one or more communication methods of email, text message, instant message, website link, phone, and mail based on the device identifier and the device condition.” As explained in the above claim construction section, the claim limitation “determining one or more...of [a list]” is satisfied if only one item in the list is determined. *Fresenius USA, Inc. v. Baxter Int’l, Inc.*, 582 F.3d 1288, 1298 (Fed. Cir. 2009) (“the entire element is disclosed by the prior art if one alternative in the Markush group is in the prior art”).

Saylor teaches the determination of the email communication method based on data packets communicated to the central security network containing a device identifier and device condition. Ex. 1002, 5:65-67; Ex. 1009, ¶¶18, 20.

Saylor teaches that users can specify a mode of communication associated with a security device or group of devices in alarm situations. Ex. 1002, 6:56-66. Saylor teaches that different alarm situations in different locations warrant different types of responses. Ex. 1002, 7:1-15. One mode of communication, among others, that a user can specify, i.e. determine, is an email mode of communication. Ex. 1002, 5:65-67; Ex. 1009, ¶20. Saylor additionally teaches

alerts may be transmitted in other forms of electronic communication to a personal computer or other device. Ex. 1002, 5:67-6:1.

### **11.Claim 12**

Claim 12 recites “The method of claim 1, wherein the determining one or more communication methods and communication destinations based on the device identifier and the device condition comprises: determining one or more device communication destinations of a personal computer, a phone, a mobile device, a display, and a custom device based on the device identifier and the device condition.” As explained in the above claim construction section, the claim limitation “determining one or more...of [a list]” is satisfied if only one item in the list is determined. *Fresenius USA, Inc.*, 582 F.3d at 1298.

Saylor teaches that users can specify a mode of communication associated with a security device or group of devices in alarm situations. Ex. 1002, 6:56-66. One mode of communication taught by Saylor is sending alert to a user’s mobile device. Ex. 1002, 5:63-65. Therefore, Saylor teaches determining the communication destination of a mobile device based on the device identifier and the device condition.

### **12.Claim 13**

Claim 13 recites “The method of claim 1, wherein the determining one or more communication methods and communication destinations based on the

device identifier and the device condition comprises: determining one or more entity communication destinations of an authority, a first responder, a service company, an owner, a manager, a staff, an occupant, a supplier, a customer, a neighbor, and a custom entity based on the device identifier and the device condition.” As explained in the above claim construction section, the claim limitation “determining one or more...of [a list]” is satisfied if only one item in the list is determined. *Fresenius USA, Inc.*, 582 F.3d at 1298.

Saylor teaches that users can specify a mode of communication and contact information associated with a security device or group of devices in alarm situations. Ex. 1002, 6:56-66. Specifically, Saylor teaches users can determine to contact the fire department when a fire detector is activated. Ex. 1002, 7:1-15. The fire department is either “an authority” or a “first responder.” Therefore, Saylor discloses determining the entity communication destination of a first responder based on the device identifier and the device condition.

### **13.Claim 14**

Claim 14 recites “The method of claim 1, wherein the dispatching the enhanced information to the one or more communication destinations using the one or more communication methods comprises: dispatching the enhanced information automatically without requiring operator intervention to the one or more communication destinations using the one or more communication methods.”

Saylor teaches an automated central security network. Saylor states that his invention “***automatically*** inform[s] an owner and other authorized entities in a manner predetermined by the user when alarm situations and/or alarm worthy situations occur.” Ex. 1002, 1:7-12 (emphasis added); *see also* Ex. 1002, 6:50-55 (the system may automatically contact an emergency entity). One of ordinary skill in the art would understand that the central security network as a whole is automated and operates without requiring operator intervention. Ex. 1009, ¶24. Specifically, one of ordinary skill in the art would understand that the dispatching of enhanced information through the website and through other means disclosed in Saylor is performed automatically and without operator intervention. Ex. 1009, ¶25.

#### **14.Claim 15**

Claim 15 recites “The method of claim 1, further comprising: receiving enhanced information, one or more communication methods, and one or more communication destinations via a user interface that is remotely accessible.”

Saylor discloses that users may receive enhanced information via a web site and web portal. See §A.1.d. A web site or web portal is a user interface that is remotely accessible. *See* Ex. 1002, 2:42-44 (“The user may also view images (e.g. video clips) remotely via the web...”).

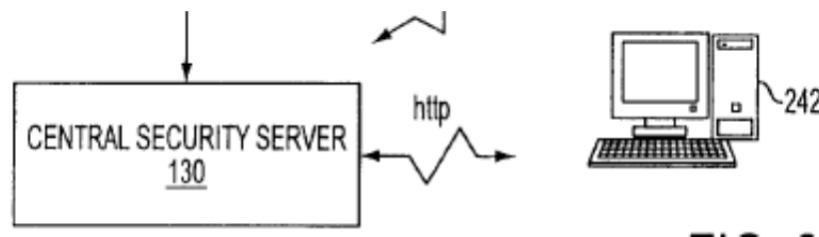
Saylor further teaches that user may enter or edit user preferences via the web including mode of communication and contact information. Ex. 1002, 3:41-

4:17 (“list of recipients who may be contacted in the event of an alarm, may be personalized and updated through a web site”), 6:56-67; Ex. 1009, ¶20. Therefore, Saylor discloses that the central security network receives from the user, as preferences, “one or more communication methods, and one or more communication destinations” via the web portal which is “a user interface that is remotely accessible.”

### 15.Claim 16

Claim 16 recites “The method of claim 1, further comprising: receiving one or more communication methods and one or more communication destinations from data of a personal device.”

As discussed above, Saylor discloses that the central security network receives from the user, as preferences, “one or more communication methods, and one or more communication destinations” via the web portal. Saylor discloses in Figure 2 that user can interface with the web site using “personal computer 242” as illustrated below. Ex. 1002, 5:65-6:1, Fig. 2.



One of ordinary skill in the art would understand that the “http” in Figure 2 indicates that that personal computer 242 is interface with a web server. Ex. 1009,

¶25. Since Saylor provides a “personal security network,” personal computer 242 constitutes a “personal device” under the broadest reasonable interpretation standard. Ex. 1002, Abstract. Therefore, Saylor teaches the central security web server receiving user preferences such as “communication methods” and “communication destination” from data entered by the user into a “personal device.”

**B. Ground 2: Saylor in View of Jackson, Davis, Concord and SX-V Renders Claim 2 Obvious.**

Claim 2 recites “The method of claim 1, wherein the receiving one or more signals containing a device identifier and a device condition from one or more remote alarm monitoring systems comprises: receiving one or more signals containing a device identifier for a smoke detector, a pull station, a security detector, a carbon monoxide detector, and a check-in monitor from one or more remote alarm monitoring systems.”

As discussed in §A.2, Saylor discloses receiving signals containing device identifiers for a security detector, a smoke detector and a carbon monoxide detector. To the extent that the Board construes claim 2 to require the system to receive signals containing device identifiers for all five listed devices, Saylor in view of the Concord User Instructions and the SX-V Manual (which together indicate other, well-known devices in security systems) teaches this narrower interpretation of claim 2.

***Concord User Instructions***

The Concord User Instructions discloses a latchkey paging feature. Ex. 1004, 25; Ex. 1009, ¶41; Ex. 1012, 3; Ex. 1011, 1; Ex. 1013, 9. The latchkey paging feature allows a user to program the security system to page the user when the system is “armed and/or disarmed during specific hours or under certain conditions.” *Id.* The latchkey feature could page the user if the user’s child does not arrive home and disarm the system using a code by a certain programmed time. *Id.* Therefore, this feature allows the user to “check-in” on a child to make sure that the child arrives home at a certain time. Ex. 1009, ¶41, 42.

The Concord User Instructions also discloses a “No Activity” feature. Ex. 1004, 28. This feature allows the system to monitor activity in your home and will automatically call for help if normal activities are not detected within a defined period of time. *Id.* The Concord User Instructions states if someone falls and can not move, the system will detect that normal activities have not occurred for a predetermined No Activity time.” *Id.* This is another feature of the Concord system that allows the system to monitor and check-in on the activities of an individual, for example an elderly parent. Ex. 1009, ¶43.

Either the Latchkey feature or the No Activity feature would constitute a “check-in monitor” under the broadest reasonable interpretation of that claim language. Ex. 1009, ¶¶42, 43.

***Motivation to Combine Saylor with Concord User Instructions***

The Concord User Instructions disclose a typical home security system available on the market circa 2004. Ex. 1009, ¶40. Concord is specifically the type of security system applied to “property” that a user may subscribe in the Saylor system. Ex. 1002, 4:55-60. Indeed, the home security system illustrated in Figure 2 of Saylor is very similar to the Concord home security system illustrated on page 2 of the Concord User Instructions. Ex. 1004, 1. Both systems include a control panel, motion sensors, contact sensors, and a radio modem. The radio modem disclosed in the Concord User Instructions is the SuperBus 2000 Wireless Gateway Module and Cellular Backup Module. Ex. 1004, 1; Ex. 1009, ¶39.

One of ordinary skill in the art would have been motivated to incorporate a latchkey or No-Activity feature into the Saylor system. Ex. 1009, ¶44. The Saylor system was meant to be compatible with a variety of security systems on the market. Ex. 1009, ¶44. One of ordinary skill in the art would have been motivated to incorporate as many features as possible into a single integrated personalized web portal. Ex. 1009, ¶44. One of ordinary skill in the art would have had an expectation of success for incorporating the latchkey or No Activity features into the Saylor system since modifications of the Saylor system would have been minimal. Ex. 1009, ¶45.

## **SX-V**

The SX-V manual discloses the SX-V home security system which is another typical home security system. Ex. 1009, ¶47. The SX-V manual discloses a home security system with a variety of security devices including a fire pull station. Ex. 1005, 57; Ex. 1009, ¶47. The fire pull station constitutes a “pull station” under the broadest reasonable interpretation standard.

## ***Motivation to Combine Saylor with SX-V***

One of ordinary skill in the art would have been motivated to combine the SX-V system with the Saylor system since one of ordinary skill in the art would recognize that the Saylor system was designed to be compatible with existing home security system like the SX-V system. Ex. 1009, ¶48. One of ordinary skill in the art would have an expectation of success in incorporating the SX-V system and specifically the fire pull station into the Saylor system. Ex. 1009, ¶¶49, 50. A user would simply subscribe or register the SX-V system and/or the fire pull station with the Saylor system for the two systems to work together. See Ex. 1002, 4:55-65, 8:44-65; Ex. 1009, ¶¶49, 50.

## **X. SECONDARY CONSIDERATIONS OF OBVIOUSNESS**

Petitioner is unaware of any secondary considerations of non-obviousness. However, Patent Owner argued during prosecution of the '817 Patent that there existed a long-felt need for the alleged invention citing a Sept 17-19, 2001

Conference Proceeding that noted that just after the events of 9/11/2001, “in order to enhance the safety and effectiveness of firefighting operations in buildings containing modern fire alarm systems, [there was a] need to improve the type of information that is made available to the fire service, the means by which it is presented, and the channels through which it is distributed. More timely information on the state of the fire and the building environment will lead to better tactical decisions by the fire service.” Ex. 1008, 397-398.

Petitioner posits there is no evidence that a solution *did not* exist prior to the filing of the '817 Patent. M.P.E.P. §716.04 (“Establishing long-felt need requires objective evidence that an art recognized problem existed in the art for a long period of time without solution.”). At least the system described in Saylor discloses improved methods of communicating alarm situations. Ex. 1002, 1:65-2:25. In addition, even assuming this need was a long-felt need, Patent Owner has not presented objective evidence showing that the invention actually in fact satisfied the supposed long-felt need or that failure to solve the need was due to want of technical know-how rather than due to economic factors such as marketability or profitability. M.P.E.P. §716.04. Finally, the examiner, in his reasons for allowance, did not cite long-felt need as a reason for the allowance, meaning that Patent Owner’s argument has already been considered and rejected. Ex. 1008, 414-418.

Petitioner is unaware of any secondary considerations of non-obviousness with regard to the '817 Patent that include the requisite nexus to the claim language of the challenged claims.

## **XI. CONCLUSION**

In summary, there is a reasonable likelihood that claims 1-4 and 6-16 are unpatentable as obvious in view of the cited prior art. Petitioner therefore requests that the Board grant this petition for *inter partes* review of claims 1-4 and 6-16 of U.S. Patent No. 8,378,817.

Respectfully submitted,

Date: July 21, 2017

/Jackson Ho/

Jackson Ho (Reg. No. 72,360)

K&L GATES LLP

630 Hansen Way

Palo Alto, CA 94304

T: (650) 798-6719

F: (650) 798-6701

Email: [jackson.ho@klgates.com](mailto:jackson.ho@klgates.com)

**Certification of Service Under 37 C.F.R. § 42.6(e)(4)**

A copy of this Petition for *Inter Partes* Review and supporting materials has been served at the following correspondence address of record for the subject patent via Federal Express Priority Overnight® on this 21st day of July, 2017:

**PEACOCK MYERS, P.C.  
201 THIRD STREET, N.W.  
SUITE 1340  
ALBUQUERQUE NM 87102**

A courtesy copy of this Petition for *Inter Partes* Review and supporting materials has been served on the following counsel via electronic mail:

**Richard H Krukar  
Luis M Ortiz  
Ortiz and Lopez, PLLC  
117 Bryn Mawr Dr SE  
Albuquerque, NM 87106  
Email: [krukar@olpatentlaw.com](mailto:krukar@olpatentlaw.com)**

Date: July 21, 2017

/Jackson Ho/  
Jackson Ho (Reg. No. 72,360)  
K&L GATES LLP  
630 Hansen Way  
Palo Alto, CA 94304  
T: (650) 798-6719  
F: (650) 798-6701  
Email: [jackson.ho@klgates.com](mailto:jackson.ho@klgates.com)

**Certification of Word Count Under 37 C.F.R. § 42.24(d)**

The undersigned hereby certifies that the foregoing petition for *Inter Partes* Review contains 9,416 words according to the word count of the word-processing software used to prepare the petition.

Date: July 21, 2017

/Jackson Ho/

Jackson Ho (Reg. No. 72,360)

K&L GATES LLP

630 Hansen Way

Palo Alto, CA 94304

T: (650) 798-6719

F: (650) 798-6701

Email: [jackson.ho@klgates.com](mailto:jackson.ho@klgates.com)