

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MOTOROLA SOLUTIONS, INC.  
Petitioner,

v.

STA GROUP LLC  
Patent Owner

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Case IPR2023-01292  
U.S. Patent No. 7,324,802

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**PATENT OWNER'S SUR-REPLY TO PETITIONER'S  
AUTHORIZED REPLY**

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**Exhibit List**

| Exhibit No. | Exhibit Name                                                                                                                                  |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 2001        | <i>STA Group LLC v. Motorola Solutions, Inc.</i> , Case No. 2:22-cv-00381 (E.D. Tex.), Dkt No. 187                                            |
| 2002        | <i>Entity</i> , MERRIAM WEBSTER COLLEGIATE DICTIONARY (11th ed. 2003)                                                                         |
| 2003        | December 2023 DocketNavigator, Time to Trial Statistics in Patent Cases in the United States District Court for the Eastern District of Texas |

## **I. INTRODUCTION**

Petitioner makes two substantive arguments in its Reply to the Patent Owner's Preliminary Response ("POPR"). First, that the Board should reject PO's construction of "entity," and second, that Petitioner's ground two reference Nigawara discloses "storing." For the reasons expressed below, each fails.

## **II. THE PETITIONER FAILS TO UNDERSTAND THE TERM "ENTITY" AS USED IN THE '802 PATENT**

The Petitioner asks the Board to reject the PO's definition of "entity," but fails to provide sufficient support for its argument.

Petitioner never affirmatively sets forth any specific construction for "entity" in either the Petition or the Reply. In rebuttal to the POPR, the Petitioner can only muster an argument of what the meaning of "entity" is not—namely, any definition that excludes a dispatcher from being an entity. Reply, 1 (PO's "sole basis for distinguishing Ohel from this claim is based on PO's interpretation of '*entity*' to exclude an entity that is a dispatcher") (emphasis in original). Petitioner must make this argument because Ohel discloses nothing besides a dispatcher that could even arguably be considered to be an entity. Reply, 1-3; Petition, 9 (citing Ex. 1004, [0047]). The POPR explains: (i) the claimed entity is an organizational unit with an identity that is distinct from any individual user; and (ii) a dispatcher is not an entity. POPR, 15.

In support of its position, Petitioner asserts that the '802 Patent's disclosure of an entity being a "group/locality/unit" contradicts the definition of an entity as "an organization (as a business or governmental unit) that has an identity separate from those of its members." Compare POPR, 15; with Reply, 1-2. But, the Petitioner does not explain what it perceives to be the contradiction. Reply, 1-3.

All of Petitioner's arguments ignore the context provided by the problems and solutions taught in the '802 Patent. What Petitioner is missing is that Ohel solves the problem of the dispatcher communicating *within an entity* (e.g., within a police department), whereas the '802 Patent solves the problem of emergency systems communicating *between different entities* (e.g., fire department, police department). Petition, 9 (citing Ex. 1004, [0047]); Ex. 1001, Fig. 1. This contextual difference matters because Ohel addresses losing messages due to overtalk *within an entity*, whereas the '802 Patent relates to hearing overlapping communications from *different entities*. POPR, 3, 7, (citing Ex. 1001, 1:23-41, 1:46-58, 1:64-2:9, 6:53-56); Ex. 1004, [0002], [0005], [0009]. In this context, an "entity" is "an organization (as a business or governmental unit) that has an identity separate from those of its members" and Petitioner fails to establish otherwise.

In the context of the '802 patent, a POSITA would understand that each claimed channel is dedicated to a defined group, locality, unit, or similar organizational entity. Reply, 1-2, (citing Ex. 1001, 1:15-18, 3:59-62). The groups,

localities, units, or similar organizational entities that use the claimed systems and methods are fire departments, police departments, and the like. Each of these is an organization (as a business or governmental unit) that has an identity separate from those of its members. There is no contradiction in PO's use of the term.

Petitioner asserts the "PO ignores multiple more relevant definitions in its own exhibit" without explaining why they are more relevant. Reply, 1. However, each of the definitions pointed to by Petitioner are consistent with the PO's use of the term.

For example, the leading "more relevant" definition cited in the Reply is "independent, separate, or self-contained existence." Reply, 3. A fire department is an example of an entity that is (i) independent, separate, or self-contained existence; (ii) is also a group/locality/unit; and (iii) is also an organizational unit with an identity that is distinct from any individual user. On the other hand, even if a dispatcher were to be "independent, separate, or self-contained existence," a dispatcher cannot be either (ii) or (iii). Accordingly, as used in the '802 Patent, the term "entity" does not encompass a dispatcher and Ohel fails as an obviousness reference. POPR, 15.

### **III. GROUND 2 DOES NOT DISCLOSE STORING OF PRIORITIZED MESSAGES BASED ON PRIOR DETERMINATION OF PRIORITY**

Petitioner asserts that Nigawara discloses “storing.” However, as addressed in the POPR, that is not the issue. Nigawara fails to disclose the storing of prioritized messages *based on a previous determination of priority*. POPR, 17.

Nigawara teaches that “voice message output signals 6 ... are stored in a voice message signal memory unit 10” and in parallel “are also applied, together with the plant operation mode information signals 7, to a message announcing order determination unit.” Ex. 1007, 3:68-4:5; see also POPR, 18. Figure 2 of Nigawara confirms that messages 6 from plant sites go directly to the message output memory<sup>1</sup> unit 10 before any prioritization is made. Thereafter, “[d]epending on the character of each voice message signal 6,... the message announcing order determination unit 11 determines the priority order of announcement.” Ex. 1007, 4:6-15 & Fig. 2. “According to the priority order determined..., the voice message signals 6a selected by a message signal selection unit 101 are sequentially applied to a message output unit 102.” Ex. 1007, 4:16-20 & Fig. 2.

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<sup>1</sup> The specification teaches “message signal memory unit 10,” whereas figure 2 illustrates “message output memory” identified as unit 10.

Unlike the '802 Patent claims, Nigawara clearly teaches storing each message *before* prioritization. The Petitioner attempts to deflect attention from Nigawara's deficiency by arguing that both the '802 Patent and Nigawara teach "stor[ing messages] before being *played* in priority order." Reply, 4. Because Nigawara does not teach *storing* messages in priority order, as required under claim 1 of the '802 Patent, Nigawara fails to render the '802 Patent claims as obvious.

## VI. CONCLUSION

For the reasons provided in the POPR and in this Sur-Reply, the Board should deny institution.

Dated: January 25, 2024

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**CERTIFICATE OF SERVICE**

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