

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,

Petitioner,

v.

STA GROUP LLC,

Patent Owner.

CASE: IPR2023-01294

U.S. PATENT NO. 8,831,664

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

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<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	16

TABLE OF PATENT OWNER’S EXHIBITS

Exhibit No.	Exhibit Name
2001	Shaffer et al. (WO2007/021586) (“Shaffer”)
2002	Biltz et al. (US 2008/0037461) (“Biltz”)
2003	December 2023 DocketNavigator Time to Trial Statistics in Patent Cases in the United States District Court for the Eastern District of Texas
2004	<i>STA Group LLC v. Motorola Solutions, Inc.</i> , Case No. 2:22-cv-00381 (E.D. Tex.), Dkt No. 360
2005	Declaration of Shmuel Shaffer, Ph.D.
2006	Deposition Transcript of David Williams, Ph.D. dated June 12, 2024
2007	Resume of Shmuel Shaffer, Ph.D.

I. INTRODUCTION

The Challenged Claims are patentable over Petitioner's invalidity challenges.

Petitioner's Reply ("Reply," Paper 26) misconstrues the Court's claim construction of "media stream." Petitioner uses this misconstruction to rely on EDACS, which discloses how new communication links between endpoints are created in response to an alert (i.e., an emergency call request). Ex 1005, 25, 62. The claims of the '664 Patent, however, instead are directed to monitoring for alerts on media streams (monitoring audio or video) that have already been established (i.e., existing media streams). Ex. 1001, 3:30-39.

The district court concluded that the term "media stream" means "audio or video or both, which may include associated data." Ex. 2004, 42. Notably, this construction, which Petitioner does not dispute, requires at least one of audio or video. Associated data without audio or video is not a media stream. The claims recite "monitoring media streams associated with channels in a communication environment." Importantly, the district court held that this monitoring of media streams must occur before an alert is received **in** one of the media streams. Ex. 2004, 16.

In contrast to the district court's construction, Petitioner parses the definition with respect to "data". Reply, 3, 6. Specifically, Petitioner alleges that the definition of "media stream" is "audio or video or both" and "associated data". Reply, 6.

Petitioner then incorrectly states that the “construction does not require that audio be sent before associated data.” Reply, 6.

Petitioner’s argument classifies communications that carry only data as media streams so long as those “media streams” later contain audio and/or video. This is at odds with the construction from the district court, which requires a media stream to be “**audio or video or both**, which may include associated data”—without audio or video, there is no media stream. Accordingly, using the construction from the district court, which is supported by Dr. Shaffer and the specification of the ’664 Patent, communications that contain only data are not media streams. Ex. 2005, ¶¶91-100. The claimed media streams must contain “audio or video or both.” Ex. 2004, 42. At the end of the day, media streams cannot be monitored if they do not exist, and media streams do not exist when only data is transmitted without audio or video.

As the claims recite the monitoring of audio or video and receiving an alert with the audio or video, Petitioner’s Ground 1 and 2 arguments fail. Reply, 3-4 and 6-7. Even if working and control channels of EDACS are combinable, as alleged by Petitioner, the combined channels only receive an alert as data. Ex. 2005, ¶¶94, 97. EDACS does not monitor *media streams* for an alert since EDACS instead discloses that an alert (i.e., an emergency call request) is received prior to the call being established between endpoints. Ex 1005, 25, 62. EDACS uses the alert as a trigger or prompt to create a communication channel for a call to later facilitate the

transmission of video and/or audio between the endpoints. Ex 1005, 25, 62. The video and/or audio of the calls from EDACS are the purported media stream. Ex. 2004, 42. However, EDACS does not monitor these media streams and Petitioner's invalidity positions for Grounds 1 and 2 fail.

Regarding Ground 3, Kim is not directed to a communication environment and instead is directed to a television that displays alerts received in broadcast signals. Ex. 1008, 1:3-6. Kim's television does not make an adjustment to how a media stream is subsequently provisioned to an endpoint in a communication environment. Kim's television instead simply displays emergency-warning broadcast information.

Additionally, Petitioner misapplies Patent Owner's argument to mean that Kim is "reactive" and argues that being "reactive" is the same as "elevating a priority associated with a media stream." Reply, 19. Petitioner takes Patent Owner's argument out of context to make an overly simplistic argument. For instance, Petitioner ignored the fact that Patent Owner's argument was not even directed to elevating a priority associated with a media stream. Reply, 19. Instead, Patent Owner's argument addressed how Kim does not provision broadcast signals to an endpoint (the television). POR, 48. For at least these reasons, Petitioner's invalidity positions for Ground 3 accordingly fail.

For at least the above-reasons, Petitioner fails to carry the burden to show that the Challenged Claims are unpatentable.

II. CLAIM CONSTRUCTION

In the Parallel Proceeding, the parties agreed on the following claim constructions:

Term	Agreed Construction
Order of Steps (Claim 1)	The steps “must be performed in the recited order.” This means “monitoring media streams associated with channels in a communication environment” is performed before “receiving an alert in one of the media streams”. Also, “elevating a priority associated with the media stream receiving the alert, such that an adjustment is made to how the media stream is provisioned to an endpoint in the communication environment” is performed last.
“endpoint” (Claim 1)	The “end-user device”

Ex. 2004, 16.

The Eastern District of Texas further construed the following claim term:

Term	E.D. Tex. Construction
“media stream” (Claim 1) ¹	“audio or video or both, which may include associated data”

Ex. 2004, 42.

Despite the constructions by the district court, Petitioner relies on a modified definition of “media stream,” while arguing the Patent Owner applied a materially different interpretation. Reply, 1. Specifically, Petitioner parses the definition of “media stream” with respect to “data”. Reply, 3, 6. Petitioner alleges that the definition of “media stream” is “audio or video or both” and “associated data”. Reply, 6. Petitioner then states that the “construction does not require that audio be sent before associated data.” Reply, 6. This is simply incorrect.

The district court’s definition of “media steam” is clear. There is no temporal element, as alleged by the Petitioner. Reply, 6. According to the court, “media

¹ The district court provided the construction for only claims 1 to 3 and 5 since those were the only asserted claims, but the construction applies for all claims where that term appears.

stream” must include “audio or video or both.” The district court’s construction plainly indicates a media stream only exists when audio and/or video is present. Ex. 2005, ¶¶91-100. A media stream with audio and/or video may optionally include associated data. Ex. 2005, ¶¶91-100. Contrary to Petitioner’s assertion, the district court never stated that a media stream can be only data as long as video and/or audio are later transmitted.

The district court’s construction is consistent with the purpose of the ‘664 Patent, which is to monitor media streams (audio and/or video) of communications between end-user devices. Ex. 1001, 3:56-4:9; Ex. 2005, ¶26. The system in the ‘664 Patent monitors this audio and/or video for alerts. Ex. 1001, 3:56-65. When an alert is detected, a priority associated with the audio and/or video is elevated in priority to highlight the alert for the end-user devices that have been communicating with each other. Ex. 1001, 3:56-4:9. It follows that a media stream must have audio and/or video for communication between the end-user devices. Any transmission of data, without including audio and/or video, is not transmitted through a media stream, per the district court. Ex. 2004, 42.

Petitioner’s modified definition of “media stream” departs from the construction provided by the district court, is inconsistent with the purpose of the ‘664 patent, and conflicts with the agreed construction on the order of the steps for Claim 1. Reply, 6. Instead, Petitioner’s modified definition of “media stream” is self-

serving to make EDACS relevant. Accordingly, Petitioner’s definition of “media stream” should be disregarded and the proper construction provided by the district court should be applied.

THE CHALLENGED GROUNDS

A. Ground 1: Claims 1-6, 8, 9 and 11-20 are Not Obvious Over Downs-EDACS

- 1. EDACS Does not Disclose “Monitoring Media Streams Associated with Channels in a Communication Environment” and then “Receiving an Alert in one of the Media Streams”**

Petitioner concedes that Downs does not disclose monitoring media streams associated with channels in a communication environment and then receiving an alert in one of the media streams. Petition, 30-31; Reply, 2-5. Petitioner instead relies on EDACS to disclose these claim elements. Reply 2-5. However, EDACS fails to disclose monitoring media streams (i.e., audio and/or video) associated with channels in a communication environment and, during the monitoring of the media stream, receiving an alert in one of the media streams. The Challenged Claims require that the monitoring of the audio and/or video begins *before* an alert is received in the media stream.

Petitioner alleges that the district court’s construction of media stream “permits the ‘media stream’ to include associated control data, not merely ‘audio or visual’ data.” Reply, 3. Petitioner uses its new definition of “media stream” to argue

that a “media steam” is formed by combining the control and working channels from EDACS. Reply, 2. Petitioner then states, “a POSITA would understand that control and working channels used together to receive an alert and communicate associated audio, teach the claimed ‘media stream.’” Reply, 2.

Petitioner’s arguments gloss over the district court’s definition of “media stream,” which requires “audio or video or both”—associated data is optional, but not required. Ex. 2004, 42. The Challenged Claims require “**monitoring media streams** associated with channels in a communication environment”. Ex. 1001, Cls 1, 11, 16 (emphasis added). The Challenged Claims also require “receiving an **alert in one of the media streams**”. Ex. 1001, Cls 1, 11, 16 (emphasis added). As the parties agreed, the alert is received in the media stream *after* the media streams are monitored. Ex. 2004, 16.

Even if EDACS’ control and working channels are combined, as argued by the Petitioner, EDACS does not monitor media streams. EDACS instead discloses that alerts are transmitted separate from media streams. Ex. 1005, 61-66. EDACS specifies that emergency call requests (i.e., purported alerts) are initiated by a user pressing a PTT button on a mobile radio, as shown in Figure 8 below. Ex. 1005, Figs. 8, 51, 61-66.

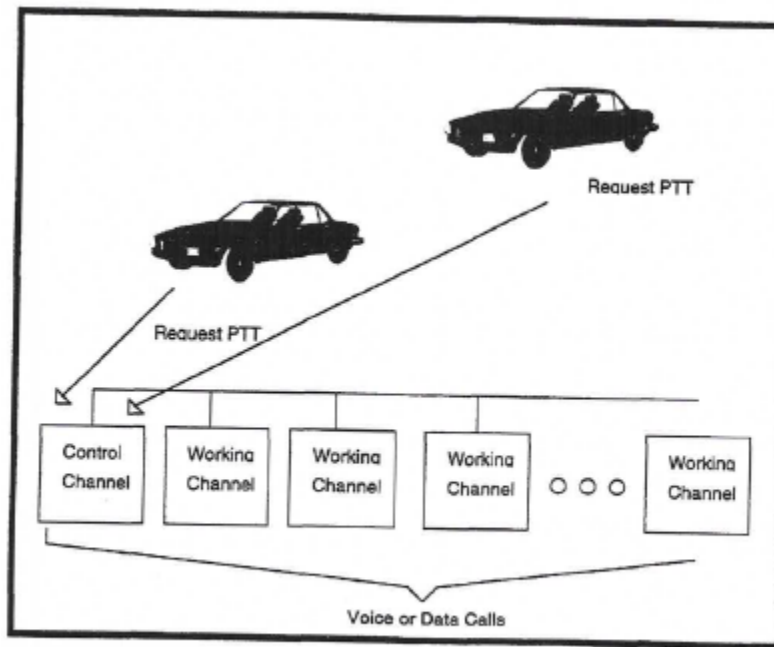


Figure 8. Request PTT

Ex. 1005, Fig. 8.

Emergency call requests in EDACS begin on an inbound control channel and inform the system of the individual ID, call type, and the nature of the call as to an individual or group. *Id.*, 61. The control channel receives all such messages from requesting mobile radios. *Id.*, 61; Ex 2005, ¶¶65-66. Channel assignment occurs *after* this request to allot the request to a separate, open working channel. Ex. 1005, 62; Ex. 2005, ¶66. After the working channel is opened, EDACS discloses that the mobile radios are then able to communicate (via audio and/or video) with each-other on the assigned working channel. Ex. 1005, 64.

EDACS does not disclose the Challenged Claims. EDACS is focused on monitoring for emergency call requests as a trigger for enabling video and/or audio

between mobile radios. Ex. 2005, ¶¶68-70. EDCAS monitors only for emergency call requests. EDACS does not monitor audio and/or video, and also is not concerned with later monitoring audio and/or video from mobile radios. Further, EDACS's "alerts" are not provided with media streams, but rather before an audio or video call exists. Ex. 1005, 61-66. EDACS simply does not monitor media streams and then receive an alert in one of the media streams, as required by the Challenged Claims.

The purpose of the Challenged Claims is to monitor media streams for alerts and to thereafter elevate the priority of such media streams for connected users. Ex. 1001, 3:56-4:9. Petitioner's attempt to remedy EDACS' deficiency by changing the district court's claim construction of "media stream" to encompass alerts transmitted without audio and/or video departs from the media stream monitoring that is recited in the claims. Reply 3, 6; Ex. 1001, 3:56-4:9. For at least these reasons, Petitioner's reliance on EDACS in Grounds 1 and 2 fails to render any Challenged Claim unpatentable.

2. The Out-of-Band Signaling from the Specification of the '664 Patent does not Support Petitioner's Reliance on EDACS

Petitioner points to an out-of-band signaling embodiment from the specification of the '664 Patent to argue that EDACS works in the same manner. Reply, 4. Petitioner ignores the fact that the out-of-band signaling encompasses an embodiment in which audio and/or video is also transmitted with the out-of-band

signaling. Ex. 1001, 5:15-22. The out-of-band signaling embodiment of the specification further supports the district court's claim construction of "media steam" and cuts against Petitioner's reliance on EDACS.

The specification of the '664 Patent discloses multiple embodiments for monitoring media streams and receiving an alert in one of the media streams. In one embodiment, a management center (38) identifies alerts in the audio and/or video content of media streams and accordingly elevates a priority associated with respective media streams. Ex. 1001, 6:6-23. In another embodiment, an intermediate server identifies alerts in the audio and/or video content of media streams. Ex. 1001, 3:46-55; 4:10-26. The intermediate server then provides an indication of the alert through out-of-band signaling to the management center (38), which then elevates a priority associated with an appropriate media stream. Ex. 1001, 4:10-26.

In the first embodiment, the management center (38) identifies alerts in the audio and/or video content of media streams. Ex. 1001, 6:6-23. Specifically, the management center monitors "all of the received media streams, where it can detect that media should be rendered to an active channel whose volume was set below a given threshold, and then assumes that the alert may have to be duplicated or a volume adjustment should be made." Ex. 1001, 6:6-11. The '664 Patent also discloses that the management center (38) "can listen in on a multitude of channels"

for identifying an alert. Ex. 1001, 3:30-39. In this embodiment, it is clear the alert is provided in a media stream with audio and/or video.

In the other embodiment, which is identified by the Petitioner, an intermediate server identifies an alert in a media stream. Ex. 1001, 4:10-24. The '664 Patent discloses that a universal media service ("UMS") (34) or a router media service ("RMS") (30) can be the intermediate server. Ex. 1001, Figure 1, 4:10-24. For this other embodiment, the '664 Patent discloses that the intermediate server **"receives the audio streams"** in the architecture in certain embodiments of the present invention." Ex. 1001, 5:16-18 (emphasis added). The intermediate server identifies an alert in the audio and/or video. Ex. 1001, 4:10-24. When an alert is identified, the '664 Patent discloses the intermediate server provides out-of-band signaling as an audio tone or a message to the management center (38). Ex. 1001, 4:10-24. The management center (38) then uses this out-of-band signaling to receive the alert and elevate a priority associated with the existing media stream. Ex. 1001, 4:10-24. For this out-of-band signaling, the '664 Patent discloses that "the identification of the alert is provided in the header of a packet, in the payload of the packet, in control packets, or in any other suitable location." Dependent Claims 8 and 9 mirror this language from the specification by reciting respectively that the alert is received in a header of a packet of the media stream or received in a control packet of the media stream. Ex. 1001, Claims 8 and 9.

Petitioner argues that EDACS “works precisely the same way as the ’664 patent’s descriptions of out-of-band signaling embodiments.” Reply, 4. Petitioner overlooks one critical difference between the out-of-band signaling disclosed in the ’664 Patent and EDACS: the out-of-band signaling in the ’664 Patent occurs through the intermediate server receiving audio streams. Ex. 1001, 5:16-18. Specifically, the intermediate server is monitoring media streams for an alert to then provide out-of-band signaling for the management center, as the ’664 Patent discloses the “alert message may or may not have been *heard* by other officers, or, because the *Volume* on that specific channel may have been turned down, the officer may not *hear* the following communication on the low priority VHF channel.” Ex. 1001, 3:51-55 (emphasis added). EDACS is silent about alerts (i.e., emergency call requests) being provided during calls when audio and/or video is transmitted. Ex. 2005, ¶¶63, 65-72.

Either of the embodiments discussed above from the ’664 Patent show that alerts are only provided in conjunction with audio and/or video. The alerts could be included within the audio and/or video itself or separated out through out-of-band signaling. Ex. 1001, 4:10-24. Regardless of how an alert is received, the alert is only received concurrent with audio and/or video (i.e., the media streams that are being monitored). Ex. 1001, 3:51-55. EDACS in contrast receives alerts as a trigger to enable audio and/or video communications such that alerts are never received

concurrently with audio and/or video—there simply are no media streams to be monitored. Ex. 1005, 61-66. For this additional reason, Ground 1 fails.

B. Ground 2: Claims 1-6, 8, 9 and 11-20 are not obvious over Downs-EDACS-Childress

Anticipating the PTAB's correct finding that the alert of EDACS is not in a media stream as required under the claims, Petitioner points to Childress to fill the gap. Reply, 13. Petitioner relies on Childress's disclosure of a confirmation message sent on a working channel to confirm that an endpoint has been added to an emergency group call and argues that the confirmation message corresponds to the claimed alert in the media stream. Reply 13-14. Just as the alert of EDACS preceded any media stream and moreover was not received in a media stream, the confirmation message is similarly unrelated to any media stream sent in the emergency group call. Petitioner's second ground accordingly fails to render any Challenged Claim unpatentable.

C. Grounds 3-6

Each of Grounds 3-6 relies on Grounds 1 or 2 and fails for the same reasons outlined above.

D. Ground 7: Claims 1-2, 6-9, 11-12, 15-17 and 20 are not obvious over Kim

Each of independent Claims 1, 11, and 16 recite elevating a priority associated with a media stream receiving an alert. Additionally, Claim 1 recites that an

adjustment is made to how the media stream is provisioned to an endpoint in the communication environment. For the reasons below, Kim does not elevate a priority associated with a media stream receiving an alert. Kim also does not adjust how the media stream is provisioned to an endpoint in the communication environment, which entails provisioning the adjusted media steam to another device.

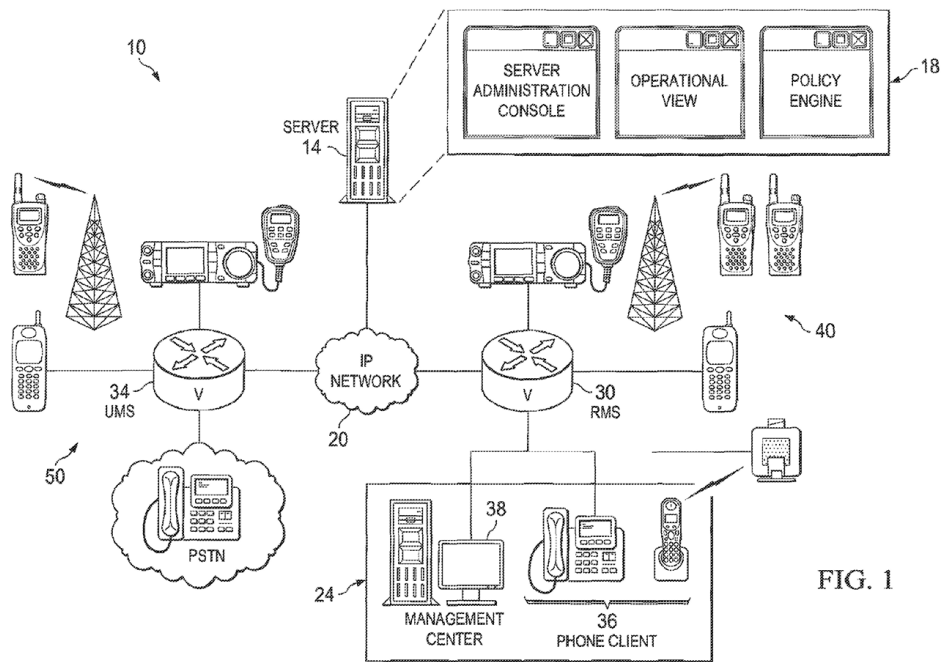
1. Claim differentiation between independent Claim 1 and Claims 11 and 16 support the endpoint of Claim 1 being a separate device

Petitioner argues that the specification of the '664 Patent itself encompasses endpoints such as Kim's television, which do not further provision a media stream to an endpoint. Reply, 20 to 22. Specifically, Petitioner states that "adjustments to how the media steam is provisioned need not be made external to the endpoint." Reply, 21. To justify this position, Petitioner points to an embodiment from the '664 Patent where a management center (38) makes an adjustment to a media steam that is processed internally. Reply, 21. However, the embodiment cited by Petitioner corresponds to independent Claims 11 and 16, which could include the management center making an internal adjustment to how a media steam is processed. Petitioner ignores other embodiments from the '664 Patent and the plain language of Claim 1, which recites that "an adjustment is made to how the media stream is provisioned *to an endpoint* in the communication environment." Ex. 1001, Claim 1. (emphasis

added). When these other embodiments and claim language are considered, it is clear that Kim's television does not provision a media stream to another endpoint.

The doctrine of claim differentiation states that no two claims in a patent should be interpreted to cover the same thing when the claims have different recitations. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*). Claim 1 and Claims 11 and 16 have different recitations. Claim 1 recites that an "adjustment is made to how the media stream is provisioned to an endpoint in the communication environment." Ex. 1001, Claim 1. Claims 11 and 16 recite "elevating a priority associated with the media stream receiving the alert." Ex. 1001, Claims 11 and 16.

The difference in claim language of Claim 1 and Claims 11 and 16 corresponds to separate embodiments disclosed in the specification of the '664 patent. A first embodiment relates to Claim 1 and specifies that adjustments to media streams are made for separate, downstream endpoint devices. A second embodiment, highlighted by Petitioner, relates to Claims 1, 11, and 16 and specifies that adjustments to media streams may be internally for the device that received the alert.



Ex. 1001, Fig. 1.

Figure 1 from the '664 Patent is reproduced above. This figure shows a management center (38) in addition to PTT end-user devices (40, 50). As shown, the management center (38) is separated from the PTT end-user devices (40, 50) via a network. Ex. 1001, 2:33-46.

The '664 Patent discloses that PTT end-user devices (40, 50), such as those shown in Figure 1 are commonly used in safety and security environments. Ex. 1001, 3:15-19. The management center (38) listens in on a multitude of channels that are communicated among the PTT end-user devices (40, 50). Ex. 1001, 3:35-36. In one example provided by the '664 Patent, a police officer broadcasts urgent message or alert over a PTT end-user device (40). Ex. 1001, 3:46-51. The '664

Patent recognizes that this alert message may or may not have been heard by other officers on their own PTT end-user devices. Ex. 1001, 3:46-55. The '664 Patent discloses that the management center (38) promptly identifies the alert and provides a suitable response by provisioning the appropriate channels for the other officers via their separate PTT end-user devices. Ex. 1001, 3:66-4:9.

Claim 1 reflects the above embodiment by reciting that “an adjustment is made to how the media stream is provisioned *to an endpoint* in the communication environment.” The endpoint recited in Claim 1 is not mentioned in the prior claimed steps of monitoring media streams and receiving an alert in one of the media streams since those operations are performed by another device, such as the management center (38). To notify officers of an alert, an adjustment is made to how a media stream is provisioned to appropriate end-user downstream endpoint(s) that are in a communication environment. Ex. 1001, 3:66-4:9; Ex. 2005, ¶123.

In contrast to Claim 1, Claims 11 and 16 do not recite adjusting how a media stream is provisioned to an endpoint in a communication environment. These claims cover the first embodiment discussed above in conjunction with Claim 1. These claims also cover a second embodiment where the management center (38) is an example of a PTT device that includes end-user equipment for a dispatcher. Ex. 1001, 3:19-21. In this embodiment, the elevation in priority may be for downstream

PTT devices (40, 50) and/or the management center (38) itself. Ex. 1001, 3:4-9. Petitioner focuses exclusively on this second embodiment. Reply, 20-22.

In view of the claim differentiation between Claim 1 and Claims 11 and 16, Claim 1 additionally requires the system to adjust the media stream before the media stream is received by the endpoint. Ex. 2005, ¶123. Because the adjustment is made to how the media stream is provisioned *to* the endpoint, the adjustment must occur before the endpoint receives the media stream. Ex. 2005, ¶144. Otherwise, the system could not adjust how the media stream is provisioned to the endpoint, as recited in Claim 1. Ex. 2005, ¶¶144-145.

The Reply focuses solely on the second embodiment where the management center (38) elevates a priority associated with the media stream receiving the alert for itself and downstream PTT devices. Reply, 20 to 22. The Reply is silent about the first embodiment where the management center (38) makes an adjustment to how the media stream is provisioned to an endpoint in the communication environment. The Reply fails to address this embodiment since Kim fails to disclose provisioning a media stream to any downstream endpoints.

Kim discloses a television as an endpoint. Ex. 1008, 1:3-6. Kim's television does not adjust how a media stream is provisioned to other downstream endpoints. Ex. 2005, ¶¶140-142. *Kim* accordingly cannot be relied on to disclose Claim 1. For

this additional reason, Ground 3 fails for independent Claim 1 and dependent Claims 2 to 10.

2. Kim Fails to Disclose “Elevating a Priority Associated With the Media Stream Receiving the Alert”

Petitioner miscasts Patent Owner’s argument to conceal Kim’s weaknesses regarding the elevation of a priority associated with a media stream receiving an alert. Reply, 18-19. Specifically, the Petitioner keys in on the word “react” from Patent Owner’s Response. Reply, 19. When Patent Owner’s entire argument is considered, it is clear Kim does not elevate a priority associated with a media stream receiving an alert. POR, 48, 51, and 52.

Petitioner argues that the crux of Patent Owner’s argument for this claim element is that Kim’s television endpoint “reacts” to broadcast television signals while the claims recite “elevating a priority.” Reply, 19. Petitioner indicates “PO implies that “reacts” is somehow different from “elevating a priority,” but fails to articulate any meaningful distinction.” Reply, 19. Petitioner then concludes that “reacting to received alerts as disclosed in Kim is within the scope of the “elevating” limitation. Reply, 19.

The Reply uses the term “react” four times. Reply, 19. Patent Owner only referred to “react” once. POR, 48. The only time that Patent Owner referred to “react” was not in conjunction with elevating a priority associated with a media

stream. Rather, the argument was with respect to how a media stream is adjusted when provisioned to an endpoint. POR, 48. Specifically, Patent Owner argued “[m]ost notably, *Kim* is a television endpoint that *reacts* to received broadcast television signals by adjusting endpoint settings; *Kim* does not have any control over the broadcast television signals themselves and how the broadcast signals are provisioned *to* the endpoint (the television). Ex. 2005, ¶142.” POR, 48. Petitioner’s counter argument is entirely based on Patent Owner’s argument for a different claim element regarding the provisioning of the media stream to an endpoint.

Petitioner’s focus on the “react” argument misdirects from Patent Owner’s actual argument regarding the elevation of a priority associated with a media stream receiving an alert. Claims 1, 11, and 16 of the ’664 Patent require “elevating a priority associated with the media stream receiving the alert.” *Kim* conversely receives broadcast data in exactly the same form as originally broadcast, with no elevation of the priority associated with the media stream receiving the alert. Ex. 1008, 15:13-22. *Kim*’s television compares information received in the broadcast signals against the information stored in the memory. *Kim*, 16:6-10. When the information matches, *Kim*’s television powers on, prescribes an emergency-warning broadcast channel, and increases its volume. *Kim*, 16:11-17:11; Ex. 2005, ¶141.

At no point does *Kim* elevate a priority, or make any other adjustment or modification, associated with the media stream receiving the alert. Ex. 2005, ¶¶140-

140-142. Kim's television simply receives a broadcast signal and then adjusts its television settings to convey the alert to a user. Kim, 16:11-17:11. Kim's television does not elevate a priority associated with the received broadcast channels since Kim instead changes television settings when an alert matches information stored in the television memory. Ex. 2005, ¶¶140-140-142. Kim simply fails to disclose elevating a priority associated with the media stream receiving the alert, as recited in Claims 1, 11, and 16. Accordingly, Petitioner's third ground fails to render any Challenged Claim unpatentable.

E. Grounds 8 and 9

Each of Grounds 8 and 9 relies on Ground 7 and fails for the same reasons outlined above with respect to Kim.

III. CONCLUSION

For the reasons set forth above, Petitioner has failed to satisfy its burden that the Challenged Claims are invalid, and the Board should confirm the patentability of the Challenged Claims.

Dated: November 11, 2024

Respectfully submitted,

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

The undersigned hereby certifies that the foregoing contains 4,755 words according to the word count of the word-processing software used to prepare the foregoing.

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2024, a true and correct copy of the foregoing was caused to be served on the following counsel of record for Petitioners by electronic mail at the following addresses:

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