

Petition for *Inter Partes* Review of U.S. Patent No. 8,994,830

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,

Petitioner,

v.

STA GROUP LLC,

Patent Owner.

IPR2023-01295

U.S. Patent No.: 8,994,830 B2

**PETITION FOR *INTER PARTES* REVIEW OF CLAIMS 1-5, 7-19, 21-
24 OF U.S. PATENT NO. 8,994,830 B2**

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PETITIONER’S EXHIBIT LIST

Ex[No.]¹	Description of Documents
1001	U.S. Patent No. 8,994,830 (“’830 Patent”)
1002	Declaration of Nathaniel Polish, Ph. D. in Support of Petition for <i>Inter Partes</i> Review of the ’830 Patent, with CV attached as Appendix A (“Polish Decl.”)
1003	Prosecution File History of the ’830 Patent (“’830 Patent File History”)
1004	U.S. Patent App. No. 2006/0281471 (published Dec. 14, 2006) (“Shaffer”)
1005	U.S. Patent App. No. 2007/0036100 (published Feb. 15, 2007) (“Shaffer ’100”)
1006	U.S. Patent App. No. 2007/0173273 (published Jul. 26, 2007) (“Gogic”)
1007	U.S. Patent No. 8,090,388 (priority date Mar. 20, 2007, issued Jan. 3, 2012) (“Opitz”)
1008	<i>First Line of Defense Glassbreak Detectors by IntelliSense</i> , Honeywell (2006)

¹ Citations to issued patents (Exhibits 1001, 1007, 1011, 1012, 1016, 1025, 1026) are made by column and line number. Citations to patent application publications (Exhibits 1004, 1005, 1006, 1013, 1014, 1020, 1021, 1024, 1028, 1029, 1030) and Exhibits 1002 are made by paragraph number. Citations to Exhibits 1010, 1015, 1017, 1018, 1019, 1023, and 1032 are to the original page numbering in the exhibits. Citations to Exhibits 1003, 1009, and 1022 are to the page number added by the exhibit label. Citation to Exhibit 1027 is to the original page numbers and line numbers.

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Ex[No.] ¹	Description of Documents
1009	Docket Control Order, <i>STA Group LLC v. Motorola Solutions, Inc.</i> , No. 2:22-CV-0381-JRG-RSP, Dkt. 35 (E.D. Tex. Feb. 3, 2023)
1010	Plaintiff’s First Amended Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure Pursuant to P.R. 3-1 & 3-2, No. 2:22-CV-0381-JRG-RSP (E.D. Tex. June 15, 2023)
1011	U.S. Patent No. 7,113,090 (issued Sept. 26, 2006) (“Saylor”)
1012	U.S. Patent No. 5,152,011 (issued Sept. 29, 1992) (“Schwob”)
1013	U.S. Patent App. No. 2007/0270172 (published Nov. 22, 2007) (“Kalley”)
1014	U.S. Patent App. No. 2008/0108339 (published May 8, 2008) (“Shaffer ’339”)
1015	<i>Voice over IP in LMR Environments, Technical Note 2006-5</i> , Office of Grants and Training Interoperable Communications Technical Assistance Program (ICTAP) (Nov. 2, 2005).
1016	U.S. Patent No. 7,864,716 (priority date Feb. 15, 2007, issued Jan. 4, 2011) (“Manroa”)
1017	<i>Understanding Wireless Communications in Public Safety, A Guidebook to Technology, Issues, Planning, and Management</i> by Imel et. Al (published Jan. 2003)
1018	<i>How Wireless IP Communications Supports Fast Emergency Response</i> , Cisco (published 2007)
1019	<i>Washington Statewide Communications Interoperability Plan</i> , Washington State Interoperability Executive Committee (SIEC) (published Apr. 4, 2008)
1020	U.S. Patent App. No. 2007/0076094 (published Apr. 5, 2007) (“Dickerson”)
1021	U.S. Patent App. No. 2007/0060144 (published Mar. 15, 2007) (“Mills”)
1022	<i>Spectrum Management Regulations and Procedures Manual</i> , Federal Aviation Administration (published Nov. 17, 2005)
1023	<i>In re FCC 04-168, REPORT AND ORDER, FIFTH REPORT AND ORDER, FOURTH MEMORANDUM OPINION AND ORDER, AND ORDER</i> , Federal Communications Commission (adopted July 8, 2004)

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Ex[No.]¹	Description of Documents
1024	U.S. Patent App. No. 2004/0192313 (published Sept. 30, 2004) (“Otting”)
1025	U.S. Patent No. 7,783,316 (priority date Sept. 9, 2004, issued Aug. 24, 2010) (“Mitchell”)
1026	U.S. Patent No. 7,260,394 (issued Aug. 21, 2007) (“Welnick”)
1027	U.K. Patent App. No. GB2384393 (published July 23, 2007) (“Valentine”)
1028	U.S. Patent App. No. 2008/0115174 (published May 15, 2008) (“Nicholl”)
1029	U.S. Patent App. No. 2005/0190263 (published Sept. 1, 2005) (“Monroe”)
1030	U.S. Patent App. No. 2004/0023635 (published Feb. 5, 2004) (“Impson”)
1031	Plaintiff's and Defendant's Local P.R. 4-2 Disclosure of Preliminary Proposed Constructions of Claim Terms and Preliminary Identification of Extrinsic Evidence
1032	Katherine K. Vidal, <i>Memorandum: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation</i> (June 21, 2022)

MANDATORY NOTICES UNDER 37 C.F.R. 42.8(a)(1)

A. Real Party-in-Interest under 37 C.F.R. 42.8(b)(1)

The real party-in-interest is Motorola Solutions, Inc. No other parties exercised or could have exercised control over this Petition; no other parties funded or directed this Petition.

B. Related Matters under 37 C.F.R. 42.8(b)(2)

As of the filing date of this Petition, and to the best knowledge of Petitioner, the '830 patent is involved in the following: *STA Group LLC v. Motorola Solutions, Inc.*, Case No. 2:22-cv-00381 (E.D. Tex.) (“EDTX Litigation”). Petitioner moved to dismiss the complaint on December 12, 2022. That motion was denied in a report and recommendation by the Magistrate Judge on July 7, 2023, which was adopted on August 11, 2023.

The '830 patent was also asserted against Petitioner in an identical Complaint in *STA Group LLC v. Motorola Solutions, Inc.*, Case No. 4-22-cv-00840 (E.D. Tex.), which was filed in error on September 30, 2022 and administratively closed October 6, 2022 without any proceedings.

C. Lead and Back-Up Counsel under 37 C.F.R. 42.8(b)(3)

Petitioner provides the following designation of counsel:

LEAD COUNSEL	BACK-UP COUNSEL
Eliot D. Williams (Reg. No. 50,822) BAKER BOTTS L.L.P. 700 K Street, N.W	Katharine Burke (<i>pro hac vice</i> application forthcoming) BAKER BOTTS L.L.P.

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Washington, D.C. 20001-5692 Tel: 202-639-1334 eliot.williams@bakerbotts.com	700 K Street, N.W. Washington, D.C. 20001-5692 Tel: 202-639-7720 katharine.burke@bakerbotts.com Michael Knierim (Reg. No. 78,268) BAKER BOTTS L.L.P. 30 Rockefeller Plaza New York, NY 10112 Phone: (212) 408-2584 Fax: (212) 259-2584 michael.knierim@bakerbotts.com Clarke W. Stavinoha (Reg. No. 71,152) BAKER BOTTS L.L.P. 2001 Ross Avenue, Suite 900 Dallas, TX 75201-2980 Tel: 214-953-6484 clarke.stavinoha@bakerbotts.com Joseph B. Cahill (Reg. No. 80,691) BAKER BOTTS L.L.P. 700 K Street, N.W Washington, D.C. 20001-5692 Tel: 202-639-7703 joe.cahill@bakerbotts.com
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D. Service Information under 37 C.F.R. 42.8(b)(4)

A copy of this entire Petition, including all Exhibits and a power of attorney, is being served by FEDERAL EXPRESS, costs prepaid, to the correspondence address of record for the '830 patent at the USPTO: Edell, Shapiro, & Finnan, LLC, 9801 Washingtonian Blvd., Suite 750, Gaithersburg, MD 20878; and by email to the attorney or agent of record for Patent Owner in the EDTX Litigation: James A.

Shimota, K&L Gates, Jim.Shimota@klgates.com.

Please address all correspondence to lead and back-up counsel. Petitioner consents to service at lead counsel's address provided above. Petitioner consents to electronic service, provided it is made to the following e-mail address:

- dlbbstamsiiprs@bakerbotts.com.

A Power of Attorney is filed concurrently herewith under 37 C.F.R. § 42.10(b).

CLAIM LISTING

Claim 1

1[pre]	A method comprising:
1[a]	monitoring a selection of a communication channel by a user of a mobile communication device;
1[b]	providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone
1[c]	from which a plurality of video feeds associated with the geographic zone are sourced;
1[d]	monitoring a selection of a radio frequency of the plurality of radio frequencies by the user;
1[e]	identifying at least one video feed by selecting the at least one video feed from the plurality of video feeds associated with the geographic zone, wherein the at least one video feed is associated with the selected communication channel based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel,
1[f]	the one or more video feeds being independent of the selected communication channel; and
1[g]	providing access to the identified at least one video feed to the mobile communication device based on the user policy.

Claim 2

2	The method of claim 1, wherein providing access comprises associating the identified at least one video feed with the mobile communication
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	device in a database that is used to manage access to independent video feeds in a network based on audio communication channels that are selected by communication devices in the network.
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Claim 3

3[a]	The method of claim 1, further comprising: accessing a database to identify a plurality of members of an emergency response team that includes the user of the mobile communication device; and
3[b]	presenting a plurality of available video feeds on the display of the mobile communication device, the plurality of available video feeds including video streams associated with the plurality of members of the emergency response team.

Claim 4

4	The method of claim 3, wherein the available video feeds are sourced from a group of surveillance cameras.
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Claim 5

5	The method of claim 1, wherein: the communication channel is a Push-To-Talk (PTT) channel in a PTT communication network and the mobile communication device is a PTT radio.
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Claim 7

7[a]	The method of claim 1, further comprising: monitoring an audio signal generated in proximity to a video camera providing a first video feed included in the identified at least one video feed;
7[b]	processing the audio signal to identify an audio event; and
7[c]	based on the identified audio event, providing access to the first video feed to a plurality of mobile communication devices in a group of mobile communication devices, the group of mobile communication devices including the mobile communication device of the user corresponding to the selection of the communication channel.

Claim 8

8	The method of claim 1, wherein the communication channel is associated with a Virtual Talk Group (VTG).
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Claim 9

9	The method of claim 1, wherein providing access to the video feeds depends on a video association policy.
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Claim 10

10	The method of claim 9, wherein the video association policy includes a role of the user defined in a policy database.
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Claim 11

11[a]	The method of claim 1, further comprising: identifying a geographical location of the user's mobile communication device using a Global Positioning System;
11[b]	identifying that the at least one video feed is associated with the geographical location; associating the at least one video feed with other mobile communication devices set to the same channel as the user's mobile communication device; and automatically rendering access to the at least one video feed to the other mobile communication devices.

Claim 12

12	The method of claim 1, wherein the selected communication channel is a selected audio communication channel that is selected from a plurality of audio communication channels, the at least one video feed being associated with the selected audio communication channel, and the user policy identifying the one or more video feeds that are relevant to the user when the user accesses the selected audio communication channel.
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Claim 13

13	The method of claim 1, wherein the user policy associates the at least one video feed with the selected communication channel based on the
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	geographic zone from which the at least one video feed is sourced and a device group that includes the user's communication device.
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Claim 14

14	The method of claim 1, wherein the user policy associates the at least one video feed with the selected communication channel by comparing a first geographic zone from which the at least one video feed is sourced with a second geographic zone corresponding to a location of the user's communication device.
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Claim 15

15[pre]	An apparatus, comprising:
15[a]	at least one processor; and
15[b]	a memory in communication with the at least one processor, the memory being configured to store a video stream association module executable by the at least one processor; the video stream association module being executed by the at least one processor to cause operations to be performed, the operations comprising:
15[c]	monitoring a selection of a communication channel by a user of a mobile communication device;
15[d]	providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone;
15[e]	from which a plurality of video feeds associated with the geographic zone are sourced;
15[f]	monitoring a selection of a radio frequency of the plurality of radio frequencies by the user;
15[g]	identifying at least one video feed by selecting the at least one video feed from the plurality of video feeds associated with the geographic zone; wherein the at least one video feed is associated with the selected communication channel based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel,
15[h]	the one or more video feeds being independent of the selected communication channel; and
15[i]	providing access to the identified at least one video feed to the mobile communication device based on the user policy.

Claim 16

16	The apparatus of claim 15, wherein providing access comprises associating the identified at least one video feed with the mobile communication device in a database that is used to manage access to independent video feeds in a network based on audio communication channels that are selected by communication devices in the network.
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Claim 17

17[a]	The apparatus of claim 15, wherein the operations further comprise: accessing a database to identify a plurality of members of an emergency response team that includes the user of the mobile communication device; and
17[b]	presenting a plurality of available video feeds on the display of the mobile communication device, the plurality of available video feeds including video streams associated with the plurality of members of the emergency response team.

Claim 18

18	The apparatus of claim 17, wherein the available video feeds are sourced from a group of surveillance cameras.
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Claim 19

19	The apparatus of claim 15, wherein the communication channel is a Push-To-Talk (PTT) channel in a PTT communication network and the mobile communication device is a PTT radio.
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Claim 21

21[a]	The apparatus of claim 15, wherein the operations further comprise: monitoring an audio signal generated in proximity to a video camera providing a first video feed included in the identified at least one video feed;
21[b]	processing the audio signal to identify an audio event; and
21[c]	based on the identified audio event, providing access to the first video feed to a plurality of mobile communication devices in a group of mobile

	communication devices, the group of mobile communication devices including the mobile communication device of the user corresponding to the selection of the communication channel.
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Claim 22

22	The apparatus of claim 15, wherein the communication channel is associated with a Virtual Talk Group (VTG).
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Claim 23

23	The apparatus of claim 15, wherein providing access to the video feed depends on a video association policy, the video association policy including a role of the user defined in a policy database.
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Claim 24

24[a]	The apparatus of claim 15, wherein the operations further comprise: identifying a geographical location of the user's mobile communication device using a Global Positioning System;
24[b]	identifying that the at least one video feed is associated with the geographical location; associating the at least one video feed with other mobile communication devices set to the same channel as the user's mobile communication device; and automatically rendering access to the at least one video feed to the other mobile communication devices.

I. INTRODUCTION

Motorola Solutions, Inc. (“Petitioner”) respectfully submits this Petition for *inter partes* review of Claims 1-5, 7-19, and 21-24 (the “Challenged Claims”) of U.S. Patent No. 8,994,830 (the “’830 patent”). Petitioner respectfully requests institution of *inter partes* review and a finding that the Challenged Claims are unpatentable.

As the Examiner repeatedly recognized during prosecution, the Challenged Claims are directed to known processes for filtering video feeds to just those feeds relevant to a user of a mobile communication device, such as a radio. *See e.g.*, Ex[1003], pp. 127-37, 184-92, 239-45. The claims were allowed based on the combination of that known video feed filtering with the equally known functionality of displaying and selecting radio frequencies in a user’s geographic area. *Id.*, pp. 83, 108, 127-38. But the recited frequency display/selection functionality simply adds a known and obvious technique (geographical frequency display/selection) as old as the concept of a radio itself.

II. REQUIREMENTS UNDER 37 C.F.R. 42.104

A. Grounds for Standing

Petitioner certifies that the ’830 patent is available for IPR and that Petitioner is not barred or otherwise estopped.

B. Identification of Challenge and Statement of Precise Relief Requested

This IPR, supported by the declaration of Dr. Nathaniel Polish (Exhibit 1002), asserts the following grounds of unpatentability:

Ground	'830 Patent Claims	Basis for Challenge
1	1-5, 7-19, 21-24	Obvious under §103 based on Shaffer in view of Saylor
2	1-5, 8-19, 22-24	Obvious under §103 based on Gogic in view of Opitz

III. THE '830 PATENT

The '830 patent concerns “providing access to video streams associated with communication channels in a communication network.” Ex[1001], 1:8-9.

The disclosed communication system (below) includes “communication channels” connecting devices used by “public safety and first responders” (*e.g.*, radios, phones, and cameras) in a “virtual talk group” (“VTG”). *Id.*, 2:31-44; 3:37-44, 6:18-21, 7:39-42; FIGs.1a-1b. The '830 patent does not claim to have invented a VTG or a communication channel. Ex[1002], ¶¶37-42. To the contrary, the patent describes an exemplary VTG as simply a combination of like endpoints (*e.g.*, an “emergency response team”) grouped together for communications. Ex[1001], 5:6-11, 5:33-37. Similarly, a communication channel is described as any (1) audio channel in a “radio network” (152); or (2) an IP channel over a computer network (114) that uses an interoperability service (150) to connect different types of devices and networks (*e.g.*, a radio in a “radio network” 152 and a phone in a cellular network 104). Ex[1001], 3:5-10, 3:39-4:9, Figs.1a-1b; *see also id.*, 2:40-43, 4:22-28.

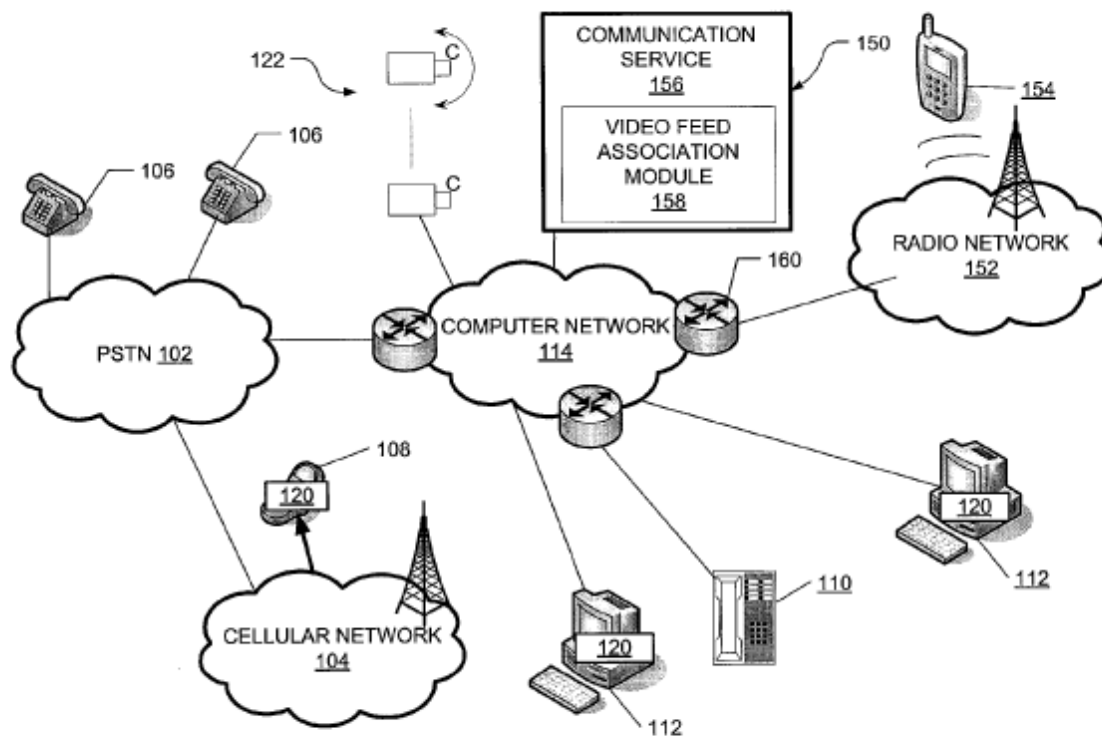


FIG. 1B

Ex[1001], FIG. 1B.

The '830 patent purports to improve on the prior art by providing a mobile user access to video feeds based on a “user policy” that filters the video feeds to “only those video feeds that are of particular interest to a user.” *Id.*, 2:11-13, 3:3-15, 5:60-64, 7:47-49. “[B]y controlling the video feeds” in this way, the system may “reduc[e] the information overload to the end user.” *Id.*, 7:47-59. For example, when emergency responders in a “fire-truck VTG” “approach a location from which specific video feed [*sic*] is originating,” a “policy” can analyze the VTG’s location and may “automatically associate” only relevant video feeds in that area with the

communication channel hosting the VTG. *Id.*, 6:3-13.

The '830 patent also discloses an exemplary mobile device user interface for selecting a particular VTG in which to participate. For example, as show in FIG. 9, a “user may select a specific VTG” to participate in “by selecting one of the channels 902.1-902.s” associated with that VTG. *Id.*, 10:13-14. FIG. 9 also shows that a user can separately select one or more radio frequencies in one or more zones. *Id.*, 10:7-12. As described in the specification, frequencies appear via a drop-down menu. *Id.*, 10:7-12.

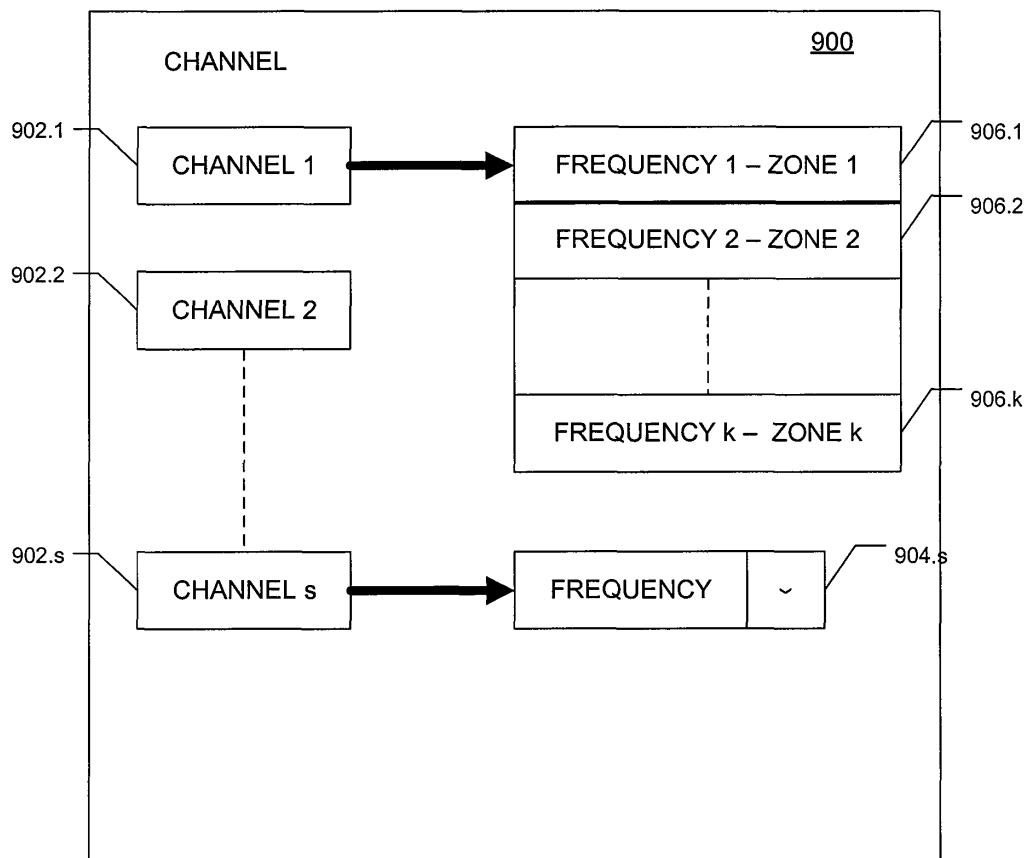


FIG. 9

Ex[1001], FIG. 9.

IV. THE '830 PATENT PROSECUTION HISTORY

The originally proposed independent claims did not recite any frequency display/selection and focused instead on video filtering by selecting a communication channel and identifying video feeds associated with that channel based on a user policy. Ex[1003], pp. 350-55. The Examiner, however, rejected those claims multiple times in view of the prior art. *Id.*, pp. 125-38, 181-92, 237-47, 285-93; Ex[1002], ¶¶43-44. The independent claims were only allowed when applicants added the requirements of frequency display and selection to the independent claims. Ex[1003], pp. 108-15. But those well-known concepts do not render the claims new or non-obvious. Ex[1002], ¶¶44, 52-68.

V. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art (“POSITA”) as of August 8, 2008 would have had at least (a) a bachelor’s degree in computer science, electrical engineering, or a similar field, and (b) approximately 2 years industry experience in networking or communication systems, including interoperating different types of networks that include video feeds. Ex[1002], ¶¶45-47. Additional education in electrical engineering or computer science such as a masters or doctorate degree may serve as a substitute for experience in the field. *Id.* A person with less or different education but more relevant practical experience, or vice versa, may also meet this standard. *Id.*

VI. CLAIM CONSTRUCTION

In district court, the parties have proposed claim constructions for several terms in the Challenged Claims. Ex[1031]; Ex[1002], ¶¶48-51. The Petition accounts for both parties' proposals (Ex[1002], ¶¶48-51), and, as described, the claims are invalid under any proposal or any reasonable construction. §VIII. Accordingly, except as set forth below, the Board need not construe any term to find the Challenged Claims invalid. See *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

Claim 15 also includes a term, “video stream association module,” that may invoke pre-AIA 35 U.S.C. § 112, ¶6. *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1351-52 (Fed. Cir. 2015) (“‘Module’...can operate as a substitute for ‘means’ in the context of § 112, para. 6.”). Without conceding that the term satisfies 35 U.S.C. § 112, Petitioner proposes the following construction under § 112, ¶6.

Elements	Function and Structure
15[b] “video stream association module”	<u>Function</u>: monitoring a selection of a communication channel..., providing a plurality of radio frequencies on a display..., monitoring a selection of a radio frequency..., identifying at least one video feed..., providing access to the identified at least one video feed... <u>Structure</u>: “a variety of software applications and/or hardware that can monitor and process communications between the communication devices,” as described at Ex[1001], 3:46-49 and

Regardless of whether the Board agrees with Petitioner's proposed construction, the prior art discloses this limitation.

VII. SUMMARY OF PRIOR ART

Petitioner assumes without conceding that the Challenged Claims are entitled to an August 8, 2008 priority date (the filing date of the application leading to the '830 patent), and thus are subject to the pre-AIA provisions of 35 U.S.C. §§102 and 103. The prior art relied on in this Petition was not of record during prosecution. Ex[1001], Cover.

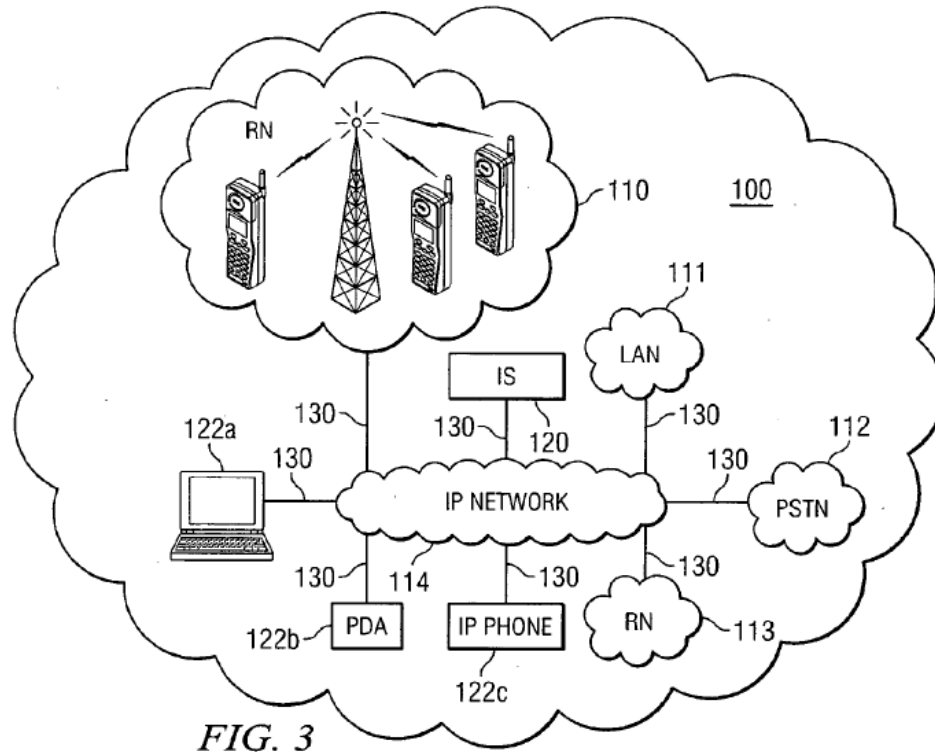
A. Shaffer (Ex[1004])

Shaffer, U.S. Patent Application No. 2006/0281471, was filed on June 8, 2005 and published on December 14, 2006 and is prior art under at least §§102(a) and (b).

Like the '830 patent, Shaffer discloses a communication system (*e.g.*, FIG.3, below) connecting various devices (endpoints), such as computers, phones, radios, and cameras, used by first responders, such as police and fire departments. Ex[1004], ¶¶0015, 0025. Also like the '830 patent, Shaffer describes that different types of endpoints can be combined by an interoperability service (IS, 120 below) into “a virtual talk group for communication using a particular IP address.” *Id.*, ¶0039. In particular, the IS uses a “multicast IP address[]” that “facilitates interoperability

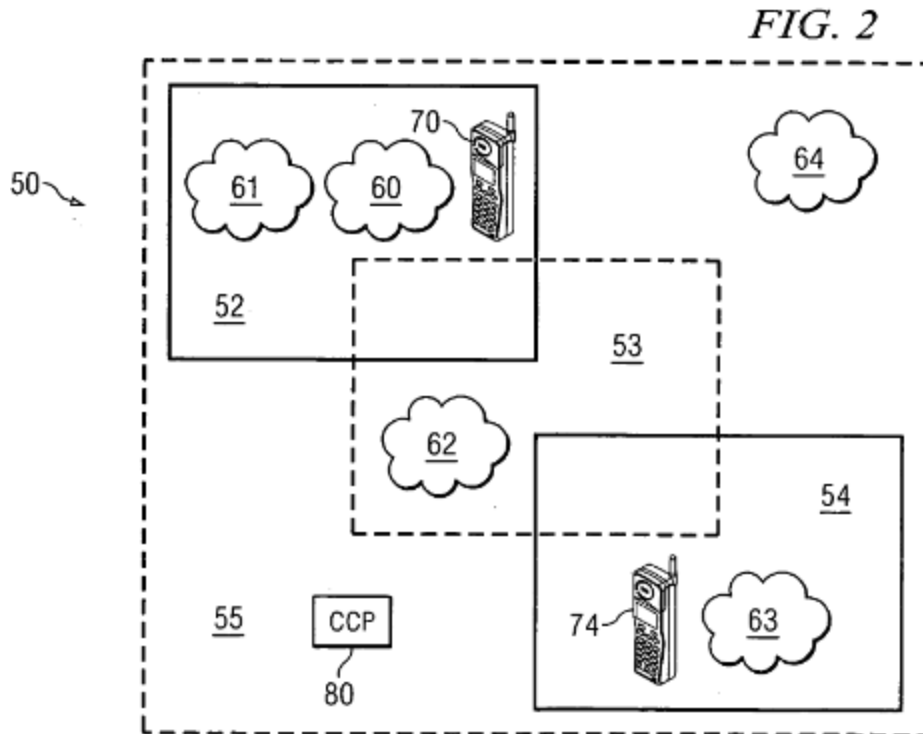
² Citations to the figures are included without conceding that these claim elements satisfy 35 U.S.C. §112.

between endpoints and devices of various communication networks.” Ex[1004], ¶¶0016-0020, 0037-0039.



Ex[1004], FIG. 3.

Shaffer further discloses that endpoints, including video cameras, can be grouped into geographic areas. For example, FIG. 2 below depicts a plurality of networks 60-64 connecting devices 70 in different geographic regions 52-55, such as “buildings, campuses, municipalities, counties, states, countries or any other particular geographical area.” *Id.*, ¶¶0025-0027.



Ex[1004], FIG. 2.

As shown in FIG.4, as a user of a mobile endpoint travels between locations, the user can select various parameters on the endpoint's display, including (a) a communication network, such as police or fire, and (b) local frequencies for each location, such as City A and City B. Ex[1004], ¶0044. A user may change these communication parameters “through specific user command,” when a user “enters an area of a different or particular communication network.” *Id.*, ¶¶0008, 0032.

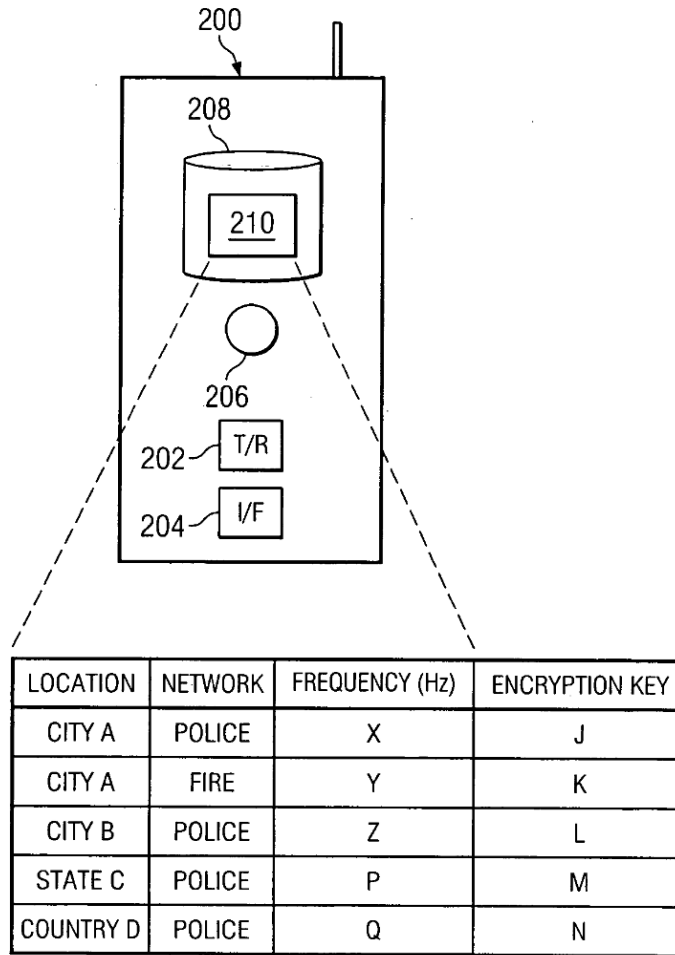


FIG. 4

Ex[1004], FIG. 4.

B. Saylor (Ex[1011])

Saylor, U.S. Patent No. 7,113,090, was filed on July 27, 2005, and issued on September 26, 2006. Saylor is prior art under at least §§102(a) and (b).

Saylor discloses a security system including “monitoring system” that provide “photos, pictures, [and] video” to an end user. Ex[1011], 2:45-55. The security system notifies a recipient, including emergency personnel, when it detects an “alert situation.” *Id.*, 5:37-42. For example, the notification can include “video clips” from

video surveillance cameras. *Id.*, 2:49-55, 11:67-12:6, 13:51-54. A central security network (FIG. 1 below) may alert “identified entities via wireless and/or other devices, such as mobile devices.” *Id.*, 7:40-42. When an alarm is detected, the central security network can send relevant information “via the Internet 150” or other methods to “[a]n emergency entity 164” or other entities 161-162. *Id.*, 6:22-32, 7:40-48, 9:23-29, 11:46-55; *see also id.*, 11:24-28 (identifying mobile devices receiving notifications).

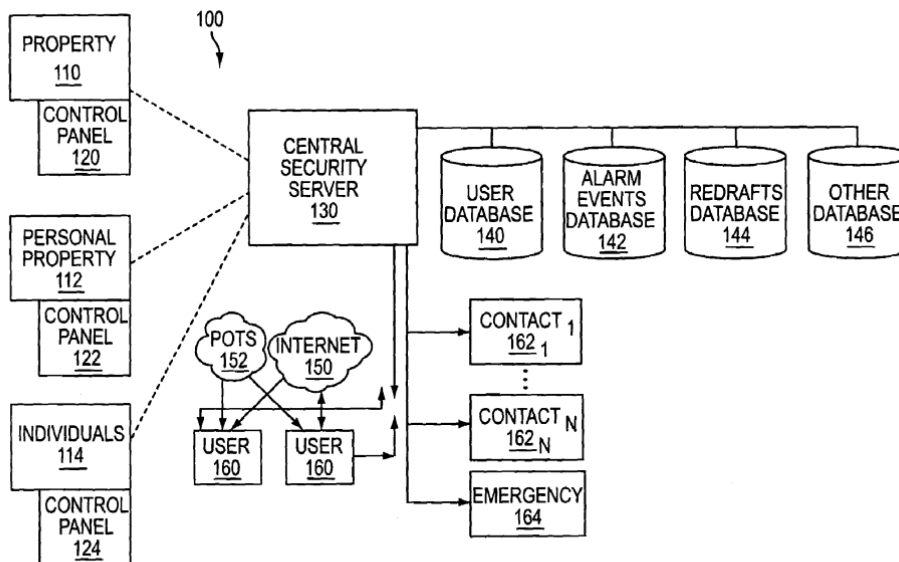


FIG. 1

Ex[1011], FIG. 1.

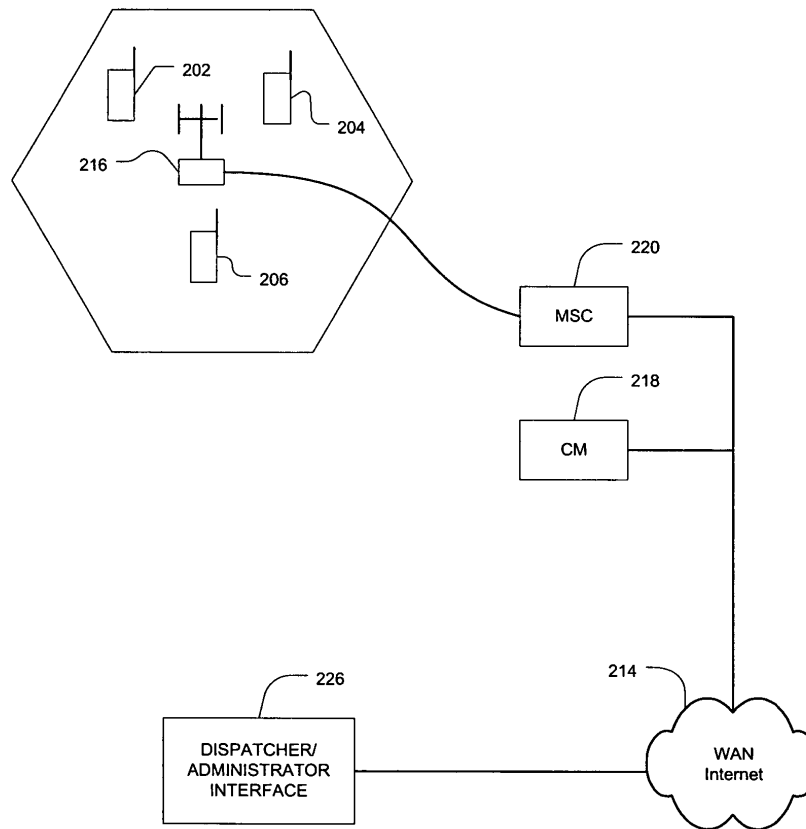
Saylor further describes “databases 140, 142, 144, and 146” (shown above) that “store relevant information for [] alarm services.” *Id.*, 6:9-15; *see also id.*, 5:63-5:1, 11:46-55, 12:6-14. Information stored in the databases “may include one or more of name, identification information, address information” for recipients of

alarm notifications, and, based on this information, the security system may determine that “different alarm situations ... may warrant different levels of response” to different users. *Id.*, 8:39-48. The databases may also include “[s]pecial instructions” including “information to be conveyed to entities reacting to the alarm for a particular location or object.” *Id.*, 8:34-60.

C. Gogic (Ex[1006])

Gogic, U.S. Patent Application No. 2007/0173273, was filed on 4/4/2006 and published on 7/26/2007 and is prior art under at least §§102(a) and (b).

Gogic discloses a system and method for providing communication services to an ad-hoc “group” or “net” of communication devices (CDs) such as “wireless telephones,” “video cameras,” and “laptops,” (among other devices) communicating on a network. Ex[1006], ¶¶0010-0011, 0034-0035, 0039, 0047. As shown in FIG. 2 (below) communication manager (CM) 218 sets various criteria for forming “ad-hoc group[s]” of CDs (202, 204, 206) and “manages the real-time and administrative operation of groups. *Id.* ¶0056. For example, CM may “control[] formation” of an “ad-hoc group of users” based on user roles and “location-based membership criteria.” *Id.*, ¶0056; *see also id.*, ¶¶0039, 0046, 0053-0054, 0059-0060.



Ex[1006], FIG. 2.

FIG. 4 below depicts how CM 218 forms an ad-hoc communication group. *Id.*, FIG. 4. First, each of CD₁, CD₂, and CD_x, are communicating separately with a “base station” in a particular geographic area. *See, e.g.*, Ex[1006], FIG. 2 (illustrating base station), ¶¶0034-0035, 0039, 0047. Then, CM 218 sends a message (406) directing a base station (MSCBSN 408) to send an invitation (420) to all CDs in its service area (412, 414, 416). *Id.*, ¶¶0060-0061. CDs “calculate their location and evaluate [] their location against the group membership location criteria,” provided in the invitation 420. *Id.*, ¶0062. If a CD qualifies and accepts the invitation, the CD accesses the communication group. *Id.*

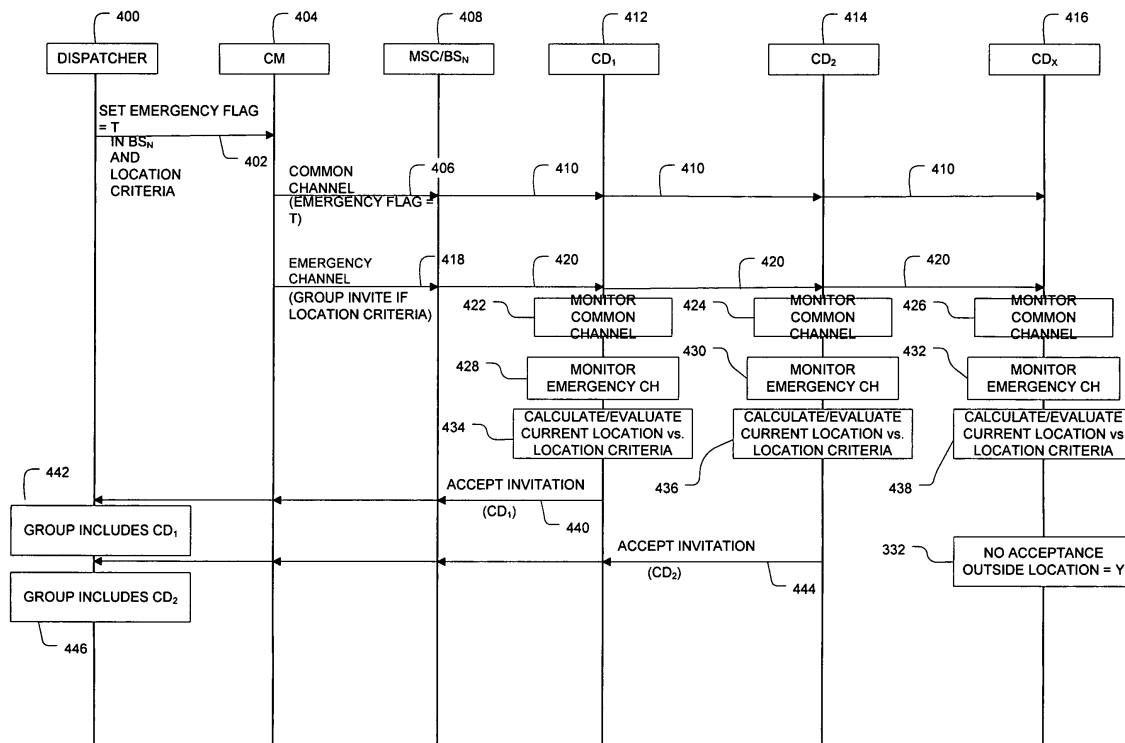


FIG. 4

Ex[1006], FIG. 4.

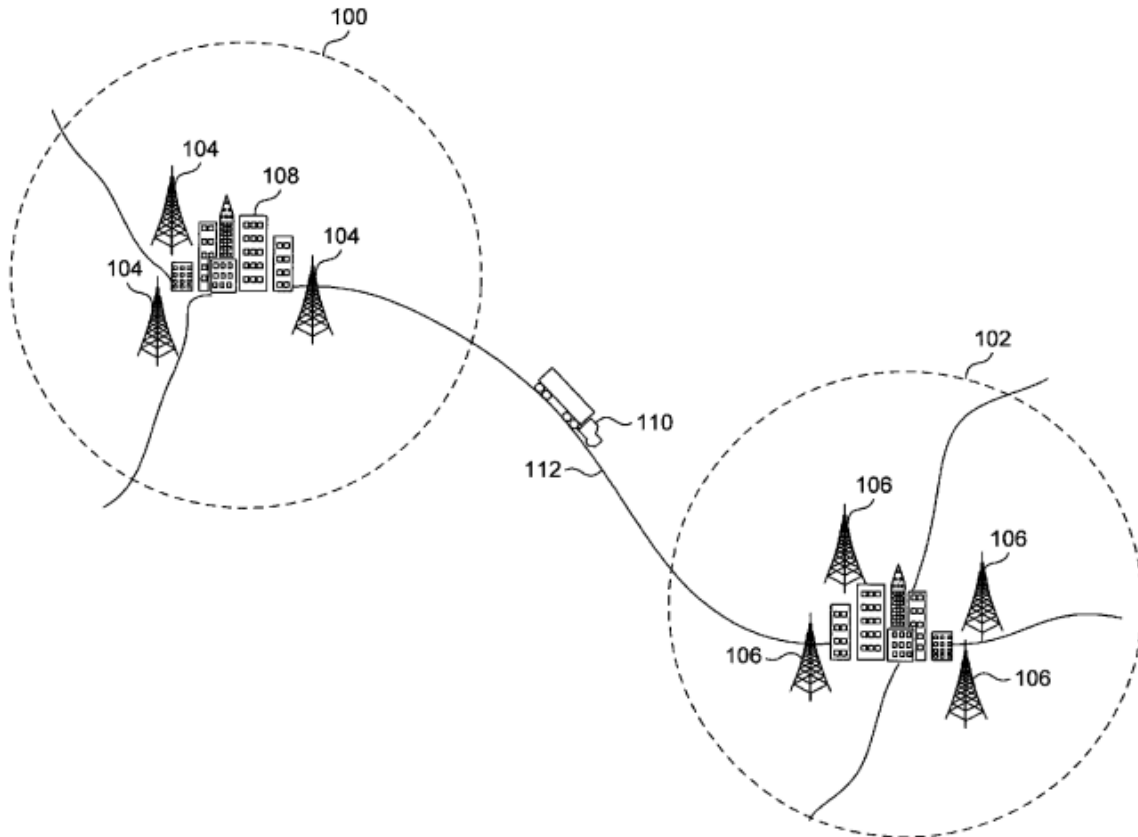
The group communications include various forms of media including “audio and video data,” from various endpoints such as telephones and cameras, as described above. Ex[1005], ¶¶0025, 0035.

D. Opitz (Ex[1007])

Opitz, U.S. Patent No. 8,090,388, was filed on March 20, 2007, the Opitz priority date. Because Opitz has a filing date before the ’830 patent, and issued after the ’830 patent, Opitz is prior art under at least §102(e).

Opitz discloses a communication system (below) in which a mobile radio (110) is moving between geographic locations (102 and 104), with multiple base

stations and frequencies associated with each location. Ex[1007], 1:32-43, FIG.1. In Opitz, the radio has a position locator, such as GPS, a processor that can track and display the changing frequencies between regions in which the radio is located, and an interface that allows a user to select a frequency. *Id.*, 5:3-18.



Ex[1007], FIG. 1.

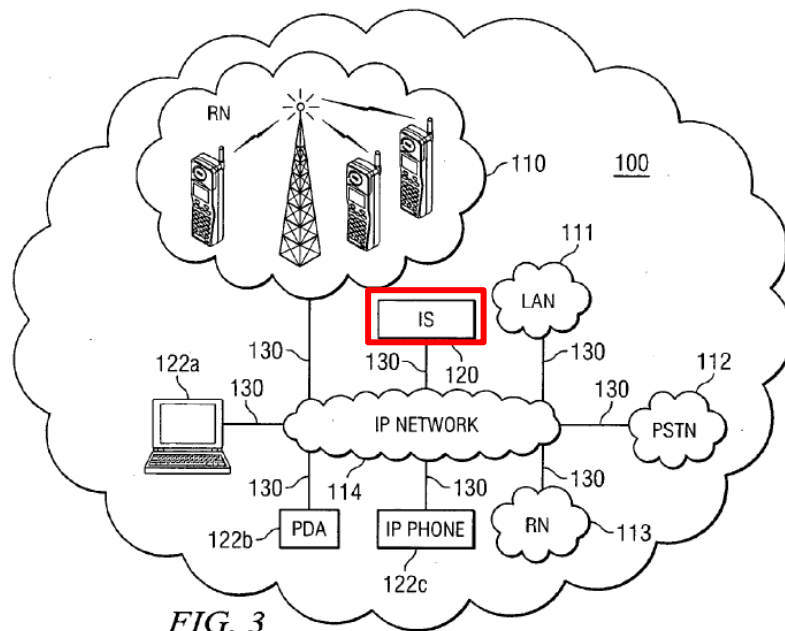
VIII. THE ASSERTED GROUNDS OF INVALIDITY

A. Ground 1: Claims 1-5, 7-19, 21-24 would have been obvious over Shaffer in view of Saylor

1. A POSITA would have and could have combined Shaffer with Saylor

Shaffer discloses an “Interoperability System” (IS 120 in FIG. 3, red below)

that allows different networks using different communication protocols (*e.g.*, LAN 111 and radio network 113) to communicate “audio, video, or other data” to each other via an Internet Protocol (IP) network. Ex[1004], ¶¶0021-0022, 0038. The IS can, for example, connect devices in different networks and different regions, including different “buildings, campuses, cities, counties, states, countries or any other particular geographical area.” Ex[1004], ¶0046. The IS uses IP to provide interoperability. Ex[1004], ¶¶0039-0040. For example, a “multicast IP address[]” can be assigned to a group of endpoints (such as “local safety and security forces”) so that, even if devices are in different networks, they can “communicate with each other through IS 120.” *Id.*; see also *id.*, ¶¶0022 (IP networks transmit voice and video data by “placing the data in packets”), 0025.



Ex[1004], FIG. 3 (annotated).

Saylor discloses a specific type of communications network—namely, a central security network (FIG. 1 below) for a building or facility—that communicates with other networks. Ex[1011], 5:62-65, FIG. 1. In particular, Saylor’s network is configured using rules and preferences to “automatically inform” recipients, including security or emergency contacts (blue below), of alarms or emergencies in a monitored building. *Id.*, 1:17-22, 9:22-28. Saylor specifically discloses that the central security network can convey video or other types of data, including video clips of or instructions relating to a monitored location, to entities in other networks over an IP communications network such as the Internet. *Id.*, 2:45-55, 5:27-36, 6:22-32, 17:1-9.

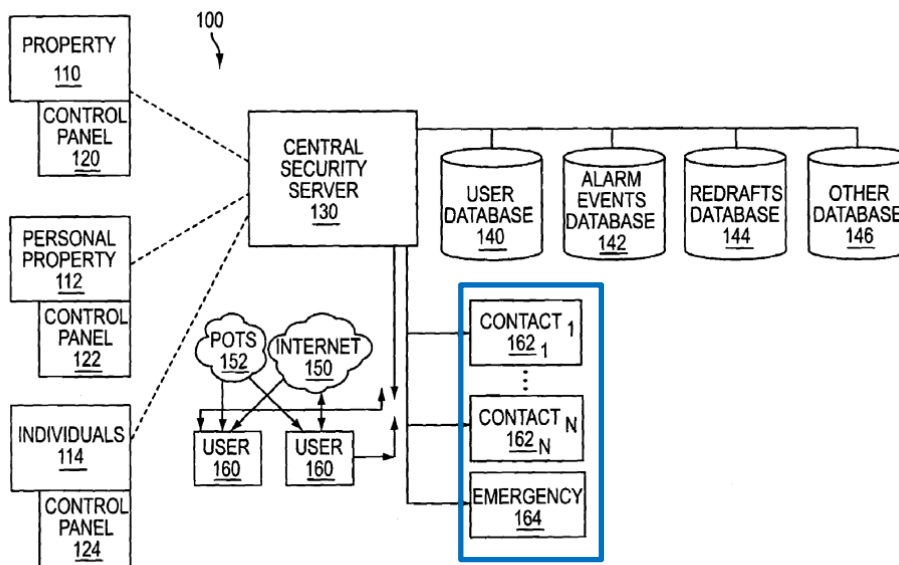


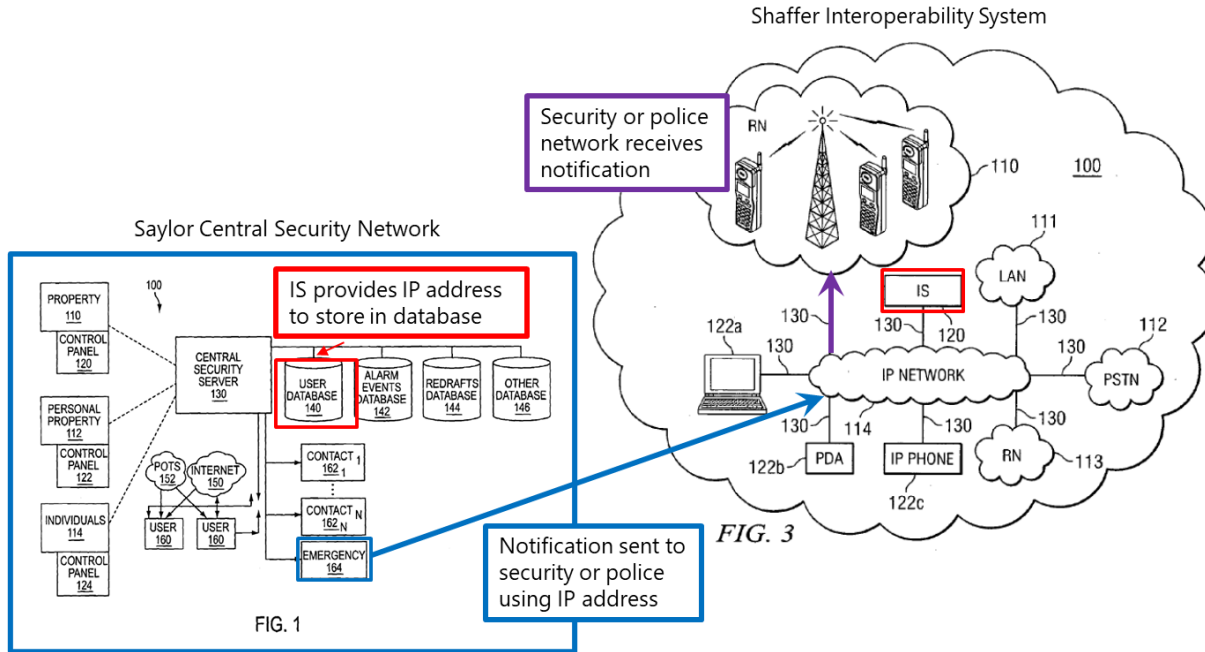
FIG. 1

Ex[1011], FIG. 1 (annotated).

In view of these disclosures, a POSITA would have been motivated to

combine Shaffer and Saylor and, specifically, to connect Saylor's central security network as an input to Shaffer's IS, as illustrated in the marked-up figure below. Ex[1002], ¶84. In the combined system ("Shaffer-Saylor"), the IS in Shaffer (red) facilitates communications from Saylor's central security network to the relevant personnel and authorities in a different network (*e.g.*, a building's security personnel or local police). *Id.* For example, the IS assigns a multicast IP address (communication channel) to a particular endpoint or a group of endpoints in advance (*e.g.*, Ex[1004], ¶¶0039-0040 (describing assigning and storing multicast IP addresses)) and provides that multicast IP address to store in Saylor's databases. Ex[1002], ¶85. When Saylor's central security network detects an alarm situation, it queries its databases to retrieve the relevant IP address of the relevant entities to notify (as provided by Shaffer's IS) and use the address to send the alerts and notifications disclosed in Saylor (blue) to the relevant recipients (purple). Ex[1011], 9:22-28, 11:67-12:6, 13:51-54; Ex[1002], ¶85.

Shaffer-Saylor System



Ex[1011], FIG. 1 (annotated); Ex[1004], FIG. 3 (annotated).

A POSITA's motivation to make this combination is found in both references. For example, as Shaffer describes, IS 120 is designed to connect various types of networks, including a PTT radio network (typically used by security or emergency personnel) and a local area network (LAN) or public switched telephone network (PSTN) (typically used by sensors in homes and businesses). Ex[1004], ¶0037; Ex[1002], ¶86. In addition, Shaffer describes that the networks can be associated with locations such as business and campuses. Ex[1004], ¶0027. In view of these disclosures, a POSITA would have recognized that Shaffer's IS is well-suited to connect a network, such as a video security system designed to monitor particular buildings, with a different network that responds to incidents in those buildings, such as a security or emergency network. Ex[1002], ¶86.

A POSITA would have recognized that Saylor discloses the type of network well-suited to work with Shaffer's IS. Ex[1002], ¶87. For example, Saylor describes a packet-based central security network (using "TCP/IP") that receives alarms from sensors in buildings and other facilities. Ex[1011], 17:10-21, FIG. 11, 6:33-43. That central security network processes the alarms and, according to rules and preferences, transmits notifications and information to relevant recipients in *other* networks, including security or emergency personnel in other types of networks with other communication protocols. *Id.*, 6:33-43, 8:18-33, 9:25-28; Ex[1002], ¶87. The notifications and information can include audio, video, or other data. Ex[1011], 16:41-51, 8:52-60. To implement these communications, Saylor describes that the central security network can identify relevant recipients in an "address book," (*id.*, 7:48-52), but does not explain *how* to convey notifications to recipients in different networks. Ex[1002], ¶88. Shaffer's IS system provides the needed mechanism for interoperable communications to achieve Saylor's goals; using Shaffer's IS, security personnel or other responders could directly and seamlessly receive communications and information from surveillance cameras in an alarming building. *Id.*

A POSITA would have had a reasonable expectation of success in combining the references in the manner described. Ex[1002], ¶89. In the combination, Saylor's central security network sends communications to another network via Shaffer's IS in the manner already envisioned by both references—namely, by a first network sending a packet-based communication through an intermediary network to a second

network also connected to the same intermediary network. Ex[1011], 6:22-25, FIG. 1; Ex[1004], ¶0020 (describing the IP network could be a wide area network, among other things); Ex[1002], ¶89. A POSITA would have recognized that Shaffer's IS could readily assign and provide a multicast address for a particular group required to communicate (*e.g.*, security personnel for a company receiving notifications from one of the company's buildings), and that Saylor could store and use the address to direct the video clips and alarm information to that group, according to the user preferences already set up in Saylor. Ex[1002], ¶90; *e.g.*, Ex[1004], ¶¶0039-0040 (describing assigning and storing multicast IP addresses).

2. Claim 1

a. 1[pre]:

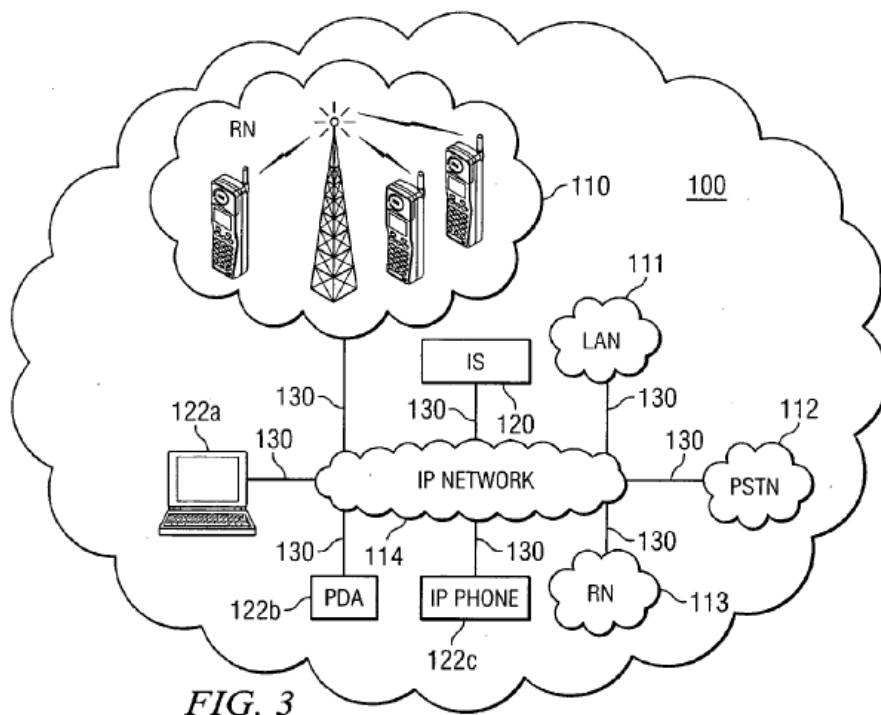
If the preamble is limiting, Shaffer-Saylor discloses “[*a*] *method, comprising.*” *E.g.*, Ex[1004], Abstract, ¶0001; Ex[1002], ¶91.

b. 1[a]

Shaffer discloses “*monitoring a selection of a communication channel by a user of a mobile communication device,*” under any party's proposed construction. Ex[1002], ¶92. For example, in Shaffer, mobile security personnel can select and set their device to an IP address associated with the security forces in the area in which the security personnel is located. *Id.*

First, Shaffer discloses a communication channel as described in the '830 patent (Ex[1001], 2:59-62, 4:22-28)—namely, a “particular IP address” for hosting

a “virtual talk group.” Ex[1004], ¶¶0039; Ex[1002], ¶93. FIG. 3 of Shaffer (below), for example, illustrates various types of endpoints (including radios in radio network (110), an IP phone (122c), and a PDA (122b)) that can form “communication sessions” comprising “audio and/or video telecommunication signals.” Ex[1004], ¶¶0020, 0037-0042, FIG. 3; *see also id.*, ¶0016 (describing FIG. 1), ¶0037 (noting that system 100 in FIG. 3 includes similar components and networks as FIG. 1). In particular, Interoperability System (IS) 120 uses “multicast IP addresses” so that the devices can “communicate with each other through IS 120 to provide network interoperability.” *Id.*, ¶0039; *see also id.*, ¶0038. For example, communication channels (multicast IP addresses) may exist for “local safety and security agencies.” *Id.*, ¶0040.



Ex[1004], FIG. 3.

Second, Shaffer discloses a selection of the communication channel by a user of a mobile communication device to set the device to the selected communication channel. Ex[1002], ¶94. For example, Shaffer discloses that a police officer “such as a state highway patrol officer, may be provided with a PC with a touch screen” where the “PC comprises a mobile endpoint.” Ex[1004], ¶¶0034, 0040. The officer can use the touchscreen to select “local safety and security forces” by selecting “[i]cons on the touch screen” to “join communication sessions.” Ex[1004], ¶0034. The IS monitors the officer’s selection, and “[u]pon receiving instructions from the officer,” adjusts “communications parameters used by the endpoint.” *Id.*; *see also id.*, ¶0041 (describing that IS stores multicast addresses “utilized by various agencies”). The communication parameters identified by IS 120 include a “multicast address[]” identifying the communication channel for the VTG for “local safety and security forces.” *Id.*, ¶¶0040-0041. “This allows the mobile endpoint user to connect with local safety and security forces manually with, for example, a single key stroke...” *Id.*, ¶0040.

Finally, the selection of the communication channel is monitored by the processor of the mobile endpoint so that the endpoint can “receive[] and transmit[] voice and other data” with other devices. *Id.*, ¶0044; *see also id.*, ¶¶0045-0047; Ex[1002], ¶95.

c. 1[b]

Shaffer also discloses “*providing a plurality of radio frequencies on a display of a mobile communication device, each radio frequency being associated with a geographical zone.*” Ex[1002], ¶96. For example, in Shaffer, mobile security personnel can select a frequency associated with a nearby building. *Id.*

In particular, Shaffer describes that a user’s device can store a plurality of radio frequencies associated with geographical zones. Ex[1004], FIG. 4. For example, FIG. 4 (below) shows an exemplary mobile communication device with memory module 208 that stores several different communication parameter listings 210. Ex[1004], ¶¶0043, 0046-0047. These parameter listings include ***radio frequencies***, identified in Hertz (listed as X, Y, Z, P, Q). *Id.*, ¶¶0043-0048, FIG. 4.

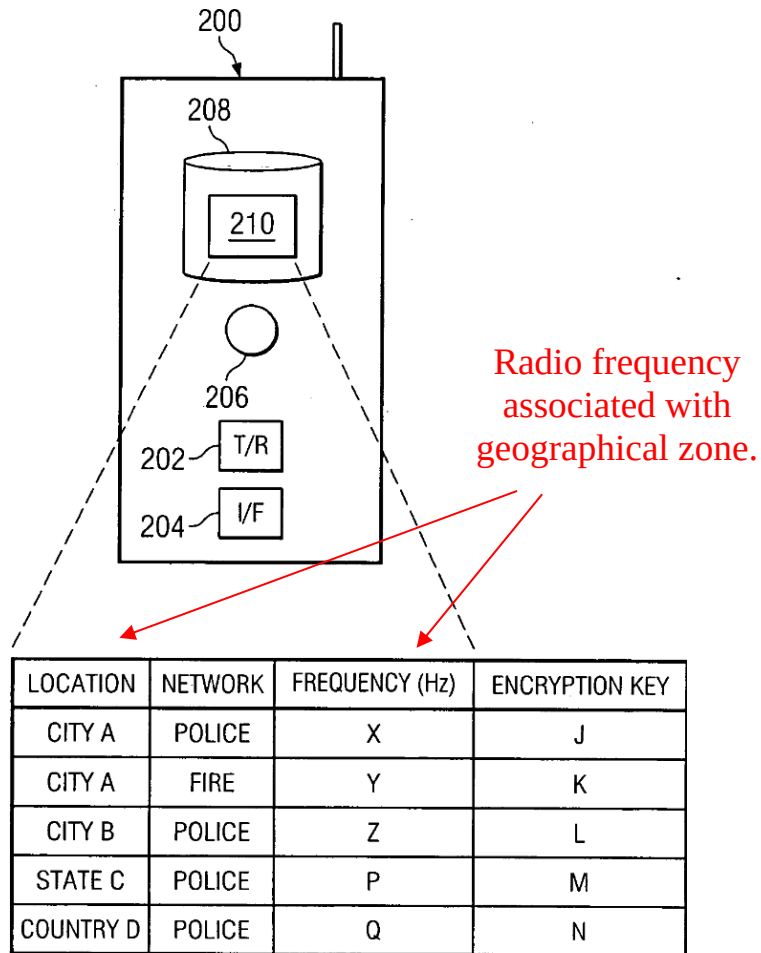
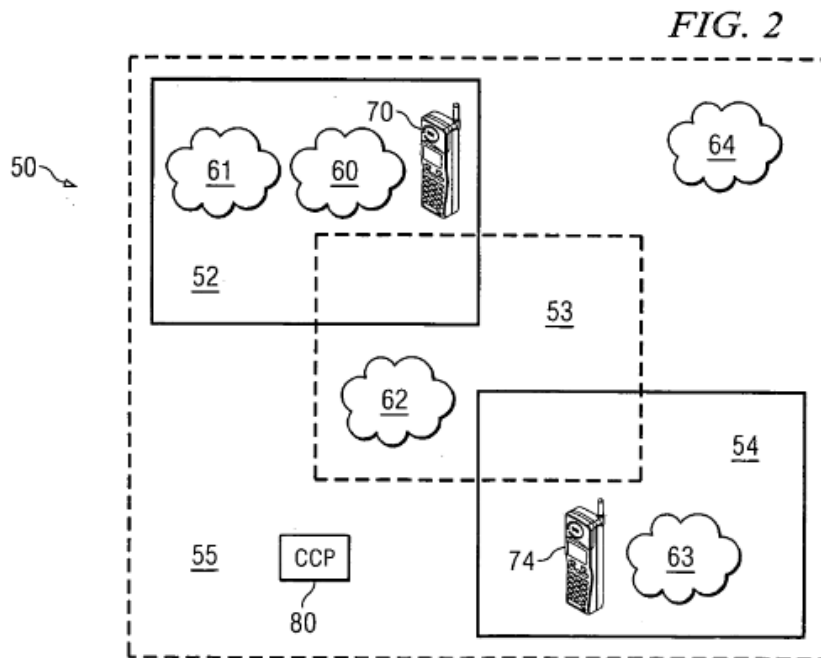


FIG. 4

Ex[1004], FIG. 4.

As Shaffer describes, the mobile device stores “radio frequencies” of “communication networks by location.” *Id.*, ¶0046. As shown in FIG. 4, each radio frequency is also specifically associated with a “location” such as City A, City B, State C, or Country D. *Id.*, FIG. 4. Notably, Shaffer explains the locations can also be “buildings” and “campuses,” in addition to municipalities. *Id.*, ¶0027. In FIG. 2, for example, different geographic regions (52, 53, 54, 55) “may correspond to buildings, campuses, municipalities...or any other particular geographical area.” *Id.*

Each geographic region may also contain one or more communication networks (60-64), each of which may have a different “assigned radio frequenc[ies].” *Id.*, ¶0027; *see also id.*, ¶¶0020-0022, 0026, 0034-0035; Ex[1002], ¶¶97-98.



Ex[1004], FIG. 2.

Shaffer further discloses that the radio frequencies are provided by the memory of the mobile communication device to a *display* on the user interface of the mobile communication device. Ex[1002], ¶99. For example, Shaffer describes that mobile endpoint 200 has an interface 204 that may be a “*display*, touch screen... or any other suitable interface.” Ex[1004], ¶0044 (emphasis added). The display presents frequencies to the user so that “through interface 204 a user may input instructions regarding adjustment of the end point’s communication settings (*e.g.*, radio frequency, modulation method and encryption key) upon entering a new

communication network.” *Id.*, ¶0044; *see also id.*, ¶¶0035-0036 (describing a “pressing of a key stroke” to change endpoint communication setting), ¶¶0003, 0008 (describing, as background, known functionality for using a handbook to look up local frequencies by location). For example, as in FIG. 4 above, if a user enters city A, there are two possible frequencies, X and Y. Shaffer explains that those frequencies are presented to the user (*e.g.*, using a touch screen display) for selection by the “pressing” of a touch screen “key stroke.” *Id.*, ¶¶0035-0036, 0044.

A POSITA would at least have recognized that displaying the multiple available frequencies on Shaffer’s touch screen for selection by a “key stroke” would have been obvious and one of a finite number of predictable options for selecting on the touch screen all available frequencies in an area. Ex[1002], ¶100. Such an implementation uses a known technique (touchscreen display and selection) with known benefits (selection using a single “stroke”) according to its established function, and is therefore obvious. *Id.*.

d. 1[c]

Shaffer-Saylor discloses “*from which a plurality of video feeds associated with the geographic zone are sourced.*” Ex[1002], ¶101. Shaffer-Saylor discloses that each geographic region in Shaffer (*e.g.*, a building or a campus) can also be the source of and associated with a plurality of video feeds. *Id.* For example, Saylor discloses “video cameras” located in a geographic zone (*e.g.*, a building of a “business”). Ex[1011], 10:32-34, FIG. 10. In particular “an identified location may

be monitored by a video or other recording device,” and, if motion is detected, “video clips” maybe sent to a “central security network.” *Id.*, 16:52-17:9; *see also id.*, 11:64-12:6.

e. 1[d]

Shaffer discloses “*monitoring a selection of a radio frequency of a plurality of radio frequencies by a user.*” Ex[1002], ¶102. As discussed with respect to limitation 1[b], Shaffer discloses and renders obvious that the frequencies are provided on the display of a mobile communication device for *selection* by the user. *Id.* For example, Shaffer explains that the display presents frequencies to the user so that “through interface 204 a user may input instructions regarding adjustment of the end point’s communication settings (*e.g.*, radio frequency...).” Ex[1004], ¶0044; *see also id.*, ¶¶0035-0036 (describing a “pressing of a key stroke” to change endpoint communication setting). The user’s selection of frequency is monitored by the processor of the mobile endpoint so that the endpoint can “receive[] and transmit[] voice and other data” with other devices. *Id.*, ¶0044; *see also id.*, ¶¶0045-0047. Displaying the multiple available frequencies on Shaffer’s touch screen for selection by a “key stroke” on a touch screen would at least have been obvious, as described for limitation 1[b]. Ex[1002], ¶102.

f. 1[e]

Shaffer-Saylor discloses “[1] *identifying at least one video feed by selecting the at least one video feed from the plurality of video feeds associated with the*

geographic zone, wherein [2] the at least one video feed is associated with the selected communication channel [3] based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel,” under any party’s proposed construction. Ex[1002], ¶103.

For example, the Shaffer-Saylor system identifies a video feed associated with the *geographic zone*, and that feed is also associated with a multicast IP address (*selected communication channel*) based on a user preferences database entry (*user policy*) that identifies video feeds relevant to security personnel (*users*) when they access the communication channel. *Id.*

First, Saylor’s central security network [1] *identifies and selects a video feed associated with the geographic zone*. Ex[1002], ¶104. In particular, as shown in FIG. 10 (below), in step 1010, Saylor’s central security network monitors a specific video feed in an “identified location” of a building (*the geographic zone*) and, in steps 1012, 1014, 1016, and 1020, selects and identifies that feed when a “trigger[]” event occurs, such as “motion.” Ex[1011], 16:52-60, 34:6-10, FIG. 10. In steps 1022 and 1024, a “video clip[]” from that feed is processed to determine whether certain “conditions are met for alarm triggers” or “[n]otifications.” *Id.*, 17:1-5. Then in, steps 1026 and 1028, an “image may be automatically transmitted” to recipients. *Id.*, 17:8-9; *see also, e.g., id.*, 34:1-9 (describing that a subscriber can be sent a “video clip” from a camera near the front door if the “front door opens” or “when an unrecognized person enters”).

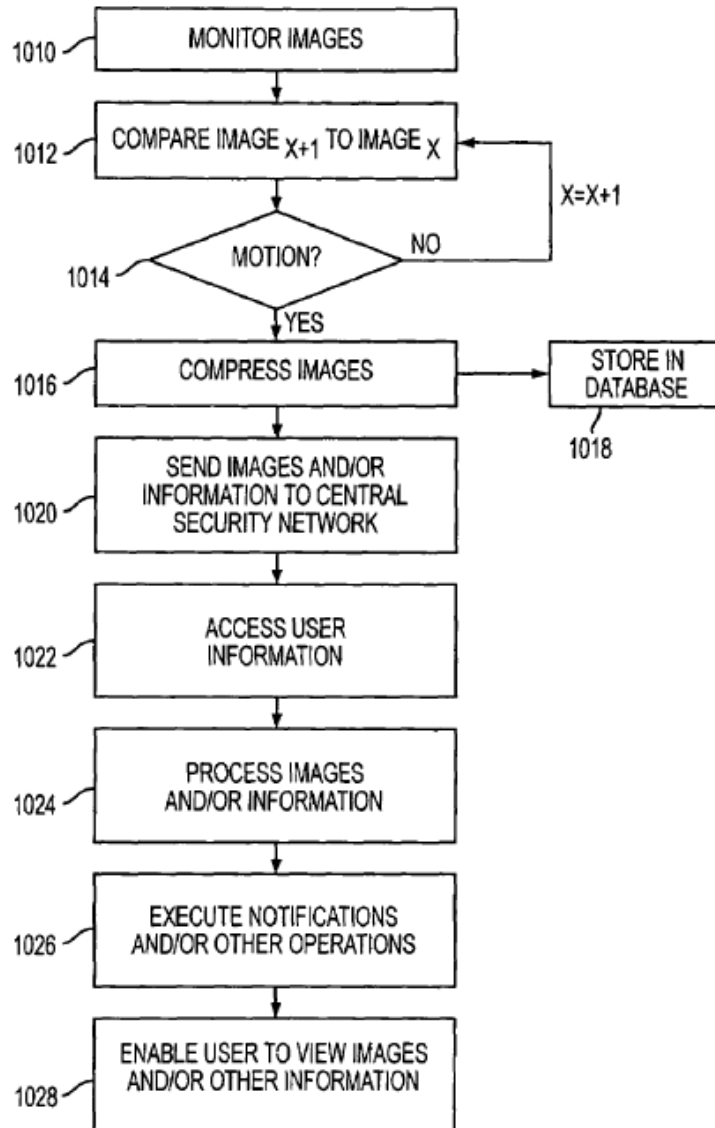


FIG. 10

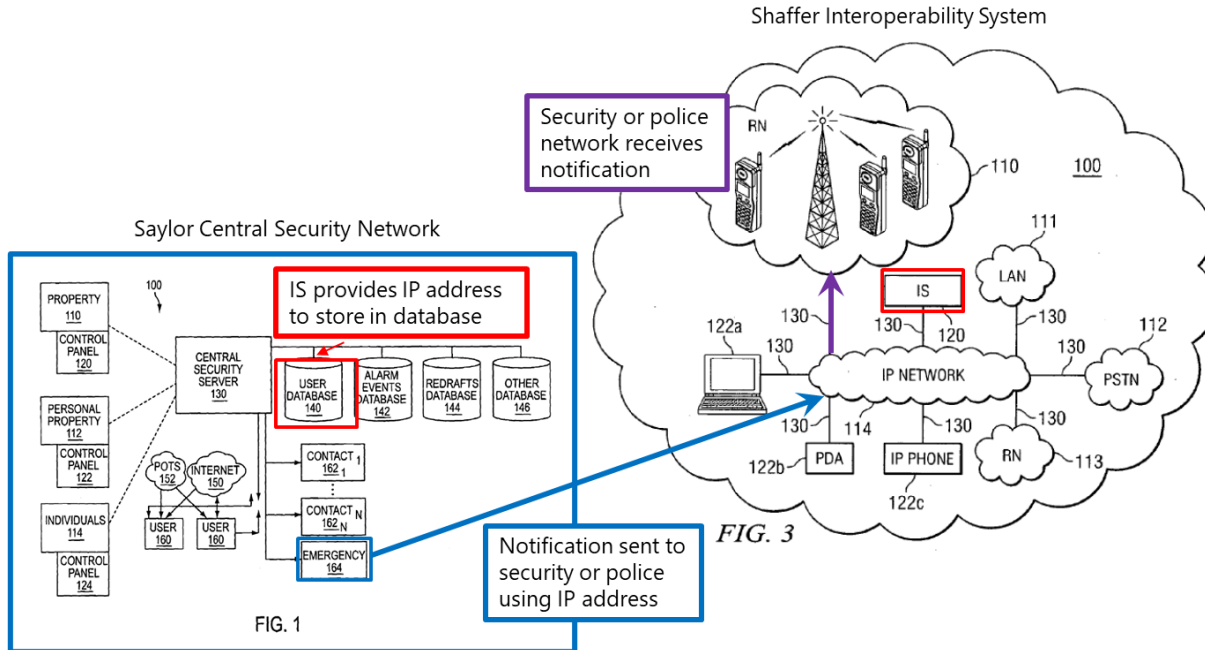
Ex[1011], FIG. 10.

Second, Shaffer-Saylor accesses a user preferences database that [2] *associates the video feed with the selected communication channel.* Ex[1002], ¶105. Saylor's databases already store "relevant information for personalized alarm services." Ex[1011], 6:9-10. For example, "[u]ser database 140 may contain "user

preferences” that may indicate how “different alarm situations that may be detected in various locations or systems may warrant different levels of response” and “[s]pecial instructions” that may “include information to be conveyed to entities reacting to the alarm for a particular location or object.” *Id.*, 8:34-60. Accordingly, when an event occurs (such as motion), the central security network can send relevant information (such as video clips) “via the Internet 150” to “[a]n emergency entity 164.” *Id.*, 6:22-32, 7:40-48, 9:23-29, 11:46-55; *see also id.*, 11:24-28 (identifying mobile devices receiving notifications), 12:34-35 (“the user may specify when emergency dispatch is to occur.”). For example, “the central security network may directly contact a local fire department and provide the location, nature and/or other information related to the emergency.” Ex[1011], 12:17-21.

As described in §VII.A, to facilitate these communications, Shaffer’s IS system can assign a multicast IP address to the relevant security forces and provide the IP address to Saylor’s databases for storage. *E.g.*, Ex[1004], ¶¶0039-0040 (describing assigning and storing multicast IP addresses at an endpoint); Ex[1002], ¶106. Accordingly, when an event occurs that requires sending a video clip to security forces, Saylor’s central security network can lookup the appropriate multicast address and use the address to send the information to the security personnel that have selected this communication channel, as shown below. *Id.*

Shaffer-Saylor System



Ex[1011], FIG. 1 (annotated); Ex[1004], FIG. 3 (annotated).

Finally, Shaffer-Saylor discloses that the association between video feed and communication channel is [3] *based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel*. Ex[1002], ¶103. The user policy is the set of preferences stored in Saylor's databases identifying when to notify users (such as security personnel) and what to send them. *Id.*; see also Ex[1011], 8:34-60, Abstract (identifying "individuals and entities to be contacted; type of situations to be alerted of and other relevant security and other information"), 11:48-63 ("user-defined conditions" determine which entity to notify and how to send the notification), 12:26-29. The preferences identify which alarms are relevant to the users (and are

designed, *e.g.*, to filter out “false alarms”). *Id.*, 12:34-41. Moreover, in Shaffer-Saylor, Saylor’s central security network sends the notification to users (such as security personnel) using the assigned multicast IP address. Ex[1002], ¶107. Accordingly, when the security personnel selects a communication channel associated with the multicast IP address, as described in limitation 1[a], the officer can access the transmitted communications, as described in Shaffer. Ex[1002], ¶107; Ex[1004], ¶¶0040-0042.

g. 1[f]

Shaffer-Saylor discloses that “*the one or more video feeds being independent of the selected communication channel.*”³ Ex[1002], ¶108. For example, the ’830 patent specification describes “independent video surveillance cameras” as those installed at “public and non-public locations.” Ex[1001], 3:17-21. Shaffer-Saylor describes the same type of video feeds. Ex[1002], ¶108.

For example, the video feed selected by Saylor’s central security network are video surveillance cameras at a building or home. *Id.*; Ex[1011], 10:31-34, 10:43-44. In the combined system, Saylor’s configurable central security network can associate the video feeds with the communication channel based on a user’s preferences and the occurrence of relevant events triggering the forwarding of the

³ Petitioner compares the combination to the ’830 patent specification without conceding that this term satisfies 35 U.S.C. §112.

video feeds to the multicast channel. Ex[1002], ¶109; see §VIII.A.1.

h. 1[g]

Shaffer-Saylor discloses “*providing access to the identified at least one video feed to the mobile communication device based on the user policy.*” Ex[1002], ¶110. For example, Saylor’s central security network sends video clips to mobile devices of security forces (users) based on the user policy stored in databases. Ex[1011], 11:24-28 (notifications to cell phones, etc.), 11:56-63, 35:15-33; Ex[1002], ¶110. For example, when a particular event in a particular building occurs, the user policy describes what notifications are sent and to whom. Ex[1011], 6:9-32, 8:34-60, 9:22-28; Ex[1002], ¶110. If a notification is sent to the selected communication channel (multicast address), the group members can access it. Ex[1004], ¶0039 (IS communicate “with endpoints using multicast IP addresses”); Ex[1002], ¶110.

3. Claim 2

Shaffer-Saylor discloses “*wherein providing access comprises associating the identified at least one video feed with the mobile communication device in a database that is used to manage access to independent video feeds in a network based on audio communication channels that are selected by communication devices in the network.*” Ex[1002], ¶111.

For example, as explained for limitation 1[e], Saylor’s database associates video feeds with the user’s selected multicast IP address (an audio communication channel). Ex[1004], ¶0039 (describing audio communications); Ex[1003], p. 240;

see Ground 1, limitation 1[e]; Ex[1002], ¶112. It would have been obvious to also associate video feeds with the particular user selecting the channel based on the user's location. For example, Saylor discloses that the system can be configured to send notifications to users based on a defined area. Ex[1011], 5:49. Shaffer discloses that the IS can act as a centralized communication control post (CCP) to track GPS information of users. Ex[1004], ¶¶0016, 0041. It would have been obvious to a POSITA that Shaffer's IS could provide the tracked location information to Saylor's central security network, so that the central security network can notify users on the audio communication channel of an event, *e.g.*, by sending a video clip, when any user associated with the channel is within the designated location. Ex[1002], ¶113. This would have been a simple and predictable modification to Shaffer-Saylor motivated by how both Shaffer and Saylor are designed and would have been reasonably expected to succeed. Ex[1002], ¶113.

4. Claim 3

a. 3[a]

Shaffer-Saylor discloses “*accessing a database to identify a plurality of members of an emergency response team that includes the user of the mobile communication device.*” As described for claim 2, Saylor's database may contain location information to identify members of an emergency response team associated with a communication channel. Ex[1002], ¶114.

b. 3[b]

Shaffer-Saylor discloses “*presenting a plurality of available video feeds on the display of the mobile communication device, the plurality of available video feeds including video streams associated with the plurality of members of the emergency response team.*” As described for limitation 1[e], video streams may be associated with a communication channel, and team. Ex[1004], ¶0025; Ex[1002], ¶115. By 2008, it would have been obvious that a mobile device could have displayed multiple video feeds, via thumbnails or a drop-down menu for selection. Ex[1002], ¶115.

5. Claim 4

For the reasons described for limitation 1[f], Shaffer-Saylor discloses “*wherein the available video feeds are sourced from a group of surveillance cameras.*” Ex[1002], ¶116; §VIII.A.2.g.

6. Claim 5

Shaffer renders obvious “*wherein the communication channel is a Push-To-Talk (PTT) channel in a PTT communication network and the mobile communication device is a PTT radio,*” under any party’s proposed construction. Shaffer expressly discloses a PTT communication channel in a PTT communication network, where the device is a PTT radio. Ex[1004], ¶0037. Shaffer also describes that the user of a mobile endpoint can access a communication channel “manually with, for example, a single key stroke....” Ex[1004], ¶0040. A POSITA would have understood that

this single keystroke can be a PTT key, and the channel can transmit half-duplex communications. Ex[1002], ¶¶117-18. Before the '830 patent, numerous systems had disclosed a PTT key to access IP messages on “half-duplex” PTT channels. Ex[1011], ¶¶0026-0027; Ex[1013], ¶¶0022-0024, 0041, 0048; *see also* Ex[1003], pp. 135, 189, 243, 290 (examiner noting that a POSITA would have “recognize[d] PTT as a widely used type of communication device”).

7. Claim 7

a. 7[a]

Shaffer-Saylor renders obvious “*monitoring an audio signal generated in proximity to a video camera providing a first video feed included in the identified at least one video feed.*” For example, Saylor discloses that the central security network may include various types of sensors, including “sound” sensors, Ex[1011], 14:17-20, Which could have been located in “proximity” to the camera providing video notifications. Ex[1002], ¶119; §VIII.A.2.f. As Saylor already describes, the video camera may monitor a specific area, such as the front door of a building, Ex[1011], 16:41-51, and a camera near that door can identify motion. *Id.*; Ex[1002], ¶119. It would have been obvious that a “sound” sensor could also be installed by the door to detect breaking glass, or another sign of a break-in, in addition to movement. Ex[1002], ¶¶119-20.

b. 7[b]

Shaffer-Saylor renders obvious “*processing the audio signal to identify an*

audio event.” As described for limitation 7[a], it would have been obvious for Saylor’s central security network to process the output of the sound sensor, to determine if there was an audio event, such as breaking glass. Ex[1002], ¶121; §VIII.A.7.a.

c. 7[c]

Shaffer-Saylor renders obvious “*based on the identified audio event, providing access to the first video feed to a plurality of mobile communication devices in a group of mobile communication devices, the group of mobile communication devices including the mobile communication device of the user corresponding to the selection of the communication channel.*” In Saylor-Shaffer, Saylor’s central security network sends a notification, including with a video clip, to a group of users upon the occurrence of events. Ex[1011], 17:1-9, 5:58-62, 8:54-60. It would have been obvious that Saylor’s central security network could send a video clip from a camera near the front door when a sound of breaking glass is detected near the front door. Ex[1002], ¶122. In this scenario, the group (security personnel) would include any mobile users selecting the relevant communication channel. Ex[1002], ¶122; *see also* §VIII.A.2.b .

8. Claim 8

Shaffer discloses “*wherein the communication channel is associated with a Virtual Talk Group (VTG),*” under any party’s proposed construction. As described for limitation 1[a], the selected communication channel (*e.g.*, multicast address) in

Shaffer is for a virtual talk group, which communicates using the IP multicast address. Ex[1004], ¶¶0027, 0034, 0037-0039; §VIII.A.2.b; Ex[1002], ¶123.

9. Claim 9

Shaffer-Saylor discloses “*wherein providing access to the video feeds depends on a video association policy.*” The ’830 patent does not use the term “video association policy” but does describe a “video feed association module” that “associate[s] one or more video feeds with one or more communication channels.” Ex[1001], 4:29-33. The specification also describes policies that “governs the association of video streams with communication channels and VTGs,” as well as policies that identify “available feeds” based on a “particular role” associated with the user. *Id.*, 9:45-48, 10:61-65; *see also id.*, 6:3-17, 8:16-33.

In Shaffer-Saylor, the preferences and rules stored in the central security system databases associate video feeds with communication channels (as described for limitation 1[e]) using the same types of policies. Ex[1002], ¶¶124-25. For example, in the combined system, the databases store rules and preferences that associate video streams with communication channels (*e.g.*, multicast IP addresses) for users with particular roles (*e.g.*, security or police). *See* §§VIII.A.1, VIII.A.2.f.

10. Claim 10

For the same reasons described for claim 9, Shaffer-Saylor discloses “*wherein the video association policy includes a role of the user defined in a policy database.*” Ex[1002], ¶126.

11. Claim 11

a. 11[a]

Shaffer-Saylor discloses “*identifying a geographical location of the user’s mobile communication device using a Global Positioning System.*” For example, Shaffer expressly describes using GPS for identifying a geographical location of a user’s mobile communication device. *E.g.*, Ex[1004], ¶¶0040-0041, 0044, 0046-0047; Ex[1002], ¶127.

b. 11[b]

Shaffer-Saylor discloses “*identifying that the at least one video feed is associated with the geographical location; associating the at least one video feed with other mobile communication devices set to the same channel as the user’s mobile communication device; and automatically rendering access to the at least one video feed to the other mobile communication devices.*” Ex[1002], ¶¶128-29.

Shaffer-Saylor discloses that each geographic location in Shaffer (*e.g.*, a building or a campus) can also be the source of a plurality of video feeds. *Id.* For example, Saylor discloses “video cameras” located in a geographic area (*e.g.*, a building or a “business”). Ex[1011], 10:32-34, FIG. 10. Further, the video feeds in that geographical location are associated with a communication channel, such as a multicast IP address associated with security forces as described in limitation 1[e]. §VIII.A.2.f. Any device accessing that multicast IP address (including other mobile devices) will automatically have access to the video feeds associated with that

channel. *Id.*; Ex[1002], ¶129.

12. Claim 12

Shaffer-Saylor discloses “*wherein the selected communication channel is a selected audio communication channel that is selected from a plurality of audio communication channels, the at least one video feed being associated with the selected audio communication channel, and the user policy identifying the one or more video feeds that are relevant to the user when the user accesses the selected audio communication channel.*” Ex[1002], ¶130.

As discussed for limitation 1[a] and claim 2, Shaffer discloses that the selected communication channel can be an “audio communication channel,” which the user selected from a plurality as the user moves from one location to another. §§VIII.A.2.b, VIII.A.3; Ex[1004], ¶0040; Ex[1002], ¶131. As also discussed for limitations 1[e] and 1[g], Shaffer-Saylor discloses a user policy stored in a database that identifies the relevant video feeds to a user of a particular group, associates the relevant video feeds with the audio communication channel for that group, and provides those feeds to the user when the user accesses that channel. §§VIII.A.1, VIII.A.2.f, VIII.A.2.h; Ex[1002], ¶131.

13. Claim 13

Shaffer-Saylor discloses “*wherein the user policy associates the at least one video feed with the selected communication channel based on the geographic zone from which the at least one video feed is sourced and a device group that includes*

the user's communication device.” Ex[1002], ¶132.

As described for claims 1 and 12, Shaffer-Saylor discloses a user policy that associates at least one video feed with the selected communication channel. §§VIII.A.1, VIII.A.2.f. Moreover, as described for claims 2 and 9, Shaffer-Saylor discloses or renders obvious that the user policy can be based on the geographic zone from which the at least one video feed is sourced and the device group that includes the user's device. Ex[1011], 10:62-67; §§VIII.A.1, VIII.A.2.f; Ex[1002], ¶¶133-34.

14. Claim 14

Shaffer-Saylor renders obvious “*wherein the user policy associates the at least one video feed with the selected communication channel by comparing a first geographic zone from which the at least one video feed is sourced with a second geographic zone corresponding to a location of the user's communication device.*”

As described for claim 2, it would have been obvious for Saylor's database to track the location of users and compare user location with the location of a device providing a video feed before associating the video feed with the communication channel including that user. §VIII.A.3; Ex[1002], ¶135.

15. Independent Claim 15

a. 15[pre]:

If the preamble is limiting, Shaffer-Saylor discloses “[a]n apparatus.” *E.g.*, Ex[1004], Abstract, ¶0001; Ex[1002], ¶136.

b. 15[a]

Shaffer-Saylor discloses “*at least one processor.*” For example, Shaffer describes a processor in the mobile communication device, Ex[1004], ¶¶0044-0045, 0048, and in the IS, *id.*, ¶¶0038, 0048. Saylor also discloses a server for “processing” alarm information in the central security network. Ex[1011], 35:45-48; Ex[1002], ¶137.

c. 15[b]

Shaffer-Saylor discloses “*a memory in communication with the at least one processor, the memory being configured to store a video stream association module executable by the at least one processor, the video stream association module being executed by the at least one processor to cause operations to be performed.*” Ex[1002], ¶138. Shaffer discloses a memory at the mobile communication device and the IS for communicating with the processor, Ex[1004], ¶¶0031, 0036, 0038, 0040, 0044-0046, 0048, Saylor discloses a memory, including databases, communicating with a processor, Ex[1011], FIG. 1, 6:9-32, 8:34-9:21; Ex[1002], ¶¶138-39.

Shaffer-Saylor also disclose the claimed “video stream association module.” If not construed as a means-plus-function limitation, it is simply stored in the memory in Shaffer’s mobile device and IS and Saylor’s central security network and databases and perform the recited operations, as described for claim 1. *See* Ex[1001], 4:34-39 (video feed association module may be at a “central node and/or distributed

nodes”), 3:21-27; Ex[1002], ¶¶140-42. If construed as a means-plus-function term, as Petitioner proposes, §VI, the video stream association module includes (1) Shaffer’s mobile communication device, (2) Shaffer’s IS, and (3) Saylor’s central security server and databases. The functions of these elements disclose the functions of the video stream association module, as above with respect to limitations 1[a]-1[g]. In addition, Shaffer-Saylor discloses each element of the “video feed association module” described in the ’830 patent, including:

- a “channel identifier module” and a “graphic user interface module” for monitoring a selection of a communication channel, including on a display of a mobile communication device. Ex[1001], FIGs. 2, 8-9; Ex[1002], ¶143. For example, as described for limitation 1[a], Shaffer discloses a mobile communication device user interface for selecting a communication channel on a display and setting the device to that channel. §VIII.A.2.b, Ex[1002], ¶143.
- a user interface for providing a plurality of frequencies on a display...and monitoring a selection of a radio frequency.... Ex[1001], FIG. 9; Ex[1002], ¶143. As described for limitations 1[b] and 1[d], Shaffer provides a user interface to display frequencies to a user and allow a user selection of a frequency. §§VIII.A.2.c, VIII.A.2.e, Ex[1002], ¶143. Although Shaffer does not expressly disclose that the frequencies are displayed as a drop-down menu as disclosed in FIG. 9, it would have been obvious to arrange the frequencies

in this way. Ex[1002], ¶143. Indeed, Shaffer discloses that there can be multiple frequencies for each communication channel. Ex[1004], ¶¶0038 (describing that IS may “map radio frequencies” to “IP addresses”), 0040. And Shaffer describes that the user interface can be a “touch screen.” *Id.*, ¶¶0034, 0044. A drop-down menu would have been an obvious design choice for a user interface when multiple communication parameters (frequencies) can be mapped to other parameters such as multicast IP addresses (*i.e.*, communication channels). Ex[1002], ¶143.

- a “video feed identifier module” and a “policy module” for identifying at least one video feed..., including as described in FIGs. 3-4 of the ’830 patent for associating a communication channel with a video feed based on a policy. Ex[1001], FIGs. 2, 3-4, 4:61-67. For example, as described for limitation 1[e], Shaffer-Saylor discloses a “database” that maps output from sensor devices (including video feeds) to multicast IP addresses (communication channels) based on rules and preferences set up by a user (user policy). §VIII.A.2.f; Ex[1002], ¶143.
- a “communication module” for providing access to the identified at least one video feed..., Ex[1001], FIG. 2. As described for limitations 1[e] and 1[g], Shaffer-Saylor provides a mechanism for transmitting video clips from the central security network to security forces. §§VIII.A.2.f, VIII.A.2.g; Ex[1002], ¶143.

d. 15[c]-[i]

For the reasons provided above and for claim 1, a POSITA would have found these limitations obvious in view of Shaffer-Saylor. Ex[1002], ¶144.

16. Dependent Claims 16-19, 21-22, and 24

For the reasons described for claims 2-5, 7-8, and 11, respectively, Shaffer-Saylor disclose the additional limitations of claims 16-19, 21-22, and 24. Ex[1002], ¶¶145-21, 152.

17. Dependent Claim 23

For the reasons described for claims 9 and 10, Shaffer-Saylor disclose the additional limitations of claim 23. Ex[1002], ¶151.

B. Ground 2: Claims 1-5, 8-19, and 22-24 are obvious over Gogic in view of Opitz.

As set forth below, Gogic discloses each and every limitation of claims 1-5, 8-19, and 22-24, except the limitation requiring radio frequencies displayed on a mobile device and selected by a user. Ex[1002], ¶153. But Gogic, which discloses mobile devices communicating with a radio base station in a particular area, certainly suggests these limitations, as presenting and allowing selection of frequencies on a display was one of a finite number of known, predictable solutions for connecting a radio to a base station. *Id.* Opitz discloses one example of frequency display/selection for making this connection, and the combination of Gogic with this well-known functionality renders obvious claims 1-5, 8-19, and 22-24, as further described in §§VIII.B.c, VIII.B.e.

1. Claim 1

a. 1[pre]

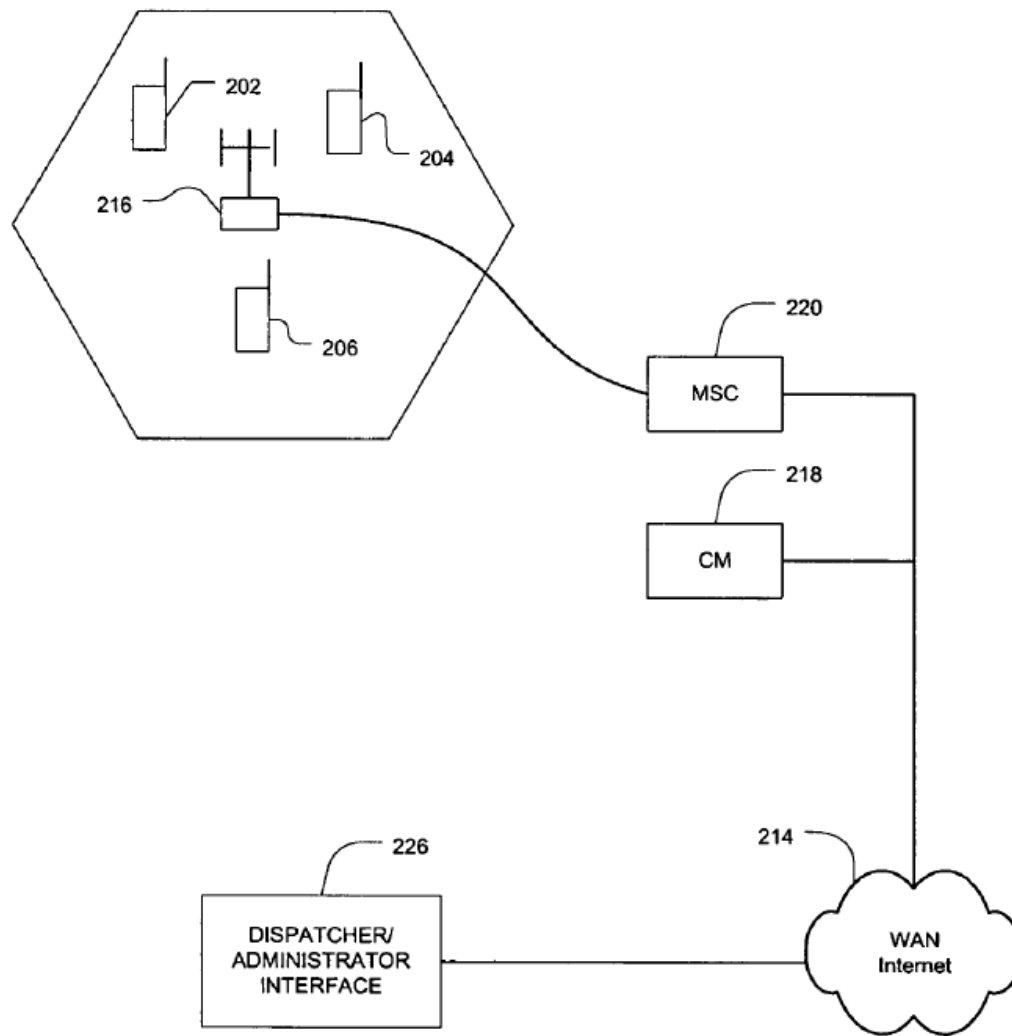
If the preamble is limiting, Gogic discloses “[a] *method*.” Ex[1006], Abstract; Ex[1002], ¶154.

b. 1[a]

Gogic discloses “*monitoring a selection of a communication channel by a user of a mobile communication device*,” under any party’s proposed construction. Gogic, for example, discloses monitoring selection of a communication channel of an “ad-hoc” group by a user of a mobile communication device. Ex[1002], ¶155.

In particular, Gogic describes a *communication channel* for an ad-hoc group.

For instance, as shown in FIG. 2 below, Gogic discloses communication devices (“CDs”) 202, 204, 206, where the CDs can be mobile devices such as “terrestrial wireless telephones,” *e.g.*, “CD 202 could comprise a wireless terrestrial telephone equipped with a video camera and display.” Ex[1006], ¶0035. Gogic also describes that the CDs can be formed into an ad-hoc “group” or “net” that “denotes a collection of communication device users authorized to communicate with each other.” *Id.*, ¶¶0034-0035. Each group has a designated channel, for example, over the “Internet” or over “a dedicated forward channel” in a radio system “for broadcasting information from each group member to the other group members.” *Id.*, ¶0045. Accordingly, “[e]ach group member receives communications from other group members over the common channel.” *Id.*; Ex[1002], ¶156.



Ex[1006], FIG. 2.

The user of a mobile CD also *selects* a communication channel to set the CD to that channel, for example, through “activation of a push-to-talk (PTT) key or switch.” *Id.*, ¶0042. For instance, “[w]hen a user of a CD in communication system 200 desires to transmit information to other group members, the push-to-talk switch located on the CD is depressed.” selecting the channel over which other group members can receive communications. *Id.*, ¶¶0042, 0045. As Gogic describes, PTT

communications involve “conversing on half-duplex communication lines by pushing a button to allow voice communication to be transmitted and releasing the button to allow voice communication to be received.” *Id.*, ¶0026; Ex[1002], ¶157.

Finally, Gogic discloses that the selection of the communication channel by the user of a CD is monitored by the “communication manager 218” (CM 218), which receives the CD’s request to communicate on the communication channel and determines whether any other “group member is currently assigned the transmission privilege.” Ex[1006], ¶0042. If not, “the requesting user is granted (*e.g.*, floor grant) the transmission privilege” over the communication channel. *Id.*; Ex[1002], ¶158.

c. 1[b]

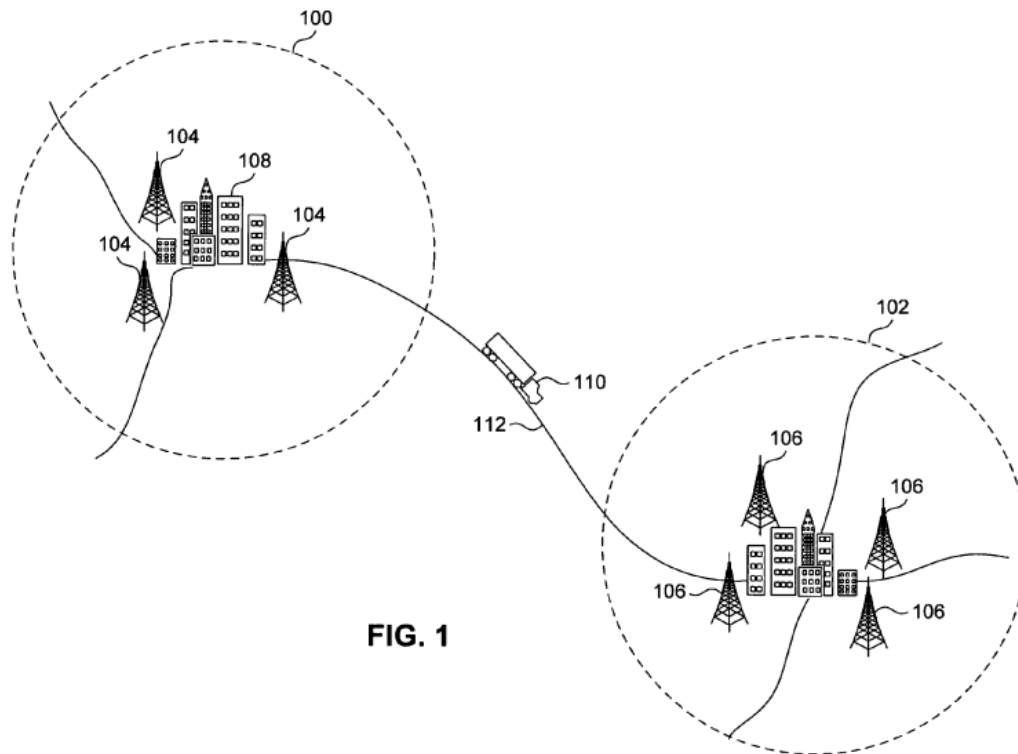
Gogic in view of Opitz discloses “*providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone.*” Ex[1002], ¶159.

As shown in FIG. 2 of Gogic (above), Gogic discloses that CDs transmit and receive communication signals to and from a base station (element 216) under control of the communication manager (218). Ex[1006], ¶¶0037, 0043, 0045, 0046. Indeed, a CD’s connection to a base station is a prerequisite to joining an ad-hoc group; indeed, to form an ad-hoc group, the base station, as directed by the CM, transmits a “broad or indiscriminant [sic] or generalized invitation to join a group to all recipient CDs” with specific conditions for joining the group. See Ex[1006], ¶0060. In Gogic, base stations are also associated with the geographic zone in which

they are physically located. *See, e.g., id.*, ¶0031, FIG. 1 (describing “typical wireless communication system” with base stations in neighboring zones). For example, Gogic describes that a user’s communication with a “base station” can be used to determine the user’s “location.” *Id.*, ¶0058. Accordingly, Gogic discloses that CDs connect to a base station in a particular area, but Gogic does not expressly disclose how the CDs makes that initial connection (as needed to form the ad-hoc group central to Gogic’s disclosure). Ex[1002], ¶¶160-61. A POSITA would have understood that, by the alleged priority date of the ’830 patent, there were a finite number of predictable options for selecting a radio frequency for connecting a radio to a base station. *Id.* Opitz describes one such known example—namely, displaying available radio frequencies on the display of a mobile communication device and allowing a user of the device to select one of those frequencies, as recited in the Challenged Claims. *Id.*

In particular, Opitz discloses a system (shown below) with base stations (transmitters 104 and 106) for transmitting radio signals (“*e.g.*, police, fire, ambulance, weather, aviation, marine, or amateur radio”) to users (*e.g.*, vehicle radio user 110) in two different geographic regions (100 and 102). Ex[1007], 2:20-31; FIG. 1. The radio signals are associated with a geographical area. Ex[1002], ¶¶162-63. For example, as the vehicle radio user 110 “approaches [a] certain geographic region[],” the vehicle “begins receiving signals” from the base stations (transmitters) in that region. Ex[1007], 3:50-62. The vehicle’s radio also includes “scanning”

functionality to scan the frequencies provided by these base stations as well as “a display 248” that “displays identification data corresponding to the channel being monitored.” *Id.*, 5:3-5. The displayed information specifically includes “frequency of the transmission,” as well as other “identification data,” including “name of the transmitting party” and the “usage type of the transmission,” where “usage types” refer to “police frequencies, airport frequencies, emergency medical service frequencies, fire department frequencies, public service agency frequencies, local business frequencies or combinations thereof.” *Id.*, 5:3-7, 7:2-7. Moreover, Opitz’s describes that the display allows a user to “expressly select from the available channels those channels he or she wishes to scan.” *Id.*, 5:10-15.



Ex[1007], FIG. 1.

It would have been obvious to implement Gogic's CDs with the frequency display and selection in Opitz's mobile radio, and a POSITA could have done so with a reasonable expectation of success. Ex[1002], ¶164. As explained, Gogic's formation of ad-hoc groups *requires* each CD to connect to a base station. Ex[1006], FIG. 4; §VII.C. Opitz's frequency display and selection is one of a finite number of obvious ways to accomplish this, so that a POSITA would have recognized. Ex[1002], ¶164. Using a display to present frequencies and to allow a user to select one of them had been known for *decades* by the time of the '830 patent—and used,

for example, by anyone with a basic car radio. *Id.*; Ex[1012], FIG. 3 (depicting in patent filed in 1990 a display on a car radio of geography and corresponding frequency of a station, which can be adjusted via knobs and tuners on the display),

A POSITA would have been particularly motivated to look to Opitz for a suitable implementation because Opitz, like Gogic, discloses a system relating to “emergency communication situations” in which a user desires to monitor and communicate with specific groups in specific locations, such as “[p]olice, [e]mergency [c]rews, [f]ire [d]ept. personnel, etc.” Ex[1006], ¶¶0003, 0056; Ex[1007], 3:3-4 (describing “[m]unicipal police, fire and rescue communications channels”), 11:52-57-67 (monitoring an “emergency”). Gogic’s CDs communicate via base stations, just like the scanning radios in Opitz. Ex[1006], ¶¶0043-0045, FIG. 2; Ex[1007], 2:40-44, FIGs. 1-2. Gogic’s CDs are mobile and can move between base station locations, just like the scanning radios in Opitz. Ex[1006], ¶¶0057-58 (describing determination of whether a mobile CD is in proximity to a “servicing base station”); Ex[1007], 2:40-58, FIGs. 1-2. Thus, a POSITA would have recognized that Opitz’s techniques are suitable for application in Gogic’s system and would provide the beneficial functionality disclosed in Opitz. Ex[1002], ¶165.

A POSITA would have had a reasonable expectation of success in implementing Gogic’s CDs with the known frequency display and selection disclosed in Opitz’s mobile radio. Ex[1002], ¶166. As explained, by the time the ’830 patent was filed, the concept of a mobile radio displaying frequencies to a

user associated with base stations in particular geographic regions had been known for decades, *e.g.*, to users of AM/FM radios moving between locations. Ex[1002], ¶166. A POSITA would have recognized that Gogic’s CDs have sophisticated display and processing capabilities that could readily accommodate display and selection of frequency information for a geographic zone associated with a base station. *E.g.*, Ex[1006], ¶0035. A POSITA could also have easily used a known scanning radio, as described in Opitz, with Gogic’s system (which is not limited to a particular type of CD), such that the radio already had the capability of detecting and displaying available frequencies and allowing a user to select the particular “transmitting party” and “usage type” it would like to monitor. Ex[1002], ¶166.

d. 1[c]

Gogic discloses “*from which a plurality of video feeds associated with the geographic zone are sourced.*” Gogic, for example, describes that the CDs “may comprise wireless video cameras” or telephones “equipped with a video camera” and can source “real-time” “video data.” Ex[1006], ¶0035; *see also id.*, ¶0025 (describing invention as applicable to “real-time data” including “video data”). And, as described for limitation 1[b], in Gogic each base station is associated with a geographic zone such that each video feed from a CD connected to the base station is also associated with the geographic zone. *E.g.*, Ex[1006], ¶¶0037, 0043, 0045, 0046; *see also id.*, ¶¶0031, FIG. 1 (describing “typical wireless communication system” with many base stations in neighboring zones), 0058 (describing that a

user's communication with a "base station" can be used to determine the user's "location"); Ex[1002], ¶167.

e. 1[d]

Gogic in view of Opitz discloses "*monitoring a selection of a radio frequency of the plurality of radio frequencies by the user.*" For the same reasons described for limitation 1[b], Gogic in view of Opitz renders obvious a mobile communication device that monitors the selection of a radio frequency on a display by a user. See §VIII.B.1.c. As described, Gogic in view of Opitz discloses that a vehicle's radio can include "scanning" functionality to scan the frequencies provided by nearby base stations as well as "a display 248" that "displays identification data corresponding to the channel being monitored." Ex[1007], 5:3-5. The displayed information specifically includes "frequency of the transmission." *Id.*, 5:3-7, 7:2-7. Moreover, Opitz's describes that the display allows a user to "expressly select from the available channels those channels he or she wishes to scan." *Id.*, 5:10-15. The selection is monitored at least by the radio. Ex[1002], ¶168. It would have been obvious to combine Gogic and Opitz for the reasons described in limitation 1[b]. §VIII.B.1.c.

f. 1[e]

Gogic discloses "[1] *identifying at least one video feed by selecting the at least one video feed from the plurality of video feeds associated with the geographic zone, wherein [2] the at least one video feed is associated with the selected communication*

channel [3] based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel,” under any party’s proposed construction. Ex[1002], ¶¶169-70.

First, Gogic’s system (including, for example, CM 218) forms an ad-hoc group of CDs that identifies and selects at least one video feed (at least one CD, which can have video streaming capability, §VIII.B.1.d) from the plurality of video feeds (CDs) in the identified geographic zone (the location of the base station to which the CDs are connected). Ex[1002], ¶107. CM 218 “controls formation” of an “ad-hoc group” amongst all the CDs at a base station based on “location-based membership criteria” and the roles of the CDs (*e.g.*, whether they are for “authorized and trained persons” such as police and emergency crews). Ex[1006], ¶0056. For example, CM 218 can form an “ad-hoc group in response to an emergency notification” based on “proximity to a designated location” within the base station coverage area (*id.*, ¶0057) such as “a location centerpoint and an acceptable radius” or “perimeter locations,” *id.*, ¶0058. Because the ad-hoc group includes video feeds and is a subset of video feeds within the geographic location of the base station, the CM 218 identifies only a subset of video feeds (“at least one”) within the overall geographic zone for the base station. *Id.*, ¶0059.

Second, the at least one video feed can be identified by CM 218 and associated with the selected communication channel based on a user policy. Ex[1002], ¶171. In particular, the user policy in Gogic is the “group membership location criteria,” *e.g.*,

a policy allowing users to join an ad-hoc group only if they are within a certain area. Ex[1006], ¶0062. As shown in FIG. 4, for example, CM 218 sends a message (406) directing a base station (MSC/BS_N 408) to implement the user policy by sending an invitation (420) to all CDs in its service area (412, 414, 416). *Id.*, ¶¶0060-0061. The invitation includes the “location criteria” (user policy) for defining an ad-hoc group. *Id.* The CDs receiving the invitation only have the “right to accept the invitation” “conditional upon the CD qualifying according to the location criteria” (user policy). *Id.*, ¶0061. The subgroup of CDs that make up the ad-hoc group based on the user policy is also associated with the selected communication channel (the channel selected by the user associated with the ad-hoc group, see §VIII.B.1.b). Ex[1002], ¶171.

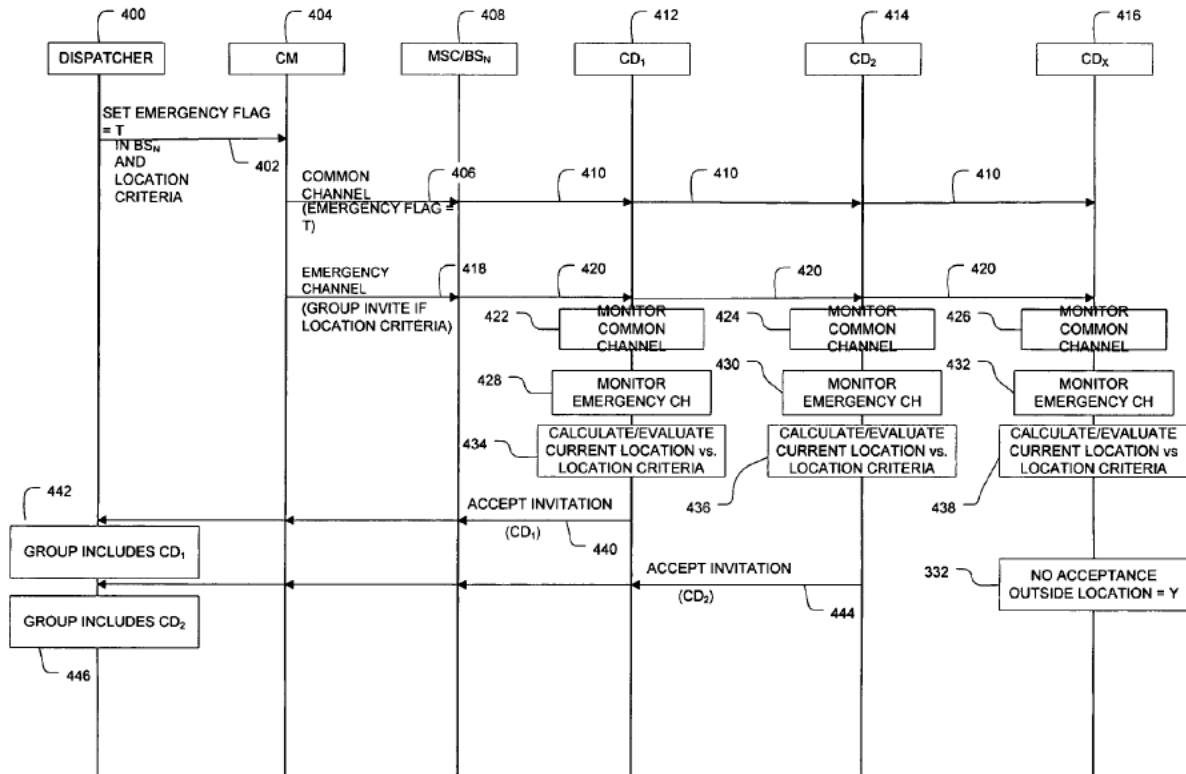


FIG. 4

Ex[1006], FIG. 4.

Finally, the group membership location criteria (user policy) identify one or more video feeds that are relevant to the user when the user accesses the selected communication channel. Ex[1002], ¶172. The user of a CD accesses the communication channel for the ad-hoc group when the CD determines that it satisfies the group membership location criteria. Ex[1006], ¶0062. For example, in FIG. 4, CD 412 and 414 pass the location criteria and joins the group, whereas CD 416 fails the location criteria and does not join the group. *Id.* Once a “group member,” each member “receives communications from other group members over the common channel” and accesses the selected communication channel. *Id.*, ¶0045.

And when the user accesses the channel, the group membership location criteria (user policy) that exists will identify the other group members (other CDs, including CDS with video streaming capability) relevant to the user at the time of access. Ex[1002], ¶172. As Gogic describes, the user policy is selected by a dispatcher who “identifies the occurrence or presence of an event or condition wherein communications between proximately located users *could be beneficial*.” Ex[1006], ¶0057 (emphasis added). For example, when the user accesses the communication channel associated with an ad-hoc group relating to a car accident at a particular location, he or she will receive video feeds from police officers or other emergency personnel responding to the same incident. *Id.* ¶0009 (describing need for “emergency response teams to establish communication with any and all users in an area affected by a large scale natural disaster” and a need “for users in an area to be given emergency assistance information that is specific to the area where they are located”); Ex[1002], ¶172.

g. 1ffl

Gogic discloses “*the one or more video feeds being independent of the selected communication channel*.”⁴ For example, the ’830 patent specification describes “independent video surveillance cameras” such as those installed at

⁴ Petitioner compares the combination to the ’830 patent specification without conceding that this term satisfies 35 U.S.C. §112.

“public and non-public locations.” Ex[1001], 3:17-21. Gogic describes the same type of video feeds. Ex[1002], ¶173.

For example, in Gogic, the video feeds (CDs with video streaming capability) can be independent of the communication channel set up for the ad-hoc group. Ex[1002], ¶174. For example, CDs can comprise “wireless video cameras” existing in a “public” or “non-public” location. Ex[1006], ¶0035. Further, the group can be formed and torn down by CM 218 in response to events unrelated to the CDs. Ex[1006], ¶0034 (“groups may not be pre-defined, but they can be formed in an ad-hoc fashion” and “[u]pon termination of the ad-hoc communication session, the group formed in this fashion is disbanded”); Ex[1002], ¶174.

h. 1[g]

Gogic discloses “*providing access to the identified at least one video feed to the mobile communication device based on the user policy.*” As described for limitation 1[e], when the CD accepts the invitation to join the ad-hoc group, the user of the mobile communication device (CD) is provided access to at least one video feed in the ad-hoc group based on the group membership location criteria (user policy). §VIII.B.1.f; Ex[1002], ¶175.

2. Claim 2

Gogic discloses “*wherein providing access comprises associating the identified at least one video feed with the mobile communication device in a database that is used to manage access to independent video feeds in a network*

based on audio communication channels that are selected by communication devices in the network.”

First, Gogic discloses a “database” for managing access to independent video feeds in a network. Ex[1002], ¶¶176-77. As described for limitation 1[c] and 1[g], an ad-hoc group (or “net”) in Gogic may contain one or more CDs that source video feeds. §§VIII.B.1.d, VIII.B.1.h. Moreover, in Gogic, “a central database contains information identifying the members of each particular group” the members of which are authorized to “communicate with each other.” Ex[1006], ¶0034. The database manages certain privileges for group members, for example, “members of different groups” can “monitor communications between members of more than one group” but may not be able to transmit to each group. *Id.*; *see also id.*, ¶0050 (“CM 218 maintains one or more databases for managing information pertaining to individual group members as well as to each defined net.”).

Second, by tracking group membership, the database associates the identified video feeds with the mobile communication device accessing the communication channel. Ex[1002], ¶178. For example, for each CD, the database tracks “an indication of which groups the member is authorized to communication.” Ex[1006], ¶0050.

Finally, the database also manages access to the independent video feeds based on audio communication channels that are selected by communication devices in the network. Ex[1002], ¶179. For example, the channel selected by the

communication device via the PTT button (see §VIII.B.1.b) is an “audio communication channel” because it allows a group member to transmit “[a]udio, visual, or other information” to other group members. Ex[1006], ¶0048; *see also id.*, ¶0035 (describing devices that comprise audio and video feeds); Ex[1002], ¶179; Ex[1003], p.240. Accordingly, when a database stores membership identification for each ad-hoc group, it associates the video feeds in that group with the audio communication channel for that group. Ex[1002], ¶179.

3. Claim 3

a. 3[a]

Gogic teaches “*accessing a database to identify a plurality of members of an emergency response team that includes the user of the mobile communication device.*” As described for claim 2, Gogic discloses a database identifying the plurality of members of each ad-hoc group that includes the user of the mobile communication device. §VIII.B.2; Ex[1002], ¶180. In addition, each ad-hoc group comprises members of an emergency response team—for example, group membership can be limited to “authorized and trained persons only (*e.g.*, Police, Emergency Crews, Fire Dept. personnel, etc.).” Ex[1006], ¶0056.

b. 3[b]

Gogic discloses “*presenting a plurality of available video feeds on the display of the mobile communication device, the plurality of available video feeds including video streams associated with the plurality of members of the emergency response*

team.” In Gogic, each CD has a “display” for presenting video feeds. Ex[1006], ¶0035. As shown in FIG. 3, for example, each CD can transmit video feeds (“media traffic,” below) for display to (and associated with) other members of the team. *Id.*, FIG. 3, ¶0052; *see also id.*, ¶0045 (“Each group member receives communications from other group members over the common channel.”); Ex[1002], ¶181. By 2008, it would have been obvious that a mobile device could have displayed multiple video feeds, in multiple ways (including using thumbnails or a drop-down menu), in an emergency requiring review of multiple available video feeds. Ex[1002], ¶181.

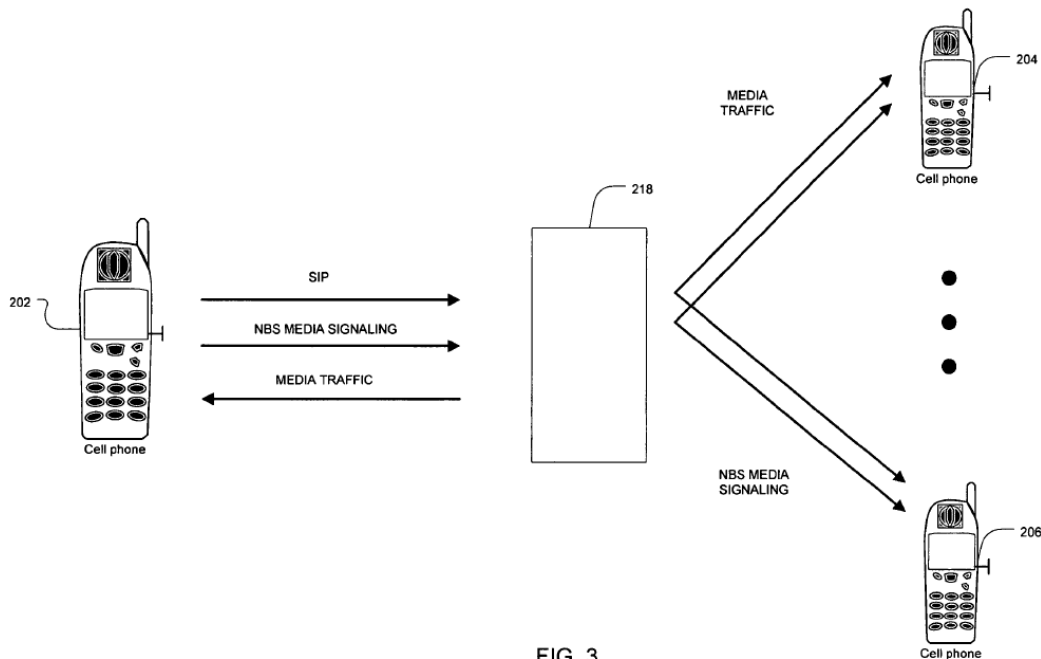


FIG. 3

Ex[1006], FIG. 3.

4. Claim 4

Gogic teaches “wherein the available video feeds are sourced from a group of surveillance cameras.” Gogic discloses that a CD can be a separate “wireless

video camera,” which is a type of surveillance camera, or at least renders use of a surveillance camera obvious. Ex[1006], ¶0035; Ex[1002], ¶182.

5. Claim 5

Gogic discloses “*wherein the communication channel is a Push-To-Talk (PTT) channel in a PTT communication network and the mobile communication device is a PTT radio,*” under any party’s proposed construction. Ex[1002], ¶183. As described for limitation 1[a], the communication channel in Gogic is a PTT channel for transmitting half-duplex communications in a PTT communication network. §VIII.B.1.b; Ex[1006], ¶0026 (describing half-duplex communications). And Gogic discloses that a CD can be a PTT radio. *E.g.*, Ex[1006], ¶0042 (“the CD is configured to request the transmission privilege through initiation or activation of a push-to-talk (PTT) key or switch...”); Ex[1002], ¶183.

6. Claim 8

Gogic discloses “*wherein the communication channel is associated with a Virtual Talk Group (VTG),*” under any party’s proposed construction. Ex[1002], ¶184. In Gogic, the communication channel is associated with an ad-hoc group, which is a virtual talk group that is not “pre-defined” and consists of any and all users in the vicinity of, for example, an emergency incident. Ex[1006], ¶0034; *see also id.*, ¶0026 (describing using PTT with non-radio protocols such as RTP and SIP, which can use an IP address to communicate); Ex[1002], ¶184.

7. Claim 9

Gogic discloses “*wherein providing access to the video feeds depends on a video association policy.*” As for claim 9 in Ground 1, although this term is not used in the ’830 patent, §VIII.A.2.9, Gogic discloses the type of video feed association described in the ’830 patent. Ex[1002], ¶185. In Gogic, CM 218 can configure an ad-hoc group to include certain endpoints and those endpoints can transmit video streams to the associated ad-hoc group. §§VII.C, VIII.B.1.f. Accordingly, CM 218 associates video feeds with communication channels (as described for limitation 1[e]) for users with particular roles. Ex[1002], ¶¶185-86. For example, CM 218 “controls formation” of an “ad-hoc group of users” based on “location-based membership criteria” and the roles of the users (*e.g.*, whether they are “authorized and trained persons” such as police and emergency crews). Ex[1006], ¶0056; §VIII.B.1.f.

8. Claim 10

For the same reasons described for claim 9, Gogic discloses “*wherein the video association policy includes a role of the user defined in a policy database.*” Ex[1002], ¶187. Moreover, the information relating to the role of each user is stored in a “policy database” defining membership and other characteristics for each user. Ex[1006], ¶0050; Ex[1002], ¶187.

9. Claim 11

a. 11[a]

Gogic in view of Opitz discloses “*identifying a geographical location of the*

user's mobile communication device using a Global Positioning System.” For example, Opitz discloses that the radio can include a “position locator” to determine the position of the radio, where the position locator can use GPS. Ex[1007], 5:60-6:25. It would have been obvious to combine Opitz’s GPS locator with the CDs of Gogic. Ex[1002], ¶188. Gogic, in particular, describes that CDs “calculate their location.” Ex[1006], ¶0062. A POSITA would have recognized that one known way to do so would be to implement CDs with a “position locator” including GPS, as disclosed in Opitz. Ex[1002], ¶188. A POSITA would have had a reasonable expectation of success in making this combination, as GPS was a common and widely implemented method of determining location of a device (*e.g.*, a radio) by 2008, as illustrated by Opitz’s disclosures. *Id.*

b. 11[b]

Gogic teaches “*identifying that the at least one video feed is associated with the geographical location; associating the at least one video feed with other mobile communication devices set to the same channel as the user’s mobile communication device; and automatically rendering access to the at least one video feed to the other mobile communication devices.*”

Gogic discloses that the at least one video feed is associated with an ad-hoc group, which is defined by a “group membership location criteria.” Ex[1006], ¶0058. For example, the criteria can be based on “a location centerpoint and an acceptable radius” or “perimeter locations.” *Id.*, ¶0058. A POSITA would have understood that

implementing the GPS functionality of Opitz in Gogic, as described for limitation 7[a], could be used to identify the centerpoint and thus the combination would identify the video feed associated with the geographical location. Ex[1002], ¶¶189-90.

Moreover, Gogic describes that the at least one video feed can be associated with other devices set to the same channel (ad-hoc group) as the user selected. Ex[1002], ¶191. As described for limitation 1[e], each member of the ad-hoc group within the group membership location criteria and that accepts the invitation to join the group is granted access to the communications of all other members, including the at least one video feed provided by the video-capable CDs in the group. §VIII.B.1.f.

10. Claim 12

Gogic teaches “*wherein the selected communication channel is a selected audio communication channel that is selected from a plurality of audio communication channels, the at least one video feed being associated with the selected audio communication channel, and the user policy identifying the one or more video feeds that are relevant to the user when the user accesses the selected audio communication channel.*”

First, as described for claim 2, Gogic discloses that a CD user selects an audio communication channel via the PTT button because it allows for audio communications between members of a VTG. §VIII.B.2; Ex[1002], ¶¶192-93.

Second, as described for limitation 1[e], an ad-hoc group can include audio devices with video feeds, accordingly a video feed is associated with the selected audio channel. §VIII.B.1.f; Ex[1002], ¶194. As also described for limitation 1[e], the user policy for forming the ad-hoc group identifies the video feeds relevant to the user (in the defined geographic zone) at the time (when) the user accesses the communication channel for that ad-hoc group. *Id.*

11. Claim 13

Gogic discloses “*wherein the user policy associates the at least one video feed with the selected communication channel based on the geographic zone from which the at least one video feed is sourced and a device group that includes the user’s communication device.*”

As described for limitation 1[e], the user policy for forming the ad-hoc group identifies the video feeds in the defined geographic zone. §VIII.B.1.f. Moreover, the CM 218 also considers the role of the user (a device group) in granting access to the ad-hoc group (and its associated video feeds). *E.g.*, Ex[1006], ¶0056 (granting access only to “authorized and trained persons” such as police); Ex[1002], ¶¶195-96.

12. Claim 14

Gogic discloses “*wherein the user policy associates the at least one video feed with the selected communication channel by comparing a first geographic zone from which the at least one video feed is sourced with a second geographic zone corresponding to a location of the user's communication device.*”

The user policy for forming the VTG identifies CDs (including video feeds) in the area around a “centerpoint.” Ex[1006], ¶0058. A POSITA would have understood that in some cases this centerpoint would be a user’s location, for example, if a user is experiencing an emergency at that location. Ex[1002], ¶¶197-98. In that case, the area around the user (second geographic zone) is compared to the area of the video feed (first geographic zone) to determine if the video feed will join the group. *E.g.*, Ex[1006], ¶0062; Ex[1002], ¶198.

13. Independent Claim 15

a. 15[pre]:

If the preamble is limiting, Gogic discloses “[a]n apparatus.” Ex[1006], Abstract, ¶0003; Ex[1002], ¶199.

b. 15[a]

Gogic discloses “*at least one processor.*” For example, Gogic describes a processor for either the CDs or the CM. Ex[1006], ¶¶0071 (“blocks, modules, and circuits described in connection with the embodiments disclosed herein may be implemented or performed with a general purpose processor.”), 0072; Ex[1002], ¶200.

c. 15[b]

Gogic discloses “*a memory in communication with the at least one processor, the memory being configured to store a video stream association module executable by the at least one processor, the video stream association module being executed*

by the at least one processor to cause operations to be performed.” Ex[1002], ¶201.

Gogic discloses a memory for both the CDs and the CM. Ex[1006], ¶0072.

In addition, Gogic disclose a video stream association module that causes the recited operations in 15[c]-15[i] to be performed. *See* §§VII.C, VIII.B.13.d. If not construed as a means-plus-function limitation, the “video stream association module” is disclosed for the same reasons described for claim 1, where the memory in Optiz’s mobile device and Gogic’s CD and CM store a video stream association module for performing the recited operations. *See* Ex[1002], ¶¶202-04; Ex[1001], 4:34-39, 3:21-27. If “video stream association module” is construed as a means-plus-function term, as Petitioner proposes, §VI, it is also disclosed or rendered obvious by Gogic in view of Optiz. Ex[1002], ¶205. The functions are disclosed, as described above with respect to limitations 1[a]-1[g]. In addition, Gogic discloses each element of the “video feed association module” described in the ’830 patent, including:

- a “channel identifier module” and a “graphic user interface module” for monitoring a selection of a communication channel, including on a display of a mobile communication device. Ex[1001], FIGs. 2, 8, 9. For example, as described for limitation 1[a], Gogic discloses a mobile communication device user interface for selecting a communication channel on a display and setting the device to that channel. §VIII.B.1.b, Ex[1002], ¶206.
- a user interface for providing a plurality of frequencies on a display... and monitoring a selection of a radio frequency.... Ex[1001], FIG. 9. As described

for limitations 1[b] and 1[d], Gogic in view of Opitz provides a user interface to display frequencies to a user and allow a user to select one of the frequencies. §§VIII.B.1.c, VIII.B.1.e; Ex[1002], ¶206. Although Gogic in view of Opitz does not expressly disclose that the frequencies are displayed as a drop-down menu as in FIG. 9, it would have been obvious to arrange the frequencies in this way, for the reasons described in Ground 1. Ex[1002], ¶206; §VIII.A.2.

- a “video feed identifier module” and a “policy module” for identifying at least one video feed..., including as described in FIGs. 3-4 of the ’830 patent for associating a communication channel with a video feed based on a policy. Ex[1001], FIGs. 2, 3-4, 4:61-67. For example, as described for limitation 1[e], in Gogic, “a central database contains information identifying the members of each particular group” the members of which are authorized to “communicate with each other.” Ex[1006], ¶0034. The database manages certain privileges for group members, for example, “members of different groups” can “monitor communications between members of more than one group” but may not be able to transmit to each group. *Id.*; *see also id.*, ¶0050; Ex[1002], ¶206.
- a “communication module” for providing access to the identified at least one video feed.... Ex[1001], FIG. 2. As described for limitations 1[e] and 1[g], Gogic provides a mechanism for transmitting video feeds to members of the ad-hoc group. §§VIII.B.1.f, VIII.B.1.h; Ex[1002], ¶206.

d. 15[c]-[i]

For the reasons provided above and for claim 1, a POSITA would have found these limitations obvious in view of Gogic and Opitz. Ex[1002], ¶207.

14. Dependent Claims 16-19, 22, and 24

For the reasons described for claims 2-5, 8, and 11, Gogic discloses the additional limitations of claim 16-19, 22, and 24. Ex[1002], ¶¶208-12, 214.

15. Dependent Claim 23

For the reasons described for claims 9 and 10, Gogic discloses the additional limitations of claim 23. Ex[1002], ¶213.

IX. SECONDARY CONSIDERATIONS

Petitioner is aware of no evidence of secondary considerations that would meaningfully rebut a finding of obviousness. Ex. 1002, ¶¶215-16. Petitioner reserves the right to rebut any purported objective evidence of non-obviousness raised by Patent Owner.

X. INSTITUTION SHOULD BE GRANTED

A. Discretion Under 35 U.S.C. §314(a)

The Board should not exercise its discretion under §314(a) to deny this Petition. First, no other petitions have been filed against the '830 patent. Accordingly, the *General Plastics* factors weigh in favor of institution. See *Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 15-16 (P.T.A.B. Sept. 6, 2017) (precedential).

Second, if the Board applies the analysis in *NHK Spring Co. Ltd v. Intri-Plex Techs. Inc.*, IPR2018-00751, Paper 8 at 19-20 (P.T.A.B., Sept. 12, 2018) (precedential)⁵ or *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) (precedential), those factors taken together support institution. Each *Fintiv* factor is addressed below.

Factor 1: Potential Stay

The Board should “not attempt to predict how the district court in the related district court litigation will proceed[.]” *Sand Revolution II LLC v. Continental Intermodal Group-Trucking LLC*, IPR2019-01393, Paper 24 at 7 (P.T.A.B. Jun. 16, 2020) (informative). Institution should not be denied based on this factor.

Factor 2: Trial Date

Trial is currently scheduled for June 2024 in the EDTX litigation. Ex[1009], p.1. That is approximately 8 months before the projected February 2025 statutory deadline for the Board to enter a final written decision in this proceeding (if instituted). Accordingly, “the decision whether to institute will likely implicate other factors...such as the resources that have been invested in the parallel

⁵ Petitioner recognizes the Board must apply its precedential caselaw, but specifically reserves its objection to the Board’s application of the *NHK-Fintiv* caselaw as non-justiciable under the APA.

proceeding.” *Apple*, IPR2020-00019, Paper 11 at 9. As discussed below, if trial were to proceed as scheduled, this factor is outweighed by other factors here.

Factor 3: Investment in the parallel proceeding

The parties have served infringement and invalidity contentions and the claim construction process has just begun. Ex[1009], p.4. The effort and resources expended to date are “typical of the early stages of litigation” and thus this factor “does not favor exercising discretion to deny institution.” *Apple Inc. v. Smart Mobile Techs. LLC*, IPR2022-00808, Paper 24 at 52 (P.T.A.B. Sept. 29, 2022).

Petitioner worked diligently to file this Petition. As noted above, Petitioner moved to dismiss on December 12, 2022, and filed this petition just over a month after the magistrate judge recommended denial of that motion. To conserve resources of the Board and the parties, it was not unreasonable for Petitioner to wait to file petitions for IPR because the motion to dismiss had the potential to resolve the case. Furthermore, since serving its original infringement contentions on January 5, 2023, Patent Owner has served proposed supplemental infringement contentions on three separate occasions, including a proposal just two months ago to more than double the number asserted claims in the EDTX litigation and to add a number of new accused products. Ex[1010], p.4. Given Patent Owner’s shifting infringement theories, it was entirely reasonable for Petitioner to wait to file the instant Petition until the scope of the EDTX litigation crystallized. There will certainly be “much work remain[ing] in the district court case as it relates to

invalidity” when this proceeding is ready for institution. *Sand Revolution*, Paper 24 at 10. Coupled with Petitioner’s diligence in filing this Petition, this factor weighs against discretionary denial. *Cf. id.* at 10-11; *Google LLC v. Parus Holdings, Inc.*, IPR2020-00846, Paper 9 at 18 (P.T.A.B. Oct. 21, 2020).

Factor 4: Issue Overlap

The Petition challenges each claim asserted in the litigation. Ex[1010], p.2. The Petition also challenges claims not asserted in the litigation (Claims 2-4, 7, 9-10, 12-14, 16-19, 21-24).

Factor 5: Party Overlap

Petitioner and Patent Owner are parties in the EDTX Litigation.

Factor 6: Other Circumstances Favoring Institution

Additional circumstances favor institution. First, Petitioner acted with diligence, as noted above. Petitioner has gained no advantage from the parallel litigation, which favors institution. *See Oticon Med. AB v. Cochlear Ltd.*, IPR2019-00975, Paper 15 at 22-23 (P.T.A.B. Oct. 16, 2019) (precedential) (noting *NHK* factors include considering whether petitioner’s use of patent owner’s pre-petition litigation positions “resulted in any tactical advantage to Petitioner”).

Moreover, the merits favor institution as the strong multiple grounds in this Petition demonstrate. “In such cases, the institution of a trial may serve the interest of overall system efficiency and integrity because it allows the proceeding to continue in the event that the parallel proceeding settles or fails to resolve the

patentability question presented in the PTAB proceeding.” *Google*, Paper 9 at 21 (quoting *Fintiv*, Paper 11 at 14-15); *Fintiv*, IPR2020-00019, Paper 11 at 14-15; Ex[1032], p.4 (USPTO Guidance indicating that “compelling, meritorious challenges will be allowed to proceed at the PTAB even where the district court litigation is proceeding in parallel”).

B. Discretion Under 35 U.S.C. §325(d)

The Board should not exercise its discretion under 35 U.S.C. §325(d). None of the references relied upon in Grounds 1-2 were presented to the Office or considered during prosecution. Ex[1001], Cover.

XI. CONCLUSION

Petitioner respectfully requests institution of IPR and that the Challenged Claims be cancelled as unpatentable pursuant to 35 U.S.C. §318(b).

Petition for *Inter Partes* Review of U.S. Patent No. 8,994,830

Respectfully Submitted,

August 21, 2023

/Eliot D. Williams/

Eliot D. Williams (Reg. No. 50,822)

BAKER BOTTS L.L.P.

700 K Street, N.W

Washington, D.C. 20001-5692

Tel: 202-639-1334

eliot.williams@bakerbotts.com

*Attorneys for Petitioner, Motorola Solutions,
Inc.*

CERTIFICATE OF SERVICE

A copy of this entire Petition, including all Exhibits and a power of attorney, is being served by FEDERAL EXPRESS, costs prepaid, to the correspondence address of record for the '830 patent at the USPTO: Edell, Shapiro, & Finnan, LLC, 9801 Washingtonian Blvd., Suite 750, Gaithersburg, MD 20878; and by email to the attorney or agent of record for Patent Owner in the EDTX Litigation: James A. Shimota, K&L Gates, Jim.Shimota@klgates.com on August 22, 2023.

Date: August 21, 2023

/Eliot D. Williams/
Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.
700 K Street, N.W
Washington, D.C. 20001-5692
Tel: 202-639-1334
eliot.williams@bakerbotts.com

*Attorneys for Petitioner, Motorola Solutions,
Inc.*

CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the word count under § 42.24(a)(1) for the foregoing Petition for *Inter Partes* Review totals 13,951 words, within the 14,000 word limit allowed under § 42.24(a)(1)(i).

Date: August 21, 2023

/Eliot D. Williams/

Eliot D. Williams (Reg. No. 50,822)

BAKER BOTTS L.L.P.

700 K Street, N.W

Washington, D.C. 20001-5692

Tel: 202-639-1334

eliot.williams@bakerbotts.com

*Attorneys for Petitioner, Motorola Solutions,
Inc.*