

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

**PETITIONER'S AUTHORIZED REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

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TABLE OF AUTHORITIES

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<i>Thorner v. Sony Computer Entm't Am. L.L.C.</i> , 669 F.3d 1362, 1365 (Fed. Cir. 2012)	5
<i>Ty Inc. v. Softbelly's, Inc.</i> , No. IPR2020-00689, Paper 10 at 13-14 (P.T.A.B. Sept. 15, 2020)	2

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)
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)

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.

Ex[No.] ¹	Description of Documents
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")

Ex[No.] ¹	Description of Documents
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)
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)
1033	Amended Docket Control Order, STA Group LLC v. Motorola Solutions, Inc., No. 2:22-CV-0381-JRG-RSP, Dkt. 196 (E.D. Tex. Dec. 1, 2023)

Ex[No.] ¹	Description of Documents
1034	Email from Katharine.Burke@BakerBotts.com (Dec. 27, 2023)

I. PATENT OWNER’S *FINTIV* ARGUMENTS ARE MOOT

Petitioner’s *Sotera* stipulation moots Patent Owner’s (“PO”) *Fintiv* arguments. *See* Ex[1034]; Ex[1032], 3.

II. INSTITUTION SHOULD NOT BE DENIED UNDER § 325(d)

PO does not dispute that the art in the Petition’s grounds was ***not*** considered during prosecution. *See* Paper 7 (“POPR”), 32-37. Moreover, the Petition’s art and arguments are substantially ***different*** from those considered by the Examiner. Thus, PO’s § 325(d) arguments fail Part 1 of *Advanced Bionics*.

In particular, PO argues that the Petition’s grounds (Shaffer+Saylor and Gogic+Optiz) are cumulative to the arguments that the Examiner made regarding the Kalley and Shaffer ’339 references. *Id.* But the POPR simply ignores ***numerous*** limitations, including all of the “radio frequencies” limitations (1[b], 1[d], 15[d], 15[f]), the addition of which led to allowance of the claims. Ex[1003], 108, 111, 137; Pet., 13. The Examiner ***never*** asserted that Kalley nor Shaffer ’339 disclosed these limitations; they do not, and the PO does not even assert that Kalley and Shaffer ’339 disclose those limitations now. POPR, 32-37; Ex[1003], 175, 191, 245, 292. The POPR instead superficially compares the references but ignores the parts of Shaffer, Saylor, Gogic, and Optiz relied on in the Petition, including Shaffer’s and Optiz’s disclosure of the radio frequency limitations and the motivations to combine Shaffer+Saylor and Gogic+Optiz, all of which renders Petitioner’s art substantially different from Kalley and Shaffer ’339. POPR, 32-37; *see* Pet. 23-29, 32-35, 55, 58-

63; Ex[1002], ¶¶96-100, 159-66; *Ty Inc. v. Softbelly's, Inc.*, No. IPR2020-00689, Paper 10 at 13-14 (P.T.A.B. Sept. 15, 2020) (declining to deny Petition where relevant teachings in the Petition are not found in the considered art).

III. THE BOARD SHOULD REJECT PO'S IMPLIED CONSTRUCTION OF ELEMENTS 1[e]/15[g]

The POPR's interpretation of "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[e]/15[g]) improperly imports multiple limitations.

First, to try to distinguish Shaffer-Saylor in Ground 1, PO reads into the claims an unrecited temporal requirement that the user policy identifies relevant video feeds **only after** the user accesses the selected communication channel. POPR, 14-15. But the claim is not so limited; the plain language is met so long as the user policy identifies one video feed that is relevant to a user at the time the user accesses the communication channel, even if the user policy also identifies video feeds relevant to the user before the user's channel access. Ex[1001], cl. 1.

This plain reading is supported by other evidence. For example, dependent claim 6 clarifies that the identification of video feeds associated with a user in claim 1 can be accomplished via a database **before** the user selects the communication channel. *Id.*, cl. 6. The embodiment in FIG.3 also discloses a user policy that associates video feeds (308.1-308.m) with a communication channel (first channel

302.1) and makes those video feeds accessible to a user “when **any** user 305.1-305.q” in a group associated with that channel sets his device “to the first channel.” *Id.*, 5:23-43, FIG.3 (emphasis added). The policy can identify video feeds relevant to a user at any time, so long as the identified video feeds are relevant to the user when the user accesses the selected communication channel. *Id.*

Shaffer-Saylor works in the same way as the '830 specification. Saylor's databases implement a user policy that identifies relevant video feeds in Saylor's security system for users associated with a specific communication channel (IP address) provided by Shaffer's IS system. Ex[1002], ¶¶84-85, 104-106; Pet., 26-27, 37-39. The IS system makes the video feeds accessible to a user at any time that user sets their device to the particular IP address. Ex[1002], ¶¶86, 103, 107; Pet., 26-27, 37, 40. PO's analysis, which ignores this functionality of the Shaffer-Saylor system in favor of cherry-picked cites to Saylor alone, is irrelevant. POPR, 15-16.

Second, PO tries to distinguish Gogic in Ground 2 by unduly limiting the term “user policy” in elements 1[e]/15[g] to exclude any policy based on location. POPR, 28. However, elements 1[e]/15[g] recite a plurality of video feeds associated with a geographic zone and identifying one of those feeds as relevant to a user based on a user policy. Ex[1001], cl. 1. The association of feeds with a geographic zone does not preclude location-based user policies. To the contrary, dependent claims **require** the “user policy” of claim 1 to be “based on the geographic zone” (Ex[1001], cl. 13),

and the specification also discloses a location-based policy for identifying video feeds **relevant** to a user in a particular area (*id.*, 6:3-17 (policy based on “location”)).

Gogic operates just like the intrinsic evidence. First, a plurality of feeds is associated with a geographic zone around a base station. *Pet.*, 63-64, 65. Second, Gogic narrows those feeds to a sub-group based on a further “location-based membership criteria” **and** the “roles” of the users—a “user policy” as described in the claims and specification. *Id.*, 65-66. PO simply ignores these disclosures.²

IV. THE BOARD SHOULD REJECT PO’S IMPLIED CONSTRUCTION OF ELEMENTS 1[b]/15[d]

Elements 1[b]/15[d] recite “providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone.” PO appears to argue that Shaffer (a) does not provide radio frequencies on a display for user selection (POPR, 20-22); and (b) even if it

² None of PO’s new implied constructions were foreseen as PO has not proposed or implied such constructions in district court. *E.g.*, Joint Claim Construction Chart, Exhibit A, *STA Group LLC v. Motorola Solutions, Inc.*, No. 2:22-CV-0381-JRG-RSP, Dkt. 187-1 (E.D. Tex. Nov. 27, 2023); Complaint, Exhibit G, *STA Group LLC v. Motorola Solutions, Inc.*, No. 2:22-CV-0381-JRG-RSP, Dkt. 1-8 (E.D. Tex. Sept. 30, 2022) (infringement chart without reference to new interpretations).

did, does not display frequencies with associated geographical zones (*id.*, 24-26).

On the first point, PO itself cites the portion of Shaffer disclosing just that—a “[u]ser interface 204” displaying frequencies through which a “***user may input instructions regarding adjustment of*** the endpoint’s communication settings (e.g., ***radio frequency...***”). POPR, 25 (citing Ex[1004], ¶0044) (emphasis added); Pet., 34-35; Ex[1002], ¶100 (describing a “key stroke” for changing frequency on the display). And on the second point, PO concedes that each Shaffer frequency is associated with a location. POPR, 21 (conceding Shaffer teaches “storing radio frequencies associated with a geometric area”); Pet., 32-35. Thus, PO’s only argument appears to boil down to importing a new requirement into the claim that a user interface must both ***display*** frequency ***and*** geographic location. But elements 1[b]/15[d] do not say that; they recite frequencies on a display and geographic zones associated with frequencies, ***not*** geographic zones on a display. That an embodiment (FIG.9) displays geographic zones with frequencies does not justify importing that requirement into the claim, which PO appears to concede. POPR, 17 (describing FIG.9 as an “example GUI”); *Thorner v. Sony Computer Entm't Am. L.L.C.*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). Because PO’s only distinction over Shaffer is not in the claim, it should be rejected.

Respectfully Submitted,

January 18, 2024

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §42.6(e), the undersigned certifies that on January 18, 2024, a complete and entire copy of the **PETITIONER'S AUTHORIZED REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE** was served on Patent Owner via email at the following correspondence addresses:

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