

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STA GROUP LLC,
Patent Owner.

Case IPR2023-01295
U.S. Patent No. 8,994,830

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

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Exhibit List

Exhibit No.	Exhibit Name
2001	<i>STA Group LLC v. Motorola Solutions, Inc.</i> , Case No. 2:22-cv-00381 (E.D. Tex.), Dkt No. 187
2002	Kalley et al. (US 2007/0270172) (“Kalley”)
2003	Shaffer et al. (US 2008/0108339) (“Shaffer ’339”)
2004	December 2023 DocketNavigator Time to Trial Statistics in Patent Cases in the United States District Court for the Eastern District of Texas

I. Institution Should Be Denied Pursuant to 35 U.S.C. § 325(d)

The Petition mimics the art and arguments already overcome at the PTO during examination of the '830 Patent. In Paper 9 (the “Reply”), Petitioner posits generic and non-compelling arguments regarding Patent Owner’s (“PO”) 35 U.S.C. § 325(d) discussion. None of these arguments affect the outcome; substantially the same art and arguments were previously overcome and the Board should deny institution.

First, PO did not ignore any limitations in addressing § 325(d). Second, Petitioner cites no authority suggesting each limitation must be discussed in detail before discretionary denial pursuant to § 325(d) is allowed. Regardless, PO addressed each limitation, including the “radio frequencies” limitations, through comparison of the asserted art to the Examiner’s rejections over Shaffer '339 and Kalley. *See, e.g.*, POPR, 34-35. In the Examiner’s reference to Kalley, as well as Petitioner’s asserted prior art, the common argument is “that the user may select the virtual talk group or communication channel” (Ex. 1003, 184) through Shaffer’s “PC with a touch screen” (Petition, 34-35), Gogic’s “push-to-talk (PTT) key or switch” (Petition, 57), or Opitz’s “display [that] allows a user to ‘expressly select from the available channels those channels he or she wishes to scan’” (Petition, 59-60). POPR, 34-35. To monitor for the selection of *something*, including communication channels and radio frequencies, selectable options must necessarily be presented or

otherwise made available for selection. Petitioner's declarant admitted both Kalley and Shaffer '339 describe presenting and monitoring the selection of radio frequencies "organized by various logical factors, such as the location of the user endpoints." Ex. 1002, ¶¶54-58. Thus, the PTO previously considered substantially the same art and arguments now raised in the Petition and found the '830 Patent patentable.

In addition, Petitioner does not contest that the references relied upon are cumulative for any other claim element, confirming denial under § 325(d) is appropriate. Specific comparison of each claim limitation to the art and arguments previously before the PTO is unnecessary and does not hinder or prevent the applicability of discretionary denial under § 325(d). *See Apotex Inc. v. Auspex Pharms., Inc.*, IPR2021-01507, Paper 9 at 30-31 (PTAB Mar. 9, 2022). The same is true of the purported motivation to combine Petitioner's selected prior art references; no such argument is necessary. Thus, the Board should deny institution.

II. PO Has Not Construed Elements 1[e]/15[g] Despite Petitioner's Assertion

Despite Petitioner's suggestion, PO is not "read[ing] into the claims an unrecited temporal requirement that the user policy identifies relevant video feeds *only after* the user accesses the selected communication channel." Reply, 2 (emphasis in original). Indeed, no temporal language appears in the POPR sections referencing this element. *See* POPR, 13-16, 27-29. To the contrary, Petitioner now

appears to require a construction of the term “when the user accesses the selected communication channel” to include the timeframe “*before* the user’s channel access.” Reply, 2. This construction, not present in the Petition and not responsive to any language in the POPR, contradicts the plain language of the claims.

Claims 1 and 15 both recite that “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.*” Ex. 1002, cls. 1, 15. The language of the claim is plain; the user policy identifies relevant video feeds when access occurs, not “before” access occurs as Petitioner now contends, and not “only after” as Petitioner accuses PO of asserting. Reply, 2. Petitioner’s further citation to Claim 6 (Reply, 2) is inapposite because it does not relate to the user policy, and concerns identifying video feeds “*associated with the user*” at any point in time, as opposed to video feeds “*relevant to the user when the user accesses the selected communication channel*” as recited in Claims 1 and 15. *Compare* Ex. 1001, cl. 6 *with* Ex. 1001, cl. 1.

The Reply also confirms Petitioner’s cited art fails to teach “*a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel.*” Specifically, Petitioner confirms Saylor teaches “a user policy that identifies relevant video feeds in Saylor’s security system for users associated with a specific communication channel” and “makes the

video feeds accessible to a user at any time that user sets their device to the particular IP address.” Reply, 3. Making video feeds accessible when the user sets their device to a particular IP address is different from identifying video feeds that are relevant to the user *when* the user sets their device to the particular IP address. The Shaffer-Saylor system, thus, fails to render Claims 1 or 15 obvious.

Regarding Ground 2, the Reply reveals Petitioner’s misunderstanding of its references and the POPR. PO explained “Gogic’s sole selection process is to identify which users can connect to the communication group based on their geographic location.” POPR, 28. This is because “Gogic only applies its location-based criteria to ‘allow users to join an ad-hoc group only if they are within a certain area.’” *Id.* (quoting Petition, 65-66). Gogic does not, as PO explained, “describe any selection process for identifying a selection of video feeds as being relevant to a user.” *Id.* Gogic-Opitz, therefore, similarly fails to render Claims 1 or 15 obvious.

III. No References Teach Claim Elements 1[b] and 15[d]

Regarding the claimed element of “providing a plurality of radio frequencies on a display..., each radio frequency being associated with a geographical zone,” Petitioner again demonstrates its misunderstanding of the references and claim limitations. First, despite Petitioner’s suggestion, PO does not suggest that the claim requires displaying both frequency and geographic location. *See* Reply, 5. Instead, PO demonstrated Petitioner’s use of hindsight to reconstruct the claimed “providing

a plurality of radio frequencies on a display” from the lackluster teaching of Shaffer, which merely describes use of a “keypad, display, touch screen, audio input, or any other suitable interface” to modify communication settings. POPR, 25.

Second, as the quoted portion of Shaffer states, a “user may input *instructions* regarding adjustment of the endpoint’s communication settings....” Reply, 5 (quoting Ex. 1004, ¶ [0044]). Providing features that enable a user to input instructions (*e.g.*, a next button to instruct the endpoint to go to the next setting) is different from the claimed “providing a plurality of radio frequencies on a display.” Shaffer, therefore, fails to render this limitation obvious. POPR, 23. Indeed, the only example “instructions” provided in Shaffer include “speech recognition, collection of keystrokes, soft key or otherwise.” Ex. 1004, ¶ [0044]. None of these examples describe “providing a plurality of radio frequencies on a display” as claimed. POPR 23-25.

The Reply solidifies that denial of institution is warranted because (1) the Petition merely re-introduces substantially the same art and arguments already overcome, and (2) the merits fail to show a reasonable likelihood of success.

Dated: January 25, 2024

Respectfully submitted,

By: /Jason Engel/
Jason A. Engel
Reg. No. 51,654
K&L GATES LLP

Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2024, a true and correct copy of the foregoing was caused to be served electronically on the following counsel of record for Petitioner at the following email addresses:

Eliot D. Williams
Katharine Burke
Joseph B. Cahill
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
Email: eliot.williams@bakerbotts.com
Email: dlbbstamsiiprs@bakerbotts.com
Email: katharine.burke@bakerbotts.com
Email: joe.cahill@bakerbotts.com

Michael Knierim
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112
Email: michael.knierim@bakerbotts.com

Clarke W. Stavinoha
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, TX 75201
Email: clarke.stavinoha@bakerbotts.com

By: /Jason Engel/
Jason A. Engel
Reg. No. 51,654
K&L GATES LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602
Jason.Engel.PTAB@klgates.com
T: (312) 807-4236
F: (312) 827-8145