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 REPLY TO PATENT OWNER'S RESPONSE

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37 C.F.R. §42.6(e).....1

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 *Inter Partes* 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	*First Line of Defense Glassbreak Detectors by IntelliSense*, Honeywell (2006)
1009	Docket Control Order, *STA Group LLC v. Motorola Solutions, Inc.*, 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 Exhibit 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	*Voice over IP in LMR Environments, Technical Note 2006-5*, 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	*Understanding Wireless Communications in Public Safety, A Guidebook to Technology, Issues, Planning, and Management* by Imel et. Al (published Jan. 2003)
1018	*How Wireless IP Communications Supports Fast Emergency Response*, Cisco (published 2007)
1019	*Washington Statewide Communications Interoperability Plan*, 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	*Spectrum Management Regulations and Procedures Manual*, Federal Aviation Administration (published Nov. 17, 2005)
1023	*In re FCC 04-168*, *REPORT AND ORDER, FIFTH REPORT AND ORDER, FOURTH MEMORANDUM OPINION* *AND ORDER, AND ORDER*, 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, *Memorandum: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation* (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)
1035	Declaration of Stephen O'Donohue in support of motion for admission *pro hac vice*
1036	September 10, 2024 Deposition Transcript of Dr. Robert Akl
1037	Expert Report of Dr. Matthew Pooley, STA Group LLC v. Motorola Solutions, Inc., No. 2:22-CV-0381-JRG-RSP (E.D. Tex.)
1038	Default Protective Order

I. INTRODUCTION

Patent Owner's Response (Paper 18, "POR") rehashes already-rejected arguments from the preliminary response, selectively quotes the prior art out of context, and ignores evidence cited in the Petition. Patent Owner's ("PO") attacks against the Petition's motivations to combine are divorced from the actual combinations presented. The evidence in the Petition demonstrates that the challenged claims are obvious.

II. CLAIM CONSTRUCTION

The obviousness grounds in the Petition apply under the district court's constructions. PO's assertion that the court's plain and ordinary meaning construction of "video stream association module" "undermin[es]" Petitioner's challenge to claim 15 has no support or explanation. POR, 11. The Petition expressly considered this construction. Petition, 51. PO does not identify any other relevant constructions from the district court.

Petitioner also notes that the court construed "the one of more video feeds being independent of the selected communication channel" (limitation 1[f]/15[h]) to mean "the one or more video feeds being capable of being associated with more than the selected communication channel." Ex[2005], 20-21. Neither party proposed this construction, and the court's claim construction order did not issue until well after the Petition's filing.

Nevertheless, Shaffer-Saylor and Gogic teach these limitations under that court's construction. Saylor's configurable central security network (in the combined system) associates its video feeds with the selected communication channel, regardless of which channel the user selected. Petition, 41-42. Likewise, Gogic discloses the same type of "independent video surveillance cameras" disclosed in the '830 Patent, where any CD providing a video feed can be selected for use with any channel or ad-hoc group. Petition, 41, 68-69 (citing Ex[1006], ¶¶0035-36).

III. SHAFFER IN VIEW OF SAYLOR RENDERS THE CHALLENGED CLAIMS OBVIOUS

A. Shaffer-Saylor teaches "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"

PO's arguments that Shaffer-Saylor does not teach limitations 1[e][1] or 15[g] are divorced from the prior art, Petition, and claim language.

First, PO asserts that the Petition fails to address the requirement that a video feed is selected "from the ***plurality*** of video feeds." POR, 14-15[2]. Not so. The Petition describes the plurality of feeds in Shaffer-Saylor for limitation 1[c]—namely, a "plurality of video feeds" from "video camera**s**" (plural) located in "each geographic region" (*e.g.* a "building or campus") that the system monitors. Petition,

[2] All emphasis supplied unless otherwise noted.

35-37; Ex[1011], 10:32-41, FIG.10. For limitation 1[e], the Petition describes how a specific one of those video feeds in that geographic zone is identified and selected when a "trigger[]" event (*e.g.*, motion) occurs at a particular camera and based on a "user policy" identifying the individuals and/or entities to receive the information associated with the particular video feed—as recited for limitations 1[e][1]/15[g]. Petition, 37-40.

PO ***does not dispute*** that Shaffer-Saylor discloses the plurality of video feeds in limitation 1[c]. POR, 14-20. Nor does PO explain why those video feeds do not meet limitation 1[e]. Instead, PO argues that Shaffer-Saylor does not disclose limitation 1[e] because "each camera works in a silo" and Saylor purportedly does not ***first*** receive and review all feeds at a central location and ***then*** select one. POR, 1, 14-15. But that argument depends on PO's narrow interpretation of "selecting" as limited to a specific, unclaimed process in which video feeds are received at a central server that then selects one feed. *Id.*

Both of STA's experts agree that Claim 1 has no such requirements. Ex[1036], 43:9-14; Ex[1037], ¶387 ("the means by which "identifying … by selecting" the at least one video feed is not limited by the claim language."). The claim simply recites selecting at least one video feed from the plurality of video feeds associated with a geographic zone. In Shaffer-Saylor, the geographic zone can be a "building" that includes multiple cameras, each with a video feed, and one feed is selected when

motion is detected at a particular camera. Petition, 35-36; POR, 1 (acknowledging Saylor has multiple video feeds and "***[e]ach*** camera … monitors its own feed").

PO's expert could not explain why selection by a motion sensor differs from the claimed selecting. Ex[1036], 62:5-11. Indeed, PO's infringement allegations in district court likewise rely on a "trigger" event for selecting. Ex[1037], ¶429 (opining that a "Rules Engine … consist[s] of one or more conditions that, when satisfied, trigger[s] an action"). PO's narrow view of the claims is unsupported.

Even if the claims require the specific selection process PO suggests, the Petition explains that Shaffer-Saylor discloses that, too. Saylor implements "personalized alarm services" and stores user policies at a central server for determining which triggered video feeds received by the central server should then be selected and conveyed to particular entities. Petition, 38-39 (limitation 1[e]), 25 ("rules and preferences" set to inform entities of certain alarms), 26 (database to determine whether to notify users regarding an alarm), 28 (Saylor's "central security network processes the alarms and, according to rules and preferences, transmits notifications and information"). Thus, Saylor's central server receives multiple video feeds (*e.g.*, where motion is detected) and selects one or more of those feeds to send to a user/entity based on the stored rules/preferences. Petition, 38-39; Ex[1036], 70:11-71:16.

PO's second argument that Shaffer-Saylor does not disclose limitations

1[e][1]/15[g] fails for many of the same reasons. POR, 15-16. PO argues that a feed must be selected from the plurality "***before***" recorded images from the feed are sent to the central server. POR, 15. The claim, however, recites neither this purported order of steps, nor a "server" of any kind. Saylor meets the claim by selecting among a plurality of feeds when it relies on its user policies to select which video feed clips should be sent to particular entities. Petition, 37-41; Ex[1036], 75:1-76:22. Additionally, even under PO's narrow interpretation of "selecting," Saylor's security network selects one of the plurality of feeds in the geographic area (*e.g.*, building) ***before*** recorded images are sent to the central server via the motion detection trigger that selects a feed to send to the central server. *Id*. PO tries to distinguish this aspect of Saylor by arguing that, in this scenario, the "video cameras themselves, and not the central security network, monitor the feeds." POR, 16. But the claim does not require that any particular part of the system perform the monitoring. Ex[1001], cl.1; Ex[1036], 43:9-21. As discussed, Saylor's central security network performs the claimed monitoring and selecting in multiple ways that satisfy limitations 1[e][1]/15[g]. Petition, 37-41.

B. A POSITA would have been motivated to combine Shaffer with Saylor

PO incorrectly argues that a POSITA would not have been motivated to combine Shaffer and Saylor because they allegedly (1) are "incompatible" and (2) have redundant disclosures. These arguments ignore the Petition's specific combination—Shaffer's interoperability system with Saylor's central security

network—and are irrelevant.

1. The Alleged Distinctions Between Shaffer and Saylor Are Irrelevant to the Combination and In Fact Establish a Motivation to Combine

PO argues that Shaffer and Saylor are "incompatible" based on two alleged differences: endpoint connectivity and network structure. POR, 17. Neither argument has merit.

Regarding endpoint connectivity, PO's arguments rely on Dr. Akl's opinions that Saylor's security system is "location-agnostic[.]" POR, 19-20. However, Dr. Akl's opinion is contradicted by Saylor's actual disclosure that "[n]etwork alerts may be based on alert notifications associated with property, personal property and/or individuals within a ***defined area or locality***." Ex[1011], 10:62-11:3. Indeed, on cross-examination Dr. Akl admitted that this example in Saylor is ***not*** agnostic to location. Ex[1036], 68:3-69:8.

Shaffer's endpoints are also not all "transient" as PO suggests. POR, 19, 23. Shaffer's endpoints include a "personal [desktop] computer" and "command center" that are not mobile. Ex[1004], ¶0025; Ex[1002], ¶71; Ex[1036], 65:3-66:10 (failing to consider whether a "command center" or "desktop computer" are mobile devices). Shaffer discloses other stationary, non-transient, endpoints such as those in "buildings, campuses, municipalities, counties, states, countries or any other particular geographical area." Ex[1004], ¶¶0025-27.

Regardless, PO's arguments are also irrelevant as they attack the reference

individually, rather than considering the combination. The fact that Saylor sends alerts to a "defined area or locality" where a transient Shaffer endpoint may be positioned is precisely one of the reasons a POSITA would want to use Saylor's central security network with Shaffer. Petition, 26 (describing how Saylor's central security network retrieves relevant IP addresses to notify entities, provided by Shaffer's IS); Ex[1002], ¶¶84-85. PO assumes, incorrectly, that a POSITA would not desire to expand Saylor's alerts and video feeds beyond its localized "owners/users," when in fact Saylor expressly describes providing alarms to transient "emergency entities" such as "the police, fire department…and others." Ex[1011], 1:17-22, 9:22-28.

PO is simply wrong that Saylor already "provides the mechanisms to establish [] communications" between users and "authorized entities." POR, 19. PO's support for this assertion is its expert, who quotes Saylor's disclosure that "notifications" are executed "in the manner specified by the user." Ex[2006], ¶85 (quoting Ex[1011], 5:27-36, 6:25-27, 8:28-30). But neither PO nor its expert ever point to anywhere in Saylor that specifically identifies the user-specified "manner." Instead, Saylor leaves the specified manner up to the POSITA—precisely why a POSITA would have looked to Shaffer for these details. Ex[1002], ¶¶88-89.

Regarding network structure, Saylor's express disclosures contradict PO's argument. POR, 21-23. Saylor is not a "closed" network; it describes a packet-based

central security network (using "TCP/IP") that receives alarms from security devices (*e.g.*, cameras) in buildings/facilities and transmits notifications to relevant recipients in ***other*** networks, including specifically "via the internet." Ex[1011] FIG. 1, element 150, 6:24; Petition, 28; Ex[1002], ¶¶87-89. Moreover, the premise of PO's argument is wrong. The combination does not rely on "modifying" Shaffer's network into a closed network. POR, 23. The entire point of Shaffer's "interoperability system IS" is to "provide network interoperability." Ex[1004] ¶¶[0016], [0037], [0039-40], [0053]. Thus, the combination relies on Shaffer's IS to allow Saylor's system to communicate with responders on a different network. Petition, 25-28; Ex[1002], ¶¶87-89.

Tellingly, PO does not argue that a POSITA would not expect success in making the Shaffer-Saylor combination. POR, 16-26. The Petition details numerous reasons why the two systems were compatible, which PO does not dispute. Petition, 28-29. These undisputed reasons undermine any argument that any purported "structural differences" would preclude the combination.

2. Shaffer and Saylor Are Not "Redundant"

Contradicting its position that Shaffer and Saylor are "distinct," PO also argues that because Saylor teaches various methods of notification (*e.g.*, emails, text messages), it is redundant to Shaffer's IS. POR, 24-25 (citations omitted). In making this argument, PO conflates whether the combined references are redundant with the question of whether they are analogous. That Saylor discloses different possible

"[m]ethods of notification" is not redundant of using Shaffer's IS approach to implement communications among devices on different networks. Ex[1002], ¶¶87-88.

The Petition explains that, in Shaffer-Saylor, Shaffer's IS specifically provides the mechanism by which the different "[m]ethods of notification" in Saylor can be used to communicate alarms from sensors in buildings/facilities to emergency services ***across different networks*** in different regions, including different buildings. Ex[1004], ¶¶0039-40, 0046; Ex[1002], ¶¶84-85; Petition, 25-26, 28. PO does not (and cannot) argue that the data generated by Saylor—the alarms, video feeds, etc.—are redundant of Shaffer. That Shaffer may disclose more details regarding how Saylor's network security system could use the "internet" to connect to other networks does not make it redundant. Rather, they are highly analogous and confirm that a POSITA would look to Saylor for just such additional implementation details. Ex[1002], ¶¶86-87.

PO also mischaracterizes Dr. Polish's testimony. POR, 24-25 (citing Ex[2008], 54:6-11, 53:2-8). Dr. Polish explained that Saylor discloses that there are different types of notifications that can be sent such as audio, video, or other data. Ex[1002], ¶87. But Saylor does not explain in detail how to transmit that information to ***other*** networks, which is precisely what Shaffer's IS is designed to do. *Id.*, ¶88. Dr. Polish's testimony in context makes this clear when Patent Owner's counsel

asked if "Saylor discloses ***how***" but Dr. Polish responded that "Saylor discloses that you ***can*** do it in lots of different ways." Ex[2008], 54:6-11. Dr. Polish did not testify that Saylor teaches "how." *Id.*

PO's reliance on *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1369 (Fed. Cir. 2012) is misplaced. POR, 25-26. There, the party challenging validity "never offered evidence articulating" a motivation to combine. *Kinetic*, 688 F.3d at 1368-69. Further, PO takes the Court's note that "both … references independently accomplish ***similar*** functions" (draining fluids) too far. *Id.* Shaffer and Saylor do not both independently teach interoperable communication functions for connecting endpoints used by first responders to each other. Only Shaffer does that, which is why a POSITA would have looked to it to achieve Saylor's goals. Ex[1002], ¶¶82-83.

3. PO Ignores the Motivation Described in the Petition

PO's fallback position is that Shaffer and Saylor "could" be combined, not that they would have been. POR, 26-29. However, disclosures in the prior art showing that two systems were compatible are highly relevant to obviousness. *In re Klein*, 647 F.3d 1343, 1348 (Fed. Cir. 2011).[3] Moreover, PO does not dispute that Shaffer's IS is "designed to connect various types of networks" and "well-suited to

[3] PO and its expert do not dispute that Shaffer and Saylor are analogous art.

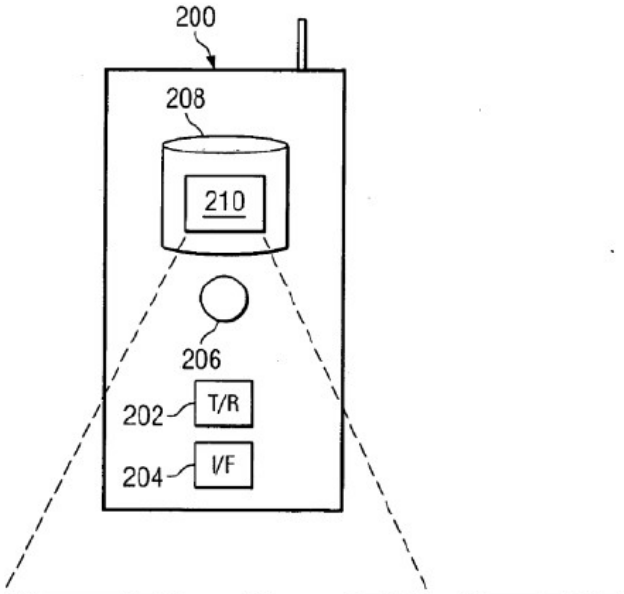
connect a network, such as a video security system designed to monitor particular buildings, with a different network that responds to incidents in those buildings, such as a security emergency network." POR, 26-27 (quoting Petition, 27). PO's arguments just ignore the Petition's detailed explanation regarding why these disclosures establish a motivation to combine Shaffer with Saylor's network security system. Petition, 25-28.

PO also argues that "[t]here would be no reason to store these [IP] addresses in Saylor's stationary network" because Shaffer only discloses storing them in transient endpoints. POR, 28. This is incorrect. First, the endpoints in Shaffer are not all transient and include computers, just like Saylor's servers. Ex[1004], ¶0025. Second, Shaffer itself discloses storing IP addresses in a computer—specifically, the IS itself, which is what provides IP addresses "to a group of endpoints[.]" Ex[1004], ¶¶0039-0040. Third, Saylor expressly discloses that its central server can store "address information, and other profile information" in an address book to use for communication. Ex[1011], 8:36-41. In the combination, Shaffer's IS sends the relevant IP addresses to Saylor's server for storage and use for needed communication, exactly consistent with the disclosures of both Saylor and Shaffer. Petition, 28. PO just ignores the express disclosures in the art and the Petition's combination.

C. Shaffer-Saylor teaches "providing a plurality of radio frequencies on a display of the mobile communication device"

PO rehashes its argument that Shaffer does not disclose radio frequencies on a display, which the Board already rejected. POR, 29; Institution Decision, 46-49. Even if PO were right (it is not), the Petition also explained that it would have been obvious to a POSITA to display the radio frequencies as claimed in view of Shaffer-Saylor. Petition, 35. PO ***does not dispute this.*** For this reason alone, PO's arguments should be rejected again.

Regardless, PO's rehashed (and unrevised) argument is wrong for the reasons already articulated by the Board. PO specifically argues that nothing suggests Shaffer's communications settings, including radio frequencies, are displayed. POR, 29-31. As the Board correctly noted, however, Shaffer's "communication settings" include "radio frequency and encryption key," and "specific buttons may be used to switch communications settings." Ex[1004], ¶0031-32; *id.*, ¶0044 ("***a user may input instructions regarding adjustment of*** the endpoint's communications settings (*e.g.*, ***radio frequency***…)"); Ex[1002], ¶100 (describing a "key stroke" for changing frequency on the display). Further, paragraph 44 of Shaffer, which discloses the user interface relied upon in the Petition, expressly references Figure 4, which shows geographic zones (*e.g.*, City A, City B, State C, Country D) and associated radio frequencies (*e.g.*, frequencies X, Y, Z, P, Q).



LOCATION	NETWORK	FREQUENCY (Hz)	ENCRYPTION KEY
CITY A	POLICE	X	J
CITY A	FIRE	Y	K
CITY B	POLICE	Z	L
STATE C	POLICE	P	M
COUNTRY D	POLICE	Q	N

FIG. 4

Ex[1004], FIG. 4. To reach its conclusion that no frequencies are displayed, PO assumes that Shaffer's "communication settings" (which include radio frequencies), must be adjusted without displaying them. This ignores Shaffer's express teaching that user interface 204, "may comprise a keypad, ***display***, touch screen" into which a user "may input instructions" to change communication settings (including radio frequencies), Ex[1004], ¶0044, and that the user may engage in "pressing of a key stroke" to change those same settings. Ex[1004] ¶¶35–36.

D. Shaffer-Saylor renders obvious "monitoring a selection of a radio frequency of the plurality of radio frequencies by the user"

PO argues that Shaffer-Saylor fails to teach limitations 1[c]/15[e]. POR, 31-32. This argument relies primarily on PO's argument that Shaffer fails to disclose limitations 1[b]/15[d] (providing a plurality of radio frequencies on a display) and is wrong for the reasons above. *Supra*, §III.C.

Additionally, PO argues that Shaffer's "monitoring" is limited to "entering a new communication network," and does not disclose "monitoring a selection of a radio frequency" as claimed. POR, 30-31. The Board already rejected this argument. Institution Decision, 38-40. As the Board recognized, PO's argument ignores Shaffer's express teaching, and selectively quotes from the prior art. In particular, Shaffer explains that "through interface 204 a user may input instructions regarding adjustment of the end-points communication settings (*e.g.*, ***radio frequency***, modulation method and encryption) upon entering a new communication network." Petition, 34 (quoting Ex[1004], ¶0044). Likewise, Shaffer explains how the user's selection of frequency is monitored by the processor of the mobile endpoint. *Id*., 34-36.

E. Shaffer-Saylor renders obvious associating a video feed with a communication channel "…when the user accesses the selected communication channel"

PO asserts that Saylor's use of a user policy to identify relevant video feeds for an entity, such as security personnel, does not do so "***when the user accesses*** the

selected communication channel." POR, 32-34. This rehashes another argument the Board rejected. Institution Decision, 50-53. PO's arguments in the POR are again wrong.

First, the Shaffer-Saylor combination works in the same way as disclosed by the '830 Patent. Saylor's databases implement a user policy that identifies relevant video feeds in Saylor's security system (*e.g.*, a video feed associated with a triggered alarm) for users associated with a specific communication channel (IP address) provided by Shaffer's IS. Ex[1002], ¶¶84-85, 104-106. The IS makes the video feeds accessible to a user when that user selects the relevant communication channel associated with the IP address. Ex[1002], ¶¶86, 103 & n.3, 107. The Board already credited the Petition's explanation for how the combination operates to meet this limitation.

Second, dependent claim 6 of the '830 Patent confirms that identification of video feeds associated with a user in claim 1 can be accomplished via a database ***before*** the user selects the channel. Ex[1001], 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 "when ***any*** user 305.1-305.q" in a group associated with that channel sets his device "to the first channel." *Id.*, 5:23-53, FIG.3.

Third, PO's argument improperly fixates on Saylor individually rather than

the Shaffer-Saylor combination. *Bradium Techs. LLC v. Iancu*, 923 F.3d 1032, 1050 (Fed. Cir. 2019) (obviousness "cannot be overcome by 'attacking references individually'").

F. Ground 1 Dependent Claims

1. Claims 3 and 17

PO incorrectly argues that Petitioner failed to address the limitation "accessing a database to identify a plurality of members of an emergency response team." POR, 35-37. The Petition explains that "Saylor's database" that "associates video feeds with the user's selected multicast IP address" meets this limitation because Saylor's database contains information to identify members of an emergency response team associated with a communication channel. Petition, 42-43.

PO also argues that the combination fails to disclose "presenting a plurality of available video feeds on the display of the mobile communication device." POR, 36-37. Citing only the Board's decision in an unrelated proceeding, PO alleges that Dr. Polish failed to support his testimony. *Id.* But PO ignores the testimony in Dr. Polish's declaration. Dr. Polish specifically explained that (1) Shaffer's mobile devices support video communication. Ex[1002], ¶115 (citing Ex[1004], ¶0025), and (2) by 2008, it would have been obvious for a mobile device to display multiple video feeds from a security network, including through "thumbnails or a drop-down menu," Ex[1002], ¶115. As Dr. Polish described, a POSITA would have been

motivated to present an emergency response team with multiple video feeds associated with an alarm to allow the team to understand the alarming situation. *Id.*, ¶¶66-68. PO does not dispute Dr. Polish's testimony, and Dr. Akl provides no evidence contradicting it.

2. Shaffer-Saylor renders obvious claims 7 and 21

Claims 7 and 21 relate to monitoring an audio signal generated in proximity to a video camera. PO argues that Dr. Polish did not cite evidence to support his opinion that it would have been obvious to put a sound sensor next to a front door to detect breaking glass. POR, 37. PO ignores Dr. Polish's declaration, which cites Ex[1008] for this exact point. Ex[1002], ¶120 ("[s]ound sensors (or audio sensors) were well known at the time and it would have been obvious to place the sensor nearby a camera that is in an area of interest."); *Randall Mfg. v. Rea*, 733 F.3d 1355, 1362-63 (Fed. Cir. 2013) (requiring assessing "background information" possessed by a POSITA).

IV. GOGIC IN VIEW OF OPITZ RENDERS THE CHALLENGED CLAIMS OBVIOUS

A. Gogic teaches "monitoring a selection of a communication channel by a user of a mobile communication device"

PO does not dispute that Gogic's communication devices (CDs) communicate over a channel, that a CD user talks (communicates) on that channel by activating a push-to-talk (PTT) key, or that Gogic's communication manager (CM) monitors the user's activation of the PTT key. POR, 38-41. PO even acknowledges that Gogic's

PTT key is used to "request to communicate on the communication channel" as explained in the Petition.[4] POR, 40; Petition, 57-58. Nonetheless, PO argues that activation of a PTT key is not "a selection of a communication channel by a user" because the user cannot select a channel that "***exist[s]***" and was set up by a dispatcher.[5] POR, 38-39. The intrinsic record does not support that assertion.

Claims 1 and 15 state that the user selects a channel—*i.e.*, an existing channel. The claims do ***not*** require that the user ***create*** the channel and the specification exclusively describes preexisting channels. Ex[1001], 6:18-42, FIG. 4. Indeed, Claim 5 (which depends from claim 1) specifically recites "the communication channel is a Push-To-Talk (PTT) channel" and "the mobile communication device is a PTT radio." Ex[1001], cl. 5. PO's expert agreed that the communication channel in claim 1 could be a PTT channel. Ex[1036], 49:21-50:11. Gogic simply teaches a user selecting an existing PTT communication channel as described in the '830 Patent. Petition, 55-58.

PO's argument that Gogic's CM does not "monitor the selection of a communication channel" because it "prevent[s] crosstalk between CDs" is

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[4] The intrinsic record does not support PO's suggestion that a "dedicated channel" is outside the scope of the claimed "communication channel." The claims do not exclude a "dedicated" communication channel. Ex[1001], cls. 1, 15.

[5] PO characterizes Gogic's ad-hoc network as "single-use" without support in Gogic or from Dr. Akl. POR, 38; Ex[1036], 112:10-113:1 (declining to opine that ad-hoc networks are disclaimed or otherwise outside the claim scope).

unavailing. POR, 40. Gogic's CM monitors the user's selection of the channel for talking to ensure that other users do not communicate (talk) at the same time on that channel. Ex[1006], ¶0042, 0045; Ex[1002], ¶¶157-58.

B. A POSITA would have combined Gogic with Opitz

PO argues that a POSITA would not have combined Gogic with Opitz because: (1) Gogic allegedly details how its CDs connect to the base station, and (2) Gogic teaches away from Opitz. POR, 41-46. Both arguments fail.

PO's first argument—that Gogic explains how the CDs make the initial connection to the base station—misstates the Petition and the prior art. POR, 41-42. PO cites portions of Gogic describing how the ad-hoc group is formed, and how a CD joins the ad-hoc group, ***not*** how the CDs initially connect with the base station before the group is formed. POR, 41-42; Petition, 21. PO does not dispute that forming and joining Gogic's ad-hoc group occurs ***after*** the CDs first connect to the base station. Ex[1036], 85:14-86:3. As Dr. Polish explained, Gogic does not expressly disclose how the CDs make the initial connection to the base station that facilitates (and is a prerequisite to) forming/joining the ad-hoc group. Ex[1002], ¶¶160-61; Ex[1006], ¶¶0037, 0043, 0045, 0058. PO's expert testified that Gogic's CDs "do not ***need*** to make an initial connection with a base station," Ex[2006], ¶110, but that makes no sense. Gogic teaches that the base station transmits a location-dependent "broad or indiscriminant [sic] or generalized invitation to join a group" that a CD ***must*** receive before joining a group. Petition, 58; Ex[1006], ¶0060. Gogic

therefore discloses that CDs connect to a base station in a particular area, but does not explain how that is accomplished. Petition, 59, Ex[1002], ¶¶160-61.

PO's other citations on this issue also fail. POR, 42. Gogic's paragraph [0012] describes a wireless system including CDs, but does not describe how those CDs connect to a base station. Ex[1006], ¶0012. Gogic describes a system in which CDs transmit and receive signals from base stations "depending on their proximity," (Ex[1006], ¶0031), but PO's expert admits that "proximity" is ***not*** a technique by which the CDs connect to the base station. Ex[1036], 97:20-98:9. Gogic's paragraph [0037] merely describes that a CD can operate in different modes, including a standard audio call mode, but does not describe how the CD first connects to the base station. Ex[1006], ¶0037. Regarding PO's citation to the "common channel," Gogic teaches that the CDs monitor that channel for an emergency flag ***after*** making the initial connection to the base station. Ex[1006], ¶¶0057-0060. PO cites no disclosure in Gogic explaining how the initial connection to the base station occurs. Consistent with the Petition's and Dr. Polish's analysis, a POSITA would have turned to Opitz for those details. Petition, 59-63; Ex[1002], ¶¶160-66.

Second, PO lacks support for its "teaching away" theory. POR, 44-46. PO argues that Gogic "creates networks in an ad-hoc fashion" and "denigrates" Opitz's so-called "persistent" radio networks. POR, 44 (citing Ex[1006], ¶0009). To be clear, it is PO, not Opitz, that uses the term "persistent" radio networks, and PO does

not explain its meaning. In any event, contrary to PO's assertions, Gogic does not "denigrate" radio networks at all—Gogic expressly teaches "dedicated" radio channels and CDs communicating on a radio network. Ex[1006], ¶¶0045, 0025. And Gogic describes that communication among responders during natural disasters can "strain[] available telecommunication resources," not that so-called "persistent" networks strain resources. POR, 44.[6]

Moreover, PO's expert admitted that he has no opinions that Gogic teaches away from or denigrates providing frequencies on a display for selection, the specific aspect of Opitz that Petitioner's expert relies on for the combination. Ex[1036], 108:7-109:12. A reference that "'does not criticize, discredit, or otherwise discourage investigation into' the claimed invention does not teach away." *Meiresonne v. Google, Inc.*, 849 F.3d 1379, 1382 (Fed. Cir. 2017). There is no dispute that Opitz describes one known way of selecting a radio frequency for connecting a radio to a base station in emergency communications systems. Petition, 59; POR, 46-50. A POSITA would have been motivated to combine this aspect of Opitz with Gogic to arrive at the claimed invention. Petition, 58-63.

C. Gogic-Opitz teaches "providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone from which a plurality of

[6] PO cites *Apple Inc. v. Uniloc Luxembourg S.A.*, IPR2018-00420, Paper 7 at 14 (P.T.A.B. Aug. 6, 2018) to undermine Dr. Polish's opinions. POR, 43. That case is irrelevant because it involved different patents, prior art and, importantly, entirely different testimony from Dr. Polish.

video feeds associated with the geographic zone are sourced" (limitations 1[b]/15[d])

PO does not argue that Gogic-Opitz does not teach limitations 1[b]/15[d]. POR, 46-48. Rather, PO rehashes its flawed motivation to combine arguments discussed above. *Id.*

PO argues that "a POSITA would have known of a 'variety of ways' to connect CDs and base stations" and that knowledge "undercuts" the assertion "that Gogic could simply be modified to adopt Opitz's method for 'presenting and allowing selection of frequencies on a display.'" POR, 47. But PO does not explain why one statement "undercuts" the other. There is no inconsistency between Petitioner's argument that a finite number of known, predictable solutions for connecting a radio to a base station exist, and Dr. Polish explains that a POSITA would have known a variety of ways to make such an initial connection. Ex[1002], ¶¶153, 161, 164.

PO next argues that Opitz is cumulative of Winter, a reference cited during prosecution and not relied upon in the Petition's grounds. POR, 48-50. This argument is irrelevant. The Examiner never contended that Winter taught radio frequencies on a display. Ex[1003], 191.

PO further argues that "[t]here would be no reason to provide radio frequencies 'from which a plurality of video feeds associated with the geographic zone are sourced' on a display such as Opitz's vehicle radio" because it would be

nonsensical. POR, 51. This argument mischaracterizes the Petition by incorrectly presuming that the combination bodily incorporates Opitz's so-called "vehicle radio." *Allied Erecting*, 825 F.3d at 1381. Ground 2, instead, relies on Gogic for the "mobile communication device." Petition, 55-58. Moreover, Gogic teaches that its CDs include "laptop[]" computers that can be mobile—*i.e.*, in vehicles. Ex[1006], ¶¶0035, 0057-58; Ex[1036], 64:19-65:1. Neither PO nor its expert explain why it would be "nonsensical" to provide radio frequencies associated with video feeds on a display of Gogic's laptop computers in a vehicle.

D. Gogic discloses "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"

PO argues that the Petition fails to identify with particularity how Gogic teaches the claimed "video feeds." POR, 52-54. The Petition, however, clearly states that Gogic teaches forming "an ad-hoc ***group*** of CDs [plural] that identifies and selects at least one video feed (at least one CD, which can have video streaming capability…)." Petition, 65; Ex[1002], ¶107. There is no ambiguity (or dispute) that Gogic teaches multiple CDs that can be mobile communication devices that receive video streams from other CDs. POR, 52-54. And given Gogic's express disclosure of multiple CDs in its ad-hoc network, it is clear that the Petition does not rely on the ***same*** CD for both the "mobile communication device" and the "video feed." Nothing in the claim language precludes a video feed created by a mobile communication device. Ex[1001], cls. 1, 15; Ex[1037], ¶385

PO's cases are inapposite. POR, 53. In *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, the Federal Circuit found that the Board correctly ignored the petitioner's "improper reply brief" because it raised new invalidity grounds. 821 F.3d 1359, 1369 (Fed. Cir. 2016). In *Google Inc.* v. *EveryMD.com LLC*, IPR2014-00347, Paper 9 (P.T.A.B. May 22, 2014), the Board denied institution where the petitioner submitted a claim chart with citations that did not explain how the prior art taught the claims. There are no similar facts here—Petitioner's obviousness grounds are clearly disclosed in the Petition. Petition, 64-68.

PO additionally argues that because only one communication device in Gogic can transmit at a time, there is no identification/selection of a video feed from among a plurality of video feeds. POR. 54-56. However, this argument ignores Gogic's disclosure that the ad-hoc group can include a plurality of video feeds in one geographic zone. Petition, 65. PO does not dispute that Gogic teaches "a plurality of video feeds" in limitation 1[c]/15[e]. POR, 52-54. Moreover, with respect to "selecting the at least one video feed," the Petition explains that the "ad-hoc group" is formed amongst all of the CDs based on "location-based membership criteria," and CM 218 identifies/selects only a subset of video feeds ("at least one") within the overall geographic zone for the base station. Petition, 65; Ex[1006], ¶¶0056-59. PO does not explain why this disclosure is not within the scope of "selecting the at least one video feed." The claim language does not specify what aspect of the system (or

method) performs the "selecting" and does not exclude selecting by a communications monitor like CM 218. Ex[1001], cls. 1, 15.

E. Dependent Claims

PO does not present arguments for the dependent claims in Ground 2 beyond its arguments for independent claims 1 and 15. POR, 56. The POR, however, string cites Dr. Akl's testimony opining that Gogic does not disclose "accessing a database to identify a plurality of members of an emergency response team that includes the user of the mobile communication device" in claims 3 and 17. Ex[2006], ¶¶154-56. Because the POR does not include these arguments Dr. Akl's opinions should not be considered. 37 C.F.R. § 42.6(a)(3) (prohibiting incorporation by reference). To the extent the Board considers those arguments, Petitioner requests the ability to address them in an additional brief that does not count against its Reply word limit.

Respectfully Submitted,

September 27, 2024

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §42.6(e), the undersigned certifies that on September 27, 2024, a complete and entire copy of the **PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE** was served on Patent Owner via email at the following correspondence addresses:

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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(c) for the foregoing **PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE** totals 5,559 words, within the 5,600 word limit allowed under § 42.24(c)(1).

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