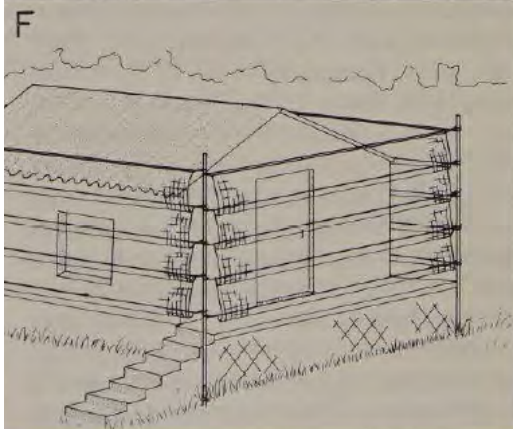


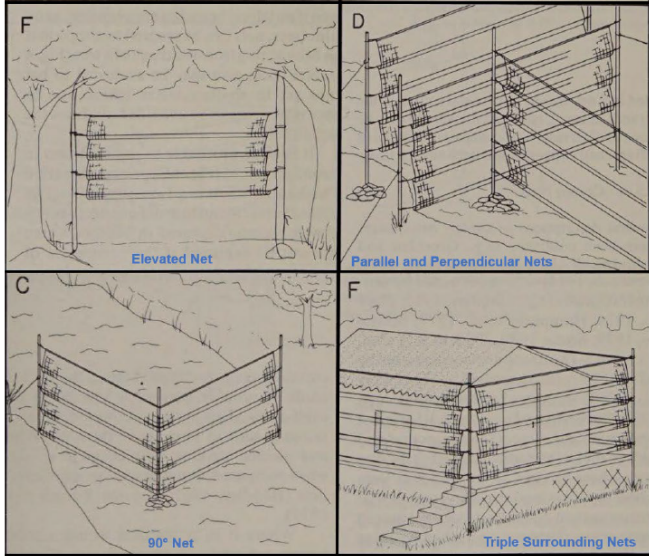
Comparative Analysis – Meridian’s Patents v. Arguments in Meridian’s IPR Petitions

<u>U.S. Patent No. 9,943,073</u>	<u>Meridian’s Petition for IPR of U.S. Patent No. 10,251,374 + Cited Prior Art</u>
[1.0] A method for the safe live capture of a flying vertebrate that is inside a large building comprising:	“The Bird Barrier Video demonstrates installing a ‘mist net kit’ configured for catching birds within a building.” Petition, p. 47.
[1.1] a) determining the species of flying vertebrate;	“Bird Barrier Video discloses positioning nets ‘at a height above the floor of the enclosed building based on the species of animal being relocated.’” Petition, p. 70; <i>see also</i> Chamberlain Declaration (“Declaration”), ¶ 204. “The Bird Barrier Video also indicates that mist nets should be installed in ‘a target location near where the bird activity has been observed.’ A POSA would have appreciated that mist nets should intersect the anticipated flight pattern of a targeted bird. Thus, a POSA would select the location and orientation of each mist net based on the anticipated flight pattern(s) of the bird and the orientation of the rafters.” Petition, p. 57; Declaration, ¶ 177. “Kunz discloses techniques and systems for trapping bats (and other flying vertebrates) in various environments.” Petition, p. 27. “The location of the animal within the capture area as well as the ecological characteristics of the interested species encourages many practitioners to equip their netting systems with different features to better adapt their nets for effective deployment. For example, it has been well-understood in the field of wildlife study that many species of birds and bats tend to roost at the forest canopy or at or near the ceiling of a building.” Declaration, ¶ 30 (citing Kunz).
[1.2] b) selecting bird netting having netting pockets;	“The [Bird Barrier Video] mist net also includes ‘horizontal

	pockets’ to capture birds.” Petition, p. 47; <i>see also</i> Declaration, ¶ 152.
[1.3] c) attaching a plurality of adjustable height support poles to the netting, the poles comprising:	“As shown below, the Bird Barrier Video’s shows and discusses a ‘mist net’ suspended between a pair of ‘telescoping poles.’” Petition, p. 47; <i>see also</i> Declaration, ¶ 152.
[1.3.1] i. a hook for attaching the poles overhead;	“Although the mist net [in Bird Barrier Video] is secured to the rafters by magnetic heads, it would have been an obvious and easily implemented design choice to a POSA to replace the magnetic heads with another known attachment means providing the same functionality, such as a “hook” as recited in Element [1d].” Petition, p. 66; <i>see also</i> Declaration, ¶ 194. “Furthermore, although the mist net is secured to the poles by loops, it would have been an obvious design choice to a POSA to replace the loops with removable connectors (e.g., carabiners) providing the same functionality.” Declaration, ¶ 195.
[1.3.2] ii. a pulley attached to an upper portion of the pole; and	“Additionally, Kunz discloses that mist nets can be secured to poles using “a removable connector,” “a rope,” a “pulley,” and a “cleat,” as recited in Element [1d]. It would have been obvious to a POSA to modify the Bird Barrier Video’s mist net kit to include the rope/pulley/cleat/connector arrangement disclosed in Kunz to arrive at the features recited in Element [1d]. A POSA would have been motivated to make this modification to allow for easy adjustment of the mist net position. Petition, pp. 66-67 (citations omitted); <i>see also</i> Declaration, ¶ 195.
[1.3.3] iii. a rope attached to the pulley, the rope having devices to attach the bird netting to the rope;	<i>See</i> [1.3.2]. “Furthermore, although the mist net is secured to the poles by loops, it would have been an obvious design choice to a POSA to replace the loops with removable connectors (e.g., carabiners) providing the same functionality.” Petition, p. 66; <i>see also</i> Declaration, ¶¶ 194-95.
[1.4] d) positioning the netting for capture based on the species	<i>See</i> [1.1].

of flying vertebrate and their flight characteristics utilizing the height adjustable poles to raise the netting;	<i>See also</i> Kunz, pp. 8-10 (“The most productive netting sites can often be identified from visual observations of flying bats, by listening to audible or ultrasonic sounds or echolocating bats (Chapter 6), and from the sounds made by falling fruit when plant-visiting bats are feeding. Bats can be netted at openings to caves, mines, and buildings, where bats regularly exit and enter”); p. 16 (“Other capture biases may reflect differences in . . . flight behavior (altitude, speed, maneuverability)”; p. 18 (“As with mist nets, harp traps are best set at sites where bats use natural flyaways.”).
[1.5] e) driving the flying vertebrate or waiting for the flying vertebrate to fly into the netting pockets;	“Kunz discloses the use of a “flushing device” for this purpose. In particular, Kunz discloses that roosting bats can be “dislodged with . . . extension poles to which small hoop nets are attached” to aid in capture. Kunz’s extension pole is capable of being used by a handler to drive an animal from one location to another and is therefore a “flushing device”. A POSA would have found it obvious (and would have been motivated) to dislodge a bird using Kunz’s net-extension pole and drive it into the Bird Barrier Video’s mist net kit (rendering element [6c] obvious).” Petition, p. 53 (citations omitted); <i>see also</i> Declaration, ¶¶ 167-68.
[1.6] f) lowering the netting using the height adjustable support poles; and	“After the bird is captured, the netting is lowered so that the animal can be removed and relocated outside of the building.” Declaration, ¶ 154.
[1.7] g) removing the flying vertebrate from the netting.	“[In Bird Barrier Video,] [o]nce captured, the birds are removed from the netting and released outside.” Petition, p. 50; <i>see also</i> Declaration, ¶ 154.
[2.0] The method according to claim 1 which further comprises adapting the building to prevent further entry by the determined species of flying vertebrate.	“Bats can be netted at openings to caves, mines, and buildings, where bats regularly exit and enter.” Kunz, p. 8. <i>See also</i> Kunz, Figure 4(F):

	
[3.0] The method according to claim 1 wherein the poles are telescoping poles.	See [1.3].

<u>U.S. Patent No. 10,154,663</u>	<u>Meridian’s Petition for IPR of U.S. Patent No. 10,251,374 + Cited Prior Art</u>
1. A device for repeated quick set up for safe live capture of a flying vertebrate indoors in a large building having a floor and a ceiling supported by rafters or beams comprising:	See '073 Chart, [1.0] “[In Bird Barrier Video,] [e]ach of the poles includes a ‘magnetic head’ for attaching the pole to a rafter in the ceiling.” Petition, p. 47; <i>see also</i> Declaration, ¶ 151.
a) bird netting capable of catching and holding the flying vertebrate when it flies into the bird netting; and	See '073 Chart, [1.2]
b) a plurality of adjustable height vertical support poles attached to the netting, the poles for sitting on the floor and comprising:	See '073 Chart, [1.3] Moreover, the Petition features embodiments of Kunz with poles sitting on the floor:  Petition, p. 28 (citing Kunz, Figures 3(F) and 4(C, D, F). Kunz suggests that securing its net poles to the ground offer stabilization. Kunz, p. 10 (“Sites where poles can be used effectively depend on the type of substrate (e.g., sand, rock, soil,

	water, etc.) . . . [n]et poles can be stabilized by . . . inserting one end of the pole deep into a soft, sandy or muddy substrate.”).
i. a hook positioned at a top of each pole of the plurality of poles configured to attach the plurality of poles overhead to the ceiling by attachment over the top of one of the ceiling rafters and the ceiling beams;	<i>See</i> '073 Chart, [1.3.1]
ii. a pulley attached to an upper portion of at least one pole of the plurality of poles; and	<i>See</i> '073 Chart, [1.3.2]
iii. a rope attached to the pulley, the rope having attachment devices to attach the bird netting to the rope, wherein the rope is configured to raise the entire bird netting to the upper portion of the plurality of poles in a deployed position to capture the flying vertebrate.	<i>See</i> '073 Chart, [1.3.3]
[2.0] The device according to claim 1 further comprising at least one bird capture pocket in the bird netting.	<i>See</i> '073 Chart, [1.2]
[3.0] The device according to claim 1 wherein the attachment devices are carabiners.	<i>See</i> '073 Chart, [1.3.3]