

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

REDMON JEANG LLC,

Plaintiff,

v.

TURN SIGNAL, INC. and
TURN SIGNAL FOUNDATION,

Defendants.

CASE NO. 22-cv-02749-NEB-LIB

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' INITIAL
INVALIDITY CONTENTIONS AND
PRIOR ART STATEMENT**

Plaintiff Redmon Jeang LLC ("Plaintiff" or "Redmon Jeang") respectfully submits this Patent Owner's Response to Defendants' Initial Invalidity Contentions and Prior Art Statement dated June 28, 2023 ("Response"). This Response explains why, based on the arguments offered by Defendants, the patents 11,443,395 ("the '395 patent"), 11,494,861 ("the '861 patent"), and 11,494,862 ("the '862 patent") (collectively, "Asserted Patents") remain valid. For at least the reasons below, Defendants have not met their burden of proving unpatentability by clear and convincing evidence concerning any of the challenged claims. Therefore, Plaintiff respectfully requests that the Court confirms the patentability of each claim of the Asserted Patents.

I. INTRODUCTION

Plaintiff's Response is, in part, predicated on positions asserted by Defendants in Defendants' Initial Noninfringement Contentions and Claim Charts dated June 15, 2023 ("Defendants' Noninfringement Contentions"). None of Plaintiff's Response should be understood as acquiescence or admission of any particular claim construction. Plaintiff

reserves the right to argue for claim constructions that may deviate from those suggested or implied within this Response.

A. Plaintiff's Infringement Contentions Are Clear and Specific.

Plaintiff submits that its Infringement Contentions are clear and sufficient. However, Defendants have raised three specific arguments challenging Plaintiff's Infringement Contentions, to which Plaintiff responds as follows:

- (i) The term “system” is not a limitation of any claim of the Asserted Patents.

Claim construction is a matter of law for the Court and begins with giving a claim term its ordinary and customary meaning. The ordinary and customary meaning of the word “system” is its dictionary definition: A “system” is a way of working, organizing, or doing something which follows a fixed plan or set of rules,” e.g., to accomplish a common goal or provide a service. *See Collins Dictionary*¹. The use of the term “system” is not necessary to complete the claimed structure or method. The term “system” has appeared in the specification of the Asserted Patents multiple times. Nothing in the record suggests that the term “system” has a meaning outside the ordinary and is different from the dictionary definition of the word. *Airborne Athletics, Inc. v. Shoot-A-Way, Inc.*, CIV. 10-3785 SRN/JJK, 2011 WL 6740330, at *5 (D. Minn. Dec. 21, 2011) (the term “system” is merely a statement that the structure has more than one component); *Optimizerx Corp. v. Skyscape.com*, 2014 Markman 2051182, 2014 WL 2051182, *2 (E.D. Mich. 2014) (the word “system” is the dictionary definition cited by the patent owner); *Howmedica*

¹ <https://www.collinsdictionary.com/us/dictionary/english/system>

Osteonics Corp. v. DePuy Orthopaedics, Inc., 2013 Markman 3455727, *4 (D.N.J. 2013) (“System” is “a set of related parts”).

Similarly, the use of the word “method” in the preamble is not necessary to give life, vitality, and meaning to the claims. Apart from the preamble, the body of independent claim on its own defines a complete and functional structure. The use of the term “method” is not necessary to complete the claimed structure or the steps. Rather than being a claim limitation, the term “method” merely signifies that the claim pertains to a method.

Despite the lengthy record disputing the meaning of the terms “system” and “method” in Defendants’ Noninfringement Contentions, they fail to show how the ordinary meaning of “system” or “method” divorces the claims from their specifications. Defendants do not identify specific language in the claims, patent specification, or prosecution history that elucidates why any of the terms in the preambles should be treated as claim limitations. *VPS, LLC v. SmugMug, Inc.*, 2012 Markman 5471012, 2012 WL 5471012, *6 (N.D. Ill. 2012).

In conclusion, since the terms “system” and “method” appear in the preambles of the challenged claims and describe the general purpose or intended use of each claimed invention, these terms have simple, ordinary meanings that should not be regarded as limitations of the claims, thus necessitating no construction by this Court.

(ii) Plaintiff’s claim charts have effectively informed Defendants of their infringement with an element-by-element analysis. However, given that Defendants have not pinpointed which aspect of the analysis they find deficient, Plaintiff is currently unable to provide a specific response to Defendants’ allegations of deficiency.

(iii) The priority date for each Asserted Patent is no earlier than the filing date of the provisional application US 62/364,300, July 19, 2016. Prior to serving Plaintiff its Invalidity Contentions, Defendants had not established, on an element-by-element basis, that any prior art reference dated between the actual filing date and the priority date invalidates any claim of the Asserted Patents. Consequently, the priority date was not at issue at that time, and Redmon had no burden to prove the priority date of each Asserted Patent. *See, e.g., Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1329 (“[O]nce a challenger (the alleged infringer) has introduced sufficient evidence to put at issue whether there is prior art alleged to anticipate the claims being asserted, prior art that is dated earlier than the apparent effective date of the asserted patent claim, the patentee has the burden of going forward with evidence and argument to the contrary.”). During that period, it would have been premature to shift the burden to prove the patent priority date before the priority became an issue.

B. Plaintiff Has Not Waived the Doctrine of Equivalency.

Literal infringement requires that each and every limitation set forth in a claim appears in an accused product. In contrast, the doctrine of equivalency applies if two devices perform substantially the same function in substantially the same way to obtain the same result, even though they differ in name, form or shape.

Without citing any authority whatsoever, Defendants argue at several points in its Invalidity Contentions that Plaintiff has “waived” its rights to address the doctrine of equivalents. Plaintiff respectfully disagrees. Because this Response is in direct response to Plaintiff’s Invalidity Contentions, and discovery is ongoing, Plaintiff has every right to

address any and all arguments presented by Defendants and amend its Infringement Contentions. Plaintiff has waived nothing, and Defendants have not cited any authority to the contrary.

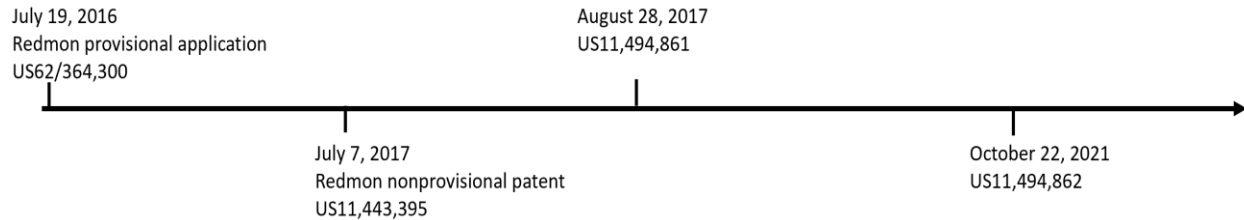
C. Reservation

Discovery is ongoing. There have been no claim constructions by the Court, and Defendants' Noninfringement Contentions do not clearly and unambiguously set forth how Defendants are construing and applying the asserted claims to the Accused Products. Plaintiff's investigation of the facts and circumstances surrounding Defendants' infringement of the Asserted Patents is ongoing, including requesting and examining Defendants' software code to determine the operations of Defendants' Accused Products. Thus, Plaintiff reserves the right to further amend, revise, modify and/or supplement its Response, including identifying and relying on additional references and expert opinion or testimony, in order to rebut or address any arguments or contentions that Defendants may raise, as further information is learned through discovery (including third-party discovery).

II. OBJECTIONS TO DEFENDANTS' STATEMENT

A. The Priority Date of Asserted Patents Is July 19, 2016.

Under 35 U.S.C.A § 119(e)(1), an applicant can claim priority in a nonprovisional application to a provisional application if the provisional application described the invention claimed in the nonprovisional application in a manner that satisfies the requirements of § 112, and the claim is made within 12 months of the filing date of the provisional application. A timeline of the Asserted Patents is below.



Patents '395, '861, and '862 properly claim the benefit of the benefit of the provisional application filing date, July 19, 2016. All three patents also are entitled to the benefit of the provisional filing date because the claims are fully supported by the written description of the provisional application. Therefore, the effective priority date for Patents '395, '861, and '862 is July 19, 2016, and only references that predate this date can be deemed to be prior art. The chart below demonstrates the mapping between each and every element of representative claim 1 of Patent '395 and the specification of the provisional application.

US 11,443,395	Provisional Application Supporting Description
1. [preamble] A mobile lawyer system for use during a traffic stop comprising:	Paragraph [0008]-[0009], claim 1
[a] a mobile device having at least one video camera configured for mounting inside the passenger compartment of a vehicle and capture video images of a driver of the vehicle;	Paragraph [0008]-[0009], claim 1
[b] the mobile device further incorporating a display screen viewable by the driver of the vehicle;	Paragraph [0008]-[0009], claim 1
[c] a remote server and a database configured to store information about a plurality of lawyers licensed in at least one jurisdiction;	Paragraph [0008]-[0009], claim 1
[d] the mobile device executing a mobile application configured, upon command from the driver of the vehicle,	Paragraph [0008]-[0009], claim 1
[e] to communicate with the remote server,	Paragraph [0008]-[0009], claim 1
[f] wherein the remote server is configured to automatically determine a location of the vehicle,	Paragraph [0008]-[0009], claim 1
[g] automatically identify a jurisdiction associated	Paragraph [0008]-[0009], claim 1

with the vehicle location,	
[h] automatically identify at least one lawyer licensed in the identified jurisdiction,	Paragraph [0008]-[0009], claim 1
[i] and immediately automatically directly notify the at least one identified lawyer for assistance;	Paragraph [0008]-[0009], claim 1
[j] and the display screen of the mobile device configured to live-stream a video image of the at least one identified lawyer for presentation to the driver of the vehicle;	Paragraph [0009]-[0010], claim 1
[k] and the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for storage in the remote database,	Paragraph [0009]-[0010], claim 1
[l] where the at least one mobile device being configured to automatically enable bi-directional audio and video communication between the at least one identified lawyer and the at least one passenger.	Paragraph [0009]-[0010], claim 1

B. Pylant Is Not Prior Art Because Its Filing Date Is Behind the Priority Date of Asserted Patents.

Defendants assert that “Pylant was filed on May 12, 2017 and issued on May 18, 2021.” Defendants have not claimed priority to Pylant’s provisional application filed on May 12, 2016, and thus the effective date of Pylant is May 12, 2017. However, as proved above, the priority date of Asserted Patents is July 19, 2016. The proper priority claim of Asserted Patents to its provisional patent application removes Pylant as a § 102(e) reference. Since Pylant could not properly claim priority to its provisional patent application, which had an earlier filing date than that provisional application of Asserted Patents, Pylant is not a proper prior art reference against the Asserted Patents.

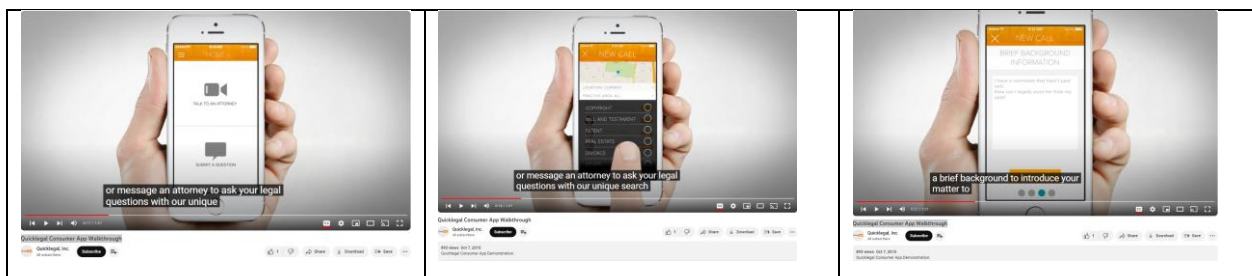
C. The Asserted Patents Are Not Anticipated by Defendants' Prior Art References.

1. Legal Standards of Anticipation

For anticipation, a single prior art reference must disclose each and every element “arranged or combined in the same way as in the claim.” *Net MoneyIN, Inc. v. VerSign, Inc.*, 545 F.3d 1359, 1370 (Fed. Cir. 2008). A reference anticipates a claim “if a person of skill in the art, reading the reference, would ‘at once envisage’ the claimed arrangement or combination.” *Kennametal, Inc. v. Ingersoll Cutting Tool Co.*, 780 F.3d 1376, 1381 (Fed. Cir. 2015). “[T]he dispositive question regarding anticipation [is] whether one skilled in the art would reasonably understand or infer from a [prior art reference] that every claim element is disclosed in that reference.” *AstraZeneca LP v. Apotex, Inc.*, 633 F.3d 1042, 1055 (Fed. Cir. 2010).

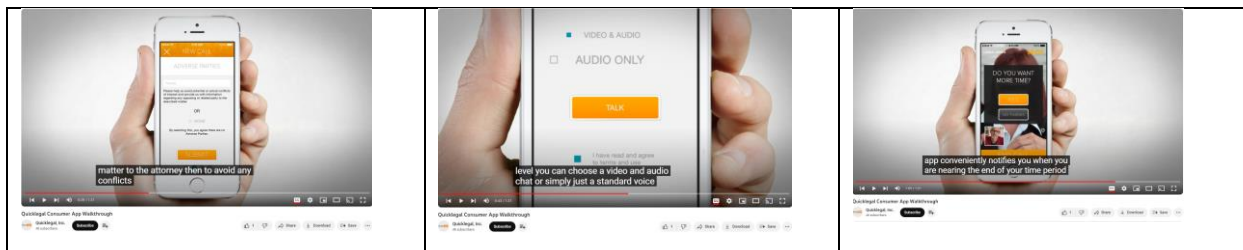
2. Overview of Quicklegal

Quicklegal is software that “users are able to manually select an attorney locally or in another jurisdiction; or, using the app’s geo-location feature, simply choose the ‘next available’ attorney.”² Snapshots from Quicklegal YouTube videos³, reproduced below, illustrate the software system.



² <https://www.youtube.com/@quicklegalinc.9973/about>

³ <https://www.youtube.com/watch?v=jp0UV6wV1Aw>



These snapshots show that (1) Quicklegal connects users with attorneys for virtual consultations or legal advice via video or text chats; (2) Quicklegal is for general legal services instead of focusing on resolving police encounters during traffic stops; (3) A user has to choose video or chat, enter a practice area and background information, run conflict checks, and decide whether to extend the consultation session; (4) Quicklegal does not enable or allow video recording, neither does it enable or allow storing the video.

3. Quicklegal Fails to Anticipate, Either Expressly or Inherently, Each and Every Element Recited in the Claims of '395 Patent.

Independent claim 1 of '395 Patent recites: (1) A mobile lawyer system ***for use during a traffic stop*** comprising; (2) automatically identify a jurisdiction associated with the vehicle location, ... and ***immediately automatically directly notify the at least one identified lawyer*** for assistance; and (3) and the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for ***storage in the remote database***, where the at least one mobile device being configured to ***automatically enable bi-directional audio and video communication*** between the at least one identified lawyer and the least one passenger. Quicklegal does not disclose these limitations.

First, Quicklegal is an app designed for audio or video consultations, and Quicklegal is not intended for use during traffic stops. In contrast, the Asserted Patents are specifically designed for use in the context of traffic stops.

Generally, “a preamble is not limiting ‘where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.’” *Arctic Cat Inc. v. GEP Power Prods., Inc.*, 919 F.3d 1320, 1328 (Fed. Cir. 2019). “[A] preamble limits the invention if it recites essential structure or steps.” *Catalina Market. Intern. v. Coolsavings.com*, 289 F.3d 801, 808 (Fed. Cir. 2002). A helpful test is to delete “the disputed phrase from the preamble” and determine whether it would “affect the structural definition or operation of the [invention] itself.” *Id.* at 810.

The limitation “for use during a traffic stop” limits the invention and distinguishes the claims from Quicklegal. The patent’s specification makes clear that the inventors were addressing the specific issue of police encounters, and the claim requires “automatically identify a jurisdiction associated with the vehicle location.” The preamble gives life and meaning and provides positive limitations to the invention. Therefore, Quicklegal fails to disclose the “for use during a traffic stop” limitation.

Second, Quicklegal cannot “immediately automatically directly notify the at least one identified lawyer for assistance.” Instead, a user must follow these steps in advance of consultation with a lawyer: (1) select “talk to an attorney”; (2) search and select an area of law; (3) submit background information; (4) conduct a conflict check for adverse parties; (5) select video or audio only; and (6) click to extend the session time beyond the allotted 15 minutes.

Unnecessary confrontations between law enforcement and individuals can escalate quickly, leading to harmful or even tragic outcomes. In many situations, using a phone while being stopped by the police can be seen as potentially risky or suspicious behavior. Completing the multiple steps required by Quicklegal can be interpreted by the officer as an attempt to alert someone or communicate about the interaction in a way that could potentially jeopardize the officer's safety or the individual's safety. This can be perceived as uncooperative and may escalate the situation.

In contrast, Plaintiff's inventions specifically target traffic stops and bypass multiple complicated steps required by Quicklegal, ensuring that an attorney can be immediately, automatically, and directly notified for assistance. Therefore, Quicklegal does not disclose the "immediately automatically directly notify the at least one identified lawyer for assistance" limitation.

Third, Quicklegal does not record or store any audio or video consultations. The YouTube video shows that when a user identifies an attorney that they are interested in, they can schedule a consultation. However, Defendants' references do not suggest that Quicklegal can record a bi-directional live video and store the video in a remote server.⁴

In contrast, the Asserted Patents recite, "and the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for *storage in the remote database*." The Asserted Patents require the storage of live-stream video data from the bi-directional video.

⁴ <https://www.youtube.com/watch?v=aM6Dr9N0ip8> timestamp 0:35

Saving video recording during a police stop is important for protecting a user's legal rights in several ways: First, video recordings can provide an accurate and unbiased record of the entire interaction between a user and law enforcement officers. Second, video evidence holds both the user and the law enforcement accountable, ensuring that the law enforcement follows proper procedures. Third, video recording can objectively document the circumstances, the user's behavior, and the behavior of the officer involved. Thus, Quicklegal fails to disclose the limitation that "the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for *storage in the remote database.*"

Therefore, Quicklegal does not disclose each and every limitation of independent claim 1 of '395 Patent. Similarly, the Quicklegal app does not anticipate the following limitations of the Asserted Patents.

Claim	Undisclosed Limitations	Reasons for no anticipation
'861 Patent claim 1	and the at least one video camera being configured to capture and live-stream video of the user subscriber and surroundings to the computing device for viewing by the at least one lawyer and for storage in the remote database	Quicklegal does not disclose bidirectional video recording and storage.
'861 Patent claim 6	A mobile lawyer method for a user subscriber experiencing an encounter with a law enforcement office, comprising	Quicklegal is for general audio or video consultation. Quicklegal is not used for a user subscriber experiencing an encounter with a law enforcement officer.
'861 Patent claim 6	and automatically storing the captured video data of the user and the at least one remote lawyer in the remote server for encrypted storage	Quicklegal does not disclose bidirectional video recording and storage.

'861 Patent claim 7, 10, and 11	Claims 7, 10, and 11 depend on claim 6. See limitations of '861 Patent claim 6.	See reasons for '861 Patent claim 6.
'862 Patent claim 1	receive an acceptance of engagement from a selected one of the at least one computing device associated with a selected one of the identified at least one lawyer;	Quicklegal does not disclose that the remote server can be configured to receive an acceptance of engagement from a selected one of the at least one computing device associated with a selected one of the identified at least one lawyer.
'862 Patent claim 1	automatically and immediately set up a bi-directional video communication session between the selected one of the at least one computing device associated with the selected one of the at least one lawyer and the mobile device,	Quicklegal does not disclose automatically and immediately setting up a bi-directional video communication session.
'862 Patent claim 1	automatically and immediately enable live video data from the mobile device and the selected computing device to be transmitted to the remote server and database for secure storage.	Quicklegal does not disclose bidirectional video recording and storage.
'862 Patent claim 6	automatically and immediately initiating capture of images of the user and surroundings, and live-streaming the captured images to a remote server for encrypted storage via a computer network in response to receiving the consultation request;	Quicklegal does not automatically and immediately initiate the capture of images of the user and surroundings, and live-stream the captured images to a remote server for encrypted storage. Quicklegal requires several steps to schedule a video conference, and it cannot record and store the video.
'862 Patent claim 6	and automatically storing the captured video data of the user and the at least one remote lawyer in a data storage device accessible by the remote server	Quicklegal does not disclose bidirectional video recording and storage.

'862 Patent claims 7, 10, and 11	Claims 7, 10, and 11 depend on claim 6. See limitations of '862 Patent claim 6.	See reasons for '862 Patent claim 6.
'862 Patent claim 15	and the at least one video camera being configured to automatically capture images of an ongoing incident involving the user subscriber and live-stream the captured video of the user subscriber and surroundings for live viewing by the at least one remote attorney and for storage in the database.	Quicklegal does not disclose bidirectional video recording and storage.
'862 Patent claim 20	Claim 20 depends on claim 15. See limitations of '862 Patent claim 15.	See reasons for '862 Patent claim 15.

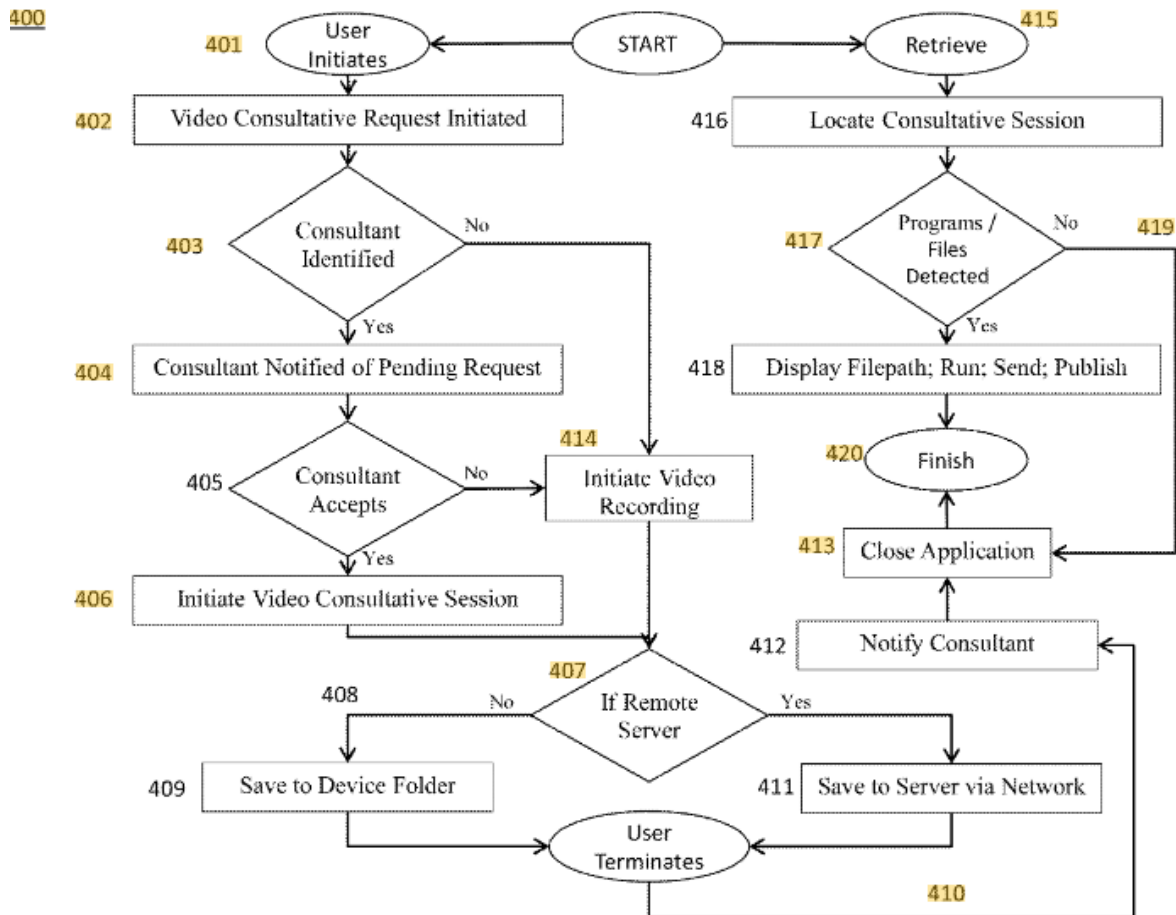
For at least the reasons recited above, Quicklegal fails to anticipate Asserted Patents.

4. Pylant Fails to Anticipate, Either Expressly or Inherently, Each and Every Element Recited in the Claims of Asserted Patents.

Even assuming that Pylant had an effective date before the priority date of the Asserted Patents, Pylant still fails as prior art because it does not anticipate Asserted Patents. Pylant discloses a system that can “automatically, in real-time, establish a network connection between two users based on one user’s current situation and the other user’s determined expertise in that situation.” See the abstract of Pylant. The experts contemplated by Pylant include “attorney, doctor, psychiatrist or other professional” Pylant col 8, line 1-5. Pylant recites that “in Step 414, **if either a consultant is not identified (from Step 403), or the consultant does not accept the request (from Step 405), then a recording is initiated**, where such recording is performed by the device of the user respective to the scene of the user.” See Pylant, col. 18, lines 20-38 and figure 4. Therefore, the recording in Pylant is only one-sided and only when consultation with a consultant cannot be

accomplished. Therefore, Pylant's teaching is in direct contradiction from the claimed invention.

FIG. 4



In contrast, independent claim 1 of '395 Patent recites that “the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for ***storage in the remote database.***” Pylant does not disclose this limitation. '395 Patent claim 1 initiates recording “upon command from the driver of the vehicle,” and the recording is bi-directional, as

opposed to the one-sided recording in Pylant. See '395 Patent claim 1. Therefore, Pylant fails to anticipate '395 Patent claim 1.

Similarly, Pylant does not anticipate at least the following limitations of the Asserted Patents.

Claim	Undisclosed Limitations	Reasons for no anticipation
'861 Patent claim 1	automatically and immediately set up a video communication session between the computing device associated with the at least one lawyer and the mobile device,	Pylant recites that "if the user is pulled over for speeding, the user can enter his location (to identify an attorney near that location or in that state) and which type of summons he is about to receive such that the appropriately skilled attorney can be identified." Pylant does not disclose automatically and immediately set up a video communication session.
'861 Patent claim 1	and the at least one video camera being configured to capture and live-stream video of the user subscriber and surroundings to the computing device for viewing by the at least one lawyer and for storage in the remote database.	Pylant does not disclose bidirectional video recording and storage.
'861 Patent claim 6	automatically and immediately initiating capture of images of the user and surroundings,	Pylant recites that "if the user is pulled over for speeding, the user can enter his location (to identify an attorney near that location or in that state) and which type of summons he is about to receive such that the appropriately skilled attorney can be identified."

		Pylant does not disclose automatically and immediately initiating capture of images.
'861 Patent claim 6	and automatically storing the captured video data of the user and the at least one remote lawyer in the remote server for encrypted storage.	Pylant does not disclose bidirectional video recording and storage.
'861 Patent claim 7, 10, and 11	Claims 7, 10, and 11 depend on claim 6. See limitations of '861 Patent claim 6.	See reasons for '861 Patent claim 6.
'862 Patent claim 1	automatically and immediately set up a bi-directional video communication session between the selected one of the at least one computing device associated with the selected one of the at least one lawyer and the mobile device,	Pylant recites that “if the user is pulled over for speeding, the user can enter his location (to identify an attorney near that location or in that state) and which type of summons he is about to receive such that the appropriately skilled attorney can be identified.” Pylant does not disclose automatically and immediately set up a bi-directional video communication session.
'862 Patent claim 1	automatically and immediately enable live video data from the mobile device and the selected computing device to be transmitted to the remote server and database for secure storage	Pylant does not disclose bidirectional video recording and storage.
'862 Patent claim 6	and automatically storing the captured video data of the user and the at least one remote lawyer in a data storage device accessible by the remote server	Pylant does not disclose bidirectional video recording and storage.

'862 Patent claims 7, 10, and 11	Claims 7, 10, and 11 depend on claim 6. See limitations of '862 Patent claim 6.	See reasons for '862 Patent claim 6.
'862 Patent claim 15	and the at least one video camera being configured to automatically capture images of an ongoing incident involving the user subscriber and live-stream the captured video of the user subscriber and surroundings for live viewing by the at least one remote attorney and for storage in the database.	Pylant does not disclose bidirectional video recording and storage.
'862 Patent claim 20	Claim 20 depends on claim 15. See limitations of '862 Patent claim 15.	See reasons for '862 Patent claim 15.

For at least the recited reasons above, even assuming that Pylant had an effective date before the priority date of Asserted Patents, Pylant does not anticipate the Asserted Patents.

D. Asserted Patents Are Not Obvious in View of Defendants' References.

1. Legal Standard

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, “would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). Deciding the question of obviousness requires resolving underlying factual determinations including (1) the scope and content of the prior art; (2) any

differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of non-obviousness. *See Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

2. Level of Ordinary Skill in the Art

The level of ordinary skill in the art is “a prism or lens” through which the prior art and the claimed invention are viewed. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). The person of ordinary skill in the art (POSITA) is a hypothetical person presumed to have known the relevant art at the time of the invention. *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In determining the level of ordinary skill in the art, courts should consider the type of problems encountered in the art, prior art solutions to those problems, rapidity with which innovations are made, sophistication of the technology, and educational level of active workers in the field. *Id.*

Asserted Patents are directed to a mobile lawyer system/method to insert the presence of a licensed attorney into a police encounter. Plaintiff asserts that a POSITA should have at least (1) a bachelor’s degree in computer science or computer engineering and/or work experience in coding software; (2) experience with or knowledge of confrontations with police officers during traffic stops or other encounters; and (3) knowledge of basic legal concepts, including the concept of the attorney-client relationship, jurisdiction, and Constitutional rights.

3. Claim Construction

The claim construction standard includes construing the claim in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill

in the art. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005). In construing claims in accordance with their ordinary and customary meaning, courts consider intrinsic evidence such as the specification and the prosecution history of the patent. *Phillips*, 415 F.3d at 1315-17. Extrinsic evidence, including expert and inventor testimony, dictionaries, and treaties, may also be used but is less significant than the intrinsic record. *Id.* at 1315. Usually, the specification is dispositive, and it is the single best guide to the meaning of a disputed term. *Id.* Any special definitions for claim terms must be set forth in the specification with reasonable clarity, deliberateness, and precision. *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Except for the interpretation of “system/method” disputed by Defendants, Defendants do not construe the claims to apply the claims to the prior art. Plaintiff asserts that the claim terms of Asserted Patents should be construed according to Plaintiff’s Preliminary Proposed Construction of Claim Terms and Identification of Extrinsic References.

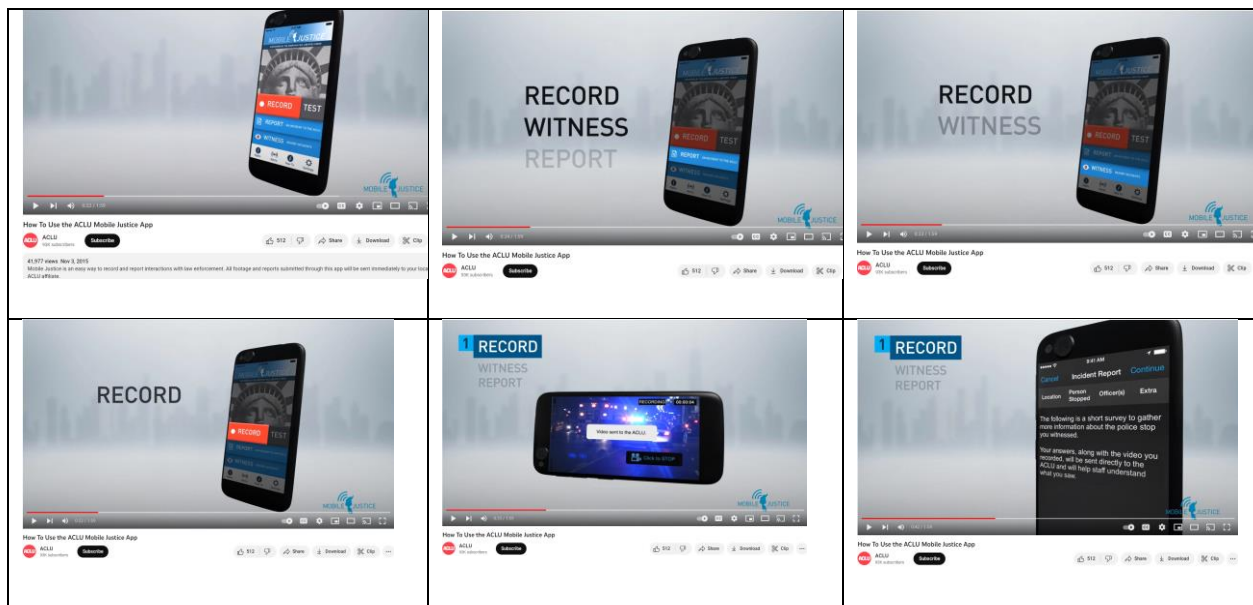
4. Overview of Key Cited Prior Art References

Defendants assert that Asserted Patents are invalid under 35 U.S.C. § 103 as being obvious over Quicklegal or Pylant, alone or in combination with any of ACLU, LegalSwipe, Hands Up, Stop and Frisk, Oh Crap, One Touch, and/or 1Law. Below, Plaintiff presents a brief overview of Defendants’ prior art references and then addresses Defendants’ contentions.

(1) Overview of ACLU Mobile Justice App

The ACLU mobile justice app allows users to “record encounters with public

officials and law enforcement while streaming to your closest contacts and local ACLU.”⁵ The screenshots below show that (1) the ACLU mobile app does not allow users to communicate with attorneys in real time; (2) the ACLU app does not allow real-time recording of both an attorney and a user; and (3) the ACLU’s recording lacks a geolocation function to determine the proper jurisdiction where the user is located.



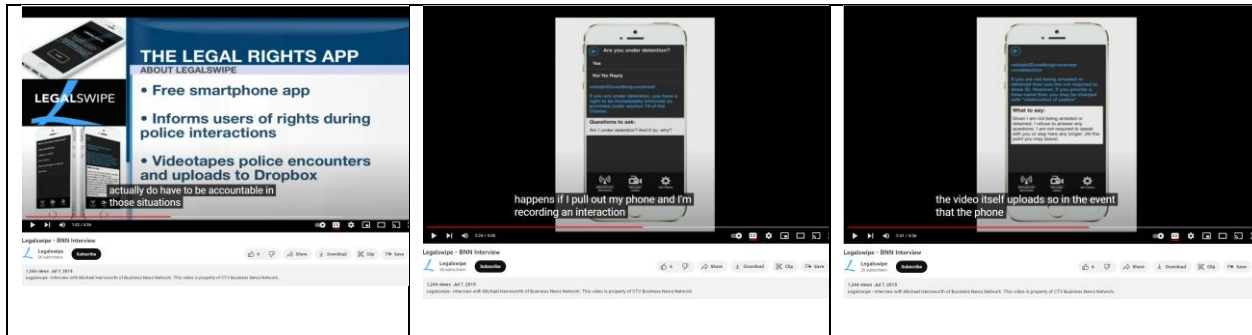
(2) Overview of The Legalswipe App

Legalswipe is a free mobile application that allows users to quickly reference their legal rights through a series of menus and cues.⁶ The application provides general information related to the law to help educate users on their own legal needs. This application does not enable or provide legal consultation with attorneys. The screenshots below show that (1) Legalswipe mobile app does not allow users to communicate with attorneys in real time; (2) Legalswipe app does not allow recording in real time of both an

⁵ <https://www.aclu.org/issues/criminal-law-reform/reforming-police/mobile-justice>

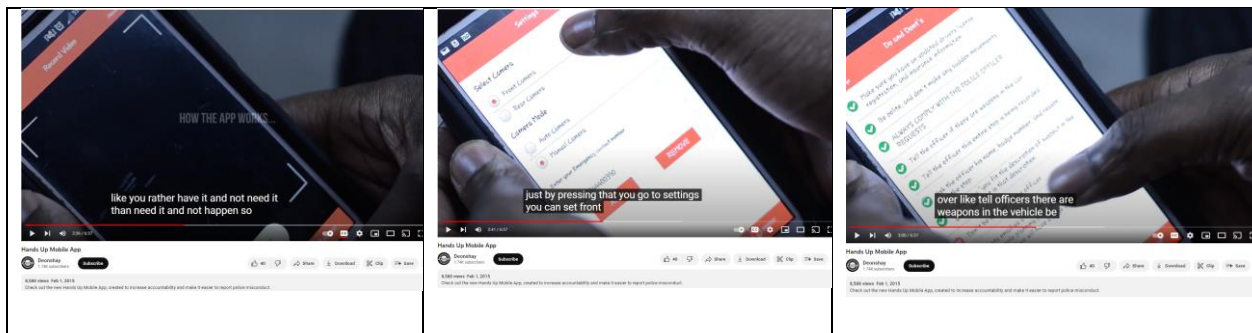
⁶ https://m.apkpure.com/legalswipe/com.netd.legal_swip

attorney and a user; and (3) Legalswipe's recording cannot locate the geolocation of an incident.⁷



(3) Overview of The Hands Up App

The Hands Up mobile app allows users to film and live stream interactions with law enforcement. Once the user uploads the video, the app sends backups of the evidence the user has recorded to Dropbox.⁸ However, the screenshots below show that (1) the Hands Up mobile app does not enable real-time communication with attorneys; (2) the Hands Up mobile app does not allow real-time recording of both an attorney and a user; and (3) although the Hands Up app includes a geolocation tag on the recording, the geolocation tag is not used to identify the proper jurisdiction and connect the user with an attorney licensed in that jurisdiction.



⁷ <https://www.youtube.com/watch?v=uKbcmlKb81c>

⁸ <https://fordlawokc.com/apps-record-police-violence/>

(4) Overview of The Stop and Frisk App

Similar to the ACLU mobile justice app, the Stop and Frisk app has three functions: record, listen, and report.⁹ The record function allows the user to film an incident with audio by simply pushing a trigger on the phone's frame. When filming stops, the user immediately receives a brief survey allowing them to provide details about the incident. The video and survey will go to the New York Civil Liberties Union, which will use the information to shed light on the New York Police Department's stop-and-frisk practices and hold the Department accountable for its actions.¹⁰

The screenshots below show that (1) the Stop and Frisk app does not allow users to communicate with attorneys in real time; (2) the app does not allow real-time recording of both an attorney and a user; and (3) the app lacks a geolocation function to ascertain the jurisdiction where the user is located in order to identify a lawyer.



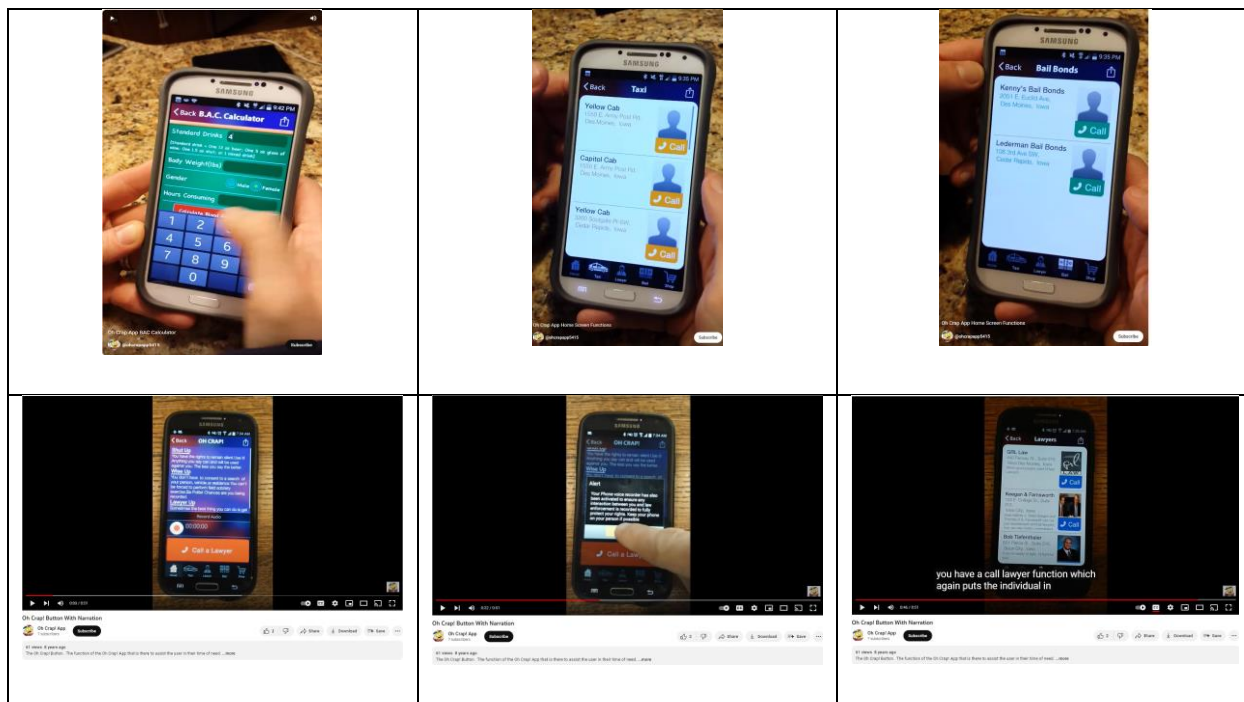
(5) Overview of the “Oh Crap! Police Stop” App

The Oh Crap app is designed for consultation with a lawyer for DUI issues, not for traffic stops. It can only record and store interactions with law enforcement in audio, rather than interactions with law enforcement in video. When you click the “Oh Crap!” button, it

⁹ <https://fordlawokc.com/apps-record-police-violence/>

¹⁰ <https://www.nyclu.org/en/stop-and-frisk-watch-app>

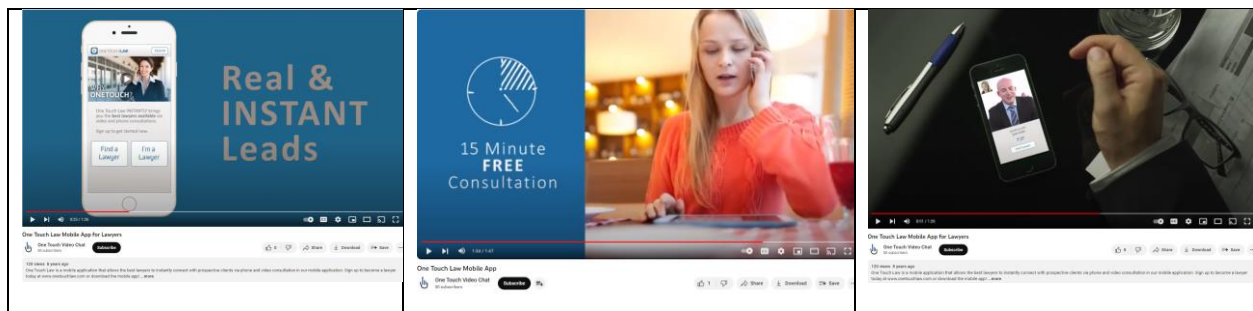
pulls up a listing of lawyers according to geographic location, but the “call lawyer” consultation function is separate from the audio recording function within the app. In other words, the app does not enable recording of any type during a lawyer consultation session, and the app records audio only during the law enforcement confrontation. Therefore, this app does not enable audio or video recording of the user and the lawyer during the consultation session. The screenshots below show that (1) the Oh Crap app does not allow users to have video conferences with attorneys in real time; (2) the app does not enable real-time video recording of both an attorney and a user; and (3) the audio recording function is an entirely different and separate process flow from the lawyer consultation audio call functionality.



(6) Overview of the One Touch Law Mobile App

The One Touch Law mobile app allows users who need legal advice to schedule a consultation call with an attorney. Users can find lawyers by specialty, location, rate, and

reviews. Lawyers are able to schedule their availability, connect with people seeking their specialty and have a dashboard to manage their interactions.¹¹ The app enables a 15-minute consultation session via video or audio, and to go beyond that timeframe the attorney and the user must make arrangements outside the app. The screenshots below show that (1) the app is designed for general legal consultation rather than specifically for police stops and encounters; (2) the app does not automatically identify at least one remote lawyer licensed in a jurisdiction that matches the user's location; (3) the app does not enable real-time video recording of both an attorney and a user; and (4) the app's recording lacks a geolocation function to identify a lawyer with the proper licensing credentials.

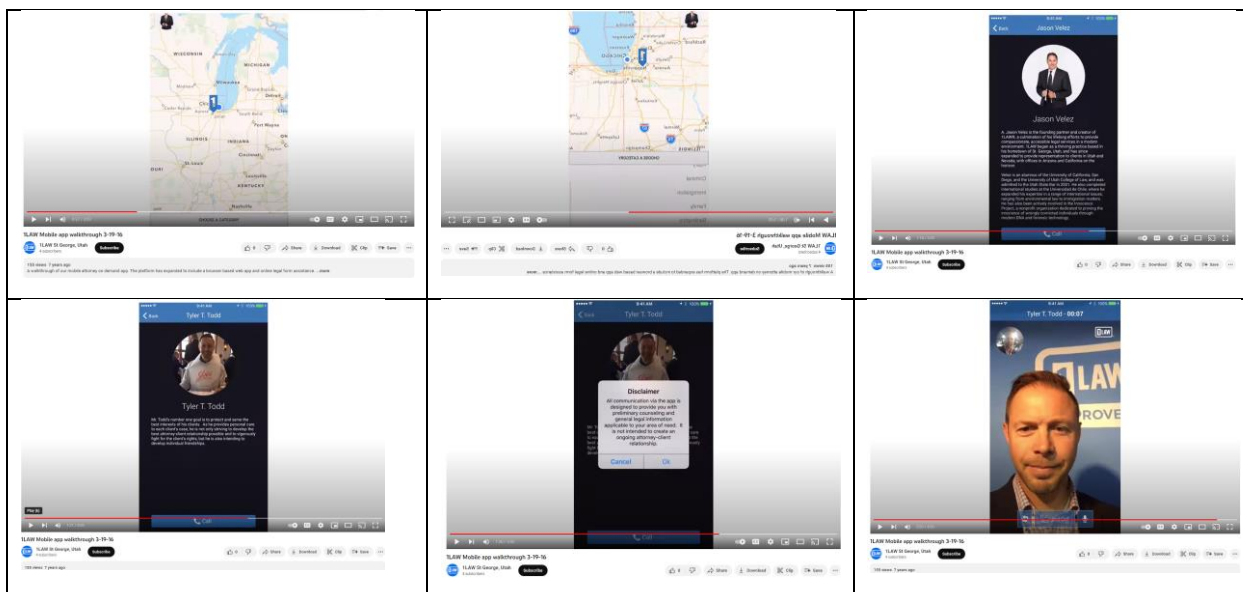


(7) Overview of the 1Law Mobile App

The 1Law mobile app allows a user to identify a category of their legal need. A user selects an attorney from attorney profiles, including biography and education, and a map of attorneys available to consult via video chat or text messaging.¹² However, the screenshots below show that (1) the app is not designed for traffic stops; and (2) the app does not allow real-time video recording of both an attorney and a user.

¹¹ <https://www.onetouchlaw.com/about/>

¹² <https://apps.apple.com/us/app/1law/id1072242684>



5. Key Differences Between Asserted Patents and Prior Art References

Since Asserted Patents cover similar inventions, Plaintiff explains below why Asserted Patents are nonobvious in view of Defendants' references based on the representative '395 Patent claim 1. '395 Patent claim 1 recites the following limitations (emphasis and paragraph references added):

- (a)1. A mobile lawyer system for use **during a traffic stop** comprising:
- (b) a mobile device having at least one video camera configured for mounting inside the passenger compartment of a vehicle and capture video images of a driver of the vehicle;
- (c) the mobile device further incorporating a display screen viewable by the driver of the vehicle;
- (d) a remote server and a database configured to store information about a plurality of lawyers licensed in at least one jurisdiction;
- (e) the mobile device executing a mobile application configured, upon command from the driver of the vehicle, to communicate with the remote server, wherein **the remote server is configured to automatically determine a location of the vehicle, automatically identify a jurisdiction associated with the vehicle location, automatically identify at least one lawyer licensed in the identified jurisdiction**, (f) and **immediately automatically directly notify the at least one identified lawyer for assistance**; and
- (g) the display screen of the mobile device configured to **live-stream a**

video image of the at least one identified lawyer for presentation to the driver of the vehicle, and the at least one video camera is configured to (h) ***automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for storage in the remote database***, where the at least one mobile device being configured to (i) ***automatically enable bi-directional audio and video communication between the at least one identified lawyer and the at least one passenger***.

The '395 Patent claim 1 distinguishes itself from Defendants' prior art references in at least these main aspects:

- (1) the references teach software intended for general legal consultation rather than specifically for police stops and encounters;
- (2) the references require the user to select a lawyer for consult;
- (3) does not enable real-time communication with attorney;
- (4) does not enable real-time video recording of both the lawyer and the user; and
- (5) no automatic identification of lawyer with proper licensing credential by using location data.

The main undisclosed limitations for each reference are specified in the chart below. Note that this is not an exhaustive list of deficiencies for these references.

Prior Art Reference	'395 Patent Claim Elements Not Found in References
Quicklegal	(a), (h), multi-step process where nothing is automatic or immediate; requires user to select a lawyer from a list; 15-minute session
Pylant ¹³	(a), (h), nothing is automatic or immediate; recording only when consultation not available

¹³ Pylant is referenced and discussed in this paper for the sake of completeness. Plaintiff asserts that Pylant is not prior art.

ACLU	(e), (f), (g), (h), (i)
LegalSwipe	(d), (e), (f), (g), (h), (i)
Hands Up	(d), (e), (f), (g), (h), (i)
Stop and Frisk	(e), (f), (g), (h), (i)
Oh Crap	(a), (e), (f), notification to lawyer for consult session only, (g), (h), (i) bi-directional audio call during consult session only
One Touch	(a), (h), 15-minute session; requires user to select a lawyer from a list
1Law	(a), (h), requires user to select a lawyer from a map

Asserted Patents also include method claims that are nonobvious in view of Defendants' references. Referring to representative method claim 6 of the '861 Patent, which recites the following limitations: A mobile lawyer method for a user subscriber (a) ***experiencing a law enforcement office [sic]***, comprising; (b) receiving a live consultation request from a user's mobile device; (c) ***automatically and immediately initiating capture of images of the user*** and surroundings, and live-streaming the captured images to a remote server for encrypted storage via a computer network in response to receiving the consultation request; and (d) ***automatically and immediately determining a current location of the mobile device***; automatically and immediately transmitting the current location of the mobile device to the remote serve; (e) ***automatically receiving live-streaming video data of an identified at least one remote lawyer licensed to practice law in a jurisdiction associated with the current location of the mobile device in response to the determined current location of the mobile device***; (f) ***automatically live-streaming captured video images of the user to the at least one remote lawyer via the remote server***;

(g) automatically displaying the live-streaming video data of the identified at least one remote lawyer on a display monitor viewable by the user; and (h) ***automatically storing the captured video data of the user and the at least one remote lawyer in the remote server for encrypted storage.***

The '862 Patent claim 6 distinguishes itself from Defendants' prior art references in at least these main aspects:

- (1) the references teach software intended for general legal consultation rather than specifically for police stops and encounters;
- (2) the references require the user to select a lawyer for consult;
- (3) does not enable real-time communication with attorney;
- (4) does not enable real-time video recording of both the lawyer and the user; and
- (5) no automatic identification of lawyer with proper licensing credential by using location data.

The main undisclosed limitations for each reference are specified in the chart below.

Note that this is not an exhaustive list of deficiencies for these references.

Prior Art Reference	'395 Patent Claim Elements Not Found in References
Quicklegal	(a), (h), multi-step process where nothing is automatic or immediate; requires user to select a lawyer from a list; 15-minute session
Pylant ¹⁴	(a), (d), (e), (h), nothing is automatic or immediate; one-sided recording only when consultation not available

¹⁴ Pylant is referenced and discussed in this paper for the sake of completeness. Plaintiff asserts that Pylant is not prior art.

ACLU	(b), (d), (e), (g), (h)
LegalSwipe	(b), (c), (d), (e), (f), (g), (h)
Hands Up	(b), (c), (d), (e), (f), (g), (h)
Stop and Frisk	(b), (d), (e), (g), (h)
Oh Crap	(a), (c), (e), (f), notification to lawyer for consult session only, (g), (h), bi-directional audio call during consult session only
One Touch	(a), (h), 15-minute session; requires user to select a lawyer from a list
1Law	(a), (h), requires user to select a lawyer from a map

6. A POSITA Would Not Be Motivated to Combine Quicklegal With Any of ACLU, LegalSwipe, Hands Up, Stop and Frisk, Oh Crap, One Touch, and/or 1Law.

When evaluating a combination of teachings, it is also necessary to “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418. There must be sufficient articulated reason to combine multiple references. *Forest Labs., LLC v. Sigmapharm Labs., LLC*, 918 F.3d 928, 934 (Fed. Cir. 2019) (Showing obviousness requires “a reason, suggestion, or motivation in the prior art that would lead one of ordinary skill in the art to combine the references, and that would also suggest a reasonable likelihood of success.”); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (“[O]bviousness concerns whether a skilled artisan not only ***could have made*** but ***would have been motivated to make*** the combinations or modifications of prior art to arrive at the claimed invention.”).

There are multiple reasons why a POSITA would not have been motivated to combine any of ACLU, LegalSwipe, Hands Up, Stop and Frisk, Oh Crap, One Touch, and/or 1Law with Quicklegal.

Quicklegal discloses the following: “Video-chat with an attorney for \$49, or Privately message with an attorney for just \$29. Our network of attorneys are licensed, prescreened, and practice in the legal category you need assistance in. Users are able to manually select an attorney locally or in another jurisdiction; or, using the app’s geo-location feature, simply choose the ‘next available’ attorney.”

Nothing in this brief description mentions “the at least one video camera is configured to automatically livestream video captured by the at least one video camera for viewing by the at least one identified lawyer and **for storage in the remote database.**” Defendants attempt to gloss over this lack of disclosure by claiming that “to the extent Plaintiff argues that any claim is not anticipated by the reference, any alleged missing element or feature in any such reference would have been so minor or trivial that a person skilled in the art would have considered the claim obvious based on the reference alone.” This assertion, however, goes far beyond the actual disclosures of the prior art. At the time of Quicklegal, to the extent a POSITA would have understood this portion of Quicklegal at all, they would have recognized Quicklegal only discloses the kind of simplistic, unrecorded audio/video conference that existed at that time. Moreover, none of Defendants’ cited prior art references discloses bi-directional audio/video recording and storage. Defendants’ analysis employs improper hindsight bias that fails to consider the state of the art. Defendants’ assertions to the contrary are not supported by Quicklegal and

any of Defendants' prior art references.

In particular, none of Defendants' references discloses bidirectional real-time recording. Although ACLU and LegalSwipe disclose recording, the recording is a part of a report used by a legal organization to prepare a litigation case for the lawyer. During prosecution of '861 Patent, Plaintiff also emphasizes this significantly different purpose of recording. The patent examiner rejected the application under §103 over Turchin (US2011/0119197) in view of Gabel (US2016/0182707) and Wells (US2017/0054770) further in view of Hillstrom (US2002/0002469). Gabel discloses that "its system enables the user to submit videos of 'the accident, participants, witnesses, and/or of documents,' which can be a part of a report for the lawyer. Para. [0052]. The video data described in Gabel is taken post-incident and part of the data collection process to prepare a litigation case for the lawyer. Gable never contemplated a live video consultation session between a lawyer and a user at the time the user is 'experiencing an encounter with a law enforcement officer.' Nothing in Gabel suggests automatically and immediately, at the traffic stop, identifying at least one lawyer who may legally represent the driver and view the encounter between the driver and the officer." See Applicant's Arguments/Remarks Made in an amendment dated June 1, 2022. Similarly, Defendants' references never contemplate bidirectionally recording a live video consultation between a lawyer and a user while the user is experiencing an encounter with a law enforcement officer.

Further, Quicklegal's intent is for general legal consultation and does not disclose or suggest the patent limitation regarding "***immediately automatically directly*** notify the at least one identified lawyer for assistance." Quicklegal requires the user, before

connecting with an attorney in real-time, to go through several steps, including choosing audio or video conference, selecting a practicing area, and providing case background information. The claim limitation of “immediately automatically directly” conveys an urgency because immediate connection with an attorney is crucial in preventing the escalation of a traffic stop. None of Defendants’ references discloses immediately, automatically, and directly notifying an attorney. For example, 1Law requires a user to select an attorney by browsing several attorneys’ profiles, and the attorney notification is triggered by manual selection. Pylant requires a user to “enter his location (to identify an attorney near that location or in that state) and which type of summons he is about to receive such that the appropriately skilled attorney can be identified.” Therefore, due to the lack of any teaching in the prior art, a POSITA would not be motivated to “immediately automatically directly notify the at least one identified lawyer for assistance.” There is no motivation or suggestion among the references to modify any of the prior art to implement “***immediately automatically directly*** notify the at least one identified lawyer for assistance.”

Quicklegal does not have any motivation to modify and enable immediate automatic direct notification because Quicklegal offers general legal consultation instead of targeting traffic stops. Quicklegal states that “our network of attorneys are licensed, prescreened, and practice in the legal category you need assistance in.” It fails to realize the special characteristics of traffic stop:

- (1) Limited Information: During a traffic stop, the police officer often has limited information about the driver and the situation. This can lead to heightened caution or uncertainty on the part of the officer.
- (2) Unpredictability: Traffic stops can be unpredictable for both the driver and the officer. Factors such as the driver's behavior, the officer's approach, and the surrounding environment can influence the course of the encounter.
- (3) Quick Decisions: Officers often need to make rapid decisions during traffic stops, such as determining whether there is a safety risk, potential violations, or criminal activity. This can lead to swift changes in the interaction.

Due to these challenges associated with a traffic stop, immediate automatic direct legal service is needed, as it can help mitigate the potential for escalation during police encounters. Since Quicklegal expressly teaches that its goal is to offer full legal services, Quicklegal is based on having users select a practice area, enter case information, and choose communication means. If immediate automatic direct attorney notification were part of Quicklegal's service, it would be entirely inconsistent with the stated purpose of Quicklegal – to enable users to engage with an attorney in all the legal categories they need assistance.

It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to “[use] that which the invention taught against its teacher.” *In re Lee*, 277 F.3d, citing *W.L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983). There must be a reason or suggestion in the art for

selecting the procedure used, other than the knowledge learned from Plaintiff's disclosure. *See In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988).

Defendants improperly use the disclosure in the Asserted Patents as a blueprint to reconstruct the claimed invention from isolated pieces of the prior art, which completely contradicts the statutory mandate of §103 that requires judging obviousness at the point in time when the invention was made. *See Grain Processing Corp. v. American Maize-Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988). Given the lack of video recording, along with the generally different purposes (general legal consultation versus legal consultation specifically for a police encounter), a POSITA starting with Quicklegal would not be motivated to turn to the techniques of any of Defendants' prior art references.

7. Defendants Fail to Prove the Combination of Pylant¹⁵ and Any of ACLU, LegalSwipe, Hands Up, Stop and Frisk, Oh Crap, One Touch, and/or 1Law Renders the Challenged Claims Obvious.

Claim 1 of '395 Patent recites "automatically identify at least one lawyer licensed in the identified jurisdiction" and "the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for storage in the remote database." As demonstrated in the anticipation section, Defendants' references fail to disclose these recited limitations. Nonetheless, Defendants contend that Pylant alone or in combination with any of ACLU,

¹⁵ Pylant is referenced and discussed in this paper for the sake of completeness. Plaintiff asserts that Pylant is not prior art.

LegalSwipe, Hands Up, Stop and Frisk, Oh Crap, One Touch, or 1Law renders all of the challenged claims obvious. Defendants have failed to carry their burden on this issue.

Pylant teaches that “if the user is pulled over for speeding, the user can enter his location (to identify an attorney near that location or in that state) and which type of summons he is about to receive such that the appropriately skilled attorney can be identified.” See Pylant, col. 17, lines 25-35 and figure 4. Pylant also discloses that the system shown in Figure 4 will initiate video recording only when there is no suitable consultant identified or when no consultant accepts a user’s request. Thus, the disclosure in Pylant is clear: a user has to **enter case information in order to be connected to an attorney**, and the user can **record the video only if no consultant is available**. Therefore, any recording taught by Pylant is only one-sided, of that of the user. Pylant fails to teach and instead discourages “immediately automatically directly” notifying the at least one identified lawyer for assistance and bi-directional recording in the Asserted Patents.

Moreover, the combination of Pylant and any of ACLU, LegalSwipe, Hands UP, Stop and Frisk, Oh Crap, One Touch, and/or 1Law fails to render the challenged claims obvious because none of the references discloses or teaches bi-directional recording. Since Pylant explicitly expresses that recording will be initiated only if a user’s request is not accepted (either no suitable consultant or none are available), Pylant is in complete contradiction to the Asserted Patents in that Pylant teaches a POSITA away from recording a bi-directional video conference when an attorney is in consultation with a user. A POSITA would not be motivated to modify Pylant to combine the recording features from

any of Defendants' references, or to motivated to combine Pylant with any other reference to arrive at the claimed limitations.

Defendants argue that each of the combinations relies on the substitution or incorporation of elements that were known in the prior art. Defendants fail to appreciate the fact that the bi-directional recording (of any type) is not disclosed in the prior art. Moreover, even assuming bidirectional recording were disclosed, instead of rigidly combining the elements in the prior art, Defendants must offer a rational reason why a POSITA would combine references in the manner claimed, namely, bi-directional recording when a user is connected with an attorney, as opposed to recording only when a user's request is not accepted. Defendants' reliance on hindsight to pick and choose elements from the prior art to piece together the claimed elements of the Asserted Patents is impermissible, contrary to the evidence, and still fails to achieve all of the claim elements.

III. RESPONSE TO DEFENDANTS' ADDITIONAL ALLEGATIONS OF INVALIDITY UNDER 35 U.S.C. §§ 112, 101

An issued patent enjoys a presumption of validity. *New England Braiding Co. v. A.W. Chesterton Co.*, 970 F.2d 878, 882 (Fed. Cir. 1992). The presumption acts as a procedural device which places the burden of going forward with evidence and the ultimate burden of persuasion of invalidity at trial on the party challenging validity. *Id.* Invalidity must be established by clear and convincing evidence. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1354 (Fed. Cir. 2010). The burden of persuasion on the merits remains with that party until a final decision. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1534 (Fed. Cir. 1983). Once the party asserting invalidity makes that *prima facie* showing,

the patentee must introduce sufficient evidence to rebut the *prima facie* showing. *Ralston Purina Co. v. Far-Mar-Co, Inc.*, 772 F.2d 1570, 1573 (Fed. Cir. 1985).

A. Asserted Patents Are Definite, Supported, and Enabled.

Defendants' contentions lack merit and fail to explain in detail why the claims are indefinite, lack written description, or are not enabled. Defendants have not established a *prima facie* case of invalidity based on 35 U.S.C. § 112. Despite Defendants' failure to meet their burden of proof, Plaintiff respectfully submits that each limitation is fully supported and enabled by the written description of the Asserted Patents, and that one of ordinary skill in the art would readily recognize the claim limitations based on the disclosure of the Asserted Patents. *See* Exhibits 1-3. Moreover, Plaintiff respectfully submits that the Asserted Claims are definite and should be construed according to Plaintiff's proposed claim construction.

B. Asserted Patents Are Patent Eligible Under § 101.

Similarly, Defendants have not made a *prima facie* case of § 101 ineligibility under either step of *Alice*. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216-217 (2014). 35 U.S.C. § 101 defines patentable subject matter, but the Supreme Court has "long held that this provision contains an important implicit exception" that "[l]aws of nature, natural phenomena, and abstract ideas are not patentable." *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012).

To determine patentable subject matter, the Supreme Court has set forth a two-part test. "First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts" of "laws of nature, natural phenomena, and abstract ideas." *Alice Corp.*

v. CLS Bank Int'l, 573 U.S. 208, 217 (2014). A court must be cognizant that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas” (*Mayo*, 566 U.S. at 71), and “describing the claims at . . . a high level of abstraction and untethered from the language of the claims all but ensures that the exceptions to § 101 swallow the rule.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016). Instead, “we evaluate the focus of the claimed advance over the prior art to determine if the character of the claim as a whole, considered in light of the specification, is directed to excluded subject matter.” *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1084, 1092 (Fed. Cir. 2019). “The inquiry often is whether the claims are directed to ‘a specific means or method’ for improving technology or whether they are simply directed to an abstract end-result.” *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017).

Defendants’ proposed abstract idea overgeneralizes the claims. The Federal Circuit has “cautioned that courts ‘must be careful to avoid oversimplifying the claims’ by looking at them generally and failing to account for the specific requirements of the claims.” *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016).

Defendants’ analysis ignores multiple technical aspects recited in the claims, such as identifying a jurisdiction associated with the vehicle location, automatically identifying at least one lawyer licensed in the identified jurisdiction, live-streaming a video image of the at least one identified lawyer for presentation, and video storage in the remote database. The claims are directed to immediately automatically directly notify the at least one lawyer for assistance and store the live-stream videos, thereby defusing the escalation with a police

officer, and do not recite an abstract idea. Defendants thus fail to establish sufficiently that the claims are directed patent ineligible subject matter under *Alice* Step 2A.

The Asserted Claims are similar to those that the Federal Circuit held patentable in *DDR Holdings*. The claims there were directed to a method of generating a composite webpage that combined visual elements of a host website with content from a third-party, e.g., by combining the logo, background color, and fonts of the host website with product information from a merchant. *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1248 (Fed. Cir. 2014). Representative claim in *DDR Holdings* recites:

13. An e-commerce outsourcing system comprising:

a) a data store including a look and feel description associated with a host web page having a link correlated with a commerce object; and

b) a computer processor coupled to the data store and in communication through the Internet with the host web page and programmed, upon receiving an indication that the link has been activated by a visitor computer in Internet communication with the host web page, to serve a composite web page to the visitor computer wit[h] a look and feel based on the look and feel description in the data store and with content based on the commerce object associated wit[h] the link.

The court held those claims were not directed at an abstract idea because they addressed the problem of retaining website visitors that, absent the claimed invention, would be instantly transported away from a host's website after clicking on an advertisement and activating a hyperlink. *Id.* at 1257. Because the claims addressed the

challenge of retaining control over the attention of the customer in the context of the Internet, the court found them patent-eligible under section 101. *Id.*

The challenged claims here solve an analogous problem. The specifications of the Asserted Patents explain a significant problem with the conventional use of legal services. Specifically, the problem is that users cannot summon an attorney “quickly and virtually whenever a need arises to help defuse the situation,” and that delay can escalate tense situations between the police and members of the general public, often resulting in the loss of innocent lives. The claims address the need for immediately automatically directly notifying at least one identified lawyer for assistance, thereby reducing the loss of innocent lives. Thus, similar to the invention in *DDR Holdings*, the claimed invention here relates to the control of the user’s immediate access to legal services and addresses a challenge specific to traffic stops. *See DDR Holdings*, 773 F.3d at 1257–58.

Moreover, the Examiner and the Patent Trial and Appeal Board did not raise a § 101 rejection of the claims at any time during the six years that the applications were pending at the USPTO. This Examiner and the PTAB are presumed to have both known of and have considered each patent eligibility cases when declining to reject the claims under § 101. As a result of the above analysis, Defendants have not made a *prima facie* case of § 101 ineligibility under either step of *Alice*. *Alice Corp.*, 573 U.S. at 216-17.

IV. RESERVATIONS

This response addresses only the prior art references specifically included in Defendants’ Contentions. This response also addresses issues clearly raised and explained in detail in the Contentions. Plaintiff reserves the right to supplement if additional

references are alleged as prior art and/or if Defendants raise new issues, or clarify issues not explained in detail as required by the Pretrial Scheduling Order. To the extent this response briefly addresses prior art or any grounds or arguments that are not explained in detail, this response is not considered to be exhaustive on those issues.

This response is based on Plaintiff's current knowledge and understanding of the prior art and Defendants' positions. Additional discovery and investigation may lead to additions or changes to this response. Moreover, claim construction for this action has not yet been completed. Accordingly, this response is made without the benefit of expert discovery or any claim construction order by the Court in this action. Moreover, Defendants have not yet explained their invalidity positions in the required detail. As such, Plaintiff reserves the right to amend and supplement this response, including addressing any obviousness argument relating to specific combinations of references.

Plaintiff takes no position on claim construction in this response and reserves the right to take claim construction positions at the appropriate time or times. This response attempts to identify missing features from the references based on one or sometimes both of the parties' proposed claim constructions. Plaintiff also reserves the right to propose alternative constructions to those advanced by Defendants. Plaintiff further reserves the right to amend and supplement this response to reflect any and all constructions in a claim construction order by the Court or other alternative positions taken by the parties.

Dated: August 28, 2023

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**ATTORNEYS FOR PLAINTIFF
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Exhibit 1

Limitations of '395 Patent	Support by the written description of '395 Patent
a mobile device having at least one video camera configured for mounting ...driver of the vehicle;	The 360-degree camera 12 is preferably high definition and designed for mounting on the dash of a vehicle so that it can capture unobstructed video images of a user seated in the driver's seat as well as the front passenger seat of the vehicle. <i>See</i> '395 Patent col. 2, lines 10-25.
the mobile device executing ... notify the at least one identified lawyer for assistance	The user may initiate a Mobile Lawyer Consultation Session and live-stream video capture by the camera(s) by sending a request via the Mobile Lawyer App 22 on his/her mobile device 24. Once the request to live-stream video is received at the server 16, an alert notification is sent to one or more lawyers licensed in the same jurisdiction as the current location of the user. The alert notification may be in the form of a call, text message, email, and another form of message transmitted to and presented on a computing device 26, such as a mobile phone, tablet computer, and laptop computer that is equipped with a video camera. The first lawyer who responds first to handle the consultation session can immediately view the live-streamed video information on a computing device. <i>See</i> '395 Patent col. 3, lines 10-40.
the display screen ... the at least one identified lawyer and the at least one passenger.	The licensed attorney can have a 360-degree view of the scene by accessing the live streamed video from the video camera. Video data from additional camera angles from above and other vehicle-mounted cameras are also live-streamed to the lawyer's computing device. The live streamed video is, at the same time, stored in the cloud data storage 18. By the time the police officer steps up to the driver's side window, the display screen 20 shows the attorney's face and identification, and the video camera is capturing and live streaming video data. <i>See</i> '395 Patent col. 4, lines 5-60.

Exhibit 2

Limitations of '861 Patent	Support by the written description of '861 Patent
a mobile device executing a mobile application ... (claim 1)	A user may download and install the Mobile Lawyer App 22 onto his mobile phone 24 or another mobile device, such as a wearable device, for example. The video camera 12 and display screen 20 may directly communicate wireless to the server 16 and database 18 via the Internet/cellular network or via the mobile device 24. <i>See</i> '861 Patent col. 3, lines 5-30.
the remote server configured to ... [a] automatically search a plurality ... [b] automatically identify at least one lawyer ... [c] automatically transmit at least one notification ... [d] receive an acceptance of legal representation ... [e] automatically and immediately set up a video communication session (claim 1)	The user may initiate a Mobile Lawyer Consultation Session and live-stream video capture by the camera(s) by sending a request via the Mobile Lawyer App 22 on his/her mobile device 24. Once the request to live-stream video is received at the server 16, an alert notification is sent to one or more lawyers licensed in the same jurisdiction as the current location of the user. The alert notification may be in the form of a call, text message, email, and another form of message transmitted to and presented on a computing device 26, such as a mobile phone, tablet computer, and laptop computer that is equipped with a video camera. The first lawyer who responds first to handle the consultation session can immediately view the live-streamed video information on a computing device. <i>See</i> '861 Patent col. 3, lines 45-65.
automatically and immediately initiating capture of images ... automatically storing the captured video data of the user and the at least one remote lawyer in the remote server for encrypted storage (claim 6)	The user may initiate a Mobile Lawyer Consultation Session and live-stream video capture by the camera(s) by sending a request via the Mobile Lawyer App 22 on his/her mobile device 24. ...As soon as a lawyer is assigned to handle the consultation session, his/her image as captured by his/her computing device 26 (transmitted via the cloud 14) along with his/her name is displayed on the dash-mounted monitor 20 in the user's vehicle. <i>See</i> '861 Patent col. 3, col. 4, lines 1-30. All of the captured live-stream video data (including audio) are transmitted (using cellular/Internet connectivity of the mobile device, the camera, or the vehicle) via a global computer network (Internet) and/or cellular mobile telephone network 14 to a remote server 16 and stored in a database 18,

	preferably encrypted to ensure privacy. <i>See</i> '861 Patent col. 3, lines 5-30.
automatically determining a location of the user comprises accessing a GPS location of the user, and determining a street address location from the GPS location (claim 10)	The Mobile Lawyer App 22 has GPS and mapping capabilities, or alternatively has access to these functions of the mobile phone, so that it may be able to pinpoint the location of the user and relay this information to the server 16 so that this information may be used in selecting lawyers who may respond to the alert notification. When GPS is not available, location may be determined by triangulation of cellular towers that are in communication with the user's mobile device. <i>See</i> '861 Patent col. 4, lines 5-17.
automatically searching ... in a jurisdiction that matches the current location of the user (claim 11)	Once the request to live-stream video is received at the server 16, an alert notification is sent to one or more lawyers licensed in the same jurisdiction as the current location of the user. The alert notification may be in the form of a call, text message, email, and another form of message transmitted to and presented on a computing device 26, such as a mobile phone, tablet computer, and laptop computer that is equipped with a video camera. The first lawyer who responds first to handle the consultation session can immediately view the live-streamed video information on a computing device. <i>See</i> '861 Patent col. 3, lines 45-65.
a mobile device executing a mobile application ... for viewing by the remote lawyer and for storage in the remote database (claim 15)	<i>See</i> the written description support of claim 1, 6, and 10.

Exhibit 3

Limitations of '862 Patent	Support by the written description of '862 Patent
a mobile device executing ... device to the remote server ... (claim 1)	The user may click a button, use a verbal command, or turn on the 360-degree camera to initiate the consultation session. The video camera begins to capture video images inside and outside the vehicle and transmits the captured images in real-time to the remote server and database for storage, as shown in blocks 34 and 36. A determination is made as to the location of the user/vehicle, such as the city and state, as shown in block 38. In response to the location of the user (i.e., jurisdiction), and possibly other criteria (e.g., ranking or rating of lawyers), one or more lawyers are selected and alerts are transmitted to their respective computing devices. <i>See</i> '862 Patent col. 4, lines 15-45.
the remote server being configured to [a] automatically search ... [b] automatically identify ... [c] automatically transmit ... [d] receive an acceptance ... and [e] automatically and immediately set up ... (claim 1)	<i>See</i> the limitations in '395 Patent and '861 Patent incorporated by reference. The user pulls the car to the side of the road, and upon stopping the car completely, immediately clicks on the Mobile Lawyer App icon displayed on the screen of his mobile phone to execute the app ... The live streamed video is, at the same time, stored in the cloud data storage 18. <i>See</i> '862 Patent col. 4, lines 42-67.
automatically and immediately enable the at least one display screen ... (claim 1)	The first lawyer who responds first to handle the consultation session can immediately view the live-streamed video information on a computing device. <i>See</i> '862 Patent col. 3, lines 45-67.
automatically and immediately enable ... (claim 1)	The video camera begins to capture video images inside and outside the vehicle and transmits the captured images in real-time to the remote server and database for storage, as shown in blocks 34 and 36. <i>See</i> '862 Patent col. 4, lines 15-45.
Each of the ten "automatically" steps of claim 6	<i>See</i> the limitations in '395 Patent and '861 Patent incorporated by reference. The user pulls the car to the side of the road, and upon stopping the car completely, immediately clicks on the Mobile Lawyer App icon displayed on the screen of his mobile phone to execute the app ... The live streamed video is, at the same time, stored in the cloud data storage 18. <i>See</i> '862 Patent col. 4, lines 42-67.

automatically determining a location of the user comprises ... (claim 10)	The user may initiate a Mobile Lawyer Consultation Session and live-stream video capture by the camera(s) by sending a request via the Mobile Lawyer App 22 on his/her mobile device 24. Once the request to live-stream video is received at the server 16, an alert notification is sent to one or more lawyers licensed in the same jurisdiction as the current location of the user. See '862 Patent col. 3, lines 45-65.
automatically searching, by the remote server, ... (claim 11)	The user may initiate a Mobile Lawyer Consultation Session and live-stream video capture by the camera(s) by sending a request via the Mobile Lawyer App 22 on his/her mobile device 24. Once the request to live-stream video is received at the server 16, an alert notification is sent to one or more lawyers licensed in the same jurisdiction as the current location of the user. See '862 Patent col. 3, lines 45-65.
a computing device having a display screen ... being consistent with the user's current location (claim 15)	The user pulls the car to the side of the road, and upon stopping the car completely, immediately clicks on the Mobile Lawyer App icon displayed on the screen of his mobile phone to execute the app ... The live streamed video is, at the same time, stored in the cloud data storage 18. See '862 Patent col. 4, lines 42-67.
the remote server being configured to [a] automatically search ..., [b] automatically identify ..., [c] automatically transmit ...; the display screen configured to automatically display ... and for storage in the database (claim 15)	See the limitations in '395 Patent and '861 Patent incorporated by reference. The user pulls the car to the side of the road, and upon stopping the car completely, immediately clicks on the Mobile Lawyer App icon displayed on the screen of his mobile phone to execute the app ... The live streamed video is, at the same time, stored in the cloud data storage 18. See '862 Patent col. 4, lines 42-67.
the mobile lawyer method of claim 15, ... filter criteria specified by the user.	See the limitations in '395 Patent and '861 Patent incorporated by reference. The user pulls the car to the side of the road, and upon stopping the car completely, immediately clicks on the Mobile Lawyer App icon displayed on the screen of his mobile phone to execute the app ... The live streamed video is, at the same time, stored in the cloud data storage 18. See '862 Patent col. 4, lines 42-67.