

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

URNSIGNL, INC. ANDURNSIGNL FOUNDATION,

Petitioners,

v.

REDMON JEANG LLC,

Patent Owner.

CASE No. IPR2024-00104

U.S. Patent No. 11,494,862

DECLARATION OF MICHAEL IAN SHAMOS, PH.D., J.D.

I, Michael Ian Shamos, declare as follows:

I. INTRODUCTION

1. I have been retained by Barnes & Thornburg LLP on behalf of Petitioners TurnSignl, Inc. and TurnSignl Foundation to provide my opinion concerning the validity of claims 1, 6, 7, 10, 11, 15, and 20 (“Challenged Claims”) of U.S. Patent No. 11,494,862 (“’862 Patent,” Ex. 1001) in support of Petitioners’ Petition for *Inter Partes* Review of the ’862 Patent. (the “Petition,” Paper 1).

2. I have been retained as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. Although I am being compensated at my rate of \$625.00 per hour for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding, any of the parties, or the subject patent.

3. A detailed description of my professional qualifications, including a listing of my specialties/expertise and professional activities and publications, is contained in my curriculum vitae, a copy of which is provided as Ex. 1003. Below is a short summary of my professional qualifications.

II. QUALIFICATIONS

4. I received an A.B. (1968) from Princeton University in Physics; a M.A. (1970) from Vassar College in Physics; a M.S. (1972) from American University in Technology of Management, a field that covers quantitative tools used in managing

organizations, such as statistics, operations research and cost-benefit analysis; a M.S. (1973), and M.Phil. (1974) and a Ph.D. (1974) from Yale University in Computer Science; and a J.D. (1981) from Duquesne University.

5. I currently hold the title of Distinguished Career Professor in the School of Computer Science at Carnegie Mellon University in Pittsburgh, Pennsylvania. I am a member of two departments in that School, the Software and Societal Systems Department and the Language Technologies Institute. I was a founder and Co-Director of the Institute for eCommerce at Carnegie Mellon from 1998-2004 and from 2004-2018 was Director of the eBusiness Technology graduate program in the Carnegie Mellon University School of Computer Science. Since 2018, I have been Director of the M.S. in Artificial Intelligence and Innovation degree program at Carnegie Mellon.

6. I have taught graduate courses at Carnegie Mellon in Electronic Commerce, including eCommerce Technology, Electronic Payment Systems, Electronic Voting, Internet of Things, Electronic Payment Systems and eCommerce Law and Regulation, as well as Analysis of Algorithms. Since 2007 I have taught an annual course in Law of Computer Technology. I currently also teach Artificial Intelligence and Future Markets.

7. I am the author and lecturer in a 24-hour video course on Internet protocols and have taught computer networking, wireless communication, and

Internet architecture since 1999.

8. From 2001-2021, I was a Visiting Professor at the University of Hong Kong, where I teach an annual course in Electronic Payment Systems. This is one of only a handful of graduate courses taught on this subject in the world.

9. From 1979-1987, I was the founder and president of two computer software development companies in Pittsburgh, Pennsylvania, Unilogic, Ltd. and Lexeme Corporation.

10. I am an attorney admitted to practice in Pennsylvania and have been admitted to the Bar of the U.S. Patent and Trademark Office since 1981. I have been asked to render opinions in this Declaration as a technical expert. I have not been asked to offer any opinions on patent law in this proceeding.

11. I am a named co-inventor on the following six issued patents relating to electronic commerce: U.S. Patent Nos. 7,330,839, 7,421,278, 7,747,465, 8,195,197, 8,280,773, and 9,456,299.

12. I have previously served as an expert in over 370 cases concerning computer technology. In particular, I have been involved in multiple cases involving mobile devices and delivery of video content over the Internet.

13. I am aware of contemporaneous litigation involving the parties in a case styled *Redmon Jeang IP, LLC v. TurnSignl, Inc and TurnSignl Foundation*, 0:22-cv-02749-NEB-LIB (D. Minn.) (the “Litigation”).

14. This IPR involves the '862 patent. The '862 Patent is a member of a family that includes U.S. Patent 11,443,395 (Ex. 1004, the "'395 Patent") and 11,494,861 (Ex. 1005, the "'861 Patent"). The '862 Patent is a continuation of the '861 Patent; the '861 Patent is a CIP of the '395 Patent. IPR petitions have been concurrently filed on this day challenging these other two patents. I am providing supporting declarations in all three IPR proceedings.

III. LEGAL PRINCIPLES

15. I understand that a claim is unpatentable for obviousness under 35 U.S.C. § 103 "if the differences between the subject matter sought to be patented 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." Obviousness may be based upon a combination of references. Obviousness may also be based on a single reference combined with the knowledge of a person of ordinary skill in the art ("POSITA") at the time the filing of the application that led to patent.

16. For a claim to be obvious in view of a combination of known elements, there must be some apparent reason to combine the known elements in the fashion of the claim at issue by considering the teachings of prior art references, the effects of demands known to people working in the field or present in the marketplace, and the background knowledge possessed by a POSITA. Identifying a reason the

elements should be combined is important because inventions in many instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, was already known. The prior art references themselves may provide a suggestion, motivation, or reason to combine, but the nexus linking two or more prior art references is sometimes simple common sense.

17. An obviousness inquiry requires consideration of the following factors: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) any objective indicia of non-obviousness, referred to as “secondary considerations.”

18. Such secondary considerations include: (a) commercial success of a product due to the merits of the claimed invention; (b) a long-felt, but unmet need for the invention; (c) failure of others to find the solution provided by the claimed invention; (d) deliberate copying of the invention by others; (e) unexpected results achieved by the invention; (f) praise of the invention by others skilled in the art; (g) the taking of licenses under the patent by others and (h) the patentee proceeded contrary to the accepted wisdom of the prior art. Secondary considerations are relevant where there is a connection, or nexus, between the evidence and the claimed invention. I am not aware of any such objective evidence of non-obviousness of the Challenged Claim at this time.

19. In addition, I understand that the obviousness inquiry should not be done in hindsight, but must be done using the perspective of a person of ordinary skill in the relevant art as of the effective filing date of the patent claim.

20. Obviousness may also be shown by demonstrating that it would have been obvious to modify what is taught in a single piece of prior art to create the patented invention. Obviousness may be shown by establishing that it would have been obvious to combine the teachings of more than one item of prior art. In determining whether a piece of prior art could have been combined with other prior art or with other information within the knowledge of one of ordinary skill in the art, the following are examples of approaches and rationales that may be considered:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of a known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) Applying a technique or approach that would have been “obvious to try” (i.e., choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success); (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to

one of ordinary skill in the art; or (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. I also understand this suggestion or motivation may come from such sources as explicit statements in the prior art, or from the knowledge or common sense of one of ordinary skill in the art.

21. I understand that an invention that might be considered an obvious variation or modification of the prior art may be considered non-obvious if one or more prior art references discourages or lead away from the line of inquiry disclosed in the reference(s). A reference does not “teach away” from an invention simply because the reference suggests that another embodiment of the invention is better or preferred. My understanding is that for a reference to teach away the reference must clearly indicate that the combination should not be attempted (e.g., because it would not work or explicit statement saying the combination should not be made).

22. I further understand that obviousness must be determined in light of all of the facts, and that there is no rule that if a reference teaches away then a finding of nonobviousness is mandated. I understand this to be the rule because, for example, a given course of action often has simultaneous advantages and disadvantages, and thus teaching away does not necessarily obviate motivation to combine. Thus, I understand that where the prior art contains apparently conflicting teachings (for

example, where some references teach the combination and others teach away from it) each reference must be considered for its power to suggest solutions to a POSITA considering the degree to which one reference might accurately discredit another. I am informed that the degree of teaching away depends upon the particular facts of each circumstance and that rigid rules that prevent the application of common sense are not mandated.

23. I further understand that obviousness also requires that a POSITA would have perceived that the proposed combination would have had a reasonable expectation of success. I am informed that reasonable expectation of success does not mean certainty of success. If a technique has been used to improve one device, and a person of ordinary skill at the time of invention would have recognized that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond their skill.

24. Practical and common-sense considerations should guide a proper obviousness analysis, because familiar items may have obvious uses beyond their primary purposes. A POSITA looking to overcome a problem will often be able to fit together the teachings of multiple prior art references. An obviousness analysis therefore takes into account the inferences and creative steps that a person of ordinary skill would have employed at the time of invention.

25. A proper obviousness analysis focuses on what was known or obvious to a POSITA at the time of invention, not to the patentee. Accordingly, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.

26. Prior art teachings are properly combined if one of ordinary skill, having the understanding and knowledge reflected in the prior art and motivated by the general problem facing the inventor, would have been led to make the combination of elements recited in the claims. Under this analysis, the prior art references themselves, or any need or problem known in the field of endeavor at the time of the invention, can provide a reason for combining the elements of multiple prior art references in the claimed manner.

27. I understand that in an *inter partes* review, “the petitioner shall have the burden of proving a proposition of unpatentability,” including a proposition of obviousness, “by a preponderance of the evidence.” 35 U.S.C. §316(e).

28. The statements made and opinions provided in this Declaration are based on my own personal knowledge and, if called as a witness, I could and would testify in a manner consistent with this Declaration.

29. In this Declaration, all emphasis has been added unless otherwise noted.

IV. MATERIALS REVIEWED

30. In forming my opinions, I have reviewed and am familiar with the '862 patent and its prosecution history, the materials cited herein, and the following exhibits to the Petition.

Ex. 1001	US Patent No. 11,494,862 (“’862 Patent”)
Ex. 1004	US Patent No. 11,443,395 (“’395 Patent”)
Ex. 1005	US Patent No. 11,494,861 (“’861 Patent”)
Ex. 1006	US Patent No. 11,494,862, Prosecution History
Ex. 1007	‘395 Patent’s provisional app 62364300 (“’300 Provisional”)
Ex. 1008	Smartphone History: The Timeline of a Modern Marvel
Ex. 1009	40 Fascinating Mobile App Industry Statistics
Ex. 1010	Mozilla Location Service
Ex. 1011	Skype
Ex. 1012	Apple Talk: Is FaceTime video chat Steve Jobs
Ex. 1013	Quora
Ex. 1014	When Zoom was young: the early years
Ex. 1015	Published App US 2002/0002469 to Hillstrom (“Hillstrom”)
Ex. 1016	Published App US 2011/0320370 to Henry (“Henry”)
Ex. 1017	US Patent No. 8,817,966 to Wrench (“Wrench”)
Ex. 1018	Published App US 2012/0204029 to Trabucco (“Trabucco”)
Ex. 1019	Published App US 2015/0371456 to Moore (“Moore”)
Ex. 1020	Quicklegal Comstock magazine
Ex. 1021	Teens Create ‘Five-O’ App To Help Document Police Brutality
Ex. 1022	Mobile Justice ACLU of Nebraska.
Ex. 1023	Apps Designed for Recording Police Encounters
Ex. 1024	It’s your right to film
Ex. 1025	Oh Crap
Ex. 1026	Alibi App
Ex. 1027	US 2016/0358017 to Guzik (“Guzik”)
Ex. 1028	One Touch Law
Ex. 1029	Smartphone App offers legal advice (LegalSwipe)
Ex. 1030	Were you stopped by the Police (Legal Equalizer)
Ex. 1031	Published App US 2016/0182707 to Gabel (“Gabel”)

Ex. 1032	Could This New App, Debuting at Techshow, Become the Uber of Law?
Ex. 1033	US Patent No. 11,010,810 to Pylant (“Pylant”)
Ex. 1034	Pylant Provisional App 62335405 (“’405 Provisional”)
Ex. 1035	Dkt. 61, Plaintiff’s Resp. to Defs.’ Initial Inv. Cont. and Prior Art Statement
Ex. 1036	Redline b/w ’405 provisional and Pylant
Ex. 1037	McGill Report
Ex. 1038	Dkt. 8, First Amended Complaint
Ex. 1039	Dkt. 10, Proof of Service / Returned Summons
Ex. 1040	Index of Challenged Claims
Ex. 1041	Extrinsic evidence, dictionary definition for “immediately”
Ex. 1042	Table mapping ’300 Provisional to ’395 Patent
Ex. 1043	Plaintiff’s Resp. and Objs. to Defs. First Set of Rogs
Ex. 1044	Declaration of Susan Hanrahan
Ex. 1045	Extrinsic evidence, dictionary definition for “automatically”

V. THE ’862 PATENT’S PROSECUTION HISTORY

31. I have reviewed the prosecution history of the ’862 Patent (Ex. 1006) and the ’300 Provisional (Ex. 1007), to which the ’862 Patent claims priority.

32. During the prosecution of the ’862 Patent, Applicant submitted a preliminary amendment adding claims 15-20. The Applicant later filed a terminal disclaimer. Ex. 1006 at 52. The examiner issued a Notice of Allowance on September 23, 2022 along with an Examiner’ Amendment for claims 6 and 15. Ex. 1006 at 59-68.

VI. THE CHALLENGED CLAIMS OF THE ’862 PATENT ARE NOT ENTITLED TO THE ’300 PROVISIONAL FILING DATE

33. Claims 1, 6, 7, 10, 11, 15, and 20 are challenged. Claims 1, 6 and 15 are independent. Claims 7, 10, and 11 depend ultimately from claim 6. Claim 20

depends from claim 15. It is my opinion that none of the Challenged Claims 1, 6, 7, 10, 11, 15 and 20 of the '862 Patent are entitled to the July 19, 2016 filing date of the provisional to which priority is claimed ('300 provisional, Ex. 1007) , because the provisional application lacks support for those Challenged Claims

34. I understand that, to establish entitlement to the earlier filing date of a provisional application, a party must prove that the provisional application provides adequate written description and enablement support under Section 112 for the claims of an asserted reference.

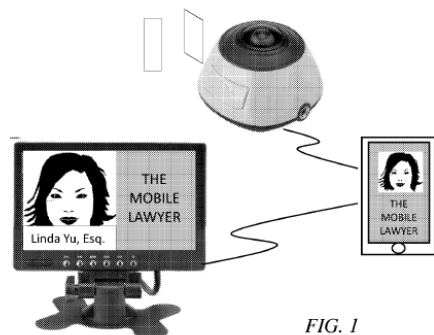
35. I understand that to establish entitlement to the earlier filing date of a provisional application, a party must prove that the provisional application provides adequate written description and enablement support under Section 112 for the claims of an asserted reference.

36. It is also my understanding that a provisional application serves as a placeholder for potentially establishing a priority date for the subject matter disclosed in its specification, drawings, and any claims.

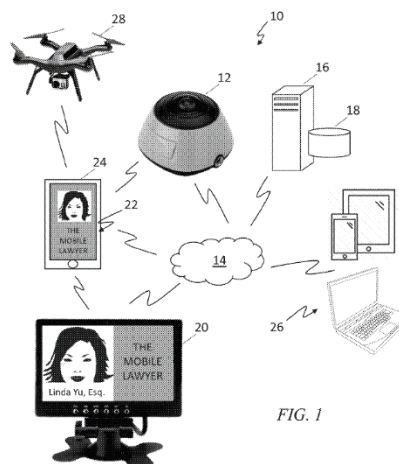
37. In reviewing the specification of the provisional application, I do not find support for the claim 1. The '300 provisional lacks support for the limitation “receive an acceptance of engagement from a selected one of the at least one computing device associated with a selected one of the identified at least one lawyer.”

38. When comparing Figs. 1 of the provisional and the '862 Patent, Patent Owner added additional elements not disclosed in the provisional.

Provisional



'862 Fig. 1



39. It is also my opinion that the '300 Provisional also lacks support for the claim 1 limitation “automatically search a plurality of information records associated with a plurality of lawyers stored in the remote database.” This limitation is not disclosed in the provisional, which furthermore does not even mention a “database.”

40. In addition to lacking support for claim 1, the '300 provisional application lacks support for claims 7 and 15 of the '862 Patent. Claims 7 and 15 recite a “video camera mounted on a drone” and other cameras in a Markush group that are not disclosed by the '300 Provisional.

41. The claim 6 limitation, “automatically searching, at the remote server, a plurality of information records associated with a plurality of lawyers stored in the remote database” find no support in the '300 Provisional, which does not disclose

any database at all, let alone a remote one having records about lawyers. Further, the claim 6 element of “encrypted storage” is not taught in the ’300 Provisional, which does not contain any mention or suggestion of encryption. Therefore, dependent claims 7, 10, and 11 also lack provisional support.

42. Claim 15 limitations “remote database,” and “remote server” are not supported in the ’300 Provisional, which does not mention any “server” or “database.” Further, there is also no support for the claim 15 limitation, “the remote server being configured to: automatically search a plurality of information records associated with a plurality of attorneys stored in the remote database.” As claim 20 depends from claim 15, there is also no support in the provisional for claim 20.

43. Therefore, no Challenged Claim is entitled to a priority date of July 19, 2016. Hence, the priority date for the Challenged Claims is no earlier than July 7, 2017, and all matter in the ’862 Patent that stems from new matter in the ’861 Patent cannot have a filing date earlier than the date filing date of the ’861 nonprovisional application, i.e., August 28, 2017.

VII. LEVEL OF SKILL IN THE ART

44. I understand that the Board will be asked to characterize a person having ordinary skill in the art (“POSITA”) at the time the purported invention was made. To make that determination, it is my understanding that the Board considers the following factors: (i) the educational level of active workers in the field, (ii) the

type of problems encountered in the art, (iii) the prior art solutions to those problems, the rapidity with which innovations are made, and (v) the sophistication of the technology in the art. It is my understanding that the importance of each factor varies from case to case.

45. The '862 Patent defines its field of invention as follows:

This disclosure relates to mobile software applications, and more particularly to a mobile legal counsel system and method, so that an attorney can be summoned quickly and virtually whenever a need arises to help defuse the situation, run interference, and provide legal advice.

Ex. 1001, 1:12-16.

46. The Specification of the '862 Patent ("Specification") asserts a need for a "calming and tempering presence that can be called upon whenever a police encounter occurs." *Id.* at 5:8-11. Further, a "Mobile Lawyer can be summoned to serve, observe, and provide legal guidance to the user in tense situations." *Id.* at 5:11-14.

47. Claim 1 of the '862 Patent is directed to a "mobile lawyer system" comprising elements including a mobile device at a location that communicates with a remote server and the remote server is configured to search a plurality of lawyers in the remote database based on the location and identify and transmit a notification to at least one lawyer. Additionally, claim 1 requires receiving acceptance of engagement from the lawyer's device and setting up video conference session

between the user subscriber and the video from the mobile device and the lawyer are then live-streamed to one another. The video can be stored in the remote database.

48. It is my opinion the ostensible “technology” of the ’862 Patent consists of no more than utilizing the capabilities of a mobile device, e.g., a cell phone, to capture, send and display streaming video, and a server to provide the identity of a lawyer within the jurisdiction of the location of the mobile phone.

49. There is no inventive step to a lawyer providing acceptance of legal representation. A client-attorney relationship is inherent and established once the attorney begins communicating with the user subscriber. A POSITA would have understood the attorney-client relationship is dynamic and considered established regardless of the remote server receiving an “acceptance of legal representation engagement.”

50. In my opinion, in order to understand the Specification and make and use the claimed invention without undue experimentation at or near the effective filing date, one of ordinary skill in the art of the ’862 Patent would have been someone with 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, attorney licensure, and Constitutional rights. For the

purposes of this IPR, I am told that Petitioner accepts the definition of a POSITA submitted by Patent Owner. *See* Ex. 1043 at 6, 7.

51. I had at least the background of such a POSITA at least as early as July 19, 2016; however for the '862 Patent, the priority date for several claims does not relate back to the '300 Provisional. I have a sufficient level of knowledge, experience, and education related to the technology and basic knowledge in the legal field to provide an opinion in the field of the '862 Patent. I am familiar with what a person of ordinary skill in the art knew in 2016 because of my lengthy experience with subjects similar to those presented in the '862 Patent. In addition, I was teaching such subjects prior to 2016.

VIII. CLAIM CONSTRUCTION

52. I understand that claim terms, in the absence of an express definition or disclaimer, are given their ordinary and customary meaning, as would have been understood by a POSITA at the time of the alleged invention.

53. In considering the meaning of the claims, however, I understand that one must consider the language of the claims in light of “the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.” 37 C.F.R. § 42.100(b).

54. I provide below my understanding of the plain and ordinary meaning to a POSITA of certain terms used in the Challenged Claim.

55. “jurisdiction.” Block 38 of Figure 2 reads, “Determine User Jurisdiction.” (Ex. 1001, Fig. 2). Referring to that figure, the specification equates “jurisdiction” (block 38) with location of the user/vehicle such as city and state. *Id.* at 3:53-54. Elsewhere, the specification also equates jurisdiction with the location of the user. 3:14-16 (notification sent to lawyers licensed in the same “jurisdiction” as the current location of the user); *id.* at 2:45-46 (lawyers licensed in various “jurisdictions”); *id.* at 5:15-17 (“[t]he lawyer selection criteria is primarily ‘jurisdictional’ due to the licensing requirements for lawyers”); *id.* 4:55-57 (discussion police officer’s action under laws of a “jurisdiction”). Taken together, a POSITA reading the specification would understand “jurisdiction” to mean “state, *i.e.*, the territorial range of a lawyer’s license,” because in the United States lawyers are licensed on a state-by-state basis.

56. “automatically.” The specification does not use the term “automatically” at all – the term appears only in the claims. Claim 1 recites that the remote server is configured to “automatically search a plurality of information records associated with a plurality of lawyers store in the remote database,” “automatically identify at least one lawyer licensed in a jurisdiction the correspond [sic] to the current location of the mobile device,” “automatically transmit at least

one notification to at least one computing device associated with the identified at least one lawyer,” ”automatically and immediately set up a video communication session between the computing device associated with the at least one lawyer and the mobile device ... and live video data of the at least one lawyer is automatically transmitted to the display screen. 6:50-7:15. A POSITA reading the Specification would understand “automatically” to mean “without manual intervention.” This is the common meaning of “automatically” in the computer art, and is confirmed by this definition from Rigdon’s “Dictionary of Computer and Internet Terms: “automatic (adj) ~ Pertaining to something that functions without external control.” Ex. 1045.

57. “immediately.” The claims and the specification use the term “immediately” to signify a temporal relationship. For example, the specification states that the first lawyer who responds to an alert notification can “immediately” view the live-streamed video information on a computing device. 3:58-61; *see also* 4:34-35 (“The captured video data is ‘immediately’ transmitted to the lawyers associated computing device.”); 4:47-50 (user “immediately clicks on Mobile Lawyer App icon”); 4:62-64 (first lawyer who responds “immediately” has access to live-streamed video and the lawyer’s image is “immediately” displayed). A POSITA reading the specification would understand “immediately” to mean “without significant delay.” I say this because in the context of a police traffic stop,

the driver needs assistance quickly, not within seconds, but also not within hours. The summoning of a lawyer needs to occur quickly enough so that the lawyer can be of material assistance during the stop. This definition is consistent with the well-understood meaning of “immediately” “2: without delay.” *See* American Heritage, at 658 (Ex. 1041).

IX. THE CHALLENGED CLAIMS

58. Petitioner challenges claims 1, 6, 7, 10, 11, 15, and 20. See Ex. 1040, Index of Challenged Claims.

59. Claim 1 of the '862 Patent recites as follows (letters in brackets added for convenience). See also Ex. 1040, Index of Challenged Claims.

1. [Pre] A mobile lawyer system comprising:
 - [a] a remote server and a remote database;
 - [b] at least one video camera;
 - [c] at least one display screen;
 - [d] a mobile device executing a mobile application in communication with the at least one video camera and the at least one display screen,
 - [e] and configured, upon a one-click command from a user of the mobile device, to automatically and immediately communicate a current location of the mobile device to the remote server,
 - [f] the remote server being configured to:
 - (i) automatically search a plurality of information records associated with a plurality of lawyers stored in the remote database;

(ii) automatically identify at least one lawyer licensed in a jurisdiction that correspond to the current location of the mobile device;

(iii) automatically transmit at least one notification to at least one computing device associated with the identified at least one lawyer;

(iv) 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;

(v) 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,

(vi) so that live video data of the user is automatically transmitted to the selected computing device associated with the selected lawyer and live video data of the selected lawyer is automatically transmitted to the at least one display screen;

[g] automatically and immediately enable the at least one display screen to stream live video data of the selected lawyer, and the at least one video camera capture and stream live video of the user and surroundings to the computing device for viewing by the selected lawyer;

[h] 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.

60. The claimed system includes (1) a conventional mobile device (e.g., a cellphone) having a camera and a display; (2) a server in communication with the mobile device to determine the location of the vehicle and to notify a lawyer in a jurisdiction of the location; and (3) a mobile application executing on the mobile

device to set up a two-way video stream communication between the mobile device and the lawyer.

61. Each of the following were conventional and well understood by a POSITA prior to July 19, 2016, the earliest possible filing date for the '862 patent.

- The mobile device and server;
- The mobile application and its functionality;
- A remote server and a remote database
- A mobile device with a video camera and a display screen;
- Mobile devices able to execute mobile applications;
- Mobile devices automatically and immediately communicating their current location to a remote server, which is the purpose of GPS sensors on a mobile device; and
- Mobile devices and/or remote servers converting the GPS latitude and longitude to a street address, as done for example by Google Maps or Safari.

62. A POSITA would also have understood that, as of July 19, 2016, a remote server could automatically search a plurality of information records associated with a plurality of lawyers stored in a remote database, as evidenced by numerous prior art references discussed below. A POSITA would have understood by this date that lawyers were licensed in a particular jurisdiction (*i.e.*, state), as

evidenced by numerous prior art references discussed below, and that notifications to a lawyer's or others' computing device could be automatically transmitted from a user's mobile device and/or from a server. A POSITA would have also understood that in electronic systems, a lawyer could accept legal representation electronically by, for example, responding to a notification from a user in connection with a request. That is part and parcel of establishing an attorney-client relationship.

63. A POSITA would have also known before July 19, 2016 that an attorney and a client could engage in a bi-directional video communication session (e.g., via Zoom or FaceTime), that recordings of such sessions could be encrypted, and stored remotely in database and/or on servers to help alleviate memory limitations on a user's personal device.

64. Independent claim 6 of the '862 Patent recites as follows (letters in brackets added for convenience). *See* also Ex. 1040, Index of Challenged Claims.

6. A mobile lawyer method comprising:

- [a] receiving a live consultation request from a user's mobile device;
- [b] 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;
- [c] automatically and immediately determining a current location of the mobile device;
- [d] automatically and immediately transmitting the current location of the mobile device to the remote server;

- [e] automatically searching, at the remote server, a plurality of information records associated with a plurality of lawyers stored in the remote database;
- [f] automatically identifying, at the remote server, at least one lawyer licensed in a jurisdiction that correspond to the current location of the mobile device;
- [g] automatically transmitting, by the remote server, at least one notification to at least one computing device associated with the identified at least one lawyer;
- [h] automatically receiving live-streaming video data of an identified remote lawyer licensed to practice law in a jurisdiction associated with the current location of the mobile device;
- [i] automatically live-streaming captured video images of the user to the at least one remote lawyer via the remote server;
- [j] automatically displaying the live-streaming video data of the identified at least one remote lawyer on a display monitor viewable by the user; and
- [k] 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.

65. As discussed above, a POSITA would have known that these claim elements were disclosed to the public on or before July 19, 2016, including:

- Mobile devices, servers, and databases, as well as the claimed functions;
- Storing encrypted live-streamed images on a remote server;

- That a mobile device could automatically and immediately determined its location via GPS, and automatically and immediately transmit that location to a remote server, as is done, for example, in Google Maps; and
- A POSITA would also have understood as of this date that a user could make a request using a touch screen, including by doing a single click on the touch screen of a mobile device.

X. BACKGROUND OF THE PRIOR ART AT THE TIME OF THE INVENTION

66. In this section, I discuss the state of the art prior to the alleged invention with respect to certain technologies relevant to the subject matter of the '862 Patent. The effective filing date of the claims is no earlier than the '395 Patent's nonprovisonal filing date because the '862 Patent is continuation of the '861 Patent which is a CIP of the parent '395 Patent, and therefore contains new matter not disclosed in the '395 Patent. Thus, the earliest possible priority date for the Challenged Claims is the actual '862 filing date of July 7, 2017. Regardless, however, it is my opinion that all Challenged Claims would be invalid even if they were deemed entitled to the provisional date. To that end, all materials use to support my background of the technology in this section (and thus the knowledge of a POSITA) were available prior to July 19, 2016 (the parent '300 Provisional date).

67. Fundamentally, the Challenged Claims are drawn to a system and

method of use of a mobile application on a mobile device, *e.g.*, a standard cell phone, that can be installed to facilitate video communication with an attorney chosen based on location through a standard remote server. Such systems were in public use prior to the effective filing date. Further, the '862 Patent does not propose or require any hardware modifications to the cellphone or the server. All of the functions recited in the Challenged Claims are accomplished through conventional software.

A. Mobile Devices

68. The historical development of mobile devices and their capabilities is described in “Smartphone History: The Timeline of a Modern Marvel”¹ (“Smartphone History”). The following events are relevant. Cellphones were invented in 1972 and became smartphones (with computer processors) in 1992. The first camera phone came out in 2000 and cellphone were able to access the Internet in 2001. The Apple iPhone was released in 2007 and Android phone appeared in 2008. *Id.* at fn.1.

B. Mobile Applications

69. The Smartphone History article states that the earliest smartphone apps became available in 1994. Their popularity was enormous by 2016, when 140 billion

¹ Available at <https://blog.textedly.com/smartphone-history-when-were-smartphones-invented> (Ex. 1008).

app downloads were made just in the United States.² The number jumped to 175 billion in 2017. Because of the ubiquity and power of cellphones, cellphone cameras and geolocation (described below), it was not invention to implement a conventional process (e.g., locating and contacting an attorney) on a cellphone in 2016.

C. Geolocation

70. Cellphones were able to perform geolocation even before GPS receivers became available in 1999, and is still available for phones that do not have GPS. The location of a phone can be determined from the identity of nearby cell towers and Wi-Fi access points. As early as 2014, the Mozilla Foundation offered a location service API that used Bluetooth beacons as well as Wi-Fi and cell towers to locate cellphones.³

71. Every Apple iPhone since 2008 has had GPS capability, and many of the apps discussed below make use of GPS to locate a nearby lawyer.

72. Thus, by the beginning of 2016, geolocation from cellphones/mobile devices was conventional.

² See “40 Fascinating Mobile App Industry Statistics,” available at <https://www.zippia.com/advice/mobile-app-industry-statistics/> (Ex. 1009)

³ See, e.g., <https://location.services.mozilla.com/> (Ex. 1010)

D. Bi-directional Video

73. Skype was introduced in 2003, had 50 million users by 2005 and 600 million in 2010. It permitted voice, video and instant messaging over the Internet.⁴

74. It did not take long after the introduction of the iPhone in 2007 for apps to be offered allowing video conversations to take place. On June 7, 2010, Steve Jobs announced the bi-directional video FaceTime app for the iPhone.⁵ By 2012 it was publicly suggested to use FaceTime to contact a lawyer during a traffic stop. *See, e.g.*, “Can I put my lawyer on FaceTime on my phone during a traffic stop?” on Quora, April 12, 2015.⁶

75. Zoom, then called Saasbee, was available for video conversations over the Internet by 2012.⁷ Zoom conferences are mediated by a remote server. Zoom

⁴ See, e.g., “Skype” at <https://www.britannica.com/technology/Skype> (Ex. 1011)

⁵ See, e.g., “Apple Talk: Is FaceTime video chat Steve Jobs’s latest clever call?” on ZDNet, July 30, 2010, available at <https://www.zdnet.com/article/apple-talk-is-facetime-video-chat-steve-jobss-latest-clever-call/> (Ex. 1012)

⁶ Available at <https://www.quora.com/Can-I-put-my-lawyer-on-facetime-on-my-phone-during-a-traffic-stop/log> (Ex. 1013)

⁷ “When Zoom was young: the early years,” available at <https://vator.tv/news/2020-03-26-when-zoom-was-young-the-early-years> (Ex. 1014)

also provides a “record” function that will cause a record of the conference to be stored on a remote server.

76. It was not inventive in 2016 to use a cellphone for video calls.

E. Lawyer Directories

77. It is my understanding that in nearly all 50 states, an attorney must be licensed to practice law, and their practice is confined to the state or states in which they are licensed.⁸ It is my opinion that it is not inventive to inform a user of the attorneys licensed in the jurisdiction in which they have been detained or apprehended because only such attorneys are eligible to represent the user in such jurisdiction. Conforming to a requirement of the law is not an inventive step.

78. As show in more detail below, multiple mobile phone apps provided access to location-based databases of attorneys to enable a user to contact a nearby

⁸ I understand there are exceptions, e.g., in-house counsel and, for example, in Wisconsin, if a person graduates from a law school in Wisconsin, they are not required to take the Wisconsin bar exam, but they may be licensed to practice in the state due to graduating from a law school in the state. Lawyers can also apply for temporary permission to practice in another state or jurisdiction via the *pro hac vice* process. Nevertheless, such people would not be eligible to represent a member of the public detailed at a traffic stop.

lawyer during a vehicle incident.

F. Contacting and Engaging an Attorney

79. It has long been known that a person in legal peril may desire to contact an attorney. Further, a person who has been arrested is asked as a matter of course whether they want to contact an attorney.

80. Numerous prior art references disclose systems that allow a person in legal jeopardy to record police encounters and obtain representation in real-time, as detailed below. Several of the references below, as explained in each case, cause an attorney to be engaged automatically to represent a person involved in a police encounter. For there to be a legal representation engagement, the lawyer must accept a client's request. Such acceptance can take many forms (*e.g.*, oral, electronic, paper, etc.), all of which were known prior to July 19, 2016. In the case of electronic acceptance, a POSITA would have understood that such communication could be received from a computing device associated with the lawyer.

G. Servers, Databases, and Communications with Them

81. Servers, databases, and communications between mobile devices and servers and databases were well-known by the beginning of 2016. Servers and databases are common, generic structures that have been known almost since computing began. As discussed and demonstrated below, it was also understood well before the beginning of 2016 that servers could be configured to perform tasks, such

as interfacing with, for example, GPS coordinate systems to determine the location of a mobile device or vehicle, identifying records (such as a list of lawyers associated with a particular location (*i.e.*, jurisdiction / state), and sending messages (*e.g.*, notifying) to other servers/computers. Such communications were routine at the beginning of 2016 and had been routine for decades previous.

82. It was also well known that databases were common structures that stored data, such as video records, lawyer records, and that such records could be encrypted.

H. Hillstrom (Ex. 1015)

83. On June 19, 2001, Hillstrom filed an application that was published on January 3, 2002 as U.S. Patent Application Publication 2002/0002469 entitled “System and Method for Hiring Lawyers and Managing the Process Entailed in the Pursuit of Clients’ Legal Claims” (“Hillstrom”). It discloses a system including a database for **matching lawyers and clients based on geographic location** [0034] and qualifications of the lawyers [0025]. Users may access the system via **mobile device** [0030]. Hillstrom also discloses exchanging the forms necessary to **create a legal engagement** [0041]. Hillstrom does not expressly disclose using the system during a police encounter, but it would have been obvious to a POSITA to use Hillstrom’s system for a police encounter.

84. Police encounters were not invented in 2016. Police encounters have

been occurring well before the '395 Patent was filed. A bystander used a standalone camera to record the beating of Rodney King in 1991 during his LAPD arrest after a high speed pursuit. This event and others showed the power of recording police encounters, which a POSITA would have understood at this time

I. Henry (Ex. 1016)

85. On June 23, 2010, Henry, Jr. filed a provisional application that was filed as a regular application on June 22, 2011 and was published on December 29, 2011 as U.S. Patent Application Publication 2011/0320370 entitled "System and Method for Providing Remote Representation" ("Henry"). It discloses two-way real-time audio and video communication between a driver and a lawyer during an incident:

The embodiments of the present invention provide novel systems and methods for providing on call real-time remote legal services by utilizing wireless audio and video components that also allow for two-way communication. The embodiments enable an individual to have **access to legal representation and consult with legal counsel at the time an incident occurs.**

Henry, Abstract.

86. Henry discloses that the lawyer may observe happenings at the incident:

87. An individual may also not know how to respond to inquiries or know what his/her or their legal rights are. Further, it is not uncommon for an individual to become unusually uncomfortable or nervous when contacted by law enforcement

or involved in an incident that may give rise to the involvement of law enforcement. Therefore, embodiments of the present invention provide novel systems and methods for providing legal services at the time of an incident such that **the incident itself may at least in part be observed by legal counsel** rather than relying on accounts of the incident after the fact.

Henry, [0004].

88. A user involved in an incident may initiate contact with a lawyer by simply pressing a button:

The method 100, begins with a client 102 having contact with law enforcement 101. The client 102, then presses a button 103 (YES, 1a) or other indicator 102a located on an electronic device to enable audio access and video recording 104 and transmission of the same to a company or other entity 105. In an alternative embodiment the service may be initiated by other means including but not limited to voice commands. In another alternative embodiment, the service may be initiated by remote means for example by key remote buttons or key fobs. In such an embodiment, a client stopped outside of vehicle or having an incident occurring outside a vehicle may activate the system remotely.

Henry, [0020].

89. The logic flow of Henry's system is depicted in it Fig. 1:

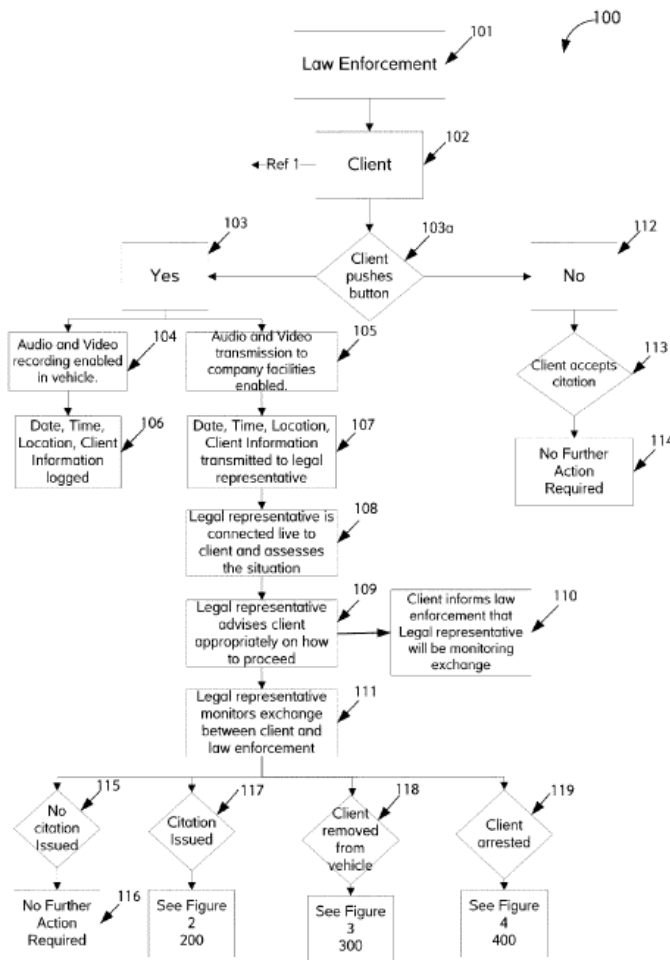


FIG. 1

90. The decision which lawyer will be contacted is based on the user's location:

The company or other entity may be the actual legal representative or an intermediary that provides access to legal services. The time, date and location are logged 106 and transmitted 107 to the company or other entity. A legal representative is connected live, if that format is operable, and is then able to assess the situation 108 and advise the client appropriately on how to proceed 109. In this instance the legal representative essentially provides on call services. The legal

representative is connected live and observes via audio and video the interaction between the client and the law enforcement in real-time, meaning as it is happening. If the legal representative is connected live, the client will have previously entered into a contract for legal services so that all available protections are available.

Henry, [0021].

91. The system has the ability to store the video interaction:

FIG. 5 is a block diagram of an exemplary method 500 for accessing wireless real time legal assistance for an automobile accident via video and audio equipment in accordance with an embodiment of the present invention. After an accident between a client 501 and another party 502 occurs, the client 501 pushes button or other otherwise activates the wireless system 503. Once the system is activated, audio and video recording and transmission are enabled 506. The time, date and location are logged 505 and are transmitted to the company 507. The legal representative is connected live in real-time and assesses the situation 508. The legal representative may then advise the client appropriately on how to proceed 509.

Henry, [0027].

In an alternate embodiment, the wireless system is constantly on and activated such that all activity is constantly being monitored. In such an alternate embodiment, the **system may contain a memory means to store the data obtained** as opposed to requiring constant live monitoring. In this "constant on" embodiment, the client optionally transitions to real-time monitoring after the occurrence of an accident.

Henry, [0028].

92. Henry discloses that the audio/video device may be a mobile phone:

In another embodiment, a **mobile phone or smart phone with video chat ability** may be implemented in this method. When implemented using such a device, legal services could be provided even when the user is located away from the vehicle.

Henry, [0039].

J. Wrench (Ex. 1017)

93. On July 8, 2010, Wrench filed a provisional application that was the basis of a regular application filed July 8, 2011 that was published on July 12, 2012 as U.S. Patent Application Publication 2012/0176466 entitled “Method of Collecting and Employing Information About Parties to a Televideo Conference” that ultimately issued as U.S. Patent 8,817,966 on August 26, 2014 (“Wrench”). It discloses a system that is able to match a user to an attorney for video communication. It first discusses the then-current state of the art:

Current state of the art in video conferencing, scheduling and invitation of parties to the call, rests upon the already existing familiarity of the parties of the call with each other, to one degree or another. **For instance, a lawyer and his client may wish to conduct a video teleconference of their meeting.** Or, a company may seek to have people on a video conference call together who do not actually know each other, but their names are known, or the departments in which they work, and the function that they will play in the meeting, are known in advance.

Wrench, 1:26-36.

94. Wrench discloses that videoconferencing may take place using a cellphone:

Software exists to allow an individual to turn a basic computer station, cell phones and other smart devices into video terminals, which can process video signals. This invention does not reside in the software controlling the signal or control of a device as an input point for video communication.

Wrench, 1:39-43.

The invention makes it possible to connect individuals who may or may not have been known to each other previously, and who may be routed to each other based on being **good fits to collaborate in the stated business** or social setting or other reason for dealing with another person in a video conference meeting.

Wrench, 1:48-53.

95. Wrench goes on to describe the invention as able to match users with attorneys:

Using the legal consulting example above, a Profile Template would customize the system so that information about an attorney's credentials and areas of specialization would be collected by the system as personal characteristics.

Wrench, 4:28-31.

Another application of the invention would be in the area of legal consultation via video conference. Individuals needing legal help could

be routed to attorneys who have matching professional expertise and other characteristics.

Wrench, 15:6-9.

K. Trabucco (Ex. 1018)

96. On February 4, 2011, Trabucco filed an application that was published on August 9, 2012 as U.S. Patent Application Publication 2012/0204029 entitled “Method and System for Conducting an Attorney Client Privileged Conference with the Lawyer at an Independent Location” (“Trabucco”). While Trabucco is designed to be provide attorney-client privacy for an incarcerated person, it could also be employed within a user’s vehicle. It discloses linking to a server to establish a secure link between user and client:

In one embodiment the present invention relates to a method for conducting a confidential privileged video conference at a selected time between an incarcerated inmate at a specific video conference terminal at the incarceration location and the inmate’s attorney located at a computer at an independent location comprising:

- a) establishing a server to securely link the conference terminal and the computer over a communication network;
- b) verifying the lawyer’s status and identity;
- c) verifying the inmate is the attorney’s client;
- d) assigning an identity code for the attorney to sign into the server using the computer over the communication network;
- e) establishing one or more people responsible to bring the inmate to the conference terminal at the selected time;

- f) the attorney signing into the server while the inmate is brought to the terminal by the one or more people at the selected time;
- g) the **server** establishing **an encrypted link** between the terminal and the computer at the selected time; and
- h) the attorney and inmate conducting a confidential video conference.

Trabucco, [0010]-[0018].

97. Trabucco discloses at [0063]:

In FIG. 6 there is a diagram of the relationship of the verification service that allows only the inmate's attorney to **participate** in the video conference. While the system will accommodate multiple attorneys, jails, and clients, for simplicity, one lawyer and jail is depicted. The verification service is designed to make sure that an attorney accessing the system of the present invention is licensed and supposed to be representing a specific given inmate or not. The attorney 61 provides proof that the attorney is licensed. Such as bar info, ID's, and the like, including letters of good standing and also provides a list of one or more clients that the attorney will be using the system with, along with proof that they are clients such as engagement agreements or the like which is reviewed and accepted or not by the verification service 60. The verification service then adds the name and information of the verified attorney to the verified attorney database 64 for reference by the server. Either the verification service or the server can then assign the pass codes or ID's for signing onto the system and keeping the conference

confidential and allowing the attorney 61 to set up conferences. Likewise, the jail 62 provides the verification service information of their inmates that match with verified attorneys, as well as the schedule that the jail is willing to make inmates available to their attorneys.

98. That is, Trabucco discloses automatically matching a client with an attorney authorized to represent the client. While Trabucco is directed to representation of incarcerated inmates, it would have been obvious to match verified attorneys with clients similarly in a traffic stop situation.

L. Moore (Ex. 1019)

99. On June 24, 2014, Moore, Jr. et al. filed an application that was published on December 24, 2015 as U.S. Patent Application Publication 2015/0371456, entitled “System and Method for Detecting and Remotely Assisting Vehicle Incidents and Dispatching Assistance” (“Moore”). It discloses a system for obtaining assistance at a road incident and making a video recording of the incident:

A system and method for detecting and remotely assessing a vehicle incident and dispatching assistance to a motorist. The system includes an in-car device for detecting vehicular incidents such as mechanical failures and collisions. The system transmits an incident notification to a remote monitoring station. A camera associated with the device transmits images to the station, where an operator can view and assess the nature of the incident, communicate by voice and/or video with the

occupant of the vehicle via a cellular telephone connection, and dispatch assistance.

Moore, Abstract.

100. It discloses positioning a camera in the vehicle:

Camera 20 or 20a is positioned so that its field of view includes at least the driver's seat area, and preferably the passenger seats as well. Camera 20 or 20a is preferably movable so that it can be panned, as indicated in FIG. 3, and may be equipped with a zoom lens. For privacy reasons, camera 20 and microphone 16 are preferably normally disabled, and are enabled only in the event of an incident as described below.

...

The forward-facing camera is preferably always active and enabled, and images or video provided by the camera are stored, in memory in in-car device 10 and/or at remote server 14. Preferably, the most recent thirty seconds or so of images or video are stored, which may be valuable in reviewing events leading up to a crash or other vehicle incident.

Moore, [0016].

101. Moore also discloses transmitting the location of the vehicle via GPS to a server:

If in-vehicle device 10 detects that vehicle 12 has broken down and is inoperable, device 10 sends a signal to server 14 indicating the nature of the mechanical problem and the **location of vehicle 12 as determined by GPS data**. A customer service agent using terminal 24

connected to server 14 can initiate Voice communication with the customer utilizing built-in or linked peripherals associated with device 10, and then dispatches a mechanic, towing service and/or a replacement vehicle to the customer's location.

Moore, [0021].

M. Quicklegal (Ex. 1020)

102. At least as early as July 21, 2014, Quicklegal, Inc. made a cellphone app available called Quicklegal that enabled a user to contact an attorney for legal assistance based on location. It was described in an article in Comstock's Magazine on June 6, 2016⁹ as follows:

In 2014, Bluford created Quicklegal, a cloud-based legal practice management system, where lawyers can offer on-demand advice to customers with legal questions.

...

The app allows customers to select a legal specialty. It also connects them with an attorney near them, which is crucial because certain laws vary from state to state. "Some state laws prohibit the way an attorney can interact," he says. "We've decided to adjust our technology to meet each state's requirements."

...

⁹ Available at <https://www.comstocksmag.com/web-only/updated-quicklegal> (Ex. 1020)

Attorneys pay \$499 to be a part of the platform, which has an Uber-like review system for customers to leave feedback. After three negative reviews, an attorney can be barred from the network. As of May 2016, 1,800 attorneys have registered.

Comstock's Magazine, June 6, 2016.

103. Quicklegal automatically connected a client with an attorney. In such a scenario, the attorney, complying with their state requirements, would necessarily exchange communications with the client to establish a legal engagement.

N. Five-O (Ex. 1021)

104. The "Five-O" mobile app was described in an article in Huffpost on August 14, 2014 entitled "Teens Create 'Five-O' App To Help Document Police Brutality":¹⁰

Meet the teens who are taking on police brutality with a little digital innovation.

Inspired by the civil unrest in Ferguson, Missouri, the three high schoolers from Decatur, Georgia, built "Five-O," a mobile app that empowers citizens **"to record and store data from every encounter with law enforcement."** Those incident reports can then be shared and used by the community to rate individual officers and police departments as a whole.

¹⁰ Available at https://www.huffpost.com/entry/teens-police-brutality-app_n_5687934 (Ex. 1021)

O. ACLU Mobile Justice App (Ex. 1022)

105. A cellphone app known as Mobile Justice was developed by the American Civil Liberties Union in 2012 and distributed free at least as early as November 5, 2014. It was described in many ACLU publications and legal sources, including this from the ACLU of Nebraska¹¹:

The ACLU of Nebraska Mobile Justice smartphone app was created to empower individuals to hold Nebraska law enforcement agencies accountable for their actions.

...

It has four main features:

- Record - allows citizens to capture exchanges between police officers and themselves or other community members in audio and video files that are automatically emailed to the ACLU of Nebraska.
- Witness - gives citizens the option to alert nearby Mobile Justice App users when they are stopped by police in order to witness and document the interaction.
- Report - gives citizens the option to provide a more-detailed account of their interactions with police in an incident report, which will be transmitted directly to the ACLU of Nebraska.
- Know Your Rights - provides an overview of what rights protect Nebraskans when they are stopped by law enforcement officers.

¹¹ Available at <https://www.aclunebraska.org/en/news/mobile-justice> (Ex. 1022)

106. It was also described in an article, “Apps Designed for Recording Police Encounters,” dated November 7, 2016¹²:

Available for free from the Play store, Mobile Justice allows you to download an app that corresponds with the state you live in. Through this app you can **record a video of a police encounter and send it immediately to the American Civil Liberties Union of your state.** You can also receive notifications of other users who are witnessing an incident, or report an incident that you’re witnessing. Like the other apps mentioned, Mobile Justice reminds you of your rights as a civilian, whether you’re in a police encounter or witnessing an incident.

P. Hands Up 4 Justice App (Ex. 1024)

107. A cell phone app known as “Hand Up 4 Justice” was available at least as early as February 1, 2015. It was described in a Wired Magazine article entitled, “It’s Your Right to Film the Police. These Apps Can Help,” which as published on May 3, 2015:¹³

Duncan Kirkwood’s app, “Hands Up 4 Justice,” allows people to discreetly record interactions with police officers during traffic stops, etc. The app integrates emergency contacts and **GPS**, uploads to

¹² Available at <https://www.psaf.com/en/blog/apps-designed-recording-police-encounters/> (Ex. 1023)

¹³ Available at <https://www.wired.com/2015/05/right-film-police-apps-can-help/> (Ex. 1024)

YouTube or a **Dropbox account**, and is available for download in the iTunes store. Inspired by his own experience at a traffic stop, Kirkwood wanted to make it easier for people of color (who are disproportionately stopped by police on US highways) to record their interactions without fear of intimidation.

108. It was also described in the article, “Apps Designed for Recording Police Encounters,” dated November 7, 2016¹⁴. It states:

This app is available for \$0.99 cents from the Play store. It is designed to offer a discreet way to record any police encounters that you might have, and it also offers advice on how to behave during those encounters. Some features include: **cloud storage for videos**, setting your front or rear camera for default use, adding an emergency contact that will be informed of any recorded videos, and the ability to connect the app to a Dropbox account.

Q. Oh Crap! App (Ex. 1025)

109. An app called “Oh Crap” became available in February 2015. It was described in an article entitled “Oh Crap! App APK for Android Download,” published by apkure.com on June 27, 2016.¹⁵

Oh Crap App also features the emergency “Oh Crap!” button designed to be used during interactions with law enforcement. Oh Crap App is

¹⁴ Available at <https://www.psaf.com/en/blog/apps-designed-recording-police-encounters/> (Ex. 1023)

¹⁵ Available at <https://m.apkpure.com/oh-crap-app/ohcrap.main> (Ex. 1025)

THE original police interaction application. Click the “Oh Crap!” button and receive a few simple legal reminders, record the interaction and have a lawyer in your area a click away.

Under the Educate Me section the user will find helpful information including rights education, an informational Blood Alcohol Calculator, tips on how to avoid a DUI, and a searchable database by State. Oh Crap App is the **ONLY** resource that educates users on their legal rights across the entire nation, based upon their location at the time the app is used. The legal rights, lawyer, taxis and bondsmen listings provided by the app will differ **based upon your geographic location** at the time the app is activated as shown by your **GPS coordinates**. Every State has different laws so the goal of Oh Crap App is to provide you with the State-specific rights and **best lawyer to contact in that region** in your time of need.

WARNING: Every time the recording button is activated, **recording and uploading will** begin, this may incur data charges from your wireless provided that YOU will be solely responsible for.

110. As with Quicklegal, described above, the attorney, complying with their state requirements, would necessarily exchange communications with the client to establish a legal engagement.

R. Alibi (Ex. 1026)

111. The Alibi app was described in an article in TechRepublic on May 29, 2015 entitled “An app that passively records your life so you always have a

witness.”¹⁶ It explains:

The default setting for Alibi is to record **audio, images, and geolocation**. Most Android phones pick up a four to six foot radius, and the images are just shy of HD quality. The video is relatively low quality but captures a lot, Saleh said, and the geolocation picks up once every 15 minutes. If you keep audio recording, have it take one photo a minute, and tag your geolocation, there’s no measurable effect on battery life. But if you record video, you’ll get about 85% of the phone’s normal battery life.

Alibi launched publicly in January, and Saleh said it’s done much better than they hoped. They get a couple hundred downloads a week, and are now just shy of 10,000 total.

...

Saleh said that version 2.0 may have a Dropbox account integration, so users can save files into their directory and have the data replicated on Dropbox’s **servers for extra backup**

S. Guzik (Ex. 1027)

112. On June 5, 2015, Guzik filed an application that was published on December 8, 2016 as U.S. Patent Application Publication 2016/0358017, entitled “In-Vehicle User Interfaces for Law Enforcement” (“Guzik”). It discloses a system

¹⁶ Available at <https://www.techrepublic.com/article/an-app-that-passively-records-your-life-so-you-always-have-a-witness/> (Ex. 1026)

to be installed in a law enforcement vehicle to obtain information regarding an incident from a witness or participant in the incident. It states:

This disclosure is directed to techniques for providing in-vehicle user interfaces to a person that is contacted by a law enforcement officer. The person may be a member of the community, an eyewitness, or a suspect that is arrested by the law enforcement officer. The in-vehicle user interfaces may be presented by an in-vehicle information device. The in-vehicle information device may provide video via a display device and/or audio via an audio device to a person that is in a secure holding area (e.g., backseat, rear passenger compartment, etc.) of a law enforcement vehicle.

Guzik, [0015].

113. It discloses a structure including a camera, speakers, communication interfaces, and a display, including cloud storage of video data, as shown in its Fig. 1:

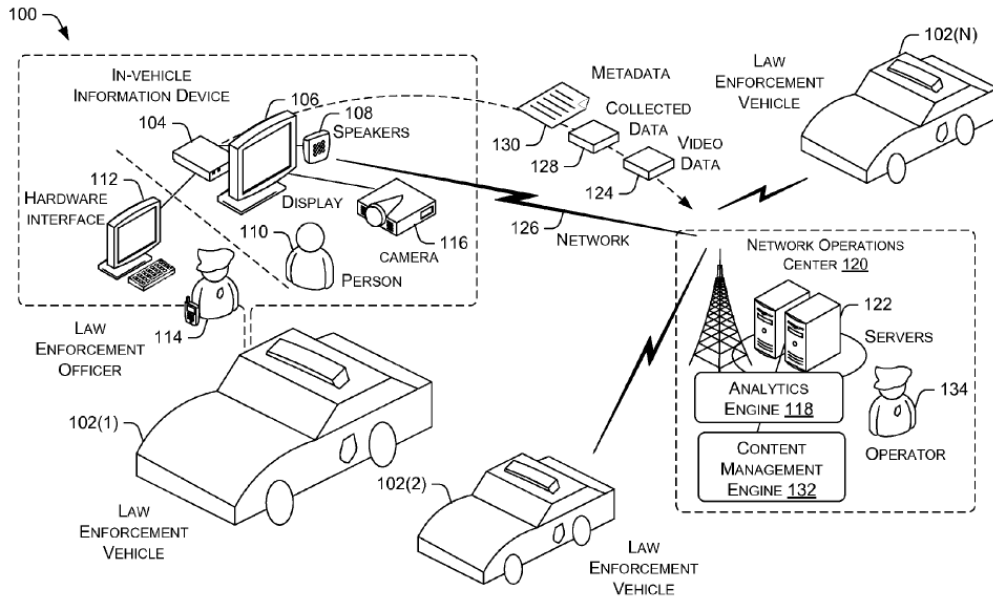


FIG. 1

114. Further,

The communication interfaces may enable the person 110 to initiate communication with third-parties via a telephony application, an email application, and/or a messaging application. In this way, the person 110 that is detained or arrested by the law enforcement officer 114 may be afforded an opportunity to contact an attorney or a relative.

Guzik, [0041].

The user interface 304 may provide an interactive menu that enables the person to perform various tasks. In some embodiments, the interactive menu may include an attorney contact option 312, a third party contact option 314, an interview option 316, and a survey option 318. The activation of the attorney contact option 312 may cause the interactive interface module 222 to provide an interactive interface that contains a list of pre-screened attorneys and their contact information.

The contact information may be selectable to initiate contact (e.g., a telephone number may be clicked on to initiate a telephone call).

Guzik, [0054].

Guzik does not disclose use of a mobile phone.

115. Guzik does not disclose use of a mobile phone.

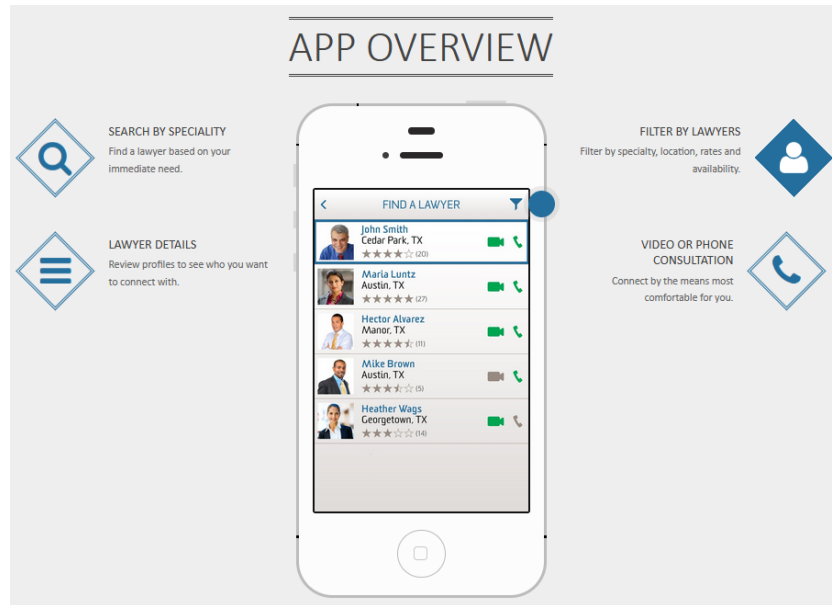
T. One Touch Law Mobile App (Ex. 1028)

116. June 18, 2015, a mobile application known as “One Touch Law” became available. Below is a screenshot from the website www.onetouchlaw.com captured September 24, 2015.¹⁷ It shows that a lawyer can be located by specialty and a video or phone consultation can be established.

¹⁷ Available at

<https://web.archive.org/web/20150924172730/https://www.onetouchlaw.com/> (Ex.

1028)



117. As with Quicklegal and the Oh Crap App, described above, the attorney, complying with their state requirements, would necessarily exchange communications with the client to establish a legal engagement.

U. LegalSwipe Justice App (Ex. 1029)

118. A mobile application called “LegalSwipe” was described in an article published by CTVNews on June 29, 2015 entitled “Smartphone app offers legal advice for police encounters.”¹⁸ It explains:

A new smartphone app aims to offer byte-sized legal advice as well as other protections to people randomly stopped and questioned by police. Called Legalswipe, the free app comes amid emotional debate over "carding" and similar practices in which officers ask for information

¹⁸ Available at <https://www.ctvnews.ca/sci-tech/smartphone-app-offers-legal-advice-for-police-encounters-1.2446034> (Ex. 1029)

unrelated to a criminal investigation. Critics argue young black men and other visible minorities are disproportionately singled out for the stops.

...

Other functions allow users to **video an encounter** and **send the recording to a remote server**, and to send geo-tagged email messages.

V. Legal Equalizer (Ex. 1030)

119. On December 9, 2015, NBC News published an article entitled “Were You Stopped by the Police? There’s an App For That”¹⁹ with a subtitle of “The concept behind the ‘Legal Equalizer’ app sparked from what Njie considered to be a pattern of unlawful traffic stops.”

So here’s how the app works: In the event of a traffic stop, the user is able to record the entire interaction with police officers, notify family members of the coordinates of their location and be informed of their legal rights in an instant.

...

A user has the option of selecting three contacts to be notified in the event of a traffic stop. The contacts are inputted by the user in the apps settings. Once those contacts are set, all a user has to do is press the “SOS” button on the app and a message will go out to the contacts automatically.

¹⁹ Available at <https://www.nbcnews.com/news/nbcblk/were-you-stopped-police-theres-app-n476636> (Ex. 1030)

...

The other feature of the app is the **record button**. Once the user sends their SOS, they simply have to press the record button. The **recording is automatically sent to a server** where it will be stored regardless of what happens to the phone. “The user’s phone can be destroyed, but the recording will still load and save to our server,” he said. “The video is also backed up to the user’s iCloud.”

...

Legal Equalizer is an app that allows the user is able to record an interaction with police officers, notify family members of the coordinates of their location and be informed of their legal rights.

120. Legal Equalizer was also described in the November 7, 2016 article,

“Apps Designed for Recording Police Encounters” 20:

This is one of the most popular free apps available in the Play store. Like Hands Up 4 Justice, it can record any encounters with the police that you may have. Unlike the previous app, Legal Equalizer focuses more on your rights as a civilian, and informs or reminds you of what you should say, how you should behave, and certain laws to keep in mind. While this app also has its glitches, it offers a **stream-to-cloud recording option, in addition to sending any recorded video to three emergency contacts and the ability to find you a lawyer.**

²⁰ Available at <https://www.psaf.com/en/blog/apps-designed-recording-police-encounters/> (Ex. 1023)

W. Gabel (Ex. 1031)

121. On February 19, 2016, Gabel filed an application that that was published on June 23, 2016 as U.S. Patent Application Publication 2016/0182707, entitled “Methods and Systems of Managing Accident Communications over a Network” (“Gabel”). Gabel ultimately issued as U.S. Patent 9,866,673. It is directed to recording information about accidents, but vehicle accidents often generate a police presence.

Systems and methods are configured to detect the occurrence of accidents, and to collect, process, and distribute accident related data. The accident related information may include location information, accident image information, and/or other information. Optionally, upon detection of an accident, emergency contacts of a user involved in the accident may be automatically notified of the accident. Data may be imaged using a camera of a mobile device, barcode locations may be identified, and barcodes may be decoded.

Gabel, Abstract.

122. Gabel discloses use of a mobile device with a camera and obtaining location information using GPS, cell towers or Wi-Fi [0006], encrypted communications [0037], an attorney referral process [0039], calling the attorney [0041], and video recording [0052].

X. 1Law Mobile App (Ex. 1032)

123. An article by Ambrogi on March 15, 2016 entitled “Could This New App, Debuting at Techshow, Become the Uber of Law?”²¹ described an app called 1Law: “My app is in the on-demand service space, like Uber for lawyers,” says Velez. “Touch the app and communicate with the attorney in real time, live.”

How it Works

When a consumer first installs the app, he or she is prompted to create a login and simple profile, either by connecting to a social network such as Facebook or using an email address.

Once the user logs in, the app shows a map of the user’s location. If a lawyer who is part of the system is in the vicinity, the lawyer will show up as an icon depicting the number one. Blue icons indicate lawyers who are available at that moment. Grey icons indicate lawyers who are part of the system but not currently available.

Users can choose a particular area of law to narrow the displayed icons to only lawyers who handle that area.

By clicking on the icon, the user sees the lawyer’s profile, describing the lawyer’s practice. **If the user wants to go forward and contact the lawyer, he or she taps the call button** under the profile.

The lawyer sees the call coming in, displaying the caller’s name and profile. The lawyer can either deny or accept the call. If the attorney

²¹ Available at <https://www.lawnext.com/2016/03/new-app-become-uber-law.html>

(Ex. 1032)

accepts, **the two are connected into a video call**. If the lawyer denies the call, the user can try a different lawyer. (The app uses Twilio as its video platform.)

124. As with Quicklegal, the Oh Crap App, and the One Touch Law Mobile App described above, the attorney, complying with their state requirements, would necessarily exchange communications with the client to establish a legal engagement.

Y. Pylant (Ex. 1033)

125. U.S. Patent 11,010,810 to Pylant is entitled “Computerized System and Method for Automatically Establishing a Network Connection for a Real-Time Video Conference Between Users,” and was filed May 12, 2017 and claims priority to Provisional Application 62/335,405, filed May 12, 2016 (’405 Provisional) (Ex. 1034).

1. Pylant is prior art to the Challenged Claim based on its filing date

126. It is my understanding that if the effective filing date of the ’862 Patent is found to be July 7, 2017, August 28, 2017, or October 21, 2021, then for Pylant, Petitioners rely on its nonprovisional filing date of May 12, 2017, which precedes the filing dates of the ’862 Patent, the ’861 Patent, and the ’395 Patent.

2. Pylant is prior art to the Challenged Claims based on the its provisional filing date

127. However, if the effective filing date of the '862 Patent is determined to be its provisional date of July 19, 2016, with which I do not agree, then it is my understanding that Petitioners rely on the 102(e) date of Pylant that relates back to the May 12, 2016 filing date.

128. I have reviewed the '405 Provisional and the specification of the Pylant '810 Patent and conclude that they are virtually identical, paragraph by paragraph. A small number of paragraphs have been lengthened in the specification by adding non-essential examples without adding any new disclosure. Therefore, in my opinion, the claims of Pylant are fully supported by the provisional application and all portions of Pylant that Petitioner and I rely on are supported by the provisional application.

129. To further support my conclusion that Pylant is entitled to its provisional date, I have analyzed each claim of Pylant's '810 Patent and identified the relevant support in the '405 Provisional. Therefore, I conclude that Pylant is entitled to an effective filing date of May 12, 2016, and is prior art to the '862 Patent.

130. I provide for the Board a detailed mapping of each claim of Pylant's '810 Patent and identify support in the Pylant '405 Provisional to support my conclusion.

Pylant '810 Issued Patent Claims. Ex. 1033	Pylant's '405 Provisional Support, Ex. 1034
1. A method comprising steps of:	[003] The present disclosure provides a novel system and methods for . . . [WHAT IS CLAIMED IS] A method comprising steps of:
(a) determining, via a computing device, a context of a first user, said context corresponding to a current real-world situation of the first user;	[002] [003] . . . an expert user having an expertise associated with the determined specific and currently occurring real-world situation of the user. [007] The disclosed systems and methods, as a result of the consultant request, can analyze the user's request to identify the situation's characteristics, analyze data associated with the user (e.g., the time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or descriptors) of the situation (e.g., situation X). [0089] As discussed above, such initiation can involve the determination of the current circumstances involving the initiating user (or current context of the user). Such circumstances can include, but are not limited to, the activity of the user, identity of the user, the time, date, location, identity of other users involved in the activity, behavioral history of the user and/or other users involved in the activity, and the like, and/or some combination thereof. [0090] In some embodiments, upon Step 401's initiation occurring, the determination module 302 can perform an accounting of the user's circumstances. Such accounting can involve identifying the data and/or metadata being collected and/or retrieved by the user's device in order to determine an activity, situation, and/or circumstance of the user. As above, this accounting determination can

	provide the details surrounding user's current situation. [0091] For example, the determination module 302 can detect via the GPS 264 unit on the user's device that the user is at a specific location. Additionally, analysis of the user's calendar and/or opened application shows that the user was at a party and is driving home (from the opened maps application executing on his/her device). [0093] Such information can be automatically detected upon triggering a request initiation . . . , and in some embodiments, the request information can be a combination of automatically detected and user entered information. [WHAT IS CLAIMED IS] . . . determining, via computing device, a context of a first user, said context corresponding to a current real-world situation of the first user;
(b) creating, via the computing device, a request for identification of a second user, said request comprising information associated with said current real-world situation of the first user;	[003] . . . establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently occurring real world situation of the user. [003] The disclosed system and methods provide a user with the ability to interact with another user . . . in accordance with his/her current circumstances, such that the expert user the user is afforded the opportunity to interact with is identified based on the current circumstances of the user [004] The two users are a first user that triggers a request for a second user, and the second user is an identified expert user that is identified and selected based on, <i>inter alia</i>, the circumstances of the first user, the credentials of the second user (and how that correlate [<i>sic</i>] to the first user's

	circumstances), the identity of the first user and/or second user, the activity of the first user, and the like, and/or some combination thereof. [007] The disclosed systems and methods, as a result of the consultant request, can analyze the user's request to identify the situation's characteristics, analyze data associated with the user (e.g., the time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or descriptors) of the situation (e.g., situation X). This analyzed and identified information is then utilized to identify an expert user that has sufficient capabilities (e.g., a quantifiable amount of experience or credentials satisfying an expert level threshold). [0034] The present disclosure provides novel systems and methods for automatically, in real-time, connecting two users based on one of the user's determined situation and the other user's determined expertise in such situation. [0091] For example, the determination module 302 can detect via the GPS 264 unit on the user's device that the user is at a specific location. Additionally, analysis of the user's calendar and/or opened application shows that the user was at a party and is driving home (from the opened maps application executing on his/her device). This information can be utilized to determine which type of consultant/expert (used interchangeably herein) is being requested. [0093] In some embodiments, as discussed above, a request is created based on the circumstances surrounding imitating [<i>sic</i>] user. The request therefore can comprise
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	information about a specific situation, information identifying the user, and the like. [WHAT IS CLAIMED IS] . . . creating, via the computing device, a request for identification of a second user, said request comprising information associated with said current real-world situation;
(c) searching, via the computing device, a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context of the first user;	[003] The disclosed system and methods provide a user with the ability to interact with another user . . . in accordance with his/her current circumstances, such that the expert user the user is afforded the opportunity to interact with is identified based on the current circumstances of the user [004] . . . the second user is an identified expert user that is identified and selected based on, <i>inter alia</i>, the circumstances of the first user, the credentials of the second user (and how that [<i>sic</i>] correlate to the first user's circumstances), the identity of the first user and/or second user. The activity of the first user, and the like, and/or some combination thereof. [007] The disclosed systems and methods, as a result of the consultant request, can analyze the user's request to identify the situation's characteristics, analyze data associated with the user (e.g., the time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or descriptors) of the situation (e.g., situation X). This analyzed and identified information is then utilized to identify an expert user that has sufficient capabilities (e.g., a quantifiable amount of experience or credentials satisfying an expert level threshold). [0093] In Step 402, a request for a consultant is compiled and communicated over a

	network in order to identify a consultant. The request triggers a search of database 320 in order to identify a consultant for the initiating user. In some embodiments, as discussed above, a request is created based on the circumstances surrounding imitating [<i>sic</i>] user. [FIG. 3] 320 “Database” [FIG. 4] 403 “Consultant Identified” [WHAT IS CLAIMED IS] . . . searching, via the computing device, a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context;
(d) communicating, via the computing device, a second request to said identified consultant, said second request comprising a notification that said first user requests consultation with said consultant;	[0039] After identifying the proper attorney, the attorney is sent a request for his/her availability . . . [0098] In Step 404, if a consultant is identified (from Step 403), then the consultant is notified of a pending request. This notification can be any type of message or notification, including, but not limited to, an IM, SMS, MMS, email, phone call, and the like. [FIG. 4] 404 “Consultant Notified of Pending Request” [WHAT IS CLAIMED IS] . . . communicating a second request to said consultant, said second request comprising a notification that said first user requests consultation with said consultant;
(e) generating a request feature vector associated with said request;	[0095] In some embodiments, the search can involve transforming the triggered request (from Step 402) into a feature vector, where the information associated with the request can be translated into nodes on the vector (which is performed in a similar manner as discussed above). This vector is then used as

	a query to search the repository of vectors for consultants, as discussed above (<i>see</i> discussion of database 320 above). Once the vector(s) of a consultant(s) is identified, the consultant(s) associated with such vector(s) can be identified from the information in the vector(s). [WHAT IS CLAIMED IS] 3. The method of claim 1, wherein said search further comprising: translating said request into a feature vector
(f) comparing said request feature vector to one or more consultant feature vectors associated with consultants stored in said database; and	[0095] Once the vector(s) of a consultant(s) is identified, the consultant(s) associated with such vector(s) can be identified from the information in the vector(s). [0096] In some embodiments, the search can involve a comparison of the request vector to the consultant vectors and identification of a consultant vector having the highest similarity to the request vector. [WHAT IS CLAIMED IS] . . . comparing said request feature vector against feature vectors of each consultant stored in said database; . . .
(g) identifying a set of matched consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector further comprising determining, based on said search, a [sic] identified consultant that is available;	[0044] Based on such request, and since John has a broken arm, an orthopedic doctor can be identified. Once identified and determined to be available, a video conferencing session can be established between John and the doctor. [0095] Once the vector(s) of a consultant(s) is identified, the consultant(s) associated with such vector(s) can be identified from the information in the vector(s). [0096] In some embodiments, a set of consultants can be identified, where the consultant set can be associated with vectors being similar at or above a similarity threshold to the feature vector of the request. In such embodiments, the set of consultants

	can be ranked and the top ranked consultant can be identified, where the ranking is in accordance with an ordering of the similarity of the consultant vector to a requested vector. [WHAT IS CLAIMED IS] . . . identifying a set of consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector . . . The method of claim 3, wherein said consultant is identified in said set of consultants.
(h) upon determining that no identified consultant is available, causing a video recording of a scene associated with the current real-world situation;	[0042] In some embodiments, if an attorney is not currently available, the disclosed systems and methods can trigger the automatic recording of the situation such that when an expert (e.g., attorney) is consulted, he/she can be provided the recording. [0099] 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. [FIG. 4] 403 “Consultant Identified” -> “No” -> 414 “Initiate Video Recording” [WHAT IS CLAIMED IS] 9. The method of claim 1, further comprising: determining, based on said search, that no consultant is available; and causing a video recording of a scene associated with the current real-world situation.
(i) upon determining an identified consultant is available, automatically establishing, via the computing device over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live	[002] . . . providing non-native functionality to such systems and/or platforms for automatically establishing a network connection for video conferencing between a user and an expert user . . . [003] The present disclosure provides novel systems and methods for automatically, in real-time, establishing a network connection

video conference between said first user and the consultant;	for video conferencing between a user and an expert user . . . [005] Once second user . . . is identified, a video consultant session (or video conferencing session) is initiated between the two users. [007] Once the expert user is identified, the expert user and the user A are automatically put in contact with one-another via a created/established network connection that includes a video conferencing session. [008] In accordance with one or more embodiments, a method is disclosed for, <i>inter alia</i>, automatically establishing a network connection for video conferencing between a user and an expert user . . . [009] . . . computer readable instructions that when executed cause at least one processor to perform a method for automatically establishing a network connection for video conferencing between a user and an expert user . . . [0039] . . . should the attorney respond in the affirmative, John and the attorney are connected via a video conferencing session. [0098] If the consultant accepts the request from Step 404, then a video conference session is initiated between the initiating user and the identified consultant. Step 406. [FIG. 4] 405 “Consultant Accepts” -> “Yes” -> “Initiate Video Consultative Session” [WHAT IS CLAIMED IS] . . . automatically establishing, via the computing device over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live video conference between said first and the consultant;
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(j) recording, via the computing device over the network, said live video conference; and	[004] The session can be stored as it is occurring (e.g., in real-time as a media streaming event). In some embodiments, the storage of the session can occur locally on either or both users' device; and/or, in some embodiments, the video session can be stored on a server. [007] . . . such interaction is stored for later retrieval and/or evidence. [0040] In some embodiments, the video session is automatically recorded. As discussed below, such recording can be stored locally on either or both user's devices, or on a server for later retrieval. [0043] It should be understood that such recording capability is not based on whether the expert is an attorney, as such discussion above is based on an example embodiment; and, it should be understood that the automatic recording of a situation can occur based on any determination of an expert being unavailable (or temporarily unavailable – for example, if a video conferencing session is established, then is disconnected for a short time, recording can occur while the disconnection is occurring). [0098] In such embodiments, as discussed above, such session is recorded. [0099] As discussed above, the recording, whether of the conference session between the user and the consultant or of the scene by the user's device, can be stored in a remote server (e.g., on a network – Step 411), saved to a device folder (of the user and/or expert's device – Step 409). In some embodiments, a determination is made whether the remote server is available or accessible. Step 407. If it is, then the recording is saved to the server on a network (Step 411). If it is not (Step 408), then the recording is saved to the
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	device folder of the user(s) device, and, in some embodiments, can be later uploaded to the server. [FIG. 4] 409 “Save to Device Folder” . . . 411 “Save to Server via Network” [WHAT IS CLAIMED IS] . . . recording, via the computing device over the network, said live video conference.
(k) retrieving, over the network, said recorded video conference; and rendering said recording.	[007] . . . such interaction is stored for later retrieval and/or evidence. [0040] As discussed below, such recording can be stored locally on either or both user’s devices, or on a server for later retrieval. [00101] Continuing with Process 400, in some embodiments, Step 415 involves the retrieval of a recording, as discussed above. Step 416 involves a request for a retrieved recording, where the request and subsequent search performed in response to the request is performed in a similar manner as the search discussed above. The request can comprise information forming a search query that includes, but is not limited to, the date of a recording, the user’s identity, consultant’s identity, time of the recording, location where the recording occurred, location data associated with the content of the recording, and the like. [00102] In Step 417, a determination is made whether there are programs or files associated with the requested recording. If yes, Step 418 retrieves the information associated with the recording. This information can include, but is not limited to, the file path (on the server or local device). Step 418’s retrieval can also include retrieving the actual file from storage. In some embodiments, the retrieval can include identifying the recording and rendering it on a device of the retrieving user. In some

	embodiments, the retrieval can also include communicating (or publishing, sending or sharing) the recording to another user – for example, when the user retrieves the recording, he/she may want to send it to the consultant he/she spoke with). After retrieval (and communication, rendering the like), the process ends. Step 420. [FIG. 1] [shows connection between network (105) and the application server (108), content server (106), and web server (120)] [FIG. 4] 409 “Save to Device Folder” . . . 411 “Save to Server via Network” . . . 415 – 420 [“Retrieve” process] [WHAT IS CLAIMED IS] 11. The method of claim 1, further comprising: retrieving, over the network, said recorded video conference; and rendering said recording.
2. The method of claim 1, wherein said context of the first user comprises at least one piece of context information selected from: a physical geographic location, a time, a date, an identity, and an activity.	[007] The disclosed systems and methods, as a result of the consultant request, can analyze the user’s request to identify the situation’s characteristics, analyze data associated with the user (e.g., the time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or descriptors) of the situation (e.g., situation X). [0089] As discussed above, such initiation can involve the determination of the current circumstances involving the initiating user (or current context of the user). Such circumstances can include, but are not limited to, the activity of the user, identity of the user, the time, date, location, identity of other users involved in the activity, behavioral history of the user and/or other users involved in the activity, and the like, and/or some combination thereof. [0091] For example, the determination module 302 can detect via the GPS 264 unit

	on the user's device that the user is at a specific location. Additionally, analysis of the user's calendar and/or opened application shows that the user was at a party and is driving home (from the opened maps application executing on his/her device). [WHAT IS CLAIMED IS] The method of claim 1, wherein said context comprises said information selected from a group associated with: a physical geographic location, a time, a date, an identity, and an activity.
3. The method of claim 1, wherein said consultant is identified in said set of matched consultants.	[0096] In some embodiments, a set of consultants can be identified, where the consultant set can be associated with vectors being similar at or above a similarity threshold to the feature vector of the request. In such embodiments, the set of consultants can be ranked and the top ranked consultant can be identified, where the ranking is in accordance with an ordering of the similarity of the consultant vector to a requested vector. [WHAT IS CLAIMED IS] . . . identifying a set of consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector . . . The method of claim 3, wherein said consultant is identified in said set of consultants.
4. The method of claim 1, further comprising: (a) ranking said set of matched consultants based on a similarity with the request, said similarity determined based upon said comparison; and	[0096] In some embodiments, a set of consultants can be identified, where the consultant set can be associated with vectors being similar at or above a similarity threshold to the feature vector of the request. In such embodiments, the set of consultants can be ranked and the top ranked consultant can be identified, where the ranking is in accordance with an ordering of the similarity of the consultant vector to a requested vector. [WHAT ID CLAIMED IS] The method of claim 3, further comprising: ranking said set

	of consultants based on similarity with the request, said similarity determined based upon said comparison;
(b) identifying said identified consultant from said consultant set based on said ranking.	[0096] In some embodiments, a set of consultants can be identified, where the consultant set can be associated with vectors being similar at or above a similarity threshold to the feature vector of the request. In such embodiments, the set of consultants can be ranked and the top ranked consultant can be identified, where the ranking is in accordance with an ordering of the similarity of the consultant vector to a requested vector. [WHAT IS CLAIMED IS] . . . identifying said consultant based on said ranking
5. The method of claim 1, further comprising: (a) determining a type of consultant required to satisfy said request, said determination comprising parsing said request in order to identify data within said real-world situation information that indicates said type; and	[003] . . . an expert user having an expertise associated with the determined specific and currently occurring real world situation of the user. [003] . . . the expert user the user is afforded the opportunity to interact with is identified based on the current circumstances of the user [004] . . . the second user is an identified expert user that is identified and selected based on, <i>inter alia</i> , the circumstances of the first user, the credentials of the second user (and how that correlate [<i>sic</i>] to the first user's circumstances), the identity of the first user and/or second user, the activity of the first user, and the like, and/or some combination thereof. [007] The disclosed systems and methods, as a result of the consultant request, can analyze the user's request to identify the situation's characteristics, analyze data associated with the user (e.g., the time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or

	descriptors) of the situation (e.g., situation X). This analyzed and identified information is then utilized to identify an expert user that has sufficient capabilities (e.g., a quantifiable amount of experience or credentials satisfying an expert level threshold). [0091] For example, the determination module 302 can detect via the GPS 264 unit on the user's device that the user is at a specific location. Additionally, analysis of the user's calendar and/or opened application shows that the user was at a party and is driving home (from the open maps application executing on his/her device). This information can be utilized to determine which type of consultant/expert . . . is being requested. [0092] In some embodiments, the requirements for searching for an [sic] identifying an expert can be input by the user. For example, 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. [0097] In some embodiments, the search can be based on a category of consultant. In such embodiments, the request vector is analyzed to determine a type of consulting being requested. This type information is determined by parsing the request vector and identifying the consultant type data in/on the vector. This type information/data is then used to filter the database 320 prior to the search so that only that type of consultant is identified. [WHAT IS CLAIMED IS] . . . determining a type of consultant required to satisfy said request, said determination comprising
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	parsing said request in order to identify data within said real-world situation information that indicates said type; and
(b) filtering said database based on said type, wherein said search is based on said filtering.	[0097] In some embodiments, the search can be based on a category of consultant. In such embodiments, the request vector is analyzed to determine a type of consulting being requested. This type information is determined by parsing the request vector and identifying the consultant type data in/on the vector. This type information/data is then used to filter the database 320 prior to the search so that only that type of consultant is identified. [WHAT IS CLAIMED IS] . . . filtering said database based on said type, wherein said search is based on said filtering.
6. The method of claim 1, wherein said recording further comprises storing said live video conference in said database.	[004] The session can be stored as it is occurring (e.g., in real-time as a media streaming event). . . . in some embodiments, the video session can be stored on a server. [007] . . . such interaction is stored for later retrieval and/or evidence. [0040] As discussed below, such recording can be stored . . . on a server for later retrieval. [0099] As discussed above, the recording, whether of the conference session between the user and the consultant or of the scene by the user's device, can be stored in a remote server (e.g., on a network – Step 411) . . . In some embodiments, a determination is made whether the remote server is available or accessible. Step 407. If it is, then the recording is saved to the server on a network (Step 411). If it is not (Step 408), then the recording is saved to the device folder of the user(s) device, and, in some embodiments, can be later uploaded to the server.

	[FIG. 4] 409 “Save to Device Folder” . . . 411 “Save to Server via Network” [WHAT IS CLAIMED IS] The method of claim 1, wherein said recording further comprises storing said live video conference in said database.
7. The method of claim 1, wherein said recording further comprises storing said live video conference on a device of the first user or on a device of the consultant.	[004] The session can be stored as it is occurring (e.g., in real-time as a media streaming event). In some embodiments, the storage of the session can occur locally on either or both users’ device; [007] . . . such interaction is stored for later retrieval and/or evidence. [0040] As discussed below, such recording can be stored locally on either or both user’s devices . . . [0098] In such embodiments, as discussed above, such session is recorded. [0099] As discussed above, the recording, whether of the conference session between the user and the consultant or of the scene by the user’s device, can be . . . saved to a device folder (of the user and/or expert’s device – Step 409). In some embodiments, a determination is made whether the remote server is available or accessible. . . . If it is not (Step 408), then the recording is saved to the device folder of the user(s) device . . . [FIG. 4] 409 “Save to Device Folder” [WHAT IS CLAIMED IS] The method of claim 1, wherein said recording further comprises storing said live video conference on a device of the first user or consultant.
8. The method of claim 1, wherein said consultant determination is based on said identified consultant rejecting said second request.	[0099] 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.

	[FIG. 4] 405 “Consultant Accepts” -> “No” -> 414 “Initiate Video Recording” [WHAT IS CLAIMED IS] The method of claim 9, wherein said consultant determination is based on said consultant rejecting said second request.
9. The method of claim 1, wherein said recording further comprises annotating said recorded video conference with data indicating that the recording is protected.	[0040] In some embodiments, the recording is augmented (or annotated) with data that indicates that the content of the recording is augmented (or annotated) with data that indicates that the content of the recording is privileged. For example, when the expert is an attorney, doctor, psychiatrist or other professional that has a privilege that governs their communications, recorded content can be automatically augmented with data/metadata (e.g., tags) that indicate the content is protected. [WHAT IS CLAIMED IS] The method of claim 1, wherein said recording further comprises annotating said recorded video conference with data indicating that the recording is protected.
10. A non-transitory computer-readable storage medium tangibly encoded with computer-executable instructions, that when executed by a processor associated with a computing device, performs a method comprising:	[009] In accordance with one or more embodiments, a non-transitory computer-readable storage medium is provided, the non-transitory computer readable storage medium tangibly storing thereon, or having tangibly encoded thereon, computer-readable instructions that when executed cause at least one processor to perform a method . . . [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [WHAT IS CLAIMED IS] 13. A non-transitory computer-readable storage medium

	tangibly encoded with computer-executable instructions, that when executed by a processor associated with a computing device perform a method comprising:
(a) determining a context of a first user, said context corresponding to a current real-world situation of the first user;	[009] . . . the determined specific and currently occurring real-world situation of the user. [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(a)</i> of this chart for further support] [WHAT IS CLAIMED IS] 13 . . . determining a context of a first user, said context corresponding to a current real-world situation of the first user;
(b) creating a request for identification of a second user, said request comprising information associated with said current real-world situation of the first user;	[009] . . . cause at least one processor to perform a method for automatically establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently occurring real-world situation of the user. [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(b)</i> of this chart for further support] [WHAT IS CLAIMED IS] 13 . . . creating a request for identification of a second user, said request comprising information

	associated with said current real-world situation;
(c) searching a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context of the first user;	[009] 13 . . . cause at least one processor to perform a method for automatically establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently occurring real-world situation of the user. [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(c)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . searching a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context;
(d) communicating a second request to said identified consultant, said second request comprising a notification that said first user requests consultation with said consultant;	[009] . . . cause at least one processor to perform a method for automatically establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently occurring real-world situation of the user. [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(d)</i> of this chart for further support]

	[WHAT IS CLAIMED IS] 13 . . . communicating a second request to said identified consultant, said second request comprising a notification that said first user requests consultation with said consultant;
(e) generating a request feature vector associated with said request;	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(e)</i> of this chart for further support] [WHAT IS CLAIMED IS] The non-transitory computer-readable storage medium of claim 13, wherein said search further comprising: translating said request into a feature vector.
(f) comparing said request feature vector to one or more consultant feature vectors associated with consultants stored in said database; and	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(f)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . comparing said request feature vector against feature vectors of each consultant stored in said database;
(g) identifying a set of matched consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector further comprising determining, based on	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium.

said search, a [sic] identified consultant that is available;	[SEE ALSO: <i>Claim 1(g)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . identifying a set of consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector.
(h) upon determining that no identified consultant is available, causing a video recording of a scene associated with the current real-world situation;	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(h)</i> of this chart for further support] [WHAT IS CLAIMED IS] The non-transitory computer-readable storage medium of claim 13, further comprising: determining, based on said search, that no consultant is available; and causing a video recording of a scene associated with the current real-world situation.
(i) upon determining an identified consultant is available, automatically establishing, over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live video conference between said first and the consultant;	[009] . . . cause at least one processor to perform a method for automatically establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently occurring real-world situation of the user. [0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(i)</i> of this chart for further support]

	[WHAT IS CLAIMED IS] 13. . . . automatically establishing, over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live video conference said first and the consultant;
(j) recording, over the network, said live videoconference; and	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(j)</i> of this chart for further support] [WHAT IS CLAIMED IS] 13 . . . recording, over the network, said live video conference.
(k) retrieving, over the network, said recorded video conference; and rendering said recording.	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [00102] In Step 417, a determination is made whether there are programs or files associated with the requested recording. If yes, Step 418 retrieves the information associated with the recording. This information can include, but is not limited to, the file path (on the server or local device). [SEE ALSO: <i>Claim 1(k)</i> of this chart for further support]
11. The non-transitory computer-readable storage medium of claim 10, wherein said context of the first user comprises at least one piece of context information selected from: a physical	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium.

geographic location, a time, a date, an identity, and an activity.	[SEE ALSO: <i>Claim 2</i> of this chart for further support] [WHAT IS CLAIMED IS] The non-transitory computer-readable storage medium of claim 13, wherein said context comprises said information selected from a group associated with: a physical geographic location, a time, a date, an identity, and an activity.
12. The non-transitory computer-readable storage medium of claim 10, further comprising: ranking said set of matched consultants based on a similarity with the request, said similarity determined based upon said comparison; and identifying said identified consultant from said consultant set based on said ranking.	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 4</i> of this chart for further support] [WHAT IS CLAIMED IS] The non-transitory computer-readable storage medium of claim 15, further comprising: ranking said set of consultants based on a similarity with the request, said similarity determined based upon said comparison; and Identifying said consultant from said consultant set based on said ranking.
13. The non-transitory computer-readable storage medium of claim 10, further comprising:	[WHAT IS CLAIMED IS] 17. The non-transitory computer-readable storage medium of claim 13, further comprising:
(a) determining a type of consultant required to satisfy said request, said determination comprising parsing said request in order to identify data within said real-world situation information that indicates said type; and	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 5(a)</i> of this chart for further support] [WHAT IS CLAIMED IS] 17. . . determining a type of consultant required to

	satisfy said request, said determination comprising parsing said request in order to identify data within said real-world situation information that indicates said type;
(b) filtering said database based on said type, wherein said search is based on said filtering.	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 5(b)</i> of this chart for further support] [WHAT IS CLAIMED IS] 17 . . . filtering said database based on said type, wherein said search is based on filtering
14. The non-transitory computer-readable storage medium of claim 10, wherein said recording further comprises annotating said recorded video conference with data indicating that the recording is protected.	[0010] In accordance with one or more embodiments, program code (or program logic) is executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 9</i> of this chart for further support] [WHAT IS CLAIMED IS] The non-transitory computer-readable storage medium of claim 13, wherein said recording further comprises annotating said recorded video conference with data indicating that the recording is protected.
15. A computing device comprising:	[0010] In accordance with one or more embodiments, a system provided that comprises one or more computing devices configured to provide functionality in accordance with such embodiments. In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device.

	[WHAT IS CLAIMED IS] 20. A computing device comprising:
(a) a processor;	[0010] In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [00020] These computer program instructions can be provided to a processor of a general purpose computer to alter its function as detailed herein, a special purpose computer, ASIC, or other programmable data processing apparatus, such that the instructions, which execute via the processor of the computer or other programmable data processing apparatus, implement the functions/acts specified in the block diagrams or operational block or blocks. [0029] A computing device . . . may be capable of processing or storing signals . . . [00108] According to one embodiment, those techniques are performed by computer system 500 in response to processing unit 512 executing one or more sequences of one or more processor instructions contained in memory 504. See also [00103, 00109, 00110]] [WHAT IS CLAIMED IS] . . . a processor;
(b) a non-transitory computer-readable storage medium for tangibly storing thereon program logic for execution by the processor, the program logic comprising:	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or

	on a non-transitory computer-readable medium. [0029] A computing device may be capable of sending or receiving signals, such as via a wired or wireless network, or may be capable of processing or storing signals, such as in memory a physical memory states, and may, therefore, operate as a server. [WHAT IS CLAIMED IS] . . . a non-transitory computer-readable storage medium for tangibly storing thereon program logic for execution by the processor, the program logic comprising:
(1) logic executed by the processor for determining a context of a first user, said context corresponding to a current real-world situation of the first user;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(a)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . logic executed by the processor fir determining a context of a first user, said context corresponding to a current real-world situation of the first user;
(2) logic executed by the processor for creating a request for identification of a second user, said request comprising information associated with said current real-world situation of the first user;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or

	on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(b)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . logic executed by the processor for creating a request for identification of a second user, said request comprising information associated with said current real-world situation;
(3) logic executed by the processor for searching a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context of the first user;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(c)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . logic executed by the processor for searching a database comprising consultant information, said search comprising analyzing said consultant information and identifying a consultant that has associated consultant information corresponding to said context;
(4) logic executed by the processor for communicating a second request to said identified consultant, said second request comprising a notification that said first user requests consultation with said consultant;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or

	on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(d)</i> of this chart for further support] [WHAT IS CLAIMED IS] logic executed by the processor for communicating a second request to said identified consultant, said second request comprising a notification that said first user requests consultation with said consultant;
(5) logic executed by the processor for generating a request feature vector associated with said request;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [0020] These computer program instructions can be provided to a processor of a general purpose computer to alter its function as detailed herein, a special purpose computer, ASIC, or other programmable data processing apparatus, such that the instructions, which execute via the processor of the computer or other programmable data processing apparatus, implement the functions/acts specified in the block diagrams or operational block or blocks. [0095] In some embodiments, the search can involve transforming the triggered request (from Step 402) into a feature vector, where the information associated with request can be translated into nodes on the vector (which is performed in a similar manner as discussed above). This vector is then used as a query to search the repository of vectors for

	consultants, as discussed above (see discussion of database 320 above). Once the vector(s) of a consultant(s) is identified, the consultant(s) associated with such vector(s) can be identified from the information in the vector(s). SEE ALSO: <i>Claim 1(e)</i> of this chart for further support]
(6) logic executed by the processor for comparing said request feature vector to one or more consultant feature vectors associated with consultants stored in said database; and	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(f)</i> of this chart for further support]
(c) logic executed by the processor for identifying a set of matched consultants having associated consultant feature vectors satisfying a similarity threshold when compared against said request feature vector further comprising determining, based on said search, a [sic] identified consultant that is available;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(g)</i> of this chart for further support]
(d) logic executed by the processor for determining that, if no identified consultant is available, causing a video recording of a scene associated	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of

with the current real-world situation;	a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(h)</i> of this chart for further support]
(1) logic executed by the processor that, upon determining an identified consultant is available automatically establishing, over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live video conference between said first and the consultant;	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(i)</i> of this chart for further support] [WHAT IS CLAIMED IS] . . . logic executed by the processor for automatically establishing, over a network, a connection between the first user and the consultant, said connection comprising said computing device enabling a live video conference between said first and the consultant;
(2) logic executed by the processor for recording, over the network, said live videoconference; and	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(j)</i> of this chart for further support]

	[WHAT IS CLAIMED IS] . . . logic executed by the processor for recording, over the network, said live video conference.
(3) logic executed by the processor for retrieving, over the network, said recorded video conference; and rendering said recording.	[0010] In accordance with one or more embodiments, functionality is embodied in steps of a method performed by at least one computing device. In accordance with one or more embodiments, program code (or program logic) executed by a processor(s) of a computing device to implement functionality in accordance with one or more such embodiments is embodied in, by and/or on a non-transitory computer-readable medium. [SEE ALSO: <i>Claim 1(k)</i> of this chart for further support]

131. As mentioned, I have compiled a redlined comparison of the Pylant patent against the '405 Pylant Provisional. The redline comparison shows minimal differences that are not substantive. Therefore everything Petitioners rely upon in Pylant is supported by the '405 Provisional. Thus, I conclude that the Pylant Provisional provides written description support for the subject matter claimed in the Pylant Patent. (Ex. 1036).

132. Here, I address the language that did not overlap. I conclude that this language in the Pylant '810 Patent has sufficient support in the '405 Provisional for the subject matter. Thus, for the language in the Pylant Patent that was merely an expansion of material already covered in multiple places in the '405 Provision, I provide a detailed mapping of language that was added (as seen from Ex. 1036) to the subject matter support language in the '405 Provisional (Ex. 1034).

Additional language in the Pylant Patent relied on by Petitioner (<i>additional language italicized</i>)	Support for subject matter in the '405 Provisional
<i>Additional features including recording of the session, storage of the session and the like may be further be implemented with the embodiments set forth herein.</i> Ex. 1036 at 4; Pylant, 2:32-34.	Once the expert user is identified, the expert user and the user A are automatically put in contact with one-another via a created/established network connection that includes a video conferencing session. From here, user A and the expert user can interact, and such interaction is stored for later retrieval and/or evidence. Ex. 1034 at [007] Ex. 1034 at [0005]
In accordance with one or more embodiments, a method is disclosed for, inter alia, automatically establishing a network connection for video conferencing between a user and an expert user (<i>consultant, doctor, attorney, representative</i>) having an expertise associated with the determined specific and currently occurring real-world situation of the user.	“Attorney” was used throughout the ‘405 Provisional. Ex. 1034 [0035-0040], [0042-0044], [0091]
By way of background, currently, when a person is in a situation that requires immediate advice, the user must wait until the situation has concluded in order to receive said advice. For example, if user Jeff is pulled over for suspected drunken driving (e.g., DUI—driving under the influence), user Jeff would not have the ability to contact an attorney and receive legal advice until he is arrested and read his rights (e.g., Miranda Rights). This leaves a long period of time where Jeff, <i>in the presence of law enforcement</i> officials,	Fig. 4 describes the steps that Pylant now written out in an example. Ex. 1034 at [0089 – 102]. Additional support at: By way of a non-limiting example, user A is in situation X and he needs a consultant to assist him in situation X. User A initiates a request for a consultant. The disclosed systems and methods, as a result of the consultant request, can analyze the user's request to identify the situation's characteristics, analyze data associated with the user (e.g., the

is acting under his own, pedestrian, non-expert level understanding of the law. <i>The disclosed system would enable Jeff, upon initiating a request, is able to reach, via preferably video, but at least via audio signal, an attorney to advise Jeff during his traffic stop. Jeff and his attorney would have previously formed an attorney-client relationship, via standard retainer for example. Therefore, the attorney is enabled via the disclosed system to remotely advise and advocate on behalf of client, Jeff.</i>	time, date, location of the user), and the like, or some combination thereof, in order to determine details (attributes, characteristics and/or descriptors) of the situation (e.g., situation X). This analyzed and identified information is then utilized to identify an expert user that has sufficient capabilities (e.g., a quantifiable amount of experience or credentials satisfying an expert level threshold) corresponding to the situation X. Once the expert user is identified, the expert user and the user A are automatically put in contact with one-another via a created/established network connection that includes a video conferencing session. From here, user A and the expert user can interact, and such interaction is stored for later retrieval and/or evidence. Ex. 1034 at [0007]. By way of a non-limiting example, John is in a car accident and needs to talk to an attorney quickly and a doctor as well (as he is injured). John, via the disclosed systems and methods, initiates a consultant request for an attorney and doctor. As discussed herein, the request can comprise information associated with John's accident. For example, John has rear-ended another car (therefore he is technically at fault) and has broken his arm. This information can be included in the request(s) for the attorney and doctor. Ex. 1034 at [0037].
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133. Additionally, I have reviewed the five figures in the '405 Provisional and the Pylant '810 Patent. In my opinion, the five figures are identical across the two documents.

134. It is my opinion that all other changes between the '405 Provisional and the Pylant Patent add nothing substantive to the subject matter and require no explanation.

135. It is my opinion that Petitioner has shown that the provisional application provides sufficient support for the subject matter relied upon for prior art purposes in the reference patent.

Z. McGill Report (Ex. 1037)

136. On October 13, 2016, McGill et al. published a University of Ottawa report entitled “Emerging Technological Solutions to Access to Justice Problems: Opportunities and Risks of Emerging Technological Solutions to Access to Justice Problems: Opportunities and Risks of Mobile and Web-based Apps.”²² It provides details on 189 apps that were then available to allow users to document incidents or obtain legal assistance. Of those 189 apps, several directly relate to assistance with

²²

Available

at

https://commonlaw.uottawa.ca/sites/commonlaw.uottawa.ca/files/ksg_report_-_mcgill_et_al_oct_13_final_to_send_to_sshrc.pdf (Ex. 1037)

traffic stop incidents including Bernie Sez, Camera V, Fixed, Hands Up App, ICE Blackbox, Mobile Justice, Oh Crap App, QuickLegal, and Stop & Frisk Watch.

137. It is clear that multiple prior art apps offered the same capabilities as now claimed by the '862 Patent. The purpose of this exposition has been to set forth the knowledge of a POSITA at the time of the alleged invention. The invalidity arguments below are confined only to patents and printed publications.

XI. GROUNDS OF UNPATENTABILITY

A. Summary of the Prior Art U.S. Patent No. 11,010,810 (“Pylant”) (Ex. 1033)

138. U.S. Patent 11,010,810 (Ex. 1033) (“Pylant”), titled “Computerized System and Method for Automatically Establishing a Network Connection for a Real-Time Video Conference Between Users,” discloses a mobile lawyer system for use during a traffic stop as recited in the challenged claims.

139. Pylant was filed May 12, 2017 and claims priority to Provisional Application 62/335,405, filed May 12, 2016 ('405 Provisional) (Ex. 1034). Pylant is prior art under post-AIA 35 U.S.C. § 102(a)(2) and/or 102(e). Pylant was not before the Examiner during the prosecution of the '862 Patent. Pylant is analogous prior art in the same field of the invention. I showed above in detail that Pylant is entitled to the filing date of the '405 Provisional.

140. Pylant discloses “systems and methods for automatically, in real-time, establishing a network connection for video conferencing between a user and an

expert user [*e.g.*, an attorney (2:39-40)] having an expertise associated with the determined specific and currently occurring real-world situation of the user.” 1:41-46. Pylant discloses numerous examples of such situations, including the situation in which a user (Jeff) is being pulled over for suspected drunken driving (*e.g.*, a traffic stop) and needs to connect with an attorney in real-time during the traffic stop. 7:11-33.

141. Pylant teaches that a user initiates a request for a consultant/expert via, for example, an application (app) on a mobile device. 15:6-20. The systems/methods analyze the request to identify the situation’s characteristics, analyze data associated with the user (*e.g.*, the time, ***location*** of the user, and the like), to determine details of the situation. 2:17-26. This analysis and identified information is then used to ***identify an expert user*** that has sufficient capabilities (*e.g.*, experience/credentials satisfying an expert level threshold) corresponding to the situation, for example, an attorney in the case of Jeff. *Id.* Once identified, Pylant’s systems/methods automatically, immediately, and directly notify the expert and, if the expert responds, automatically establish a connection between the user and expert and automatically initiate a bi-directional videoconference between the user and the expert. Abstract; Fig. 4; 2:36-41; 7:64-8:7; 16:55-67; 17:34-47; claim 1 at 21:62-67; claim 10 at 23:1-6. This video can be livestreamed and can be stored or recorded for

future use either locally or remote. *See* 2:27-34. I describe Pylant's additional features below in connection with particular claim limitations.

B. GROUND 1: Claims 1, 6, 7, 10, 11, 15, and 20 are rendered obvious in view of Pylant

142. It is my opinion that Pylant discloses or suggests each limitation of each Challenged Claim, and with the knowledge of a POSITA renders each claim obvious.

1. Claim 1 is rendered obvious in view of Pylant.

1 [Pre] A mobile lawyer system, the system comprising:

143. It is my opinion that Pylant teaches "a mobile lawyer system." Pylant provides "The disclosed systems and methods 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. The user's situation can be based on his/her identity, location, activity, the time, date, and the like. The disclosed systems and methods provide a computerized, fully automated network environment that enables video conferencing between such geographically separated users, thereby enabling the expert user to advise the other user on his/her current situation." Pylant, Abstract; 1:41-51.

144. Pylant teaches a system that "automatically establish[es] a network connection for video conferencing between a user and an expert user (consultant,

doctor, **attorney**, representative) having an expertise associated with the determined specific and currently occurring real-world situation of the user.” 2:36-41; 8:1-5.

145. Pylant explicitly disclose that an **attorney** is one of the experts (2:38-39; 8:1-5), and that the attorney can be consulted during a traffic stop. 7:21-24 (“The disclosed system would enable Jeff, upon initiating a request, is able to reach, via preferably video, but at least via audio signal, an **attorney** to advise Jeff during his traffic stop.”); 7:14-24 (further disclosing traffic stop embodiment). Pylant also discloses a second attorney example with Jim needing an attorney at the scene of an accident. 7:34-63.

1[a] remote server and a remote database;

146. It is my opinion that Pylant teaches “a remote server and a remote database.”

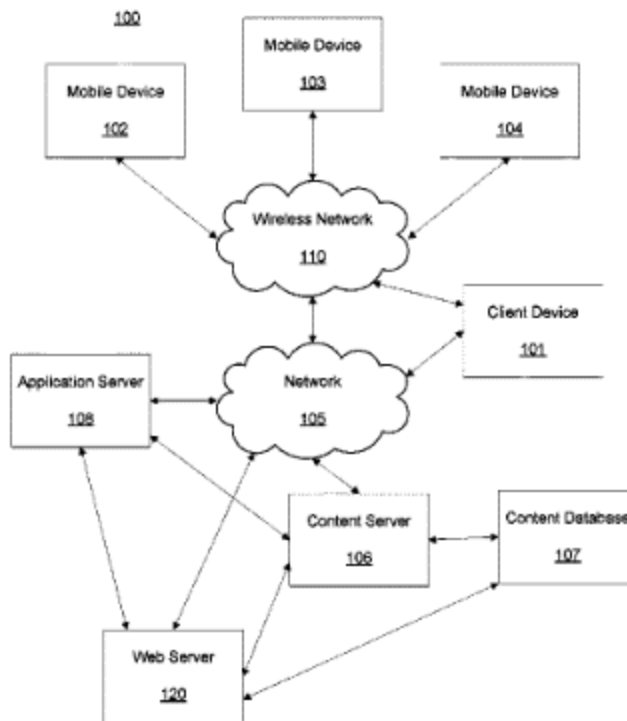
147. Pylant teaches: “For the purposes of this disclosure the term “server” should be understood to refer to a service point which provides processing, database, and communication facilities. By way of example, and not limitation, the term “server” can refer to a single, physical processor with associated communications and data storage and database facilities, or it can refer to a networked or clustered complex of processors and associated network and storage devices, as well as operating software and one or more database systems and application software that support the services provided by the server. Servers may vary widely in

configuration or capabilities, but generally a server may include one or more central processing units and memory. A server may also include one or more mass storage devices, one or more power supplies, one or more wired or wireless network interfaces, one or more input/output interfaces, or one or more operating systems, such as Windows Server, Mac OS X, Unix, Linux, FreeBSD, or the like.” 4:57-5:9.

148. Pylant further provides “It should also be understood that content server 106 can also store various types of data related to the content and services provided by content server 106 in an associated content database 107.” 12:37-41.

149. Pylant teaches that the database can be any type of database or memory and “can be associated with a content server on a network (e.g., content server 106, web server 120 or application server 108 from FIG. 1) or a user's device (e.g., device 101-104 or device 200 from FIGS. 1-2). Database 320 comprises a dataset of data and metadata associated with local and/or network information related to users, services, applications, content and the like. 15:19-26.

150. Referring to Figure 1 (shown below), Pylant discloses servers (106, 108, 120) “remote” from mobile devices (102-104) and from “content database” (107). *See also* Fig. 3 (disclosing the content database (320) remote from other elements).



1[b] at least one video camera;

151. Pylant teaches “at least one video camera.”

152. Pylant discloses a video camera. “Device 200 can include one camera/sensor 266, or a plurality of cameras/sensors 266, as understood by those of skill in the art. The positioning of the camera(s)/sensor(s) 266 on device 200 can change per device 200 model, per device 200 capabilities, and the like.” 13:6-11.

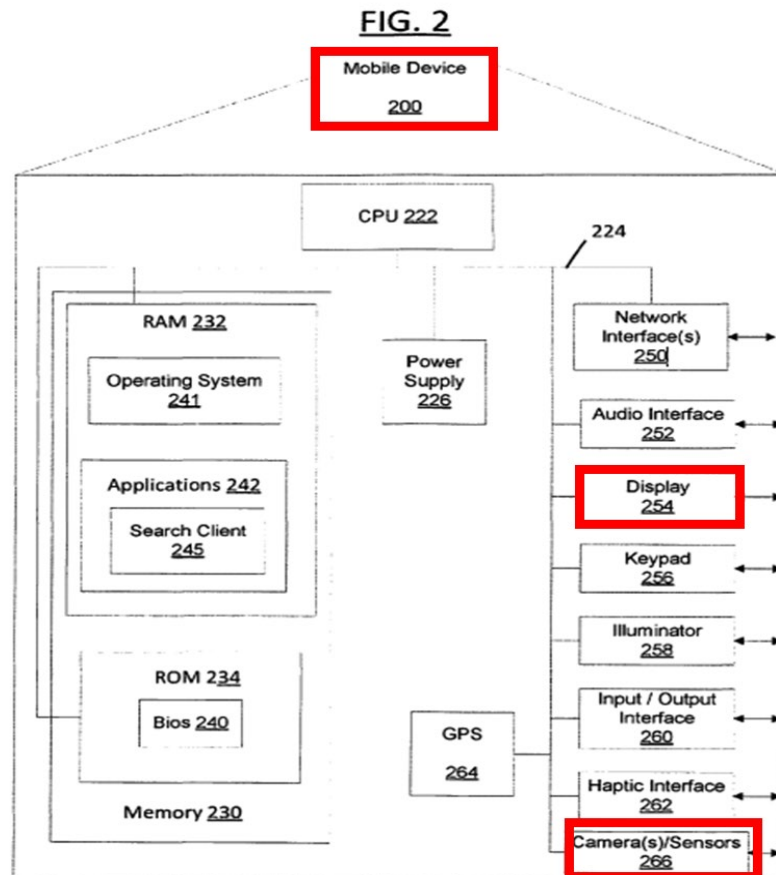
153. Pylant discloses videoconference that would utilize a video camera. “Turning to FIG. 4, Process 400 details some embodiments of automatically establishing a network connection for video conferencing between a user and an expert user having an expertise associated with the determined specific and currently

occurring real-world situation of the user.” Fig. 4; 16:55-59; 1:52-55 (“[T]he disclosed systems and methods provide a computerized, fully automated network environment that enables video conferencing between two geographically remote users.”).

1[c] at least one display screen;

154. Pylant teaches “at least one display screen.”

155. See Fig. 2 disclosing a display screen.



156. Pylant teaches that “Display 254 may be a liquid crystal display (LCD), gas plasma, light emitting diode (LED), or any other type of display used with a

computing device. Display 254 may also include a touch sensitive screen arranged to receive input from an object such as a stylus or a digit from a human hand.”.” 13:30-35.

157. A POSITA would have known that a display on a mobile phone or device was capable of streaming video between two parties.

158. Pylant discloses display screen as part of Mobile Device 200 at Fig. 2. “As shown in the figure, Client device 200 includes a processing unit (CPU) 222 in communication with a mass memory 230 via a bus 224. Client device 200 also includes a power supply 226, one or more network interfaces 250, an audio interface 252, a display 254, a keypad 256, an illuminator 258, an input/output interface 260, a haptic interface 262, an optional global positioning systems (GPS) receiver 264 and a camera(s) or other optical, thermal or electromagnetic sensors 266.” 12:65-13:6. See also Fig. 4.

1[d] a mobile device executing a mobile application in communication with the at least one video camera and the at least one display screen;

159. It is my opinion that Pylant teaches “a mobile device executing a mobile application in communication with the at least one video camera and the at least one display screen.”

160. As discussed above in connection with Figure 2, Pylant discloses mobile devices with video cameras and display screens. Pylant also discloses that

the mobile device can execute a mobile application in communication with the video camera and display screen. For example, referring to Figure 3, consulting request engine 300 can be embodied as a “stand-alone application that executes on a user device,” including a “downloadable application installed on the user's device.” Fig. 3; 15:6-18 (also noting that consulting request engine 300 can be installed as “a video chat application (*e.g.*, FaceTime®, Skype®, and the like) that enables two users to communicate in real-time via video conferencing”). 15:6-18;

161. Pylant discloses a real-world example of a traffic stop at which the user utilizes the mobile device, executing the application on a cell phone with a video camera and display. “For example, if user Jeff is pulled over for suspected drunken driving (*e.g.*, DUI—driving under the influence), user Jeff would not have the ability to contact an attorney and receive legal advice until he is arrested and read his rights (*e.g.*, Miranda Rights). This leaves a long period of time when Jeff, in the presence of law enforcement officials, is acting under his own, pedestrian, non-expert level understanding of the law. The disclosed system would enable Jeff, upon initiating a request, is able to reach, via preferably video, but at least via audio signal, an attorney to advise Jeff during his traffic stop.” 7:14-24.

162. Pylant discloses that the application can be a stand-alone application that is executed by the user on his or her device. It was well known to a POSITA that app stores existed from which cellphone owners could download apps, and that

such apps could be used in the context of police (or other) encounters. At least the iPhone mentioned below had FaceTime, which is an application feature embedded in the iPhone upon purchase that allows users to videoconference with other cellphone owners.

163. Pylant states “According to some embodiments, consulting request engine 300 can be embodied as a stand-alone application that executes on a user device. In some embodiments, the consulting request engine 300 can function as a downloadable application installed on the user's device, and in some embodiments, such application can be a web-based application accessed by the user device over a network. In some embodiments, the consulting request engine 300 can be installed as an augmenting script, program or application to another application, such as, for example, a video chat application (e.g., FaceTime®, Skype®, and the like) that enables two users to communicate in real-time via video conferencing.” 15:6-18.

164. Pylant teaches the mobile device executing a mobile application with communication with a video camera and display at Fig. 2. “As shown in the figure, Client device 200 includes a processing unit (CPU) 222 in communication with a mass memory 230 via a bus 224. Client device 200 also includes a power supply 226, one or more network interfaces 250, an audio interface 252, a display 254, a keypad 256, an illuminator 258, an input/output interface 260, a haptic interface 262, an optional global positioning systems (GPS) receiver 264 and a camera(s) or other

optical, thermal or electromagnetic sensors 266. Device 200 can include one camera/sensor 266, or a plurality of cameras/sensors 266, as understood by those of skill in the art. The positioning of the camera(s)/sensor(s) 266 on device 200 can change per device 200 model, per device 200 capabilities, and the like, or some combination thereof.” 12:65-13:11.

1[e] and configured, upon a one-click command from a user of the mobile device, to automatically and immediately communicate a current location of the mobile device to the remote server,

165. Pylant discloses a system “configured, upon a one-click command from a user of the mobile device, to automatically and immediately communicate a current location of the mobile device to the remote server.”

166. Pylant discloses a mobile device as described above. Figure 2 of Pylant also teaches that the mobile device (200) is equipped with “GPS 264,” which can “determine the physical coordinate of Client device 200²³ ... output[ing] a location as latitude and longitude values.” Fig. 2; 13:61-14:6 (also disclosing other means of determining the location of the mobile device). Pylant teaches that its systems/methods “provide a computerized, fully automated network environment that enable video conferencing between users” (1:51-55), and that a user can initiate a request via a mobile device, resulting in the specifics of the user’s situation,

²³ Pylant uses “Client device 200” to refer to Figure 2’s “Mobile Device 200.” *See generally* Columns 13-14.

including the time, date, and **location** of the user being provided to the consultant. 2:14-22; 17:1-10. Pylant also teaches that its systems/methods operate “automatically, in real-time” (1:41-45) thus indicating that upon the user’s command the mobile device communicates the location information to the remote server (*see e.g.* Fig. 4, step 401 in which the user initiates the consulting request engine 300, which “can be hosted by an application server, content server,” as well as other types of servers (14:64-15:5)) automatically (without human intervention) and immediately (without significant delay), which is how electronic systems such as Pylant typically function. Pylant also teaches that “Display 254” of mobile device 200 “may include a touch sensitive screen arranged to receive input from an object such as a stylus or digit from a human hand.” 13:32-35. In addition, Pylant teaches that the request for a consultant/attorney can be include within a “single request” (*i.e.*, one click) on the aforementioned touch sensitive screen. 7:43-46. A POSITA also would have understood that application requests can be initiated with “one-click.”

167. Because step 1[e] is performed by application software running on the user’s mobile device, the step is performed “automatically and immediately.” That is, no human intervention is needed once the user initiates the consulting request engine from the mobile device.

1[f] the remote server being configured to:

168. It is my opinion that Pylant teaches “the remote server being configured to do the following i-vi limitations. It was well known that a server functions automatically without input from user or other human intervention.

169. Pylant discloses that a remote server and a database are included in its definition of “server.” Pylant discloses that “For the purposes of this disclosure the term ‘server’ should be understood to refer to a service point which provides processing, database, and communication facilities. By way of example, and not limitation, the term ‘server’ can refer to a single, physical processor with associated communications and data storage and database facilities, or it can refer to a networked or clustered complex of processors and associated network and storage devices, as well as operating software and one or more database systems and application software that support the services provided by the server. Servers may vary widely in configuration or capabilities, but generally a server may include one or more central processing units and memory. A server may also include one or more mass storage devices, one or more power supplies, one or more wired or wireless network interfaces, one or more input/output interfaces, or one or more operating systems, such as Windows Server, Mac OS X, Unix, Linux, FreeBSD, or the like.” Pylant, 4:58-5:8.

170. Pylant discloses that the content servers and databases store the relevant

data for the services (plurality of lawyers, doctors, etc.) “It should also be understood that content server 106 can also store various types of data related to the content and services provided by content server 106 in an associated content database 107, as discussed in more detail below. Embodiments exist where the network IOS is also coupled with/ connected to a Trusted Search Server (TSS) which can be utilized to render content in accordance with the embodiments discussed herein.” Pylant, 12:37-45; See Fig. 1.

171. The system includes a remote server at Figure 1, see claim 1(a).

i. automatically search a plurality of information records associated with a plurality of lawyers stored in the remote database;

172. It is my opinion that Pylant teaches a remote server being configured to “automatically search a plurality of information records associated with a plurality of lawyers stored in the remote database.”

173. In Figure 4, Pylant describes a user initiating (step 401) a request for video consultation, which triggers a search to identify a consultant (step 403). As described previously, the request may be created based on the user’s circumstances, including the need for a lawyer. 17:34-47. In such a case (and in other cases), Pylant teaches that the request triggers the search for information stored in a database(s) (e.g., database 320 of Figure 3), to identify the consultant, which, as discussed above, Pylant expressly teaches could be a lawyer. 17:34-37; 16:14-21 (teaching that stored

consultant data includes “location, certifications, capabilities, skills, and the like”). Pylant teaches that this database can be remote from, for example, the mobile device, from the server, or both. *See, e.g.*, Figs. 1, 3-5; 14:65-15:5. Also, as described previously the server (*e.g.*, consulting request engine 300) would perform this task “automatically” (without human intervention), which is also taught in Figure 4’s flow chart, and which a POSITA would have understood based on the typical operation of server-database communications.

ii. automatically identify at least one lawyer licensed in a jurisdiction that correspond [sic] to the current location of the mobile device;

174. Pylant teaches that “the user data stored in database 320 can also be stored as an n-dimensional vector in a similar manner as discussed in relation to the stored media. **For example, a feature vector can be stored for each consultant user, and each node of the vector can correspond to information about the consultant (e.g., location, certifications, capabilities, skills, and the like).**” 15:14-21.

175. As discussed above in connection with limitation 1[e], Pylant teaches communication the mobile device’s (*i.e.*, user’s) location to the remote server. *See also* 17:1-10. Pylant also teaches that the remote server uses the user’s location to query the database to identify the correct consultant (*e.g.*, lawyer in some embodiments) for user’s situation based on the data stored about the consultant, *i.e.*,

the consultants' "location, certifications, capabilities, skills, and the like." 16:14-21. A POSITA would understand that "certifications" with respect to lawyers would include the state (*i.e.*, jurisdiction) in which the lawyer was licensed. Pylant teaches that steps 403-405 of Figure 4 are performed by the consultant module 306 of consulting request engine 300, which as described above, is a remote server. Figs. 3-4; 16:60-68. Also, as discussed above, Pylant taught that the remote server performed its tasks "automatically," which is typical of electronic systems. Remote servers process requests without human intervention because that is their very purpose ("server") and typically requests are received so fast that no human could even be aware of them.

iii. automatically transmit at least one notification to at least one computing device associated with the identified at least one lawyer;

176. It is my opinion that Pylant discloses "automatically transmit[ing] at least one notification to at least one computing device associated with the identified at least one lawyer."

177. Pylant teaches that "[o]nce the expert user is identified, the expert user [which Pylant teaches can be a lawyer, as described above] and the user A are *automatically* put in contact with one-another via a created/established network connection that includes a video conferencing session." 2:27-29. Referring to Figure 4, Pylant teaches that the consultant is notified in step 404, and that such notification

can be “any type of message or notification, including, but not limited to, an IM, SMS, MIMS, email, phone call, and the like.” Fig. 4; 18:13-18. Step 404 is performed by the consultant module 304 of consulting request engine 300, which, as discussed above, is a server. Figs. 3, 4; 16:60-68. Because electronic notifications would necessarily be sent to the consultant’s/lawyer’s device, Pylant also teaches this aspect of the limitation.

**iv. 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;**

178. It is my opinion that Pylant teaches “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.”

179. Referring again to Figure 4, Pylant teaches that, if the consultant accepts in step 405, a video conference is initiated (step 406). Fig. 4; 18:18-20. Pylant further teaches, as discussed above, that the remote server communicates with the consultant’s computing device via (*e.g.* IM, SMS, MIMS, email), and thus Pylant teaches that the acceptance of engagement can be received at the remote server from the consultant’s computing device. Pylant, in fact, provides the specific example of engaging an attorney in this manner such that acceptance of the engagement occurs by the attorney responding to the user’s notification in the affirmative. 7:54-63

(“After identifying the proper attorney, the attorney is sent a request for his/her availability, and should the attorney respond in the affirmative, Jim and the attorney are connected via a video conferencing session ... enable[ing] the attorney to provide legal advice to Jim on-the-spot, at the accident site.”).

v. and 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,

180. Pylant discloses this limitation. As discussed above, Pylant teaches that upon the attorney responding to the user’s (Jim’s) request, Jim and the attorney are connected via a video conference session. 7:54-63; 2:27-30 (“Once the expert user is identified, the expert user and the user A are *automatically* put in contact with one-another via a created/established network connection that includes a video conferencing session.”). *See also* Fig. 4; 16:55-59. Pylant thus teaches that the bi-directional video (*see, e.g.,* 1:29-37, 52-55) is “automatically” (without human intervention and “immediately” (without significant delay) established between the selected consultant’s/lawyer’s computing device and the mobile device, using various modules of the consulting request engine (remote server). Figs. 3, 4; 16:60-68.

- vi. **so that live video data of the user is automatically transmitted to the selected computing device associated with the selected lawyer and live video data of the selected lawyer is automatically transmitted to the at least one display screen;**

181. Pylant discloses a system “so that live video data of the user is automatically transmitted to the selected computing device associated with the selected lawyer and live video data of the selected lawyer is automatically transmitted to the at least one display screen.”

182. This limitation is the consequence of limitation 1[f][v]. As discussed above, Pylant’s systems/methods provide “a computerized, fully automated network environment that enables video conferencing between two geographic remote users.” 1:52-55; 7:60-62 (“Jim and the attorney are connected via a video conferencing session ... enable[ing] the attorney to provide legal advice to Jim on-the-spot, at the accident site.”). The system would be equally applicable to the Jeff-DUI situation. 7:14-28.

1[g] automatically and immediately enable the at least one display screen to stream live video data of the selected lawyer, and the at least one video camera capture and stream live video of the user and surroundings to the computing device for viewing by the selected lawyer; and,

183. It is my opinion that Pylant discloses this limitation.

184. Just as Pylant taught that video of the user is automatically transmitted

to the computing device of the selected lawyer and live video data of the selected lawyer is automatically transmitted to the at least one display screen (claim 1[f][vi]), Pylant taught that the display screen of the user's mobile device would "automatically" (without human intervention) and "immediately" (without significant delay") be enabled to make the bi-directional video possible. 2:27-30; *see also* discussion of "display screen," limitation 1[c], which is incorporated herein by reference. Pylant teaches "automatically" and "immediately" because it the bi-directional video occurs in real-time. *See, e.g.*, 1:63-67; Figs. 3, 4 showing the flow chart of activities and indicating that such activities are facilitated via electronic systems). *See also* discussion of "mobile app" in connection with limitation 1[d], which is incorporated by reference.

185. Pylant also discloses a computerized, fully automated network environment enabling video conferencing between a user and a consultant/lawyer. 1:19-36, 1:51-2:3; 7:60-63. As discussed above, Pylant discloses a number of embodiments, including embodiment(s) in which Jim (or Jeff) and his lawyer are in a video conference session via their respective devices while Jim is at an accident site, or Jeff is being pulled over for suspected DUI. Pylant thus teaches the capture and streaming of video of the user and accompanying surroundings are transmitted to the selected lawyer's device for viewing. A POSITA would have understood that the video camera of a mobile device (*e.g.*, the video camera of a smart phone) would

capture not only the user, but also the user's surroundings. Of course, live video data, when transmitted, is transmitted automatically by the device that is capturing video images. A human being alone is not capable of transmitting video data.

1[h] and 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.

186. Pylant discloses a system that will “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.”

187. Pylant teaches that the video session can be stored as it is occurring (e.g., in real-time as a media streaming event). 1:65-67. Pylant, therefore, teaches that enabling live video from the mobile device and the selected computing device to be transmitted is done “automatically” (without human intervention”) and “immediately” (without significant delay). Pylant further teaches that storage can occur locally, or on a server. 1:67-2:3. As discussed above in connection with limitation 1[b], incorporated by reference, Pylant discloses “servers” that can be “single processors with associated communications and data storage and database facilities,” or “networked or clustered complex[es] of processors and associated network and storage devices.” 4:57-5:9. Pylant disclosed specific elements to perform the video streaming and recording. See Fig. 2 (including display 254 and camera(s)/sensors 266), Fig. 3 (including **Recording Module** 308 & database 320),

Fig. 4 (including 414 “Initiate Video recording,” and 411 “Save to Server via Network”). Pylant also taught encryption for “secure” storage. 8:8-18.

2. Claim 6 is rendered obvious by Pylant

6 [Pre] A mobile lawyer method comprising:

188. Pylant discloses a mobile lawyer method as described above in claim 1 [pre].

6[a] receiving a live consultation request from a user’s mobile device;

189. Pylant discloses a method for receiving a live consultation request from a user’s mobile device.

190. Pylant discloses this limitation. As discussed above, Pylant discloses systems/methods whereby a user can be connected to a consultant (*e.g.*, lawyer) via video conference in real-time. Figure 4, for example, discloses the user initiating a request (step 401). Also as discussed above, Pylant teaches a specific embodiment in which users (Jeff and Jim) initiate requests to an attorney. 7:11-63. Pylant also teaches that such requests can come from the user’s mobile device. Fig. 2.

6[b] 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;

191. Pylant discloses a method for 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. *See* limitations 1[h] and [i]

192. Pylant further discloses that the recording of the video can involve “applying encryption to the video as it is occurring” (8:8-10), which would result in encrypted storage, including at the remote server. 1:65-2:3. That this action is ultimately in response to receiving the consultation request is shown, for example, the Figure 4 flow chart. Fig. 4 (steps 401-409, 411). A POSITA would have known at the time of the alleged invention that a video camera would capture the image of the user and surroundings because cameras typically capture whatever is visible to them, including the subject and surroundings.

6[c] automatically and immediately determining a current location of the mobile device;

193. Pylant discloses a method for automatically and immediately determining a current location of the mobile device. *See* limitation 1[e].

6[d] automatically and immediately transmitting the current location of the mobile device to the remote server;

194. Pylant discloses a method for automatically and immediately transmitting the current location of the mobile device to the remote server. *See* limitation 1[e].

6[e] automatically searching, at the remote server, a plurality of information records associated with a plurality of lawyers stored in the remote database;

195. Pylant discloses a method for automatically searching, at the remote server, a plurality of information records associated with a plurality of lawyers stored in the remote database. *See* claim 1, 1[a] and 1[f][i].

6[f] automatically identifying, at the remote server, at least one lawyer licensed in a jurisdiction that correspond to the current location of the mobile device;

196. Pylant discloses automatically identifying, at the remote server, at least one lawyer licensed in a jurisdiction that correspond to the current location of the mobile device. *See* claim 1, 1[a] and 1[f][ii].

6[g] automatically transmitting, by the remote server, at least one notification to at least one computing device associated with the identified at least one lawyer;

197. It is my opinion that Pylant discloses “automatically transmitting, by the remote server, at least one notification to at least one computing device associated with the identified at least one lawyer.” *See* claim 1, 1[a] and 1[f][iii].

6[h] automatically receiving live-streaming video data of an identified remote lawyer licensed to practice law in a jurisdiction associated with the current location of the mobile device;

198. Pylant discloses a method for “automatically receiving live-streaming video data of an identified remote lawyer licensed to practice law in a jurisdiction

associated with the current location of the mobile device.” *See* claim 1, 1[f][ii], [f][iv], and [f][v].

199. Also, as discussed above in connection with limitation 1[e], Pylant teaches communicating the mobile device’s (*i.e.*, user’s) location to the remote server. *See also* 17:1-10. Pylant also teaches that the remote server uses the user’s location to query the database to identify the correct consultant (*e.g.*, lawyer in some embodiments) for the user’s situation based on the data stored about the consultant, *i.e.*, the consultants’ “location, certifications, capabilities, skills, and the like.” 16:14-21. A POSITA would understand that “certifications” with respect to lawyers would include the state (*i.e.*, jurisdiction) in which the lawyer was licensed. Pylant teaches that steps 403-405 of Figure 4 are performed by the consultant module 306 of consulting request engine 300, which as described above, is a remote server. Figs. 3-4; 16:60-68. Pylant also teaches specific embodiments relating to user-attorney communications in which the user (Jim) and the attorney are connected via video conference in real-time. 7:60-63. Such real-time connection is bi-directional meaning that user receives live-streaming video of the identified lawyer on the user’s mobile device. 1:62-68; Fig. 4. Also, as discussed above, Pylant taught that such activity occurs “automatically,” which is typical of electronic systems.

6[i] automatically live-streaming captured video images of the user to the at least one remote lawyer via the remote server;

200. Pylant discloses a method for “automatically live-streaming captured video images of the user to the at least one remote lawyer via the remote server.”
See claim 1 and 1[h].

201. A POSITA would understand that such a video session would be made possible via a video camera configured to live-stream such video and that Pylant teaches that this occurs automatically. Pylant, 2:27-34 (“The present disclosure provides novel systems and methods for *automatically*, in real-time, establishing a network connection for video conferencing between a user and an expert user [*e.g.*, an attorney].”); *see also* 2:27-34 (“Once the expert user is identified, the expert user and the user A are *automatically* put in contact with one-another via a created/established network connection that includes a video conferencing session.”); 2:35-41 (further discussing “automatically” establishing a network connection for video conferencing between a user and an expert, including an “attorney”). “In accordance with one or more embodiments, a method is disclosed for, *inter alia*, automatically establishing a network connection for video conferencing between a user and an expert user (consultant, doctor, **attorney**, representative) having an expertise associated with the determined specific and currently occurring real-world situation of the user.” Pylant, 2:35-41.

6[j] automatically displaying the live-streaming video data of the identified at least one remote lawyer on a display monitor viewable by the user; and

202. Pylant discloses “automatically displaying the live-streaming video data of the identified at least one remote lawyer on a display monitor viewable by the user.”

203. As discussed above, Pylant discloses a computerized, fully automated network environment enabling video conferencing between a user and a consultant/lawyer. 1:19-36, 1:51-2:3; 7:60-63. As discussed above, Pylant discloses a number of embodiments, including an embodiment in which Jim and his lawyer communicate with one another in a video conference session via their respective devices while Jim is at an accident site. 7:34-63. Pylant thus teaches displaying the live-streaming video data of the at least one remote lawyer on the display monitor (see Fig. 2 Display 254) of the user’s mobile device for viewing by the user. *See also* Figs. 2, 3 and 4. Display 254 may be LCD, gas plasma, LED, or any type of display used with a computing device. 13:30-35.

6[k] 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.

204. Pylant discloses “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.” *See* claim 1 and limitation 1[i].

205. Pylant further teaches that the recording of a conference session can be on a remote server (*e.g.*, on a network – Step 411 of Figure 4), or saved to a device folder (of the user and/or expert’s device – Step 409. Pylant teaches that a determination is made whether the remote server is available or accessible (Step 407), and, if so, then recording is saved to the server via a network (Step 411), if not (Step 408), then the recording is saved to the device folder of a user(s) device, and can be later uploaded to the server. 18:26-36.

3. Claim 7 is rendered obvious by Pylant

- 7. The mobile lawyer method of claim 6, wherein initiating capture of images of the user and surroundings comprises initiating a capture of video images by at least one video camera selected from the group consisting of: at least one video camera mounted on a drone, at least one camera native to the mobile device, front and back-facing cameras native to the mobile device, at least one camera integrated and mounted on a vehicle, at least one camera mounted at various points of a vehicle, at least one camera with infrared capabilities, and at least one 360- degree video camera.**

206. Pylant discloses a “mobile lawyer method of claim 6, wherein initiating capture of images of the user and surroundings comprises initiating a capture of video images by at least one video camera selected from the group consisting of: at least one video camera mounted on a drone, at least one camera native to the mobile device, front and back-facing cameras native to the mobile device, at least one camera integrated and mounted on a vehicle, at least one camera mounted at various points of a vehicle, at least one camera with infrared capabilities, and at least one

360- degree video camera.”

207. Pylant discloses: “Device 200 can include one camera/sensor 266, or a plurality of cameras/sensors 266, as understood by those of skill in the art. The positioning of the camera(s)/sensor(s) 266 on device 200 can change per device 200 model, per device 200 capabilities, and the like.” 13:6-11.

208. This claim is directed to the type of camera that is used to initiate the capture of video image of the user and his/her surroundings. Pylant discloses that mobile device 200 (Figure 2) can include one camera/sensor 266, or a plurality of cameras/sensors 266, as understood by those of skill in the art. The positioning of the camera(s)/sensor(s) 266 on device 200 can change per device 200 model, per device 200 capabilities, and the like.” Figs. 2, 4; 13:6-11. Figure 2 discloses that the camera is native to the mobile device.

4. Claim 10 is rendered obvious by Pylant

10. The mobile lawyer method of claim 6, wherein 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.

209. Pylant discloses a “mobile lawyer method of claim 6, wherein 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.” *See* claim 1 and 1[e] disclosing accessing a GPS location of the user.

210. Pylant further teaches the determination module 302 can detect via the

GPS 264 unit on the user's device that the user is at a specific location. 17:19-21. GPS transceiver 264 can also employ other geo-positioning mechanisms, including, but not limited to, triangulation, assisted GPS (AGPS), E-OTD, CI, SAI, ETA, BSS or the like, to further determine the physical location of Client device 200." 13:60-14:6; Figs. 2, 4. A POSITA would have understood that a mobile device (*e.g.*, a smart phone) could determine the street address of the user based on the latitude/longitude provided by the GPS, a functionality that was standard on smart phones prior to July 19, 2016, as demonstrated by, for example, Apple Maps and Google Maps.

5. Claim 11 is rendered obvious by Pylant

- 11. The mobile lawyer method of claim 6, further comprising automatically searching, by the remote server, a database storing data associated with a plurality of lawyers, and automatically identifying at least one remote lawyer licensed in a jurisdiction that matches the current location of the user.**

211. Pylant discloses a "mobile lawyer method of claim 6, further comprising automatically searching, by the remote server, a database storing data associated with a plurality of lawyers, and automatically identifying at least one remote lawyer licensed in a jurisdiction that matches the current location of the user." *See* claim 1 and 1[f][i] and [f][ii], which discussions are incorporated by reference.

212. Referring to Figure 4, Pylant discloses automatically searching for a

consultant/lawyer (step 402), and automatically identifying the consultant/lawyer (step 403). Pylant's system/method obtained information associated with the user, including location, to determine attributes of the situation, and utilized that information to identify the consultant/lawyer having sufficient capabilities, including "credentials," which a POSITA would understand meant licensed in a particular jurisdiction (*e.g.*, state). 2:14-29.

6. Claim 15 is rendered obvious by Pylant.

213. Claim 15 recites every limitation of claims 1 and 7 combined.

15 [Pre] A mobile lawyer system comprising:

214. *See* claims 1 and 1[pre].

15[a] a remote server and a remote database;

215. *See* claim 1 and 1[a].

15[b] at least one video camera selected from the group consisting of: at least one video camera mounted on a drone, at least one camera native to the mobile device, front and back-facing cameras native to the mobile device, at least one camera integrated and mounted on a vehicle, at least one camera mounted at various points of a vehicle, and at least one 360-degree video camera;

216. *See* claim 1 and 1[b] and claim 7.

15[c] a computing device having a display screen and executing a mobile application in communication with the at least one video camera,

217. Pylant discloses "a computing device having a display screen and

executing a mobile application in communication with the at least one video camera.” *See* claim 1 and 1[pre], [a], [b], [c], and [d].

15[d] and configured, upon command from a user, to automatically determine a current location of the user,

218. Pylant discloses a system “configured, upon command from a user, to automatically determine a current location of the user.” *See* claim 1 and 1[e].

15[e] communicate with the remote server and notify at least one attorney located remotely,

219. Pylant discloses a system to “communicate with the remote server and notify at least one attorney located remotely.” *See* claim 1 and 1[f], [f][i]-f[iii].

15[f] the at least one attorney being selected based on at least one of the attorney’s licensure jurisdiction being consistent with the user’s current location;

220. *See* claim 1 and 1[f], [f][ii]; *see also* claim 11.

15[g] the remote server being configured to:

221. Pylant discloses a system in which the remote server is configured to: automatically perform the following:

222. *See* claim 1 and 1[f].

i. automatically search a plurality of information records associated with a plurality of attorneys stored in the remote database;

223. Pylant discloses a system for the remote server being configured to: automatically search a plurality of information records associated with a plurality of

attorneys stored in the remote database. *See* claim 1 and 1[a] and 1[f][i].

- ii. automatically identify at least one attorney licensed in a jurisdiction that correspond to the current location of the mobile device;**

224. Pylant discloses a system for automatically identify at least one attorney licensed in a jurisdiction that correspond to the current location of the mobile device. *See* claim 1 and 1[f][ii].

- iii. and automatically transmit at least one notification to at least one computing device associated with the identified at least one attorney;**

225. Pylant discloses a system that automatically transmit at least one notification to at least one computing device associated with the identified at least one attorney. *See* claim 1 and 1[f][iii].

15[h] and the display screen configured to automatically display a live video image of the remote attorney upon acceptance of notification by the at least one remote attorney,

226. Pylant discloses a system with “the display screen configured to automatically display a live video image of the remote attorney upon acceptance of notification by the at least one remote attorney.” *See* claim 1 and 1[f][iv] (acceptance of the notification); *see also* claim 1[g] and claim 6[j] (display screen configured to automatically display a live video image of the remote attorney).

15[i] 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.

227. Pylant discloses “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.” *See* claim 1 and 1[g], [h], and [i]. As discussed above, Pylant discloses an embodiment in which a user (Jim) is connected with an attorney via video so as to enable the attorney to receive live-stream video from Jim at the accident site so as to be able to provide legal advice to Jim. 7:43-63.

7. Claim 20 is rendered obvious by Pylant

20. The mobile lawyer method of claim 15, wherein automatically determining a location of the user comprises accessing a GPS location of the user, and automatically identifying at least one remote lawyer licensed in a jurisdiction that matches the location of the user and matching additional filter criteria specified by the user.

228. Pylant discloses this limitation. *See* claim 1[e] and 1[f][i]-[f][ii] (GPS location and identifying remote lawyer licensed in a jurisdiction that matches the location of the user). Pylant also teaches that the consultant/lawyer matching is based on additional criteria, for example, that “Jim has rear-ended another car and

has broken his arm ... can be included in the request” and the “request can include the location of Jim, and *what transpired in the accident*” to help identify the proper attorney. 7:34-62. The request “can comprise any amount of data.” 7:50-52. Pylant not only teaches matching for the location of the user, but also teaches “matching based on additional filter criteria specified by the user” such as an attorney specializing in accidents.

XII. JURAT

229. In signing this Declaration, I understand that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in this case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination remotely within the United States during the time allotted for cross-examination.

230. I hereby declare that all statements made in this Declaration of my own knowledge are true, that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed at Pittsburgh, Pennsylvania.

Date: October 27, 2023

By: Michael Ian Shamos
Michael Ian Shamos