

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS, AMERICA, INC.,
Petitioners,

v.

FENDGO, LLC,
Patent Owner.

Case IPR2024-00113

Patent 11,265,404

PATENT OWNER'S RESPONSE

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EXHIBIT LIST

EXHIBIT NO.	DESCRIPTION
2001	Declaration of George Edwards
2002	William Michalson Deposition Transcript (July 30, 2024)

Pursuant to 37 C.F.R. § 42.120, Patent Owner Fendgo, LLC (“Patent Owner”) respectfully submits this Response to the Petition filed by Petitioners Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (“Petitioners”) regarding U.S. Patent No. 11,265,404 (Ex. 1001, “’404 patent”).

I. Introduction

The ’404 patent claims a novel and non-obvious system that incorporates safety features in a mobile device in a way that increases personal safety in vulnerable situations. The ’404 patent’s system uses a transmitting unit to transmit/send emergency information including image data, audio data, location data, and owner identification information to a specified location when a panic button is pressed.

Petitioners challenge claims 9-15 (the “Challenged Claims”) of the ’404 patent. With respect to independent claims, Petitioners challenge independent claims 9, 13, and 15 under Grounds 1A, 2, 3A, and 4A based on theories of single reference obviousness (*Walker*, claim 15) and two-reference obviousness (*Walker* in view of *Kim*, *Zellner* in view of *Kim*, or *Martin* in view of *Kim*, claims 9 and 13). While *Walker*, *Zellner* and *Martin* generally relate to using a safety device, each employs a different system architecture compared to the ’404 patent. There are multiple independent reasons why the various reference combinations fail to disclose all of the ’404 patent’s independent claim limitations.

First, *Walker* and *Martin* do not disclose transmitting “owner identification information” along with “emergency information” as required by claim limitations 9[c], 13[c], and 15[c]. Because of this deficiency, which is included in each of the challenged independent claims, the Petition fails to establish the unpatentability of the Challenged Claims.

Second, *Walker*, *Zellner*, and *Martin* do not disclose sending or transmitting “the emergency information and the specific information to a specified location” as required by claim limitations 9[d], 13[d], and 15[c]. Accordingly, for this second, independent reason, the Petition again fails to establish the unpatentability of the Challenged Claims.

Third, *Martin* does not disclose “send[ing] the emergency information and the specific information ... when the panic button is activated” as required by claim limitations 9[c], 13[d].

Petitioners present grounds combining each of *Walker*, *Martin*, and *Zellner* with *Kim*. However, *Kim* does not cure the deficiencies identified in these references. Indeed, none of the combinations of references cure the deficiencies because Petitioners’ arguments heavily rely on conclusory statements regarding the knowledge of a POSITA. Thus, Patent Owner respectfully requests that the Board confirm the validity of the ’404 Patent.

II. Factual Background

A. The '404 Patent

The '404 Patent issued on March 1, 2022, and claims priority to Provisional Application No. 60/643,865 filed on January 14, 2005. Ex. 1001, Cover. The '404 Patent discloses a self-defense mechanism that is integrated into a mobile phone. *Id.*, 2:50-51. The invention teaches that when the self-defense mechanism is activated, “a camera built into the mobile phone/device takes an image of the attacker, and the mobile phone/device sends image data and audio data to the authorities along with specific information such as, for example, the name and description of the owner of the self-defense device, location information, a time and date stamp.” *Id.*, 3:5-13. The Patent teaches that the self-defense system can be “linked in with an emergency assistance number such as 911 or to a private emergency network specifically set up for these purposes to work with the public authorities in assisting victims.” *Id.*, 5:47-50. The Patent teaches that the self defense mechanism can be activated by means of a “panic button” that is configured to contact authorities upon “a press or a series of presses of the button.” *Id.*, 6:57-59; Ex. 2001 (Edwards Decl.), ¶¶ 56-61.

The Patent further explains that the “ease of use and convenience of the present invention is an important factor in the effectiveness of a self-defense device.” *Id.*, 6:7-10.

B. Walker

Walker describes a “cellular handheld mobile communications device and external data storage system” that serves “as an electronic eyewitness.” Ex. 1007, Abstract. The invention in Walker is primarily concerned with providing a means to capture evidence in the event of a crime. *Id.*, [0038]. The invention teaches a mechanism by which a user can press an “eyewitness button” that captures and transmits “video and sound and environmental data detected by various sensors to a remote data storage facility, providing evidence of another individual's physical appearance, dress, behaviour, utterances and surroundings in real time and without any dial-up delay, together with precise geographical coordinates of the location and the precise time of the event, where the recorded data cannot be destroyed by an attacker even in the event that the handheld device is destroyed following such transmission.” *Id.*; Ex. 2001 (Edwards Decl.), ¶¶ 64-65.

C. Zellner

Zellner teaches a “device for requesting emergency assistance having a built-in panic button that may be implemented in hardware or software.” Ex. 1008, Abstract. The patent discloses a method by which a “web browser module is configured to deliver a help request message in a TCP/IP (Transmission Control Protocol/Internet Protocol) format to an emergency service center (ESC).” *Id.*, 3:5-10. The help message is transmitted upon activation of a “panic button,” which “may

be implemented in hardware or software.” *Id.*, 3:24-25. Zellner teaches several ways a panic button can be incorporated into the device, and notes that the “choice of the type of panic button” “depend[s] on depend on design and aesthetic considerations including, for example, the size, the weight and the desired physical contours for the IP device.” *Id.*, 7:23-30; Ex. 2001 (Edwards Decl.), ¶¶ 75-76.

D. Martin

Martin discloses a “system and method for reporting an emergency situation to a called party a using a wireless device.” Ex. 1009, Abstract. Martin teaches that the device requires that “at least one relationship between a keystroke sequence and a telephone number associated with a called party” “be defined or created.” *Id.*, 4:22-28. The patent also teaches that information related to the wireless device, such as a user profile comprising the name, medical record and vehicle of the owner, can be stored in the memory. *Id.*, 4:34-40. Upon activation of the keystroke sequence, the device’s microprocessor contacts the “called party” and can provide user profile information to the called party. *Id.*, 4:40-51. The system provides that the user’s location information is first provided to the called party, and then information on the content of the user’s surroundings can also be transmitted. *Id.*, 5:12-14; 12:39-47; Ex. 2001 (Edwards Decl.), ¶¶ 82-83.

III. Claim Construction

A court “‘look[s] to the words of the claims themselves ... to define the scope of the patented invention.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). A claim term is generally given its “ordinary and customary meaning,” which is “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.” *Id.* at 1312–13. While courts may deviate from the plain and ordinary meaning in some circumstances, there is a “heavy presumption that a claim term carries its ordinary and customary meaning.” *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002) (internal quotations omitted). Under this “exacting” standard, any departure from a claim’s ordinary meaning must be based on language that is “so unmistakable as to be unambiguous.” *Dealertrack Inc. v. Huber*, 674 F.3d 1315, 1322 (Fed. Cir. 2012) (citations omitted).

Patent Owner will apply the ordinary and customary meaning to the ’404 patent’s claim terms. Ex. 2001 (Edwards Decl.), ¶ 37.

IV. Arguments

Petitioners challenge claims 9–15 (the “Challenged Claims”). Petitioners challenge independent claims 9 and 13 with Grounds 1A, 3A, and 4A. Petitioners challenge independent claim 15 with Ground 2. Independent claims 9, 13, and 15 are reproduced below.

Claim 9 recites:

9[pre] A mobile device, comprising:

9[a] a camera unit, adapted to obtain at least one of image data and audio data;

9[b] a location unit, adapted to obtain location data;

9[c] a transmitting unit, adapted to transmit as emergency information the image data, the audio data, and the location data along with specific information including owner identification information; and

9[d] a panic button, adapted to activate the camera unit, the location unit, and the transmitting unit, and send the emergency information and the specific information to a specified location when the panic button is activated,

9[e] wherein the panic button is activated by a series of depressings of the panic button.

Claim 13 recites:

13[pre] A mobile device, comprising:

13[a] a camera unit, adapted to obtain at least one of image data and audio data;

13[b] a location unit, adapted to obtain location data;

13[c] a transmitting unit, adapted to transmit the image data, the audio data, and the location data as emergency information to a specified location, along with specific information including owner identification information; and

13[d] a panic button, which, when activated, performs the following panic button functions: (1) activating the camera unit, the location unit, and the transmitting unit to send the emergency information and the specific information to the specified location, and (2) dialing a public or private network for emergency purposes,

13[e] wherein the panic button is activated by a series of depressings of the panic button.

Claim 15 recites:

15[pre] An emergency safety device, comprising:

15[a] a camera unit, adapted to obtain at least one of image data and audio data;

15[b] a location unit, adapted to obtain location data;

15[c] a transmitting unit, adapted to transmit the image data, the audio data, and the location data as emergency information to a specified location via text message, along with specific information including owner identification information; and

15[d] a panic button, adapted to activate the transmitting unit when activated,

15[e] wherein the panic button is activated by a button sequence.

As demonstrated below, Grounds 1A, 2, 3A, and 4A of the Petition fail to teach claim limitations 9[c], 9[d], 13[c], 13[d]. The Petition's failures with respect

to claims 9 and 13 are repeated for Ground 2, claim 15. Thus, Grounds 1A, 2, 3A, and 4A fail to establish the unpatentability of the '404 patent's independent claims, and therefore also the claims which depend therefrom. 35 U.S.C. § 314(a). Accordingly, the Board should confirm the patentability of the Challenged Claims.

A. Ground 1A fails to invalidate the challenged claims because the combination of references fails to teach transmitting “owner identification information” (claim limitation 9[c], 13[c])

Petitioners argue that *Walker* in view of *Kim* discloses claim limitations 9[c] and 13[c], which require transmitting emergency information along with specific information including “owner identification information.” Petition at 13. Specifically, the Petition points to *Walker*'s “device owner's identity” as the relevant disclosure and argues that a POSITA would have understood it to be the “owner identification information.” *Id.*

Even assuming *arguendo* that *Walker*'s device owner's identity is equivalent to the '404 patent's owner identification information (which Patent Owner does not concede), the Petition does not establish that *Walker* discloses transmitting the device owner's identity as required by the claim limitations. The Petition merely states that *Walker* “discloses creating a file linked with the ‘device owner's identity.’” Petition at 13. This is insufficient to meet the recited claim limitation for several reasons.

First, *Walker* is an “eyewitness device” and serves a different purpose than the invention of the ’404 patent. Ex. 2001 (Edwards Decl.) at ¶¶64-65. Second, and as Petitioner’s expert Dr. Michalson recognizes, *Walker* does disclose that certain information is transmitted by the handheld device 1, such as the time displayed by handheld device 1. See Ex. 1007 at [0097]; Ex. 2002 at 50:5-25. Walker does not, however, include or indicate that information identifying the device owner is also transmitted. See Ex. 1007 at [0097]. *Walker* merely acknowledges that “[a] database link between each file and the device owner’s identity or account is made” with no disclosure stating if and how any information identifying the device owner is transmitted in the first place. Ex. 2001 (Edwards Decl.) at ¶69.

Petitioners appear to recognize the deficiency in *Walker* and attempt to argue that, even if *Walker* does not disclose transmitting owner identification information, a POSITA would have found it obvious to modify *Walker* to do so. Petition at 13. In particular, the Petition asserts that “[a] POSITA would have had a reasonable expectation of success in modifying *Walker* to transmit information to identify the owner to accomplish *Walker*’s objectives because techniques for doing so were well-known.” Petition at 14. The Petition also asserts that “a POSITA would have understood that, at a minimum, the device owner identity information was transmitted in parallel or close in time to the video, sound, and location data.” Petition at 14. But Walker itself provides no such disclosure, which is especially

important as it expressly discloses other information that *is* transmitted. Ex. 2002 at 50:5-25; Ex. 2001 (Edwards Decl.) at ¶69. Thus, Petitioner cannot establish that the owner identification information is transmitted along with the emergency information.

In fact, given Walker's concern with serving as an "eyewitness device," there is no motivation for Walker to provide owner identification information in tandem with the emergency information, as no emergency services are alerted when the user presses the "eyewitness button." Instead, Walker provides a means for *retroactively investigating an incident* by "providing evidence of another individual's physical appearance, dress, behaviour, utterances and surroundings in real time and without any dial-up delay, together with precise geographical coordinates of the location and the precise time of the event, where the recorded data cannot be destroyed by an attacker even in the event that the handheld device is destroyed following such transmission." Ex. 1007 at [0038]; Ex. 2001 (Edwards Decl.) at ¶¶64-65. In fact, Walker recognizes that notifying authorities by a mobile phone is inefficient "as a deterrent to criminal activity" due to the "strong possibility that an attacker may take the device from [the victim] before she is able to explain her circumstances to the emergency services." *Id.* at [0031], [0034]. Thus, Petitioners' arguments that it would be obvious to send "owner identification information" are not supported by *Walker's* disclosure and Petitioners' arguments that it would be obvious to modify

Walker for this limitation are conclusory in nature and ignore *Walker's* express teachings and purpose. Ex. 2001 (Edwards Decl.) at ¶¶68-70.

Petitioners also cite to portions of their expert's declaration as support for their arguments. Petition at 14. However, the cited portions of the expert declaration merely parrot Petitioners' flawed logic. *See* Ex. 1002 at ¶¶ 95–97. Nothing in the cited portions of *Walker* actually supports Petitioners' conclusory statements. Further, while Petitioners' expert cites to Chang as establishing a POSITA's general knowledge, again not only is Chang not part of the express Ground raised by Petitioners, but Petitioners and their expert ignore that *Walker* utilizes the “device owner's identity” “to lookup and access files in the future which have previously been recorded by the device owner.” Ex. 1007 at ¶ [0097]. Thus, *Walker* does not disclose transmitting this information in parallel or close in time with other data, nor would it have been obvious to do so as (1) there was no need to send additional information in order to achieve *Walker's* purpose and (2) *Walker* expressly recites certain information that is sent and does not include the “device owner's identity” as part of that information. Therefore, Petitioners have failed to establish that *Walker* discloses transmitting owner identification information as required by the claim limitations. Ex. 2001 (Edwards Decl.) at ¶¶68-70.

Accordingly, the Petition fails to establish the unpatentability of independent claims 9 and 13.

B. Ground 1A fails to invalidate the challenged claims because the combination of references fails to teach “send the emergency information and the specific information to a specified location” (claim limitation 9[d], 13[d])

Petitioners argue that *Walker* in combination with *Kim* discloses or suggests “a panic button, adapted to...send the emergency information and the specific information to a specified location.” Petition at 21–23. However, for the reasons set forth below, Petitioners fail to establish that *Walker* and/or *Kim* actually disclose a panic button adapted to transmit information “to a specified location” as required by the claim limitations.

For the “specified location” aspect of this limitation, Petitioners rely only on *Walker*’s disclosures. First, as discussed above, the invention in *Walker* does not transmit owner identification information upon activation of the “eyewitness button.” This alone fails to disclose limitations 9[d] and 13[d]. However, in addition to this, *Walker* in combination with *Kim* fails to disclose that the information is sent to a “specified location.”

The ’404 patent discloses that the user can choose the specified location to send data to using a variety of communication protocols. *See e.g.*, Ex. 1001 at 6:20–53; Ex. 2001 (Edwards Decl.) at ¶71. For example, the ’404 patent discloses that the user can choose to send the emergency information and specific information via e-mail directly to a single e-mail address, or multiple e-mail addresses. *Id.* at 6:28–35

(“MMS implementations also support e-mail addressing, so that the device can send emails directly to an e-mail address), 6:46–47 (“As one example, image data can be sent through regular e-mail to a dispatching center and then to a police station”).

Alternatively, the user could choose to send the emergency information and specific information to a web service using TCP/IP connections on the mobile device. *Id.* at 6:20–25. In a third example, the ’404 patent discloses that the user could choose to transmit the emergency information and specific information directly to an emergency responder via the e-911 protocol. *Id.* at 6:54–7:7. In other words, the ’404 patent discloses that the user can choose the specific location that the emergency information and specific information is sent to, and that different protocols can be used to transmit the data to that specified location. Thus, the entirety of the ’404 patent’s disclosures establish that the “specified location” recited in claim 9 can be chosen by the user. Ex. 2001 (Edwards Decl.) at ¶71.

By contrast, the cited portions of *Walker* do not allow the user of a mobile device to *specify* a location to transmit data. Petitioners assert that claim 86 of *Walker* discloses that emergency information is transmitted to a specified location. Petition at 22. However, an inspection of claim 86 shows that this is not the case. Claim 86 of *Walker* discloses “wherein said handheld device transmits said data to said data storage facility through a dialup connection or by email or by email attachment or by an electronic messaging service.” While claim 86 mentions various methods to

transmit data, it requires that data be sent to the data storage facility and does not allow any flexibility to choose an alternate location. Ex. 1007 at claim 86; Petition at 22. Ex. 2001 (Edwards Decl.) at ¶72.

Petitioners also cite to paragraphs [0084], [0085], and [0134] of *Walker* to show that emergency data is transmitted “to a specified location,” but these disclosures fail for the same reasons as *Walker* claim 86. For example, the text of paragraphs [0084], [0085], and [0134] of *Walker* is shown below:

[0084] The following details the preferred embodiment of the *data recording and storage facility 7*:

[0085] Computerised automatic digital data recording equipment fully compatible with the 3G handheld mobile communications device transmissions, embedded within a cellular network architecture and accessible through one or more IP addresses or email addresses or other such electronic domains, and/or through one or more dialup telephone numbers and/or through one or more internet or intranet websites, such equipment capable of receiving and organising mission critical packet data transmissions and communications according to timeline data, from a plurality of handheld devices 1, and configured within the architecture to communicate with such handheld devices and to receive, organize according to timeline data, record, store and log all mission critical data and communications transmissions in real time from such handheld devices into a database or databases against device ID's or user accounts.

[0134] In another embodiment of the invention the handheld device 1 transmits recorded data *to the data storage facility 7* through a dialup connection or by email or by email attachment or by an electronic messaging service.

Ex. 1007 at [0084], [0085], and [0134] (emphasis added).

Petitioners argue that *Walker*'s disclosure of messaging services in these paragraphs, such as dialup or email, is enough for a POSITA to understand that a location must have been specified or selected. Petition at 22. But Petitioners' argument is based on their expert's declaration and is not supported by *Walker* itself. In fact, paragraphs [0084], [0085], and [0134] of *Walker* show that there is no flexibility to specify a location at all. Rather, *Walker* repeatedly emphasizes that data must be transmitted, whether through dialup or email, to data storage facility 7. Ex. 2001 (Edwards Decl.) at ¶¶72, 74. Nowhere does *Walker* state or contemplate that data storage facility 7 can be different locations, or that a user can select a specific data storage facility. As this is required by the claim, *Walker* fails to disclose this limitation.

The Petition also argues that *Walker* discloses transmitting to a specified location because *Walker* does not broadcast data. Petition at 22. Again, this argument is not supported by *Walker* and is a red herring. As discussed above, the portions of *Walker* that Petitioners' expert relies on (e.g., paragraphs [0084], [0085], and [00134]) show that data can only be transmitted to data storage facility 7 and that there is no option to specify or select other locations. The fact that *Walker* does not broadcast data does not mean that *Walker* discloses transmitting to a specified location as recited in the '404 patent. Ex. 2001 (Edwards Decl.) at ¶73.

Moreover, while Walker's data storage facility may be a specific location, it is not a *specified* location, as required by the claim language. A specific location implies a particular location to which data is sent, which is the data storage facility that Walker discloses. On the other hand, "specified" is a verb, and implies that the location was selected by the user. This reading is supported by the disclosure of the '404 Patent, as discussed above.

Accordingly, the Petition fails to establish that independent claims 9 and 13 are unpatentable.

C. Ground 2 fails to invalidate the Challenged Claims for the same reasons as Ground 1A

Ground 2 addresses the remaining independent claim (claim 15) using the same primary reference *Walker* and applies the same faulty logic as used in Ground 1A.

Petitioners assert that the same arguments presented in claim 9 can be applied to claim 15. As can be seen from the below table, the relevant claim limitations in Ground 1A, limitations 9[c] and 9[d], include nearly the same elements as limitations 15[c] and 15[d].

9[c] a transmitting unit, adapted to transmit as emergency information the image data, the audio data, and the location data along with specific information including owner identification information; and	15[c] a transmitting unit, adapted to transmit the image data, the audio data, and the location data as emergency information to a specified location via text message, along with specific
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	information including owner identification information; and
9[d] a panic button, adapted to activate the camera unit, the location unit, and the transmitting unit, and send the emergency information and the specific information to a specified location when the panic button is activated,	15[d] a panic button, adapted to activate the transmitting unit when activated,

Petitioners recognize this, stating that “[l]imitation 15[c] is the same as limitation 9[c] except that 15[c] further requires that the transmitting unit is adapted to transmit data and information to a ‘specified location via text message.’ *Walker* discloses or suggests limitation 9[c] for the same reasons discussed above in §VIII.A.1.d.” Petition at 32. Regarding the “specified location,” the Petition repeats the same argument presented in connection with limitation 9[d]. *Compare* Petition at 32 (“a POSITA would have understood *Walker* to disclose or suggest transmitting the data and information to a specified location”) *with id.* at 23 (“Thus, a POSITA would have understood *Walker* to disclose sending the data and information to a specified location.”).

Accordingly, for the same reasons as discussed above with respect to Ground 1A regarding limitations 9[c] and 9[d], Ground 2 fails to establish the unpatentability of independent claim 15.

D. Ground 3A fails to invalidate the challenged claims because the combination of references fails to teach “send the emergency

**information and the specific information to a specified location
when the panic button is activated” (claim limitation 9[d], 13[d])**

Petitioners argue that *Zellner* in combination with *Kim* discloses or suggests “send[ing] the emergency information and the specific information to a specified location when the panic button is activated.” Petition at 46–47. However, for the reasons set forth below, Petitioners fail to establish that *Zellner* and/or *Kim* disclose sending emergency information, including image data, audio data, location data, and specific information to a specified location when the panic button is activated as required by the claim limitations.

Claims 9 and 13 require that the sent emergency information include image data, audio data, and location data that is sent to a location specified by the user. *Zellner* does not provide the user with the flexibility to specify the location to which this information is sent. Ex. 2001 (Edwards Decl.) at ¶77. *Zellner* describes a system where the emergency request is sent to a predefined, fixed recipient—specifically, a Support Service Provider (SSP) or Emergency Service Center (ESC). This fixed recipient is part of the system's architecture and is not user-configurable. Although *Zellner* discloses “[t]he user may ‘program’ the IP device 20 with pertinent data about the 5 ESC 12 including, for example, the name of the ESC 12, the IP address of the ESC 12, the telephone number and name of the contact person at the ESC 12, the e-mail address of the ESC 12, etc.”, this still limits *Zellner* to an ESC and does

not allow the user to specify any location. Ex. 1008 at 10:3-8; Ex. 2001 (Edwards Decl.) at ¶78.

Zellner discloses “[a] support service provider (SSP) 18 receives the phone call from the base unit of the panic button 16 via the carrier network 14. The base unit may send over the phone line an identification code or number pre-assigned to the panic button 16 by the SSP 18. Therefore, an operator at the SSP 18 may immediately compare the received identification code with a customer database to identify the user of the panic button 16. Upon identifying the user, the operator in the SSP's 18 facility may place a phone call to the ESC 12.” Ex. 1008 at 1:64-2:5. This passage highlights that Zellner's system relies on a preregistered identification code linked to a user account stored in a customer database managed by the SSP. Ex. 2001 (Edwards Decl.) at ¶79. The system does not dynamically transmit owner identification information during an emergency, but rather relies on pre-existing data. This pre-registration process is crucial to Zellner's operation and differs significantly from the '404 Patent, which allows emergency services to be contacted by any user without prior registration.

Zellner further discloses “[a]ll such information may be stored in the SSP's 18 customer database (not shown) when the panic button 16 is assigned to a particular user. Instead of manual database look-up, the SSP 18 may implement an automatic database search and comparison process to instantly identify the operator of the

panic button 16 as soon as an alarm indication is received from the base unit.” Ex. 1008 at 2:10-16. This quote underscores that Zellner’s system is designed to rely on pre-stored user information, focusing on database management rather than the dynamic, on-the-fly transmission of information as required by the '404 Patent. This pre-existing data approach is fundamentally at odds with the '404’s goal of providing immediate emergency responses for any user, regardless of prior registration. Ex. 2001 (Edwards Decl.) at ¶80.

Zellner does not teach the key element of claims 9 and 13 of the '404 patent because it does not allow the user to specify the location where emergency information is sent. Zellner’s architecture is designed around a fixed recipient, the SSP or ESC, which receives all emergency information, and this recipient is predetermined during the setup process. The '404 patent, however, requires a system where the panic button sends information to a user-specified location, providing flexibility and adaptability that Zellner’s fixed system does not offer. Therefore, Zellner cannot be said to disclose or suggest the features required by claim 9.d of the '404 patent. Ex. 2001 (Edwards Decl.) at ¶81.

Accordingly, Ground 3A fails to establish the unpatentability of independent claims 9 and 13.

E. Ground 4A fails to invalidate the challenged claims because the combination of references fails to teach “send the emergency

**information and the specific information to a specified location
when the panic button is activated” (claim limitation 9[d], 13[d])**

Petitioners argue that *Martin* in combination with *Kim* discloses or suggests “send[ing] the emergency information and the specific information to a specified location when the panic button is activated.” Petition at 61–63. However, for the reasons set forth below, Petitioners fail to establish that *Martin* and/or *Kim* actually disclose sending emergency information, including image data, audio data, location data, and specific information to a specified location when the panic button is activated, as required by the claim limitations. Ex. 2001 (Edwards Decl.) at ¶80.

Martin includes several embodiments, each of which is described as having an architecture with a fixed recipient and corresponding database at the recipient. For example, Figure 2 shows a “called party” 200 with a database 290, which at step 304 (prior to any keystroke sequence or emergency call) can store emergency information and as well as “information related to wireless device 100” such as a “user profile,” allowing the owner identification information to be “accessible by the called party.” Ex. 1009 (*Martin*), 4:33-45; Ex. 2001 (Edwards Decl.) at ¶84. A similar database 390 is described in the same figure. This information is organized according to owner identification information or “user profiles,” enabling long-term storage of emergency call history that can be later retrieved and used as “evidence in litigation,” for instance. Ex. 1009 (*Martin*), 5:57-62.

Figure 4 similarly shows an embodiment using 911 calls to a PSAP 400 connected to a database 490, where the database contains “information of the kind typically maintained in a 911 database.” Ex. 1009 (Martin), 6:8-9. Figure 6 involves an undercover law enforcement agent using the wireless device during an “undercover operation,” where the recipient is an “Operation Center 600.” Ex. 1009 (Martin), 7:2-3. In each of these architectures, the recipient or “called party” is fixed and configured for long-term storage of both the emergency information and specific information such as the “user profile” or owner identification information. Ex. 2001 (Edwards Decl.) at ¶85.

This architecture with a fixed endpoint is designed to keep track of users with their user profiles. Users are intended to perform some kind of registration with the recipient before any emergency calls are made, such as in steps 304 and 504 which both allow the user profile or owner identification information to be stored in the database of the recipient before a keystroke sequence is performed. In each case, the system enables the user profile to be stored at the recipient's database, such as in step 504. Ex. 1009 (Martin), 6:22-28; Ex. 2001 (Edwards Decl.) at ¶86.

The common thread among these embodiments is a recipient intended to be fixed in the system according to the requirements of the embodiment, whether the embodiment requires a recipient with a database intended to maintain long-term history of emergency calls of users such as in Figures 3 and 5, or an operation center

specifically tailored to the user for a purpose such as an undercover police operation. A POSITA would not understand these systems to include a “specified location” configurable by the user, because Martin favors long-term storage capabilities or otherwise depends on prior associations between the user device and called party, as opposed to a flexible system that shares all the necessary emergency and owner identification information on-the-fly without any requirement for a “user profile” or otherwise maintenance of a database for reference and retrieval at a later time. Ex. 2001 (Edwards Decl.) at ¶87.

Claims 9 and 13 further require that the sent emergency information include image data, audio data, and location data. Ex. 1001 at claims 9, 13. As explained above, the '404 patent discloses that relevant emergency information, such as image data, audio data, and location data are collected and transmitted at the same time and together in response to a user of the safety device pressing the panic button.

To the extent that *Martin* discloses transmitting image data, audio data, and location data, the Petition does not establish that the image data, audio data, and location data are collected and transmitted at the same time and together, such as when a panic button is pressed. For example, Petitioners rely on Figure 3 of *Martin* to show that emergency information is transmitted once a keystroke sequence is entered. See Petition at 61-62. However, Figure 3 (and the rest of *Martin*) is clear that certain information, such as location information and images, are transmitted

sequentially rather than at the same time together. *Martin* discloses that receiving a specific keystroke sequence (step 306) initiates a series of subsequent steps. *See generally* Ex. 1009 at Fig. 3, *id.* at 4:64-6:2. Specifically, *Martin* discloses generating initial location information (step 312) and then providing the generated location information to a called party (step 314). *See id.* at 5:4-14; Fig. 3. Content surrounding the wireless device is then captured (step 320). *Id.* at 5:39-47; Fig. 3. *Martin* discloses that the “content surrounding the wireless device” “*can be* transmitted” in step 322, not that it is necessarily transmitted. *Id.* at 5:39-47 (emphasis added). *Martin* therefore discloses that if the captured content (e.g., images and sound) are sent, they are sent in a separate message from, and at a different time than, the location information.

Accordingly, the Petition fails to establish the unpatentability of independent claims 9 and 13.

F. Grounds 1B, 3B, and 4B do not address any independent claims

Grounds 1B, 3B, and 4B each only address dependent claim 14. Accordingly, they do not remedy the deficiencies in Petitioners’ arguments, as described above with respect to Grounds 1A, 2, 3A, and 4A.

V. Conclusion

As discussed above, Petitioners have failed to establish the unpatentability of the challenged claims. Accordingly, the Board should find the challenged claims valid.

Date: August 26, 2024

Respectfully submitted,

/s/ James R. Nuttall

James R. Nuttall, Reg. No. 44,978

STEPTOE LLP

227 West Monroe, Suite 4700

Chicago, Illinois 60606

Tel: (312) 577-1260

Fax: (312) 577-1370

Katherine D. Cappaert, Reg. No. 71,639

STEPTOE LLP

1330 Connecticut Avenue, NW

Washington, DC 20036-1795

Tel: (202) 429-3000

Fax: (202) 429-3902

Counsel for Fendgo LLC

CERTIFICATION UNDER 37 C.F.R. § 42.24

Under the provisions of 37 C.F.R. § 42.24, the undersigned hereby certifies that the foregoing document contains 5,756 words, and thus complies with the word-count limits of 37 C.F.R. § 42.24.

Date: August 26, 2024

By: /s/ James R. Nuttall

James R. Nuttall, Reg. No. 44,978

STEPTOE LLP

227 West Monroe, Suite 4700

Chicago, Illinois 60606

Tel: (312) 577-1260

Fax: (312) 577-1370

Counsel for Fendgo LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S RESPONSE was served on August 26, 2024 by filing this document through the P-TACTS platform as well as by delivering a copy via the delivery method indicated to the attorneys of record for the Petitioners as follows:

Via Email:

ali.sharifahmadian@arnoldporter.com
Patrick.reidy@arnoldporter.com
xSamsungFendgoAP@arnoldporter.com

Date: August 26, 2024

By: /s/ James R. Nuttall

James R. Nuttall, Reg. No. 44,978

STEPTOE LLP

227 West Monroe, Suite 4700

Chicago, Illinois 60606

Tel: (312) 577-1260

Fax: (312) 577-1370

Counsel for Fendgo LLC