

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; IPR2024-00114

Patent 11,265,404

**PATENT OWNER SUPPLEMENTAL BRIEFING
ON CLAIM CONSTRUCTION**

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Patent Owner submits this Supplemental Briefing on claim construction.

I. “Owner Identification Information” – Independent Claims 1, 9, 13, 15

The term “owner identification information” should be construed as “the name and/or the description of the owner of the device.” This construction is consistent with the plain and ordinary meaning of the claims and the specification.

The '404 Patent is directed to an “emergency personal protection system” designed to “quickly notify[] authorities that an attack is underway, and [to] provid[e] the authorities with specific information in order to be able to come to the aid of the person being attacked.” Ex. 1001 at cover, 2:38-42. To this end, the '404 Patent discloses providing authorities with information to *identify* the owner of the device so that authorities can quickly locate and provide assistance to the right person. Specifically, the '404 Patent provides that when a user triggers the panic button, the “mobile phone/device sends the image data to the authorities along with specific information such as, for example, the name and description of the owner of the self-defense device.” *Id.*, at 5:29-33; *see also, id.* at 6:20-23. The '404 Patent further explains that providing audio/video data “aid[s] in identifying the perpetrator” of the attack, and providing a “description of [the owner]” helps determine “who owns the mobile phone/device.”) *Id.*, at 5:50-57. Patent Owner’s construction is consistent with the purpose of the invention and the “repeated and consistent description” of the term “owner identification information” in the Patent’s

specification. *Groove Digital, Inc. v. United Bank*, 825 F. App'x 852, 856 (Fed. Cir. 2020) (holding that “a patent's repeated and consistent description of a claim term may inform its construction.”); *see also, Poly-America, L.P. v. API Indus., Inc.*, 839 F.3d 1131, 1137 (Fed. Cir. 2016) (construing “short seal” to require inward extension from the specification where “[e]very embodiment described in the specification has inwardly extended short seals”). Thus, “owner identification information” is directed to information that helps identify the *owner* (*i.e.*, the name or description) and not the owner’s *device* (*i.e.*, a number or code).

Petitioners argued that dependent claim 8 requires that the term needs to be interpreted more broadly. However, “claim differentiation is a guide, not a rigid rule,” and claim differentiation cannot “alter a construction otherwise compelled by the intrinsic record,” as is the case here where the specification repeatedly defines “owner identification information” as information describing the owner of the device, including his/her name or description. *Ultravision Techs., LLC v. Govision, LLC*, No. 2022-1098, 2023 WL 2182285, at *4 (Fed. Cir. 2023) (patentee’s decision “to specifically claim a particular subset of IP values” does not overcome “the intrinsic record,” which provides the same range to define the claim term.)

Patent Owner’s construction for “owner identification information” is consistent with the purpose of the ’404 Patent, the disclosure provided in the specification and the claims.

II. “Specified Location” – Independent Claims 1, 9, 13, 15

Patent Owner construes the term “specified location” as “a location that is configurable in the device.” This construction is supported by the claims, specification, and gives meaning to the word “specified.”

The '404 Patent contemplates multiple configurations so that the user “is provided with the ability to configure his or her device according to what he or she feels is best.” Ex. 1001 at 7:30-33. These options include providing the user with the ability to configure how and where the emergency information is transmitted. For example, the '404 Patent provides that information can be sent via “e-mails directly to an e-mail address,” or via “an MMS (Multimedia Message Service) system,” which is for “communication between mobile phones/devices.” *Id.* at 6:28-42. Thus, the owner of the device can program the device to send the emergency information to a specified location (i.e., a specific MMS or email recipient).

Furthermore, the language of the claim is “specified location” rather than “specific location.” The term “specified” is a verb and implies an action involved in selecting the location. Finally, Patent Owner’s construction properly gives meaning to the term specified location. Petitioner’s construction improperly reads the word specified out and interprets the claim to mean any location. *See e.g., Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950 (Fed.Cir.2006) (“claims are interpreted with an eye toward giving effect to all terms in the claim”).

III. “transmit...emergency information...along with specific information”

Patent Owner construes “transmit...emergency information...along with specific information” as “transmitting as emergency information the image data, the audio data, and the location data along with specific information including owner identification information at the same time.” The claims of the ’404 Patent support this construction, including reciting that the panic button “activate[s] the camera unit, location unit and transmitting unit and send[s] the emergency information.” Ex. 1001 at claim 9; *see also* claims 13 and 15. Thus, the claims themselves make clear when the panic button is activated two things happen: (1) the emergency information is collected (i.e., the audio data, image data and location data); and (2) the emergency information is sent together as “emergency information.” If the audio, image and location data were sent separately they would not meet the clear language of the claims that states they are sent together at the same time as emergency data.

Moreover, as discussed above, the purpose of the ’404 Patent is to provide information on an ongoing situation to emergency authorities or an emergency contact. *See supra* I. To this end, it is imperative that all of the emergency information, including image, audio, location and identity data, is transmitted to the emergency contact at the same time so that they are armed with all the information necessary to provide assistance to the device’s user. *See*, Ex. 1001 at 5:50-57 (“By virtue of the features of the present invention, authorities will be able to proceed

directly to the location of the incident, equipped with specific information such as location information, image and/or audio data of the attack (which can of course aid in identifying the perpetrator), and information as to who owns the mobile phone/device including a description of that person.”).

IV. “Panic Button, adapted to, when activated, ready itself”

The term “Panic Button, adapted to, when activated, ready itself” should be given its plain and ordinary meaning, i.e., when activated the panic button readies itself to perform its function, and performs these functions upon further prompting by the user. The ’404 Patent has many safeguards in place to prevent falsely triggering the device. One of these safeguards includes “[a] voice activation unit may be provided which activates the panic button using a codeword.” Ex. 1001 at 3:59-60. The ’404 Patent provides that “[t]he panic button may be activated by at least one of: (1) a depressing or series of depressions of the panic button, (2) a depressing of the panic button for a predetermined time period, (3) a depressing of the panic button together with another button, and (4) a codeword.” *Id.* at 3:60-65. By activating the panic button once so that button may ready itself, and then providing the “special code word for activation,” which triggers the button to “send a signal to a controller inside the device to activate [the process of notifying authorities],” the user can prevent accidentally triggering the device. *Id.*, at 7:55-59.

Thus, the Board should adopt the plain and ordinary meaning of this term.

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Patent Owner Supplemental Briefing

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Respectfully submitted,

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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 1598 words, and thus complies with the word-count limits of 37 C.F.R. § 42.24.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER SUPPLEMENTAL BRIEFING ON CLAIM CONSTRUCTION was served on February 27, 2025 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:

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