

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

IPR2024-00114

U.S. Patent No. 11,265,404

**PETITIONERS' SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF
PURSUANT TO THE BOARD'S ORDER ON CONDUCT OF THE
PROCEEDING DATED FEBRUARY 20, 2025 (PAPER 28)¹**

¹ Pursuant to the Board's Order, the same identical brief is being filed in IPR2024-00113 and IPR2024-00114.

“[O]wner identification information.” There is no basis to limit “owner identification information” to exclude, for example, a telephone number or database link. First, PO admitted at oral argument that “owner identification information” could be a telephone number. There is no material difference between a telephone number or database link, as they are each used to identify the owner.

Moreover, the specification provides “the name and description of the owner of the self-defense device” as examples. “Description of the owner” is sufficiently broad to encompass any information that can be used to identify the owner of the device such as a telephone number or database link. To the extent PO argues that “description of the owner” is limited to a physical description (e.g., height, hair color, etc.), there is no basis for limiting the claim in that way, especially because PO conceded at oral argument that it was not relying on lexicography or disclaimer.

Finally, claim 1, like claims 9, 13, and 15, requires “a transmitting unit, adapted to transmit ... owner identification information.” *’404pat.*, 8:44-48. Dependent claim 8 further recites “wherein the owner identification information includes a name and a description of the owner of the mobile device.” *Id.*, 9:8-10. There is a presumption that “owner identification information” in claim 1 is not limited to what is recited in claim 8. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005). And the meaning of “owner identification information” recited in claim 1 is equally applicable to claims 9, 13, and 15. *Phillips*, 415 F.3d at 1314.

Thus, even if the Board were to give “description of the owner” a narrower interpretation, the meaning of “owner identification information” in the Challenged Claims should not be limited to what is recited in claim 8 and encompasses a telephone number (as PO already admitted), or database link. Accordingly, the information that PO’s expert admits must be included in *Walker*’s transmission, which allows the remote data storage facility to link the data to the device owner’s identity, is “owner identification information.” -113 Reply at 5.

“specified location.” There is no basis to limit the “specified location” in any of the ways argued by PO. As explained in the Petition, *Walker*, *Zellner*, and *Martin* teach this feature because the information is not merely broadcast, but is instead transmitted to a location specified by, for example, a user or system designer. -113 Petition at 22, 47, and 62 (citing *Michalson* ¶¶138-139, 259-260, 327).

Nothing in the specification requires the user to specify the location (as opposed to, for example, the system designer), much less that the user be able to dynamically specify the location during an emergency. The only use of the term “specified location” in the specification states that “MMS” enables the alleged invention to “send the data to a specified location.” ’404pat., 6:40-43. Other descriptions related to this feature use passive language (without reference to a user), or suggest that it is in fact the system designer that specifies the default location at some point in time before the emergency occurs. *Id.*, 5:47-50 (“*The system can be*

linked in with an emergency assistance number such as *911 or to a private emergency network*”); *id.*, 6:54-59 (“[T]he panic button of the present invention *can automatically contact 911*”). Nor does the specification otherwise suggest that the ability to dynamically send the information to anyone, anywhere is part of the alleged invention; it generally describes transmitting information to the “authorities.” *Id.*, 2:24-28, 2:38-42, 3:9-10, 5:29-30, 5:34-37, 5:47-50, 5:66-6:2. There is simply no basis to limit the claimed “specified location” to anything other than a location that is specified — in any manner, by any person, at any time.

There is also no basis to limit the location to a physical location. The specification states that data “can be sent through regular e-mail to a dispatching center and then to a police station,” or that data “can be sent through a regular TCP/IP to a web service, which enabled internet access on a cell phone.” *Id.*, 6:44-53. Thus, the specification contemplates that the location may be a “dispatching center” (e.g., a physical location with an email address), or a web service accessible by a cell phone (e.g., a destination for network communications). Moreover, the specification discloses contacting 911 and/or transmitting information to the “authorities,” and it does not matter where the 911 center or the “authorities” are physically located. Thus, Petitioners submit that *Walker*, *Zellner*, and *Martin* disclose this feature. -113
Petition at 22-23, 47, and 62-63.

“panic button, adapted to, when activated, ready itself.” Petitioners submit, and PO has not disputed, that the plain meaning of this limitation is met where the panic button, when activated, takes at least one preparatory step in advance of performing the claimed functions, such as recording the image, audio, and location data that is transmitted. -114 Petition at 17-18 (citing *Michalson* ¶¶87-91). To be clear, the ’404 patent discloses that the panic button can, itself, perform certain functions when it is activated. ’404pat., 6:54-59 (“[T]he panic button of the present invention can automatically contact 911”), *id.*, 4:23-25 (“a panic button, adapted to activate the ... the transmitting unit.”). The ’404 patent does not, however, disclose any embodiment where activating the panic button merely causes the panic button to perform a preparatory step before performing the claimed functions. PO stresses that the ’404 patent discloses “[t]he button can start the speech recognition process in one embodiment, to trigger the device,” but the ’404 patent makes clear that in this embodiment, it is the uttered “code word” which “activates” the panic button. *Id.*, 3:59-60 (“a voice activation unit may be provided which activates the panic button using a code word”). There is no disclosure of any embodiment in which the panic button is “activated,” performs a preparatory step (i.e., readies itself), and then performs the claimed functions.

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

The plain language of the claim does not include a “same time or together” or a

“same message” requirement. Courts have held that “along with” merely requires some “type of togetherness.” *Cellspin Soft Inc. v. Fitbit, Inc.*, 2021 WL 1417419, at *11 (N.D. Cal. Apr. 14, 2021) (“‘along with’ implies a sense of togetherness, which could be satisfied by either temporal togetherness (e.g., doing a thing at the same time) or some other type of togetherness (e.g., sending in the same data stream)”; *see also Linex Techs. Inc. v. Hewlett Packard Co.*, 2014 WL 2111144, at *10 (N.D. Cal. May 30, 2014).

Moreover, the specification describes using TCP/IP (*'404pat.*, 6:20-43), which transmits messages in packets. *See Zellner*, 6:33-54, 8:15-17 (explaining that TCP/IP uses “packets” to transmit messages). Thus, in the TCP/IP embodiment, the data would necessarily be sent in packets, and importing a “same time” requirement into the claims would impermissibly exclude that embodiment.

At any rate, even if the claims are construed to include a “same time or together” limitation, *Martin*’s disclosure of transmitting the claimed emergency information and specific information contemporaneously and during the same communication session (for emergency response purposes) teaches the “along with” and “when” features of the claim. -113 Reply at 19 (citing EX2002 at 65:13-21, 61:23-66:4). Petitioners’ expert testimony on this issue is un rebutted, as PO offers nothing more than attorney argument because its expert did not offer any testimony on this issue.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 27, 2025, I caused a true and correct copy of the foregoing Petitioners' Supplemental Claim Construction Briefing Pursuant To The Board's Order On Conduct Of The Proceeding Dated February 20, 2025 (Paper 28) to be served on the Patent Owner via electronic mail to Patent Owner's counsel of record below:

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