



Petitioner's Demonstratives

Reolink Innovations Inc. et al. v. Throughtek Co., Ltd.

Case No. IPR2024-00509

U.S. Patent No. RE47,842

May 12, 2025



DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

REOLINK 1106
Reolink v. ThroughTek
IPR2024-00509

U.S. Patent No. RE47,842 (“the ’842 patent”)

US00RE47842E

(19) **United States**
(12) **Reissued Patent**
(10) **Patent Number:** US RE47,842 E
(45) **Date of Reissued Patent:** Feb. 4, 2020
(11) **Inventor:** Kuo et al.

(54) **SYSTEM AND METHOD OF IDENTIFYING NETWORKED DEVICE FOR ESTABLISHING A P2P CONNECTION**
(71) Applicant: THROUGHTTEK CO., LTD, Taipei (TW)
(72) Inventors: Chi-Ming Kuo, Taipei (TW); Yu-Li Kao, Taipei (TW); Chien-Chun Yang, Taipei (TW); Sheng-Fue Chang, Taipei (TW)
(73) Assignee: THROUGHTTEK CO., LTD, Taipei (TW)
(21) Appl. No.: 16/218,841
(22) Filed: Dec. 13, 2018
Related U.S. Patent Documents
Reissue of:
(64) Patent No.: 9,787,498
Issued: Oct. 10, 2017
Appl. No.: 13/950,281
Filed: Jul. 25, 2013
U.S. Applications:
(60) Provisional application No. 61/812,262, filed on Apr. 16, 2013.

(52) U.S. CL. CPC: H04L 12/4625 (2013.01); H04N 5/23206 (2013.01); H04N 21/23418 (2013.01); H04N 21/25858 (2013.01); H04N 21/4108 (2013.01); H04N 21/4222 (2013.01); H04N 21/4223 (2013.01); H04N 21/4227 (2013.01); H04W 76/14 (2018.02); G09G 2370/022 (2013.01); G09G 2370/16 (2013.01)
(58) **Field of Classification Search**
CPC: H04N 5/23206; H04N 21/23418; H04N 21/25858; H04N 21/4222; H04N 21/4223; H04N 21/4227; H04N 21/4108; H04L 12/4625; H04W 76/14; G09G 2370/022; G09G 2370/16
See application file for complete search history.

(56) **References Cited**
U.S. PATENT DOCUMENTS
8,353,771 B2 * 1/2013 Jiao H04L 67/104 463/40
8,926,422 B2 * 1/2015 Anderson G07F 17/3209 463/16
(Continued)
Primary Examiner — Adam L. Basehoar
(74) Attorney, Agent, or Firm — WPAT, PC

(57) **ABSTRACT**
A barcode corresponding to an identification of the networked device is attached on a networked device, and the identification is associated with an IP address of the networked device in a server, wherein a terminal device captures the barcode for transmitting a connection request to the server, and the server obtains the identification code of the networked device according to the connection request, wherein the IP address of the networked device is obtained according to identification code for establishing a point to point (P2P) connection between the terminal device and the networked device.

18 Claims, 6 Drawing Sheets

(51) **Int. CL**
G06F 15/16 (2006.01)
H04N 5/232 (2006.01)
H04N 21/234 (2011.01)
H04N 21/258 (2011.01)
H04N 21/41 (2011.01)
H04N 21/4223 (2011.01)
H04N 21/4227 (2011.01)
(Continued)

Reissue of:

(64) Patent No.: **9,787,498**
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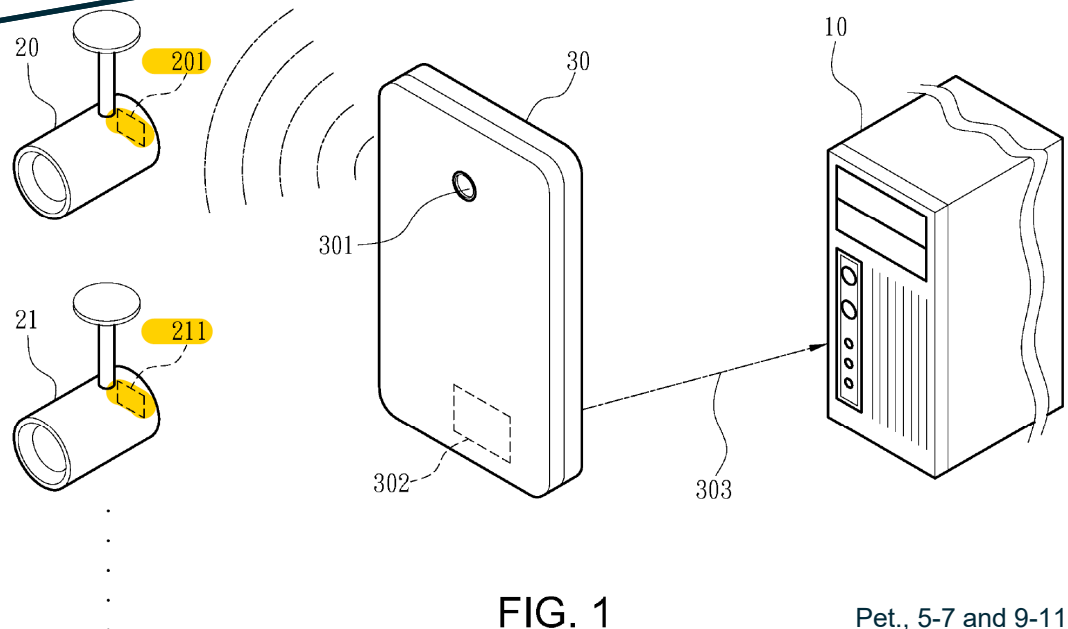


FIG. 1

Pet., 5-7 and 9-11.

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U.S. Patent No. RE47,842 (“the ’842 patent”)

Background:

II. Description of the Prior Art

Prior art discloses a platform for connectivity of Things through point to point network, wherein the platform has a management server, a plurality of proximal equipments and networked devices having a plurality of application program interfaces, wherein the management server and the linking server establish a P2P connection through the Internet, and the application programming interface (API) can be applied to a variety of different operating systems.

... Even if the proximal end equipment is a smart phone, it is complicated and cumbersome to input such a lengthy identification code (ID) to establish a connection.

EX1002, 1:36-67.

“Well known”:

Therefore, when the network server 10 receives the connection request signal 303, it will notify the first networked device 20 that the terminal device 30 is making a request to connect therewith, according to the network address of the networked device corresponding to the first identification code. Through hole-punching technique, which is well known in the field, the server 10 respectively transmits hole-punching messages 401, 402 to the first networked device 20 and the terminal device 30 respectively. At this

EX1002, 5:54-62.

Alleged “key focus” of patent:

One key focus of the present invention is that the first and second networked device 20, 21 is respectively equipped with a first connection barcode 201 and a second connection barcode 211, the first and second connection bar 201, 211 are respectively stored with information of the first and the second identification codes A, B. Each of the first and second connection barcodes 201 211 is a two-dimensional code such as a quick response code (QR code), however, it is not limited to that and it can be in other form such as a one-dimensional barcode.

EX1002, 4:50-59.

Pet., 3-5 (EX1001, ¶¶25-26) .

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U.S. Patent No. RE47,842 (“the ’842 patent”)

Independent Claim 1:

1. A system to identify a networked device for establishing a point-to point (P2P) connection, the system comprising:

- a network server having a list of networked devices that are pre-registered in the network server, wherein the network server associates a corresponding identification of each networked device with a corresponding IP address of the networked device for enabling terminal devices to establish P2P connections with the plurality of networked devices;
- a first networked monitoring device, having a first identification embedded in the first networked monitoring device, wherein the first networked monitoring device registers the embedded first identification into the list of networked devices to associate a corresponding IP address of the first networked monitoring device with the first identification by connecting to the network server through the Internet;
- an image pattern, being attached on the first networked monitoring device and comprising the first identification for establishing a P2P connection with the first networked monitoring device; and

a terminal device, wherein the terminal device generates a connection request signal when the image pattern is captured to the terminal device; and the terminal device transmits the connection request signal to the network server through the Internet, wherein the network server obtains the first identification according to the connection request signal and obtains the corresponding IP address of the first networked monitoring device according to the obtained first identification for establishing a P2P connection between the terminal device and the first networked monitoring device, wherein the network server respectively transmits hole-punching messages to the terminal device and the first networked monitoring device via the Internet to establish the P2P connection, and wherein the first networked monitoring device does not capture any image pattern associated with the terminal device for establishing the P2P connection between the terminal device and the first networked monitoring device.

EX1002, 9:7-47.

Pet., 19-30

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The Petition

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Kuo et al.
U.S. Patent No.: RE47,842 Attorney Docket No.: 52472-0005IP1
Issue Date: February 4, 2020
Appl. Serial No.: 16/218,841
Filing Date: December 13, 2018
Title: SYSTEM AND METHOD OF IDENTIFYING NETWORKED DEVICE FOR ESTABLISHING A P2P CONNECTION

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. RE47,842 PURSUANT TO 35 U.S.C. §§ 311-319, 37 C.F.R. § 42

Petitioners request IPR on Grounds 1-3 listed below. An expert declaration from Harry Bims, Ph.D. supports Grounds 1-3. See EX1001.

Ground	Claims	Basis for Rejection
1	1-3, 6, 10, 12-14, 17, and 18	§103 – Obvious based on Lorex Guide (EX1006) in view of Kim (EX1007)
2	1-3, 6, 10, 12-14, 17, and 18	§103 – Kim in view of Lorex Video (EX1008)
3	1-4, 6-19	§103 – Obvious based on Throughtek-2012 (EX1017) in view of Lorex Video (EX1008)

All Grounds 1-3 rely on publications that were published well before the April 16, 2013 filing date of the '842 patent's provisional application, and thus qualify as prior art under 35 U.S.C. § 102(a)(1):

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Title: SYSTEM AND METHOD OF IDENTIFYING NETWORKED DEVICE FOR ESTABLISHING A P2P CONNECTION

DECLARATION OF HARRY BIMS, Ph.D.

1 REOLINK 1001

Patent Owner elected to never cross-examine Dr. Bims.

Issues Not Disputed by Patent Owner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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All Grounds 1-3 rely on publications that were published well before the April 16, 2013 filing date of the '842 patent's provisional application, and thus qualify as prior art under 35 U.S.C. § 102(a)(1):

Patent Owner never disputed:

1. The cited references of Grounds 1-3 disclose each and every element of the Challenged Claims;
2. There are multiple “motivations” to combine the cited references; and
3. The evidence establishes that a POSITA would have had a reasonable expectation of success for each obviousness combination.

Issues Disputed by Patent Owner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. Patent No.: RE47,842 Attorney Docket No.: 52472-0005IP1
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Ground	Claims	Basis for Rejection
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3	1-4, 6-19	§103 – Obvious based on Throughtek-2012 (EX1017) in view of Lorex Video (EX1008)

All Grounds 1-3 rely on publications that were published well before the April 16, 2013 filing date of the '842 patent's provisional application, and thus qualify as prior art under 35 U.S.C. § 102(a)(1):

Patent Owner instead disputed whether:

1. Lorex Guide and Lorex Video are prior art (i.e., whether the §102(b)(1)(A) exception applies);
2. The Throughtek-2012 publication is prior art (i.e., whether new matter was added after the provisional application's filing date).

Issue 1:
Lorex Guide And Lorex Video Are Prior Art

Lorex Guide And Lorex Video Are Prior Art



Testimony of Mr. Vlad Kardashov:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Kuo et al.
 U.S. Patent No.: RE47,842 Attorney Docket No.: 52472-0005IP1
 Issue Date: February 4, 2020
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 Title: SYSTEM AND METHOD OF IDENTIFYING NETWORKED DEVICE FOR ESTABLISHING A P2P CONNECTION

DECLARATION OF VLAD KARDASHOV

I, Vlad Karashov, declare that:

1. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify to the same.
2. I am currently employed as the President of iENSO Inc. and also CEO at Tigers Business Consulting Inc. in Thornhill, Ontario. I have been employed with iENSO Inc. for the past three years and employed with Tigers Business Consulting Inc. for more than three years. Part of my consulting work includes engineering and product development for security systems, including the interconnectivity of smartphones to IP cameras, and I have worked in the in engineering and product development for security systems for more than twelve years.
3. From 2012 to 2016, I was employed as the Director of Engineering & Product Development at Lorex Technology, Inc. (acquired by FLIR Systems, Inc. in 2012), which produced of a variety of networked camera systems, including the

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REOLINK 1011

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Pet. 2 (citing EX1011, ¶¶5-10), 12-14, 37-38

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Lorex Guide And Lorex Video Are Prior Art

Grounds 1-2 in the Petition:

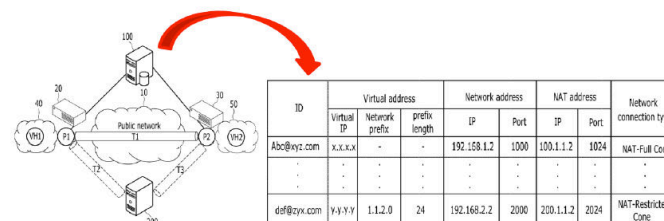
- **did not contend that the Lorex publications disclosed the subject matter for a network server to establish “P2P” connectivity.**
 - the Petition plainly cited to the Kim reference for a conventional teaching of the claimed server to “establish P2P connections.”
- **did cite to Lorex Guide and Lorex Video for the traditional input of the camera ID:**
 - the security camera having the QR code (“image pattern” attached on the “first networked monitoring device”).
 - the mobile phone that captures the QR code (“...the image pattern is captured to the terminal device...”)

Ground 3 in the Petition:

- **cited Lorex Video only for negative limitation recited in Element [1.6]**
 - the Petition plainly cited to the Throughtek-2012 reference for a conventional teaching of the claimed server to “establish P2P connections”

2. Kim

Kim is like Lorex Guide in that both references describe establishing a connection between networked devices such as a smartphone and a camera. EX1007, [0052], [0053]; EX1001, ¶¶61-62. Although Lorex Guide does not expressly describe a network server using a conventional hole-punching technique, Kim does. And Kim plainly suggests the known benefits of using this common practice to establish a peer-to-peer connection between IP cameras and smartphones. EX1007, FIG. 6, [0079]-[0085]; EX1001, ¶¶61. For example, Kim describes a server storing IDs and network addresses for peer devices such as peer nodes P1 and P2 (shown in FIG. 1), and the network address includes an IP address, which can be a private or public IP address:



EX1007, FIGS. 1 and 5 (annotated), [0040]-[0042], [0075]; EX1001, ¶¶61.

2. The Throughtek-2012-Lorex Video Combination

Although Throughtek-2012 does not expressly disclose the claimed negative limitation (Elements [1.6]/[12.6]), the feature recited by the negative limitation was nonetheless known in the prior art as expressly demonstrated by Lorex Video.

Pet. 14, 20-21 (Element [1.1], 38-39, 40-41 (Element [1.1], 58, 63-64)

Lorex Guide And Lorex Video Are Prior Art

Ground 1 in the Petition

Dr. Bims:

C. The Predictable Combination of Lorex Guide and Kim

63. Based upon my knowledge and experience in this field and my review of Lorex Guide and Kim, it is clear that a POSITA would have been motivated to implement Lorex Guide to include Kim's suggested use of a network server and conventional hole-punching techniques to achieve known benefits at the time. At a high level, Lorex Guide discloses the same solution that was the alleged "key focus" of the '842 patent (EX1002, 4:50-55), and Kim suggests an improvement for accomplishing a conventional network server to provide hole-punching and a P2P connection for direct communications.

EX1001, ¶¶63.



Patent Owner elected to never cross-examine Dr. Bims nor rebut this testimony evidence.

74. Even if Lorex Guide did not suggest a network server having all of the "list of devices"/functionality recited in Element [1.1], the predictable Lorex Guide-Kim combination would have provided the claimed network server. For example, Kim describes "direct communication of a P2P Layer 4 (L4) level through help of a server." EX1007, [0006], *see also* [0010] ("the sender and the receiver can perform communication when acquiring a changed IP and port information of another terminal through help of a server."), [0011], [0012], [0013], [0020], [0021], [0039], [0040] [0043], [0047], [0054]-[0076], [0078]-[0084], [0094]-[0098]; FIGS. 1-3, 6; *above*, Section VII.C (combination overview).

75. In the predictable Lorex Guide-Kim combination, the server would predictably manage network addresses of the peer nodes as taught in Kim. EX1007, [0040]. According to Kim, the server includes a storage unit that includes an ID (e.g., Lorex Guide's "CamID" from the QR code) and IP addresses for pre-registered network devices. EX1007, FIG. 5 and [0075], *see also* [0071]. The devices are pre-registered in the server. EX1007, FIGs. 2, 3, [0055], [0056], [0067], [0068].

EX1001, ¶¶74-75.

Pet. 14, 20-21 (Element [1.1], 38-39, 40-41 (Element [1.1]))

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DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Lorex Guide And Lorex Video Are Prior Art

Ground 2 in the Petition

Dr. Bims:

B. The Predictable Combination of Kim and Lorex Video

113. Based upon my knowledge and experience in this field and my review of Kim and Lorex Video, it is clear that a POSITA would have been motivated to implement Kim to include Lorex Video's suggested use of a conventional QR code to quickly obtain an ID of a device targeted for a direct connection (e.g., a P2P connection). At a high level, Kim discloses a conventional approach to establishing P2P between peer devices such as a camera and a smartphone using a network server and hole punching, and Lorex Video suggests the same solution that was the alleged "key focus" of the '842 patent (EX1002, 4:50-55) for using a barcode (e.g., a QR code) to quickly and easily identify a device as the target of a connection request.

EX1001, ¶113.

120. The predictable Kim-Lorex Video combination would have provided the claimed network server having the recited features. For example, Kim describes "direct communication of a P2P Layer 4 (L4) level through help of a server." EX1007, [0006], *see also* [0010] ("the sender and the receiver can perform communication when acquiring a changed IP and port information of another terminal through help of a server."), [0011], [0012], [0013], [0020], [0021], [0039], [0040] [0043], [0047], [0054]-[0076], [0078]-[0084], [0094]-[0098].

122. Kim describes the server as including "information in which a direct tunnel can be set between the two peer nodes P1 and P2" and the "tunnel information that is transmitted to the peer node P1 includes a virtual address, a network address, and a NAT address of the peer node P2 to communicate, and similarly, tunnel information that is transmitted to the peer node P2 includes a virtual address, a

EX1001, ¶¶ 120, 122.

Patent Owner elected to never cross-examine Dr. Bims nor rebut this testimony evidence.

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DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Pet. 14, 20-21 (Element [1.1], 38-39, 40-41 (Element [1.1]))

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Lorex Guide And Lorex Video Are Prior Art

Ground 3 in the Petition

Dr. Bims:

camera?”). At a high level, Throughtek-2012 provides substantially the same disclosure as the '842 patent's provisional application (and much of the specification of the '842 patent itself). Throughtek-2012 thus anticipates most elements of the Challenged Claims, although it does not expressly disclose the negative limitation recited by Elements [1.6] or [12.6]. Lorex Video nonetheless confirms that such a simplified connection procedure that does not involve capturing an image pattern associated with the terminal device (smartphone) was entirely conventional before the relatively late effective filing date of the '842 patent.

EX1001, ¶156.



Patent Owner elected to never
cross-examine Dr. Bims nor rebut
this testimony evidence.

167. The predictable Throughtek-2012-Lorex Video combination would have provided the features recited in Element [1.5]. For example, Throughtek-2012 describes “the network server 10 receives a request signal 303 used to establish a connection”, “[u]sing the first identification code A, the network server 10 searches in its apparatus list for a network address of the network apparatus corresponding to the first identification code”, and “[b]ased on the known hole-punching technique, the network server 10 forwards a hole-punching connection message 401, 402 to the first network apparatus 20 and the terminal apparatus 30, respectively, so that a direct communication channel 50 is established between the network apparatus 20 and the terminal apparatus 30.” EX1017 [0030], *see also* [0009], [0010], [0034], [0038], [0040], FIGS. 3-4, claims 1, 5; *above*, Section IX.A-2.

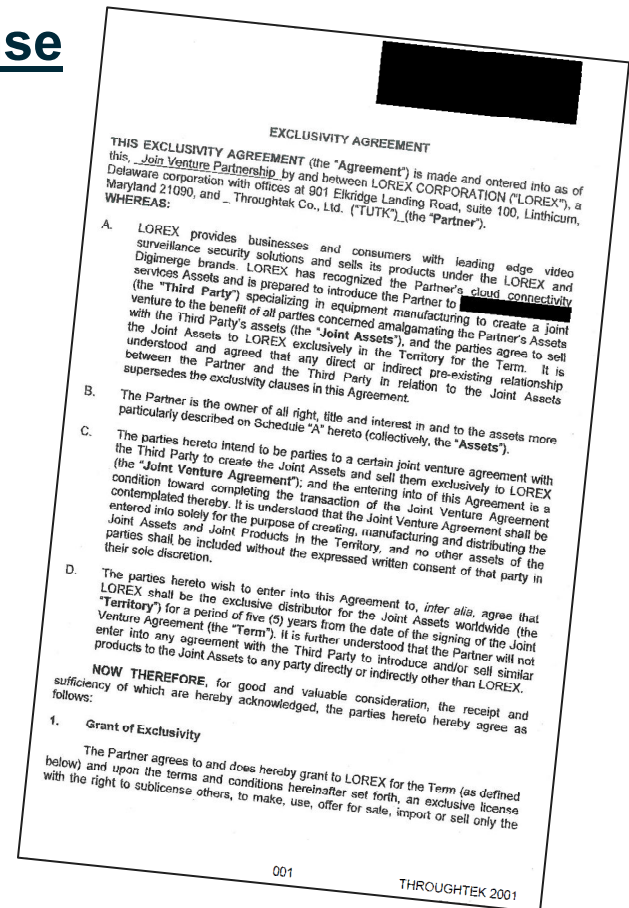
EX1001, ¶167.

Lorex Guide And Lorex Video Are Prior Art

Patent Owner's Response

prior to the effective filing date of the '842 patent. EX1006, 3 and 5. The *Lorex Guide* reference is not prior art under the §102(a) based on the §102(b) exception since the subject matter disclosed therein is obtained directly or indirectly from the inventor (Patent Owner) as evidenced by the Agreement between ThroughTek and Lorex. EX2001.

to the effective filing date of the '842 patent. EX2002, 015. The *Lorex Video* reference is not prior art under the §102(a) in view of the §102(b) exception since the subject matter disclosed therein is obtained directly or indirectly from the Patent Owner as evidenced by the Agreement between ThroughTek and Lorex. EX2001.



35 U.S.C. §102(b)(1)(A) Exception: (b)Exceptions.—

(1) ... A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor

Lorex Guide And Lorex Video Are Prior Art

Three flawed assumptions underlying Patent Owner's position that the §102(b)(1)(A) exception applies:

1. The "subject matter" shortcoming
2. The temporal impossibility
3. The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

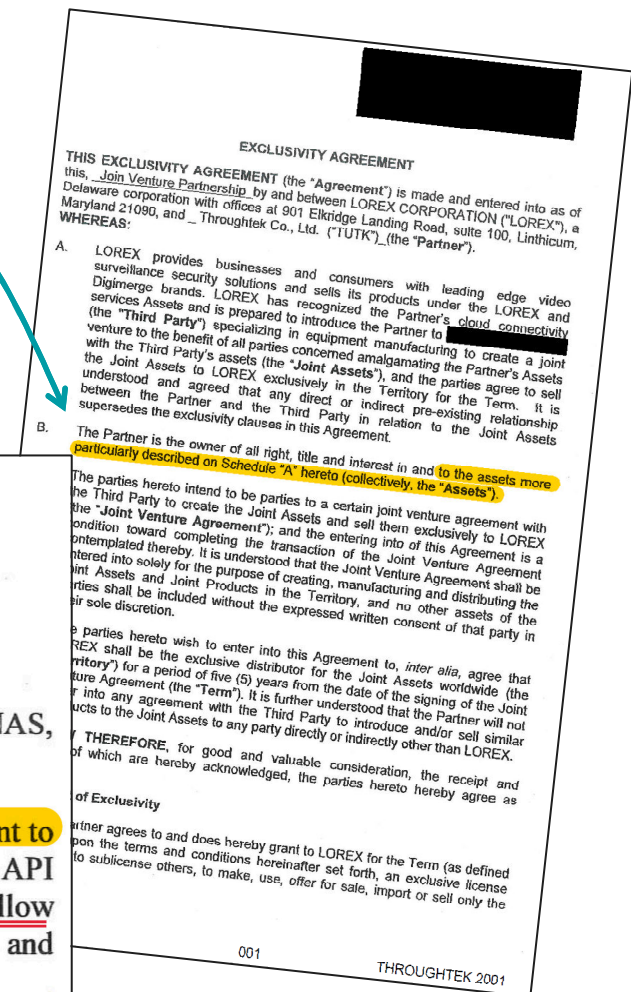
SCHEDULE "A"

ASSETS

Cloud Connectivity services.

Cloud Connectivity services specializing in varied networked devices, including IP cam, NAS, Set-top box, home gateway, and similar devices.

The Partner will develop connectivity services with a connection platform based on **P2P (Point to Point) network connection architecture** and advanced Cloud computing technology via API (Application Programming Interface) for cross-platform connection. The end result will allow developers to utilize a ready-to-use API to build up the connection between different devices and across different operation systems.



Lorex Guide And Lorex Video Are Prior Art

The “subject matter” shortcoming

create the joint venture. *Id.*, 1. Critically, ThroughTek’s “Assets” at the crux of this Agreement—which were “more particularly described on Schedule A”—have nothing to do with the QR code on the back of Lorex’s LNC100 Series cameras. EX2001, 1, 7. Instead, the Agreement centers upon “Cloud Connectivity services” that ThroughTek theoretically “will develop” for a future “end result” that “will allow” a ready-to-use API:

Reply, 4-5.

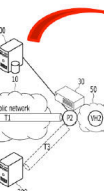
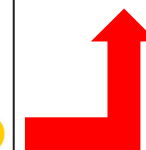
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ID	Virtual address		Network address		NAT address		Network connection type
	Virtual IP	Network prefix	IP	Port	IP	Port	
Abc@xyz.com	x.x.x.x	-	192.168.1.2	1000	100.1.1.2	1024	NAT-Full Cone
.	.	.	.	.	.	.	.
def@xyz.com	y.y.y.y	1.1.2.0	192.168.2.2	2000	200.1.1.2	2024	NAT-Restricted Cone

EX1007, FIGS. 1 and 5 (annotated), [0040]-[0042], [0075]; EX1001, ¶61.

2. Kim

Kim is like Lorex Guide in that both references describe establishing a connection between networked devices such as a smartphone and a camera. EX1007, [0052], [0053]; EX1001, ¶¶61-62. Although Lorex Guide does not expressly describe a network server using a conventional hole-punching technique, Kim does. And Kim plainly suggests the known benefits of using this common practice to establish a peer-to-peer connection between IP cameras and smartphones. EX1007, FIG. 6, [0079]-[0085]; EX1001, ¶61. For example, Kim describes a server storing IDs and network addresses for peer devices such as peer nodes P1 and P2 (shown in FIG. 1), and the network address includes an IP address, which can be a private or public IP address:

Pet., 14.

Reply, 5-7; Pet. 12-14, 37-38.

Lorex Guide And Lorex Video Are Prior Art

The “subject matter” shortcoming

subject matter was admittedly “well known”:

'842 patent, col. 5:

Therefore, when the network server 10 receives the connection request signal 303, it will notify the first networked device 20 that the terminal device 30 is making a request to connect therewith, according to the network address of the networked device corresponding to the first identification code. Through hole-punching technique, which is well known in the field, the server 10 respectively transmits hole-punching messages 401, 402 to the first networked device 20 and the terminal device 30 respectively. At this

EX1002, 5:54-62.

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Patent Owner's Witness:

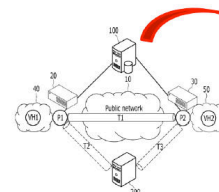
4. P2P and the hole puncture technique by themselves are not new per se in the industry at the time when the '842 patent's earliest application was filed.

5. Image recognition related technology is also not new in the industry at the time when the '842 patent's earliest application was filed. Bar code, QR code, and even figure print recognition are common between IP cameras and smartphones.

EX2005, ¶¶4-5

2. Kim

Kim is like Lorex Guide in that both refer to establishing a connection between networked devices. Kim does not describe a unique, novel, or non-obvious technique, but rather describes a common technique, which is well known in the industry at the time when the '842 patent's earliest application was filed. For example, Kim describes a server (shown in FIG. 1), and the network address includes an IP address, which can be a private or public IP address:



ID	Virtual address		Network address		NAT address		Network connection type
	Virtual IP	Network prefix	IP	Port	IP	Port	
Abc@xyz.com	x.x.x.x	-	192.168.1.2	1000	100.1.1.2	1024	NAT-Full Cone
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
def@xyz.com	y.y.y.y	1.1.2.0	192.168.2.2	2000	200.1.1.2	2024	NAT-Restricted Cone

EX1007, FIGS. 1 and 5 (annotated), [0040]-[0042], [0075]; EX1001, ¶61.

Pet., 14.

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Reply, 5-7; Pet. 12-14, 37-38.

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Lorex Guide And Lorex Video Are Prior Art

The “subject matter” shortcoming

Mr. Kardashov (1st declaration):

I confirm here that the subject matter disclosed in the 2012 Lorex publications (cited above in ¶¶5-12) was not obtained directly or indirectly from any of these four named inventors. **To be clear, we did not obtain the subject matter disclosed in these 2012 Lorex publications, directly or indirectly, from any employees/publications of Throughtex Co. Ltd.** Based upon my experience and personal knowledge, I confirm that the subject matter disclosed in these 2012 Lorex publications was generated by my team at Lorex Technology as a result of our internal efforts to independently develop the successful Lorex system detailed above (the LNC100 Series IP Camera and the Lorex Ping app).

Mr. Kao (Patent Owner’s witness):

Therefore **ThroughTek did not involve in any Lorex publications** as stated in Mr. Kardashov’s declaration.

10 Q. So is it fair to say that Throughtek or
11 you never drafted or prepared any portion of
12 those Lorex publications?
13 A. Correct.

Mr. Kardashov (2nd declaration):

6. Turning now to the Lorex Guide (EX1006) and Lorex Video (EX1008) cited in my First Declaration (and responsive to the allegations in the POR), I reiterate my earlier testimony that the subject matter disclosed in the 2012 Lorex publications including Lorex Guide and Lorex Video **was not obtained either directly or indirectly from any individuals or employees associated with ThroughTek, and was certainly not obtained from any of the four individuals listed as co-inventors on the face of the ’842 Patent. EX1011, ¶13; see also id., ¶¶5-12.** Indeed, the subject matter disclosed in Lorex Guide and Lorex Video (including the LNC100 Series camera with the QR code on the back and the Lorex Ping mobile application) was developed and publicized well before the in-person meeting between Lorex and ThroughTek on October 11, 2012. Stated more simply,

Patent Owner elected to never cross-examine Mr. Kardashov after the second declaration nor rebut this testimony evidence.



Lorex Guide And Lorex Video Are Prior Art

Three flawed assumptions underlying Patent Owner's position that the §102(b)(1)(A) exception applies:

1. The "subject matter" shortcoming
2. The temporal impossibility
3. The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

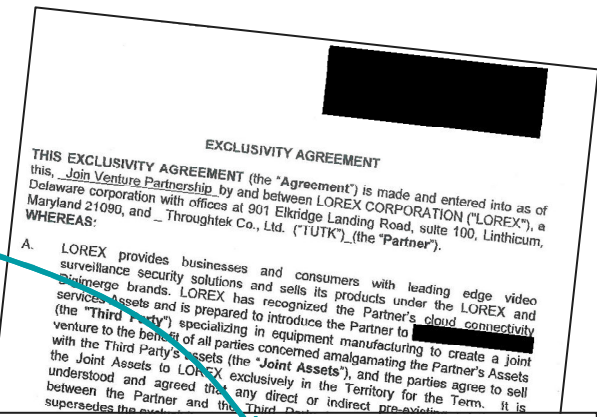
III. The Petition Fails to Establish that the *Lorex Guide* Reference is Prior Art and the Combination of the *Lorex Guide* and *Kim* References Fails to Support Ground 1 of the Petition

Petitioner fails to establish that the *Lorex Guide* reference qualifies as prior art.

The '842 patent has an effective filing date of April 16, 2013. EX1002, 1. The *Lorex Guide* reference was published on September 12, 2012, which is less than one year prior to the effective filing date of the '842 patent. EX1006, 3 and 5. The *Lorex Guide*

Case IPR2024-00509
Patent RE47,842

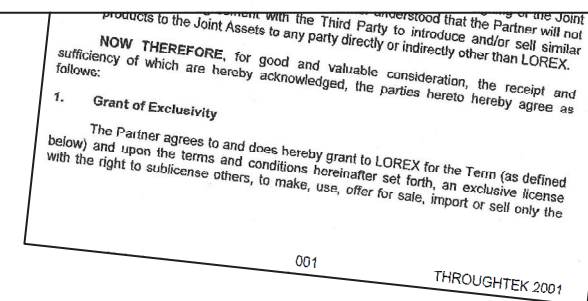
PATENT OWNER'S RESPONSE



Lorex Corporation

Per: [Signature] 10-11-12 Martin Wernke
Authorized Signing Officer

Per: _____
Authorized Signing Officer



Lorex Guide And Lorex Video Are Prior Art

The temporal impossibility

EX1101, ¶18. Noticeably, however, *neither party executed the Agreement before the publication date of Lorex Guide, which even PO concedes occurred no later than September 12, 2012*. POR, 4 (conceding Lorex Guide “was published on September 12, 2012” and citing to EX1006, 3 (“SEP 12 2012”)); EX1101, ¶¶5-10. Based on this record, there is no dispute that the Lorex Guide was published before the October 11, 2012 introductory meeting and Agreement executed later that day.

To be sure, PO never once acknowledges, let alone reconciles, this glaring discrepancy between the date of the Agreement and the admittedly earlier publication of Lorex Guide. No evidence of record indicates that Lorex somehow obtained the subject matter disclosed in the Lorex Guide from ThroughTek before the admitted publication date of September 12, 2012. Worse yet, it appears that

Reply, 8-9.

Patent Owner elected to never cross-examine Mr. Kardashov after the second declaration nor rebut this testimony evidence.

Mr. Kardashov (2nd declaration):

8. I, along with several colleagues from Lorex, initially met with ThroughTek in person on October 11, 2012, which was one of many meetings in an Asian tour for purpose of identifying vendors for future projects. This meeting was unrelated to the LNC100 Series IP Camera or the Lorex Ping app, which was already publicly launched prior to that time. To be clear, based upon my personal knowledge and the corroborating examples described below, the development of the LNC100 Series IP Camera and the Lorex Ping app, including the entire subject matter of Lorex Guide and Lorex Video, was completed well before the October 11, 2012 introductory meeting with ThroughTek. *See, supra*, ¶7. This is corroborated by the “SEP 12 2012” date on Lorex Guide (EX1006, 3-6), which was a month before the in-person meeting with ThroughTek. For further corroboration, Lorex published other “how-to” videos on YouTube before the October 11, 2012 in-person meeting, including EX1105 and EX1009 which demonstrate the same subject matter that matches the Lorex Guide and Lorex Video. EX1105 (dated September 28, 2012), 0:10-1:45; EX1009 (dated October 5, 2012), 2:08-2:52. In accordance with our

Reply, 8-9, 14.

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Lorex Guide And Lorex Video Are Prior Art

The temporal impossibility

To be sure, the Agreement merely established what ThroughTek “will develop” theoretically in a future “end result” (EX2001, 7), and PO cited no evidence of any technical disclosure actually communicated from ThroughTek to Lorex before the Lorex Video published on October 19, 2012. See EX1101, ¶¶5-6 (“ThroughTek was surely not involved in any way with the development of the LNC100 Series IP Camera, the Lorex Ping app, and the subject matter disclosed in Lorex Guide or Lorex Video.”). In fact, there is no evidence of exactly what was communicated from ThroughTek to Lorex on October 11, 2012 or at any time thereafter.

(Reply, 9-10.)

SCHEDULE “A”

ASSETS

Cloud Connectivity services.

Cloud Connectivity services specializing in varied networked devices, including IP cam, NAS, Set-top box, home gateway, and similar devices.

The Partner will develop connectivity services with a connection platform based on P2P (Point to Point) network connection architecture and advanced Cloud computing technology via API (Application Programming Interface) for cross-platform connection. The end result will allow developers to utilize a ready-to-use API to build up the connection between different devices and across different operation systems.

Mr. Kardashov (2nd declaration):

11. The features shown in Lorex Video were likewise developed long before the meeting with ThroughTek on October 11, 2012. Lorex Video was published on October 19, 2012. Lorex Video demonstrates the same concept that we presented to retailers in starting in June 2012 and that is described in the Lorex Guide. EX1104, Slide 7; EX1006, 13-14; EX1008. As I discussed above, Lorex published another video demonstrating the same features on September 28, 2012 further corroborating that Lorex developed the subject matter in the Lorex Video well before the October 11, 2012 meeting. See EX1105.

Patent Owner elected to never cross-examine Mr. Kardashov after the second declaration nor rebut this testimony evidence.

Lorex Guide And Lorex Video Are Prior Art

Three flawed assumptions underlying Patent Owner's position that the §102(b)(1)(A) exception applies:

1. The "subject matter" shortcoming
2. The temporal impossibility
3. The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

35 U.S.C. 102 Conditions for patentability; novelty.

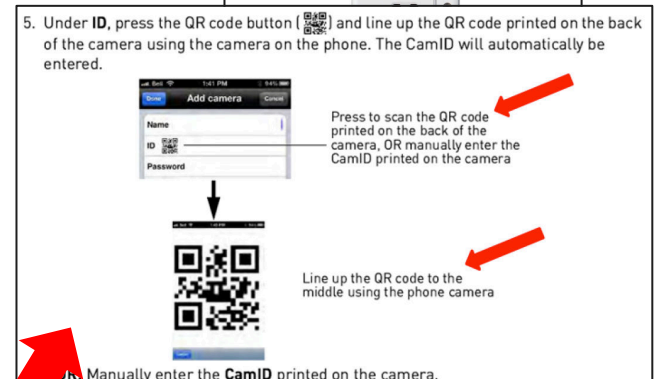
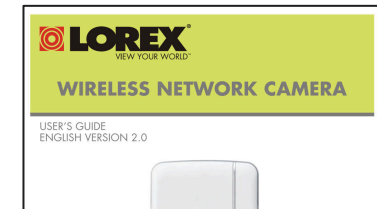
...

(b) EXCEPTIONS.—

(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.
—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.



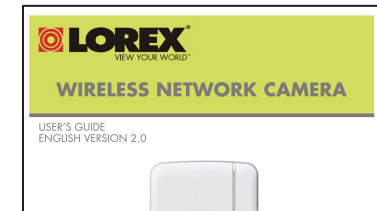
Lorex Guide And Lorex Video Are Prior Art

The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

2155.03 Showing That the Disclosure was Made, or That Subject Matter had Been Previously Publicly Disclosed, by Another Who Obtained the Subject Matter Disclosed Directly or Indirectly From the Inventor or a Joint Inventor [R-01.2024]

[AIA 35 U.S.C. 102\(b\)\(1\)\(A\)](#) and [102\(b\)\(2\)\(A\)](#) provide similar treatment for disclosures of subject matter by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor. Specifically, [AIA 35 U.S.C. 102\(b\)\(1\)\(A\)](#) provides that a grace period disclosure shall not be prior art to a claimed invention under [AIA 35 U.S.C. 102\(a\)\(1\)](#) if the disclosure was made by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor, and [AIA 35 U.S.C. 102\(b\)\(2\)\(A\)](#) provides that a disclosure shall not be prior art to a claimed invention under [AIA 35 U.S.C. 102\(a\)\(2\)](#) if the subject matter disclosed was obtained directly or indirectly from the inventor or a joint inventor.

In addition, [AIA 35 U.S.C. 102\(b\)\(1\)\(B\)](#) and [102\(b\)\(2\)\(B\)](#) respectively provide that a grace period disclosure under [AIA 35 U.S.C. 102\(a\)\(1\)](#), and that a disclosure under [AIA 35 U.S.C. 102\(a\)\(2\)](#) shall not be prior art to a claimed invention, if the subject matter disclosed had, before such grace period disclosure was made under [AIA 35 U.S.C. 102\(a\)\(1\)](#) or before such subject matter was effectively filed according to [35 U.S.C. 102\(a\)\(2\)](#), been publicly disclosed by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor. An applicant may also show that another obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor in an affidavit or declaration under [37 CFR 1.130\(b\)](#). Thus, an applicant may establish a prior public disclosure by another if the applicant can establish that subject matter disclosed originated with the inventor or a joint inventor and that the subject matter was communicated by the inventor or a joint inventor, directly or indirectly. Any documentation which provides evidence of the communication of the subject matter by the inventor or a joint inventor to the entity that made the disclosure of the subject matter directly or indirectly, such as by an assignee of the inventor, should accompany the affidavit or declaration.



5. Under ID, press the QR code button  and line up the QR code printed on the back of the camera using the camera on the phone. The CamID will automatically be entered.



Press to scan the QR code printed on the back of the camera, OR manually enter the CamID printed on the camera



Line up the QR code to the middle using the phone camera

• OR: Manually enter the CamID printed on the camera.



Lorex Guide And Lorex Video Are Prior Art

The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

K/S Himpp v. BRAGI GmbH, IPR2023-00901, Paper 39, p. 16 (PTAB Nov. 24, 2024):

We agree with Petitioner that the prior art exception of 35 U.S.C. § 102(b)(1)(B) does not apply to the Hensen Video. The differences between the Dash Kickstarter product and the Hensen Video establish that the subject matters are not identical, and the two subject matters at least embody different species of the '385 patent. This is particularly the case for the two different visual representations of the wireless ear pieces, as described above. Significantly, as Petitioner points out, the visual

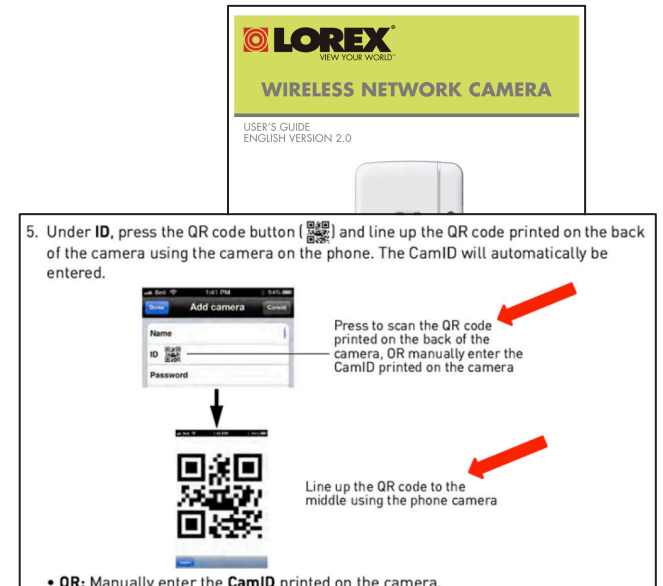
SCHEDULE "A"

ASSETS

Cloud Connectivity services.

Cloud Connectivity services specializing in varied networked devices, including IP cam, NAS, Set-top box, home gateway, and similar devices.

The Partner will develop connectivity services with a connection platform based on P2P (Point to Point) network connection architecture and advanced Cloud computing technology via API (Application Programming Interface) for cross-platform connection. The end result will allow developers to utilize a ready-to-use API to build up the connection between different devices and across different operation systems.



Lorex Guide And Lorex Video Are Prior Art

The legal error: ignoring the plain text of §102(b)(1)(A) and PO's burden

Against this standard, PO's vague citations to the Agreement about "cloud connectivity services" that ThroughTek "will develop" (EX2001, 7) is woefully inadequate to show that "the subject matter" allegedly communicated from ThroughTek on October 11, 2012 was the *same* as the subject matter disclosed in Lorex Guide and Lorex Video. ThroughTek makes no attempt to cite evidence of this sameness. MPEP § 2153.03 (requiring "the subject matter" that was actually "communicated"); see *K/S Himpf*, Paper 39 at 11-16 ("the subject matters are not identical"); *Sanho*, 108 F.4th at 1391-91 ("no indication" and "[t]hat is clearly not enough to qualify for the exception"). Indeed, Mr. Kao concedes the opposite of what PO needed. EX2005, ¶11 (admitting ThroughTek was "not involve[d] in any Lorex publications").³

Mr. Kao:

(Reply, 12.)

Therefore ThroughTek did not involve in any Lorex publications as stated in Mr. Kardashov's declaration.

10 Q. So is it fair to say that Throughtek or
11 you never drafted or prepared any portion of
12 those Lorex publications?
13 A. Correct.

Never
cross-
examined
nor
rebutted.

Mr. Kardashov (2nd declaration):

hole-punching technique. All of this work was finalized in a working prototype and successfully tested in mid-2012, and Lorex was meeting with large retailers (e.g., Best Buy, Amazon, etc.) no later than June 2012 in preparation for the final public launch of the LNC100 Series cameras, which were then publicly sold (and Lorex Ping app was freely downloaded) no later than September 2012. The LNC100 Series IP Camera and the Lorex Ping app were developed by the internal efforts at Lorex (including with the help of the contractor team from StarVedia), all without input from anyone at ThroughTek. None of it was obtained directly or indirectly from anyone at ThroughTek.

8. I, along with several colleagues from Lorex, initially met with ThroughTek in person on October 11, 2012, which was one of many meetings in an Asian tour for purpose of identifying vendors for future projects. This meeting was unrelated to the LNC100 Series IP Camera or the Lorex Ping app, which was already publicly launched prior to that time. To be clear, based upon my personal knowledge and the corroborating examples described below, the development of the LNC100 Series IP Camera and the Lorex Ping app, including the entire subject matter of Lorex Guide and Lorex Video, was completed well before the October 11, 2012 introductory meeting with ThroughTek. See, *supra*, ¶7. This is corroborated by the

(EX1101, ¶¶7-8.)

Reply, 12-14.

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Issue 2:
Throughtek-2012 is Prior Art

Throughtek-2012 Is Prior Art (Ground 3)

(19) **United States Patent**
(12) **Reissue**
(54) **SYSTEM AND METHOD FOR NETWORK CONNECTIVITY**
(71) **Applicant:**
(72) **Inventors:**
(73) **Assignee:** THROUGHTEK CO., LTD. Taipei (TW)
(21) **Appl. No.:** 16/218,841
(22) **Filed:** Dec. 13, 2018

Reissue of:
(64) **Patent No.:** 9,787,498
Issued: Oct. 10, 2017
Appl. No.: 13/950,281
Filed: Jul. 25, 2013

U.S. Applications:
(60) **Provisional application No. 61/812,262, filed on Apr. 16, 2013.**

Related U.S. Patent Documents

Reissue of:
(64) **Patent No.:** 9,787,498
Issued: Oct. 10, 2017
Appl. No.: 13/950,281
Filed: Jul. 25, 2013

U.S. Applications:
(60) **Provisional application No. 61/812,262, filed on Apr. 16, 2013.**

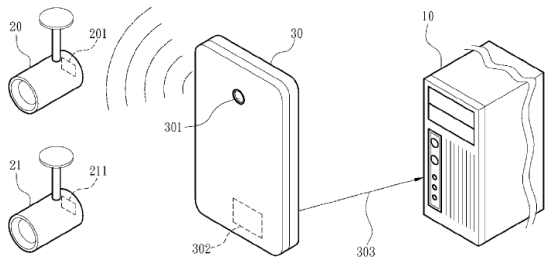
(51) **Int. Cl.**
G06F 15/16 (2006.01)
H04N 5/232 (2006.01)
H04N 21/234 (2011.01)
H04N 21/258 (2011.01)
H04N 21/41 (2011.01)
H04N 21/423 (2011.01)
H04N 21/427 (2011.01)

(56) **References Cited**
U.S. PATENT DOCUMENTS
8,353,771 B2 * 1/2013 Jiao H04L 67/34 463/40
8,926,422 B2 * 1/2015 Anderson H04L 67/34 463/16
(Continued)
Primary Examiner — Adam L. Basehoar
(74) *Attorney, Agent or Firm* — WPAT, PC

(57) **ABSTRACT**
A barcode corresponding to an identification of the networked device is attached on a networked device, and the identification is associated with an IP address of the networked device in a server, wherein a terminal device captures the barcode for transmitting a connection request to the server, and the server obtains the identification code of the networked device according to the connection request, wherein the IP address of the networked device is obtained according to identification code for establishing a point to point (P2P) connection between the terminal device and the networked device.

18 Claims, 6 Drawing Sheets

(Continued)



Negative Limitation added by Amendment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 13/950,281
First Named Applicant : Chi-Ming Kuo
Examiner : JOO, JOSHUA
Docket No. : 6121.001US

and the first networked monitoring device, wherein the network server respectively transmits hole-punching messages to the terminal device and the first networked monitoring device via the Internet to establish the P2P connection, and wherein the first networked monitoring device does not capture any image pattern associated with the terminal device for establishing the P2P connection between the terminal device and the first networked monitoring device.

AMENDMENT

Sir:

In response to the Office action of Aug. 4, 2016, please amend the above-identified application as follows.

Amendments to the claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks are reflected in the remarks section beginning on page 6 of this paper.

Throughtek-2012 Is Prior Art (Ground 3)

Facts that are not disputed for Throughtek-2012's prior art status:

1. Throughtek-2012 published on June 6, 2012.
2. The provisional application did not expressly describe the feature described in the negative limitation.
3. The utility application was filed on July 13, 2013—**more than a year after** Throughtek-2012's publication date.
4. Patent Owner added the negative limitation via amendment on Sept. 20, 2016—**more than a year after** Throughtek-2012's publication date.
5. The *Novartis* precedent is applicable here.

Because the negative limitations of Elements [1.6]/[12.6] were never expressed until the September 20, 2016 amendment, the Challenged Claims are entitled to an effective filing date no earlier than September 20, 2016. EX1004, 125-129; EX1001, ¶¶49-54. All publications cited in Grounds 1-3 were published before April 2013, so they surely predate September 2016.

Notably, even if Patent Owner contended that the new matter added on the July 25, 2013 filing date of the utility application (EX1002, FIG. 6, 3:58-59, 4:1-17, 8:35-49, 8:60-9:5) somehow provided a disclosure for the negative limitations of Elements [1.6]/[12.6], such a contention does not affect Grounds 1-3. All publications cited in Ground 3 were published more than a year before July 25, 2013.

Pet., 10-11.

For each of the reasons described here and in the Petition, the earliest effective filing date of the '842 Patent is no earlier than the date when the negative limitation was initially added to the claims on September 20, 2016, and is certainly no earlier than the July 25, 2013 filing date of the '498 Patent. Thus, ThroughTek-2012 (EX1016), which published more than a year earlier, qualifies as prior art and is not subject to any §102(b)(1)-(2) exception. Ground 3 renders obvious all challenged claims of the '842 Patent.

Reply 24.

Pet., 8-11; POR, 10-11; Reply, 21-24.

Throughtek-2012 Is Prior Art (Ground 3)

Sole issue that is disputed for Throughtek-2012's prior art status:

- The provisional application does not “**inherently**” describe the feature described in the negative limitation.

Patent Owner Response:

179-192. In essence, the Patent Owner's remarks in the '498 patent explained that the limitation regarding “the first networked monitoring device does not capture any image pattern associated with the terminal device for establishing the P2P connection between the terminal device and the first networked monitoring device” is **inherently implied**, and supported by paragraphs 0035 to 0037 of the specification in the '498 patent. It is noted that paragraphs 0035 to 0037 in the specification of the '498 patent

Petition:

connection. EX1001, ¶52. And, apart from setting a “default security password,” the provisional application provides little to no detail regarding the specific procedures for ensuring mutual authorization of the connection between the terminal device 30 and the first networked device 20—yet Jain amply demonstrated the traditional option of capturing a QR code on both camera-equipped devices to verify authorization for a connection. EX1001, ¶52; EX1004, 133 (“must both capture an image pattern of each other”). Simply put, a POSITA **would have recognized known options for implementing the first networked device 20 that in fact could have involved such image capture by the first networked device 20.** EX1001, ¶52. As such, the Applicant's contention that the negative limitation was “inherently implied” (EX1004, 188-189) was noticeably inaccurate and lacked candor. EX1001, ¶¶52-53 (citing corroborating exhibits EX1021, EX1023, EX1024).

Based on these facts and the *Novartis* precedent, it is clear the Elements [1.6] and [12.6] were new matter injected into the '842 patent beyond the express teaching in the provisional application. The Challenged Claims of the '842 patent therefore are not entitled to the benefit of the provisional application's filing date.

Throughtek-2012 Is Prior Art (Ground 3)

The *Novartis* precedent:

Silence is generally not disclosure. See *Seabed Geosolutions (US) Inc. v. Magseis FF LLC*, 8 F.4th 1285, 1288 (Fed. Cir. 2021) (“[S]ilence does not support reading the claims to exclude gimbaled geophones.” (citations omitted)); MPEP § 2173.05(i) (9th ed. Rev. 10.2019, June 2020) (“The mere absence of a positive recitation is not a basis for an exclusion.”). If it were, then every later-added negative limitation would be supported so long as the patent makes no mention of it.

When the specification is itself silent regarding a negative limitation, testimony from a skilled artisan as to possibilities or probabilities that the recited element would be excluded would not suffice, lest such testimony could effectively eliminate the written description requirement. If silence were generally sufficient, all negative limitations would be supported by a silent specification. If, however, a patent owner could establish that a particular limitation would **always** be understood by skilled artisans as being **necessarily excluded** from a particular claimed method or apparatus if that limitation is not mentioned, the written description requirement would be satisfied despite the specification's silence.

Novartis Pharms. Corp. v. Accord Healthcare, Inc., 38 F. 4th 1013, 1017 (Fed. Cir. 2022)

 General Rule

 Public policy

 Patent Owner's exact shortcoming in this proceeding

Throughtek-2012 Is Prior Art (Ground 3)

Reply (pp. 22-23):

Here, the evidence is weighty and certainly establishes that “inherency” is not achieved via mere silence in the provisional application. For example, Dr. Bims specifically testified about known options showing that the negative limitation was not inherent/necessarily present from silence alone. EX1001, ¶¶51-53 (citing examples showing the conventional option of bi-directional image capture when establishing connections between devices, and citing to corroborating exhibits EX1024, EX1021, EX1021, and EX1004); Pet., 9-10. All of this evidence remains uncontroverted. PO refuted none of it. And because the evidence confirms the negative limitation surely was not “necessarily” disclosed from the silence of the provisional application, the law mandates that it was not “inherently” disclosed therein. *Novartis*, 38 F.4th at 1017; *Tronzo v. Biomet, Inc.*, 156 F.3d 1154, 1159

Patent Owner elected to never
cross-examine Dr. Bims.

Dr. Bims:

52. To be clear, the provisional application generically describes that the networked devices 20, 21 (webcams) “connect to the network server 10 through the internet” (col. 4:32-36), but nothing in the provisional application precludes those webcams from scanning a conventional QR code on a wifi-connected smartphone to receive the wifi connection information used for establishing the P2P connection. Moreover, apart from setting a “default security password,” the provisional application provides little to no detail regarding the specific procedures for ensuring mutual authorization for the connection between the terminal device 30 and the first networked device 20—yet Jain and other references amply demonstrated the traditional option of capturing a QR code on both camera-equipped devices to verify authorization for a connection. EX1023, [0040]; EX1004, 133 (“must both capture an image pattern of each other”); see also EX1024, 1 (“Mutual authentication”), EX1021, 00:34-00:50. These examples show that a POSITA would have recognized known options for implementing the first networked device 20 that in fact could have involved such image capture by the first networked device 20. Accordingly, the Applicant’s argument to the Examiner during prosecution of the ’842 patent’s original utility application that the negative limitation was “inherently implied” (EX1004, 188-189) is not accurate.

Pet., 9-10 (citing EX1001, ¶¶51-53); Reply, 22-23.