

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REOLINK INNOVATION INC.
and
SHENZHEN REOLINK TECHNOLOGY CO., LTD.,
Petitioner,

v.

THROUGHTTEK CO., LTD.,
Patent Owner.

IPR2024-01192
Patent 9,774,916

Record of Oral Hearing
Held: November 3, 2025

Before MICHAEL J. STRAUSS, DAVID C. McKONE, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

IPR2024-01192
Patent 9,774,916

APPEARANCES:

ON BEHALF OF THE PETITIONER:

MICHAEL HAWKINS, ESQ.
Fish & Richardson P.C.
60 South 6th Street
Suite 3200
Minneapolis, Minnesota 55402
(612) 337-2569
hawkins@fr.com

ON BEHALF OF THE PATENT OWNER:

JUSTIN KING, ESQ.
WPAT, P.C.
8230 Boone Boulevard
Suite 405
Vienna, Virginia 22182
jking@wpat.com

The above-entitled matter came on for hearing Monday, November 3, 2025, commencing at 9:00 a.m., at the U.S. Patent and Trademark Office, 300 River Place Drive, Detroit, Michigan.

P R O C E E D I N G S

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9:00 a.m.

JUDGE MCKONE: Good morning, and welcome. We are here for a final hearing in *Inter Partes* Review IPR 2024-01192, captioned *Reolink v. Throughtek*. I'm Judge McKone. With me remotely are Judges Strauss and McShane. They should be able to see that on the screens.

Let's get the parties' appearances. Who do we have appearing on behalf of Petitioner?

MR. HAWKINS: Good morning, Your Honor. This is Michael Hawkins from Fish & Richardson, on behalf of Petitioner.

JUDGE MCKONE: Who do we have on behalf of Patent Owner?

MR. KING: Your Honor, this is Justin King from WPAT, P.C.

JUDGE MCKONE: All right. So we set forth the procedure for today's hearing in our oral arguments order. According to the order, each party will have 20 minutes of total time to present its arguments. Petitioner has the burden of proof and will go first. Patent Owner will then present opposition arguments. To the extent Petitioner has reserved time, Petitioner will present arguments in rebuttal. Thereafter, to the extent Patent Owner has reserved any sur-rebuttal time, Patent Owner may present its sur-rebuttal. I would expect, since we have a short hearing, that the rebuttals to rebuttals will be shortened.

As we noted in the hearing order, although we are all appearing from different locations, members of the public do have the option to attend. I don't see any in the physical hearing room, but there might be on a public

1 line. So I may ask Petitioner to confirm that you do not intend to present
2 any confidential information.

3 MR. HAWKINS: That's confirmed, Your Honor.

4 JUDGE MCKONE: All right. And I'll confirm with Patent Owner
5 that you do not intend to present any confidential information.

6 MR. KING: No, Your Honor.

7 JUDGE MCKONE: Okay. So, for clarity in the transcript, and since
8 at least some of the judges are appearing remotely, when you refer to an
9 exhibit on the screen, if you project anything on the screen, please say for
10 the record what exhibit and what page you're referring to. And also, if you
11 present demonstrative slides, please identify the slide number that you're
12 referring to.

13 Okay. Are there any questions on behalf of Patent Owner at this
14 time?

15 MR. KING: No, Your Honor.

16 JUDGE MCKONE: Are there any questions on behalf of Petitioner at
17 this time?

18 MR. HAWKINS: No, Your Honor.

19 JUDGE MCKONE: Petitioner, would you like to reserve any time for
20 rebuttal?

21 MR. HAWKINS: Yes, Your Honor. I will reserve 5 minutes.

22 JUDGE MCKONE: Okay. And you can see it up there, the timer?

23 MR. HAWKINS: Yes.

24 JUDGE MCKONE: Then go ahead and proceed to the podium, and
25 you can start whenever you're ready.

1 MR. HAWKINS: Good morning, Your Honors. I'll turn to Slide 2 of
2 Petitioner's demonstratives. Here, you'll see the face of the '916 Patent,
3 which is at issue in this IPR. And briefly, I wanted to highlight here the
4 priority claim has two different branches to it. The first is a set of
5 continuation-of-part applications.

6 The second is a provisional application filed in January 2014. That is
7 highlighted because that is the earliest instance where the Patent Owner had
8 inserted the image that is shown on the lower right side of Slide 2. That is
9 Figure 19 of the '916 Patent and its corresponding description. That
10 teaching was relied upon during prosecution and support for the claims, and
11 that the parties here, there's no dispute that, in fact, that subject matter is
12 needed.

13 And so, long story short, the first part of that branch, the continuation-
14 of-part applications, do not actually provide support for the claims at issue
15 here. This is relevant because if you turn to Slide 2 -- I'm sorry -- Slide 3 of
16 the Petitioner's demonstratives, you'll see on the left side of the slide is
17 column 1 of the '916 Patent. There, it's establishing that the structure of an
18 information concentrating center, which is the preamble for the claim here.
19 A set is -- a classic example is a set-top box, and that's our conventional
20 structure in which some data is going into a set-top box, and there is an
21 output to display it on the TV.

22 And then there is the summary section shown there on the left side of
23 Slide 3, and it says the object of the '916 Patent is to take this conventional
24 set-top box and to connect to it using a P2P connection.

25 If you scroll all the way down to columns 13 and 14 of the '916 Patent
26 -- again, these are showing snippets on Slide 3, on the right side of Slide 3 --

1 you'll see they're finally describing this Figure 19 and the set-top box, and
2 they walk through the descriptions of this conventional set-top box structure.

3 And when you finally get to the what is the object of the invention,
4 okay, let's connect to it using this P2P connection, they say, oh, well, all you
5 have to do is look at our whole CIP parent applications, one of which was
6 published more than a year before that 2014 provisional phase. In other
7 words, they put conventional information concentrating center and take
8 these conventional P2P connections and put them together, and you have the
9 '916 Patent. That is the starting point that we were at before this IPR
10 petition.

11 If you will turn to Slide 5 of the Petitioner's demonstratives, you'll see
12 the IPR grounds that are at issue here. There are three grounds that address
13 the independent claims. That's Grounds 1A, which is the Lorex Manual in
14 view of Kim '941. There's Ground 1C, which appears similar to Ground 1A,
15 except it has a different secondary reference. It's the Lorex Manual in view
16 of Kuo. Kuo is that older CIP great-grandparent that was published more
17 than a year before. That is the exact P2P connection teaching that they say
18 should be used. And then, finally, you have Ground 2A, which is a Lorex
19 Video, a different primary reference, based upon Galvin and Kuo.

20 To understand what's going to be discussed today, so the Court can
21 understand what's not disputed in this IPR, and that's shown on Slide 6 of the
22 Petitioner's demonstratives. There is no dispute that all of the grounds
23 disclose each and every element of the challenged claims. There is also no
24 dispute that the prior art combinations are supported by multiple motivations
25 to combine, and there is also no dispute that a person of ordinary skill would

1 have a reasonable expectation of success in achieving these resulting
2 combinations.

3 Instead, on Slide 7, you'll see what is disputed. There, Patent Owner
4 raises two grounds. You might consider it one and a half -- or I'm sorry --
5 two arguments, one and a half arguments, possibly. But the primary
6 argument is that the Lorex Manual and Lorex Video do not qualify as prior
7 art, or they're excepted in the prior art under the 102(b)(1) section. There is
8 a second argument that relates only to Grounds 1A and B, where Patent
9 Owner is arguing that the Kim '941, the secondary reference, teaches away
10 from a particular claim element.

11 I'll turn first to this primary argument. I would like to say that the
12 Board is probably familiar with this argument. If you go to Slide 10 of
13 Petitioner's demonstratives, you'll recognize the evidence that Patent Owner
14 is relying upon here because the Patent Owner relied upon the exact same
15 evidence in an earlier IPR proceeding involving these parties and the Panel
16 here.

17 Patent Owner is relying upon a declaration of Mr. Kao and an
18 exclusivity agreement that is cited in that declaration. It's the exact same
19 testimony that relates to the '842 Patent, not the '916 Patent. So, here, you
20 see on the right side of Slide 10, this is the declaration of Mr. Kao that's
21 submitted in this proceeding, and if you look on the highlighted header, it's
22 referring to a different IPR case number. It's referring to a different patent
23 number.

24 And if you actually go into the text of this testimony from Mr. Kao, if
25 you look on the left side of Slide 10, you'll see, for example, at Paragraph
26 10, he's testifying that Throughtek provided its complete P2P solutions to

1 Lorex, including the subject matter in the '842 Patent. There is nothing to
2 connect the evidence from Patent Owner here to the '916 Patent or the
3 subject matter of the '916 Patent, no testimony, not even any cross-
4 examination of our witness which testified -- who testified exactly about
5 this.

6 The other thing that's worth noting is not only is there a disconnect
7 between the patents that are referred to, there's a disconnect to the prior art
8 that's referred to. In the lower left side of Slide 10, you'll see Mr. Kao
9 testifying about a different Lorex publication at issue in that earlier IPR.
10 And that different publication related to an IP camera, which is distinct from
11 the Lorex Manual here and the Lorex video here, which relate to a DVR
12 system. So not only is there a disconnect between the patent and the
13 testimony, there's a very -- I guess, there's no analysis of the actual
14 references in this proceeding.

15 I would like to note, on Slide 11, that Mr. Kardashov saw this
16 argument in the Patent Owner's response, and he provides a reply testimony
17 also. And in that reply testimony, he highlighted this factual difference of
18 not only is it a different proceeding and a different patent, the subject matter
19 in the Lorex Manuals are actually quite different, too. In response to that,
20 Patent Owner elected to never cross-examine Mr. Kardashov and, in fact,
21 elected to never even file Patent Owner's sur-reply at all.

22 Finally, I will notice one other -- note one other point on this issue,
23 which is that on Slide 12, you'll see the oral hearing that was at issue in this
24 earlier IPR: it's an Exhibit 1029 in this proceeding, oral hearing transcript.
25 And there, Judge McKone asked a question of Patent Owner about -- do we
26 have anything in the record to indicate that the inventors communicated

1 something to Lorex. But at this October 2012 meeting, Patent Owner's
2 counsel replied that there were some emails, but nothing in the record. And
3 this, of course, was before the Patent Owner's response -- certified here.
4 Patent Owner opted into proceeding to never supplement the record or
5 provide any such evidence of that communication.

6 And on the lower right side of Slide 12 is perhaps the most dispositive
7 fact of all. We filed an updated mandatory notice very recently, indicating
8 that that earlier IPR not only reached a final written decision, it has now
9 passed the due date to file any appeal, and no appeal was filed. It is that
10 final written decision held that Patent Owner's evidence, the same evidence
11 here, is not enough to achieve the 102(b)(1) exception. And so, there is no
12 way for Patent Owner's evidence here to succeed on its merits, unless the
13 Patent Owner is asking the Board to overrule the final written decision in the
14 earlier IPR, which was never appealed. That is classic collateral estoppel,
15 and that is at issue here.

16 JUDGE MCKONE: Now, have you argued collateral estoppel in your
17 papers at all?

18 MR. HAWKINS: We have not, because the final due date for the
19 Federal Circuit appeal did not occur until, I believe it was, I want to say very
20 early September, so less than a month ago. And so, the --

21 JUDGE MCKONE: Then wait. Why is this the first we're hearing it?
22 It sounds like a new argument first time at the hearing, and if a month ago
23 was time that you could have raised this, why are we hearing it now for the
24 first time?

25 MR. HAWKINS: Well, the first time we could raise it was in an
26 updated mandatory notice, which we filed immediately. So we filed a

1 mandatory notice that said, hey, they've missed their appellate date, and we
2 think now that the law is the law.

3 Not only that, there's a CFR 42.73(b)(3), which says at this point,
4 they're not supposed to present arguments that are contrary to this final
5 written decision. All of that came in. It solidified in a concrete form after
6 all the papers were due. We had -- there was no papers. There wasn't
7 opportunity outside of just notifying the Board they decided not to appeal.
8 And that was where that came up.

9 And so, even if the Board decides not to rely upon collateral estoppel,
10 it is something worth noting here that the timing of it, when they decided not
11 to appeal, is critical. And also the fact that if the evidence wasn't good
12 enough there, the same evidence, now referring to the wrong patent and the
13 wrong prior art, is truly not good enough also. So, on the merits or on
14 collateral estoppel, we think that this is a pretty solid case.

15 With that being said, I'll move on to the second issue, the teaching
16 away argument, unless there is any other questions.

17 Great. If you scroll down to slide, I believe it's 23 of Petitioner's
18 demonstratives, here you will see that Patent Owner raised an argument.
19 This relates only to Grounds 1A and B. So it does not relate, for example, to
20 Ground 1C, which is taking Ground 1A and switching out the secondary
21 reference.

22 And ground -- there, the Patent Owner argues that Kim '941 reference
23 teaches away from Element 1h. And there are two problems with this
24 argument. The first is -- and I know it's apparent -- is that if you look on the
25 lower left side of Slide 23, Patent Owner's argument is contrary to the law.
26 There is nothing in Kim '941 that criticizes, discredits, or otherwise

1 discourages what is recited in Claim Element 1h. It doesn't say never do
2 this, or that's bad, or, you know, if you do this, something is going to go
3 wrong.

4 Rather, Kim is saying that you register at the server. And then later
5 on, when you want to establish your P2P connection, you just submit your
6 ID. You don't need to register again. And so -- or I'm sorry. You just
7 submit your request at that time. And Claim 1A -- Element 1h does have
8 this when temporal limitation in it. Patent Owner essentially crosses it out,
9 saying, oh, you could never register at the server.

10 So that's what Mr. Kardashov's testimony is on the right side of Slide
11 23. Again, he presented his testimony. We made him available for cross-
12 examination, and Patent Owner elected to never cross-examine him at all, or,
13 in fact, never elected to provide any surrebuttal.

14 So, unless there is any other questions on this issue, I will reserve the
15 rest of my time for rebuttal.

16 JUDGE MCKONE: I have nothing further. Anything from my
17 colleagues?

18 JUDGE STRAUSS: Nothing from Judge Strauss.

19 JUDGE MCSHANE: No questions. Thank you.

20 MR. HAWKINS: Thank you.

21 JUDGE MCKONE: You've got about 9 minutes for rebuttal.

22 And you can proceed whenever you're ready.

23 MR. KING: Good morning, Your Honor. This is Justin King, and
24 my opposing counsel is correct. They point out a lot of the issues here, but
25 when we look at these rejection and reasoning from the Board, primarily, we
26 have these Lorex reference, whether they are publication as used in manuals

1 or video, but they are all Lorex users' product. Lorex is a sizable entity, yet
2 we don't have anything that you have to relate it or valid publications related
3 from Lorex, solely rely on their internal for the -- solely rely on their
4 product-related documentations.

5 The declaration from the Mr. Kardashov mainly supports Lorex as a
6 legitimate and proper prior art here. So what do we have here is to
7 determine whether this prior art is sufficiently considered as a prior art. And
8 it's common sense in the second declaration from Mr. Kardashov. There's a
9 few -- there's a few critical points that it point out. The declaration state that
10 the video, the manual, everything has been produced prior to meeting, and
11 the meeting itself is not involved with any product discussion in turn from
12 discussion, which is --

13 JUDGE MCKONE: Which exhibit are you referring to?

14 MR. KING: Oh, I may -- on the -- I'm referring to the Petitioner's
15 demonstrative, Page 17.

16 JUDGE MCKONE: Petitioner's Demonstrative 17? That's -- thank
17 you.

18 MR. KING: So those dates they have now, although they are
19 considered critical, but the stamp does not contradict with the Patent
20 Owner's position.

21 Every business meeting, as the meeting indeed indicate, is for a
22 business meeting. It's not for a discussion-type call, specs for technical
23 solution, or any kind of a technical proposal. Rather, it is a business meeting
24 that has decided they're going to do a cooperation. And every business,
25 when you start a corporation, start a cooperation, sign the cooperation

1 agreement, you have to go through testing, evaluation, and comparison
2 before you can commit yourself.

3 And as shown on these slide here, on the same page, this is an
4 exclusivity agreement, which means everything if, if it is like what the
5 Petitioner claim. The Lorex has its internal; everything is being made
6 internally, then if you might need to make pure puzzle why they still need to
7 sign this agreement with Throughtek.

8 Throughtek's position does not contradict with Mr. Kardashov's
9 declaration because, as you can see on the Page 17 here, it's been drafted
10 very, very carefully, the -- the same subject matter as the Lorex Manual,
11 Lorex, even before they met on this particular day, which is correct. Yes, on
12 business logic sense, it is correct because everything is being evaluated that
13 preceded before business -- before the date they signed the business deal.
14 Therefore, we don't think -- therefore, it's our position that the Lorex is not --
15 the cited Lorex reference should not be considered as a proper reference.

16 Your Honor, we have no more argument. Thank you.

17 JUDGE MCKONE: Any questions from the Panel members?

18 JUDGE STRAUSS: I have no questions.

19 JUDGE MCSHANE: No questions. Thank you.

20 MR. KING: Thank you.

21 JUDGE MCKONE: Petitioner, you can proceed with your remaining
22 9 minutes whenever you're ready.

23 MR. HAWKINS: Thank you, Your Honors. I just only have one
24 comment, which is that Patent Owner stood up here and mentioned the
25 second declaration of Mr. Kardashov again. I think our posture here is we
26 presented that reply testimony. They opted to never cross-examine him and

1 never filed a sur-reply. So all these comments and arguments about the
2 second declaration of Mr. Kardashov are, in fact, a new argument to this
3 proceeding, not in any paper.

4 That being said, I'd encourage the Board to look at what was cited in
5 particular in paragraphs 18 -- 16 through 18 of the second Kardashov
6 declaration -- that explanation of not only when the Lorex products at issue,
7 the year products were developed, but in fact, the names of the companies
8 that they worked with in doing so, which were not protected.

9 Thank you, Your Honors. I have no other comments.

10 JUDGE MCKONE: Patent Owner, any surrebuttal from you, or do
11 you --

12 MR. KING: Yes, Your Honor. Yes, Your Honor, I'd -- yeah, I'd like
13 to bring your attention to the Page 15.

14 JUDGE MCKONE: Page 15 of what?

15 MR. KING: Page 15 of the Petitioner's demonstratives, which just
16 marked the, a part of this agreement between Lorex and Patent Owner.

17 Our Schedule A, here, Assets, here, right here, it says, Partner will
18 develop connectivity services with a connection platform based on P2P
19 (Point to Point) connection. The end -- the end result, again, the end result
20 will show developer to utilize ready-to-use API to build up the connection
21 between different devices across different operating systems.

22 We just collaborate with -- when Lorex is stating in the -- what's the
23 Mr. Kardashov allege in his declaration, all the third parties, such as the
24 OzVision or Hikvision. And in particular, OzVision take care of the
25 software even for the Lorex. And right here, what we have here, we provide

1 an API to facilitate that operation. So there's no contradiction or the
2 business consistent with Petitioner's declaration at this point. Thank you.

3 JUDGE MCKONE: Thank you very much. So we appreciate the
4 parties' arguments as to the 1192 case, and the case is submitted. And we
5 are now off the record.

6 (Whereupon, the above-entitled matter went off the record at 9:21
7 a.m.)

IPR2024-01192
Patent 9,774,916

PETITIONER:

Michael Hawkins
Nicholas Stephens
Cameron Ubel
John Phillips
Joseph Bauer
FISH & RICHARDSON P.C.
hawkins@fr.com
nstephens@fr.com
ubel@fr.com
phillips@fr.com
jbauer@fr.com

PATENT OWNER:

Justin King
WPAT, P.C.
jking@wpat.com

Andrew Aitken
AITKEN LAW OFFICES
acaitken@yahoo.com