

IPR2024-01322
U.S. Patent No. 9,022,294

Patent Owner's Demonstratives

December 18th, 2025

Overview

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Instituted Grounds

IPR2024-01322

Ground	Basis	Reference(s)	Claims
1	§103	<i>Mooney</i>	1-20
2	§103	<i>Mooney and Lee</i>	1-20

Petition, 2

Challenged Independent Claim

Claim 1

1[pre] A cellular phone, comprising:

1[a] an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;

1[b] a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is selectively triggered by the user;

1[c] a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link;

1[d] a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link;

1[e] a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone;

1[f] a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and

1[g] power means for providing power to said portable electronic device cellular phone;

1[h] wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and

1[i] [wherein upon said control device being selectively triggered by the user to issue said invariable activation command:] if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.

Challenged Independent Claim

Claim 10

10[pre] A cellular phone comprising:

10[a] an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;

10[b] a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user;

10[c] first and second data conveyance operations programmed in said electronic circuit;

10[d] a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link;

10[e] a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link;

10[f] a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; and

10[g] power means, for providing power to said cellular phone;

10[h] wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and

10[i] [wherein upon said control device being selectively triggered by the user to issue said invariable activation command:] if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.

Challenged Independent Claim

Claim 11

11[pre] A data exchange system comprising:

11[a] a first data exchange device;

11[b] a second data exchange device; and

11[c] a cellular phone, including:

11[d] an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;

11[e] a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is selectively triggered by the user;

11[f] a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and said first data exchange device through a direct link;

11[g] a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and said second data exchange device through a communication network that is distinct from said direct link;

11[h] a cue receiver operatively linked to said electronic circuit for receiving an activation cue from said first data exchange device;

11[i] a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and

11[j] power means for providing power to said cellular phone;

11[k] wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for exchanging data between said electronic circuit and the first external data exchange device;

11[l] wherein upon said control device being selectively triggered by the user to issue said invariable activation command:] if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for exchanging data between said electronic circuit and the second external data exchange device.

Challenged Independent Claim

Claim 12

12[pre] A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of:

11[a] awaiting for an activation cue to be received at said cue receiver;

11[b] if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and

11[c] a user selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device over a first communication link; and

11[d] [a user selectively triggering said control device to issue an invariable activation command whereby:] if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device over a first communication link.

Challenged Independent Claim

Claim 19

19[pre] A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said electronic circuit, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of:

19[a] awaiting for an activation cue to be received at said cue receiver;

19[b] if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and

19[c] selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device over a first communication link; and

19[d] [selectively triggering said control device to issue an invariable activation command whereby:] if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device over a second communication link that is distinct from said first communication link;

19[e] wherein said method further comprises the following steps before the step of forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device:

19[f] forwarding third data to and displaying said third data on a display screen provided on said cellular phone, wherein said third data is representative of the content of said first data; and

19[g] awaiting for an authorization command to be inputted through a user confirmation input device provided on said cellular phone before forwarding said first data to said first data transceiver; and

19[h] wherein said method further comprises the following steps before the step of forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device:

19[i] forwarding fourth data to and displaying said fourth data on said display screen, wherein said fourth data is representative of the content of said second data; and

19[j] awaiting for an authorization command to be inputted through said user confirmation input device before forwarding said second data to said second data transceiver.

Challenged Dependent Claims

Claim 2

2. A cellular phone as defined in claim 1, further comprising a display screen operatively linked to said electronic circuit.

Claim 3

3. A cellular phone as defined in claim 1, wherein said first data transceiver includes said cue receiver.

Claim 4

4. A cellular phone as defined in claim 1, wherein said control device is one of a manually activated button, a keypad for receiving a PIN code, a biometric parameter detector and a combination thereof.

Claim 5

5. A cellular phone as defined in claim 1, wherein said electronic circuit includes said switching element.

Claim 6

6. A cellular phone as defined in claim 5, wherein said electronic circuit comprises a microchip, and wherein said switching element is a series of instructions programmed onto said microchip.

Claim 7

7. A cellular phone as defined in **claim 1**, wherein said switching element comprises a logical circuit.

Challenged Dependent Claims

Claim 8

8. A cellular phone as defined in claim 1, wherein said first data transceiver comprises a proximity transceiver for accomplishing a wireless data exchange with a first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the activation cue to initiate the wireless data exchange.

Claim 9

9. A cellular phone as defined in claim 8, wherein said second data transceiver comprises a communication network transceiver for wireless communication through a communication network that represents said second communication link, with one of a remote portable electronic device, a remote server, a remote terminal and a combination thereof.

Claim 13

13. A method as defined in claim 12, further comprising the following step before the step of forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device: forwarding third data to and displaying said third data on a display screen provided on said cellular phone, wherein said third data is representative of the content of said first data.

Claim 14

14. A method as defined in claim 13, wherein after the step of forwarding said third data to the display screen, the method comprises the following step: awaiting for an authorization command to be inputted through a user confirmation input device provided on said cellular phone before forwarding said first data to said first data transceiver.

Challenged Dependent Claims

Claim 15

15. A method as defined in claim 12, wherein said first and second data are identical.

Claim 16

16. A method as defined in claim 12, wherein said first data transceiver is a proximity transceiver and the step of forwarding said first data to said first transceiver is for initiating a wireless data exchange operation with a proximate first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the activation cue to initiate the wireless data exchange.

Claim 17

17. A method as defined in claim 12, wherein said second data transceiver is a communication network transceiver and the step of forwarding said second data to said second data transceiver is for initiating a wireless data conveyance operation through a communication network representing said second communication link, with one of a remote portable electronic device, a remote server, a remote terminal and a combination thereof.

Claim 18

18. A method as defined in claim 12, wherein the step of selectively triggering said control device to issue the invariable activation command comprises selectively triggering one of the manually activated button, the keypad for receiving a PIN code, the biometric parameter detector and a combination thereof.

Claim 20

20. A method as defined in claim 19, wherein said control device includes said user confirmation input device.

The Invention

The Invention

(12) **United States Patent**
Gaillard

(10) **Patent No.:** US 9,022,294 B2
(45) **Date of Patent:** May 5, 2015

(54) **PORTABLE ELECTRONIC DEVICE AND METHOD FOR ALTERNATE DATA CONVEYANCE OPERATIONS RESPONSIVE TO AN INVARIABLE ACTIVATION COMMAND**

(75) **Inventor:** Joel Gaillard, Nassau (BS)

(73) **Assignee:** G. Holdings Ltd., Nassau NP (BS)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 768 days.

(21) **Appl. No.:** 12/603,085

(22) **Filed:** Oct. 21, 2009

(65) **Prior Publication Data**
US 2010/0038436 A1 Feb. 18, 2010

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/552,912, filed as application No. PCT/IB03/01523 on Apr. 14, 2003, now Pat. No. 7,628,333.

(51) **Int. Cl.**
H04M 1/00 (2006.01)
G06K 19/073 (2006.01)
G06K 17/00 (2006.01)
G06K 19/07 (2006.01)
G06K 19/077 (2006.01)

(52) **U.S. Cl.**
CPC *G06K 19/07345* (2013.01); *G06K 17/0022* (2013.01); *G06K 19/0723* (2013.01); *G06K 19/07354* (2013.01); *G06K 19/07703* (2013.01); *G06K 19/07769* (2013.01)

(58) **Field of Classification Search**
USPC 235/492, 487; 455/550.1, 557
See application file for complete search history.

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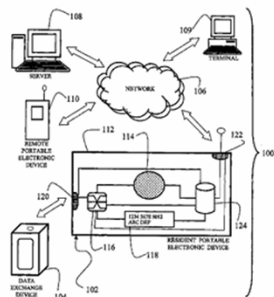
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(57) ABSTRACT

The portable electronic device includes an electronic circuit, a control device operatively linked to the electronic circuit, first and second data transceivers operatively linked to the electronic circuit, a cue receiver operatively linked to the electronic circuit, a data conveyance switching element operatively linked to the electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to the portable electronic device. The method of data conveyance includes awaiting for an activation cue to be received at the cue receiver; if an activation cue is received at the cue receiver, assigning its first state to the switching element, while if no activation cue is received at the cue receiver, assigning its second state to the switching element; and selectively triggering the control device to issue an invariable activation command. Upon the control device being triggered, if the switching element is in its first state, first data will be forwarded to the first data transceiver for initiating a data exchange operation with a first external data exchange device; while if the switching element is in its second state, second data will be forwarded to the second data transceiver for initiating a data exchange operation with a second external data exchange device.

20 Claims, 4 Drawing Sheets



(54) PORTABLE ELECTRONIC DEVICE AND METHOD FOR ALTERNATE DATA CONVEYANCE OPERATIONS RESPONSIVE TO AN INVARIABLE ACTIVATION COMMAND

(57) ABSTRACT

The portable electronic device includes an electronic circuit, a control device operatively linked to the electronic circuit, first and second data transceivers operatively linked to the electronic circuit, a cue receiver operatively linked to the electronic circuit, a data conveyance switching element operatively linked to the electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to the portable electronic device. The method of data conveyance includes awaiting for an activation cue to be received at the cue receiver; if an activation cue is received at the cue receiver, assigning its first state to the switching element, while if no activation cue is received at the cue receiver, assigning its second state to the switching element; and selectively triggering the control device to issue an invariable activation command. Upon the control device being triggered, if the switching element is in its first state, first data will be forwarded to the first data transceiver for initiating a data exchange operation with a first external data exchange device; while if the switching element is in its second state, second data will be forwarded to the second data transceiver for initiating a data exchange operation with a second external data exchange device.

Ex. 1001, Cover

The Invention

(12) **United States Patent**
Gaillard

(10) **Patent No.:** US 9,022,294 B2
(45) **Date of Patent:** May 5, 2015

(54) **PORTABLE ELECTRONIC DEVICE AND METHOD FOR ALTERNATE DATA CONVEYANCE OPERATIONS RESPONSIVE TO AN INVARIABLE ACTIVATION COMMAND**

(75) Inventor: **Joel Gaillard**, Nassau (BS)

(73) Assignee: **G. Holdings Ltd.**, Nassau NP (BS)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 768 days.

(21) Appl. No.: **12/603,085**

(22) Filed: **Oct. 21, 2009**

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(51) **Int. Cl.**
H04M 1/00 (2006.01)
G06K 19/073 (2006.01)
G06K 17/00 (2006.01)
G06K 19/07 (2006.01)
G06K 19/077 (2006.01)

(52) **U.S. Cl.**
CPC **G06K 19/07345** (2013.01); **G06K 17/0022** (2013.01); **G06K 19/0723** (2013.01); **G06K 19/07354** (2013.01); **G06K 19/07703** (2013.01); **G06K 19/07769** (2013.01)

(58) **Field of Classification Search**
USPC 235/492, 487; 455/550.1, 557
See application file for complete search history.

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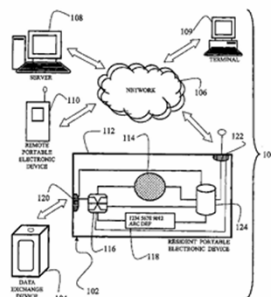
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Primary Examiner
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Miller L.L.C.

(57)

The portable control device includes a first and second data transceivers operatively linked to the electronic circuit, a cue receiver operatively linked to the electronic circuit, a data conveyance switching element operatively linked to the electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to the portable electronic device. The method of data conveyance includes awaiting for an activation cue to be received at the cue receiver; if an activation cue is received at the cue receiver, assigning its first state to the switching element, while if no activation cue is received at the cue receiver, assigning its second state to the switching element; and selectively triggering the control device to issue an invariable activation command. Upon the control device being triggered, if the switching element is in its first state, first data will be forwarded to the first data transceiver for initiating a data exchange operation with a first external data exchange device; while if the switching element is in its second state, second data will be forwarded to the second data transceiver for initiating a data exchange operation with a second external data exchange device.

20 Claims, 4 Drawing Sheets



FIELD OF THE INVENTION

This invention relates to a portable electronic device capable of alternate data conveyance operations responsive to an invariable activation command.

Ex. 1001, 1:14-18

The Invention

1. A cellular phone, comprising:

an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;

a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and **after being operated issue an invariable activation command**, with said invariable activation command being issued when said control device is selectively triggered by the user;

a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link;

a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link;

a cue receiver operatively linked to said electronic circuit **for receiving an activation cue from a source external to said cellular phone**;

a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and

power means for providing power to said portable electronic device cellular phone;
wherein upon said control device being selectively triggered by the user to issue said invariable activation command:

if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and

if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.

Ex. 1001, 18:64-19:44

Person Having Ordinary Skill In The Art

Proposed Levels of Skill in the Art – Parties Agree

<u>Party</u>	<u>Proposed Definition</u>
P.O.	Patent Owner agrees with the Petitioner on the level of ordinary skill in the art. A person with ordinary skill in the relevant art at the time of invention - April 14, 2003 - would have a bachelor's degree in electrical engineering or a similar discipline and at least three years of relevant industry or research experience in wireless communication between devices. This definition is approximate, and more education may substitute for industry experience or vice versa. See Exh. 2001, ¶¶26- 29.
Petitioner	A person of ordinary skill in the art ("POSITA") at the time of the alleged invention of the '294 patent would have had at least a bachelor's degree in electrical engineering, or a related field, and at least two years of experience in design, development, and/or testing of network-enabled consumer devices, and familiarity with payment cards, or the equivalent, with additional education substituting for experience and vice versa.

The Board's Preliminary POSITA Level from ID

Trials@uspto.gov
571-272-7822

Paper 10
Date: March 24, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

DH INTERNATIONAL LTD.,
Patent Owner.

IPR2024-01322
Patent 9,022,294 B2

Before KARL D. EASTHOM
ANDREAS BALTAZIS, *Ad*
MURPHY, *Administrative Pa*

We adopt the parties' agreed level of ordinary skill in the art, which is consistent with the description in the '294 patent and the prior art of record.

Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Claim Construction

Activation Cue

[Petitioner did not propose any construction in Petition or Reply]

Patent Owner:

The claim term “activation cue” means a predetermined indicator ... If the “activation cue” is not predetermined, then the claim element has been improperly read out of the claims.

Response, 5-6

Petitioner:

Petitioner contends that “[o]ther than the means-plus-function limitations identified below, the Board need not construe any term of the ’294 patent to resolve the underlying controversy in view of the prior art.” Pet. 5 (citing *Toyota Motor Corp. v. Cellport Sys., Inc.*, IPR2015-00633, Paper 11 at 16 (PTAB Aug. 14, 2015)).

DI, 11

Data Conveyance Switching Element

[Petitioner did not propose any construction in Petitioner or Reply]

Patent Owner:

The term “data conveyance switching element” should be given its plain meaning, which is the switching of the data. The data itself is what is being switched.

Response, 7

Petitioner:

Petitioner contends that “[o]ther than the means-plus-function limitations identified below, the Board need not construe any term of the ’294 patent to resolve the underlying controversy in view of the prior art.” Pet. 5 (citing *Toyota Motor Corp. v. Cellport Sys., Inc.*, IPR2015-00633, Paper 11 at 16 (PTAB Aug. 14, 2015)).

DI, 11

Data Exchange Device and External Data Exchange Device

[Petitioner did not propose any construction in Petition or Reply]

Patent Owner:

An external data exchange device is not a transceiver but a device with a transceiver. Exh. 2001, ¶48.

Response, 8

Petitioner:

Petitioner contends that “[o]ther than the means-plus-function limitations identified below, the Board need not construe any term of the ’294 patent to resolve the underlying controversy in view of the prior art.” Pet. 5 (citing *Toyota Motor Corp. v. Cellport Sys., Inc.*, IPR2015-00633, Paper 11 at 16 (PTAB Aug. 14, 2015)).

DI, 11

Close Proximity

[Petitioner did not propose any construction in Petition or Reply]

Patent Owner:

POSITA would consider close proximity to be 10 meters or less. Exh. 2001, ¶49.

Response, 8

All of these example machines would require the person to be **within a meter to see the interface** or operate the machine.

Response, 8

Petitioner:

Petitioner contends that “[o]ther than the means-plus-function limitations identified below, the Board need not construe any term of the ’294 patent to resolve the underlying controversy in view of the prior art.” Pet. 5 (citing *Toyota Motor Corp. v. Cellport Sys., Inc.*, IPR2015-00633, Paper 11 at 16 (PTAB Aug. 14, 2015)).

DI, 11

PATENTABILITY

Ground 1

§103 - Claims 1-20 – *Mooney* - (Exh. 1005)

OVERVIEW OF *MOONEY* (Exh. 1005)

Mooney

Mooney describes a Public Telephone Switching Network (PSTN) circuit-based telephone call establishment. A second circuit is established through a PSTN and only after successfully setting up the second circuit is communication switched from the first path through the PSTN to the second path through the PSTN. See Exh. 1005, Fig. 1. ...

The establishment of the second concurrent path through the PSTN requires call data (such as caller ID information) from the first call to be sent from the other respective transceiver, and the call path must be set up before transferring from the first call path to the second call path. Exh. 2001, ¶¶38-39.

CLAIM 1 ELEMENTS

GROUND 1

Elements 1[e], 1[f], 1[h], and 1[i]

Mooney

[1.e] a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone;

[1.f] a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and

...

[1.h] wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated...

[1.i] if said switching element is in said second state, a second data conveyance operation will be initiated....

Exhibit 1001, Claim 1 (color added)

CLAIM 1 ELEMENTS

GROUND 1

Element 1[e]

Mooney

[1.e] **a cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

Petitioner Asserts:

Mooney discloses [1.e] because the first transceiver (a cue receiver) is operatively linked to the piconet/Bluetooth cordless module and processor (electronic circuit) (as explained in [1.c]), and is also for receiving “quality” Bluetooth signals (an activation cue) from a “piconet front end” and “base unit” (source external to the cellular phone).

Petition, 26

CLAIM 1 ELEMENT

GROUND 1

Element 1[e]

Mooney

[1.e] **a cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

Petitioner's Position:

When a caller ... is “within range of the cordless telephone base station that is matched to the cordless telephone mode of the 3-in-1 cell phone” and/or the “cordless telephone link **(e.g., a piconet BLUETOOTH™ link of good quality) has been established with the cordless base for a given length of time (e.g., for at least two minutes),**” the piconet/Bluetooth cordless module is informed of the signal quality (via its first transceiver/cue receiver) and a call [is] established in cordless mode via the BLUETOOTH™ link. Mooney, 2:53-3:7, 4:34-37, 6:18-25, 1:31-34, 3:49-51, 4:12-15, 4:54-56, Figs. 1, 2;

Pet. Reply, pp. 13-14 (*color added*)

CLAIM 1 ELEMENTS

GROUND 1

Element 1[e]

Mooney

[1.e] a **cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

Claim does not recite “act as an activation cue”

The DI erroneously found “that the piconet/Bluetooth cordless module of the cellular phone in *Mooney* receives a quality Bluetooth signal from the cordless base unit, which acts as an ‘activation cue’ to switch a phone call (transmission of voice/call data) from cell phone mode to Bluetooth mode.” DI, p. 27(emphasis added)(for element [1.e]).

Response, 29; DI, 27

CLAIM 1 ELEMENTS

GROUND 1

Element 1[e]

Mooney

[1.e] **a cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

(e.g., a piconet BLUETOOTH™ link of good quality) has been established with the cordless base for a given length of time (e.g., for at least two minutes),”

- A “link” cannot be received; rather, it is established with messaging. (See POR, 28; Exh. 2001, ¶77).
- “Quality” is a measurement but is not a “received activation cue.” (See POR, 25; PO Sur-Reply, 5)
- A two-minute timer in *Mooney’s* Cellular Phone measures time and is not a “received activation cue.” (See POR, 28; Exh. 2001, ¶77).

PO Sur-Reply (paper 24), 3, 5; Response, 19, 20

CLAIM 1 ELEMENTS

GROUND 1

Element 1[e]

Mooney

[1.e] **a cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

Patent Owner's Position:

- 1) The term “cue receiver” is not found in *Mooney*.
- 2) [S]imply calling something an “activation cue” is improper if the electronic device does not specifically recognize the “received indication” as an “activation cue.”
- 3) No Bluetooth link exists without the cellular telephone operating in the cordless telephone mode, actively communicating with the cordless telephone base unit. Before receipt of the “activation cue” the Bluetooth link is already transmitting data across the link.
- 4) The communication link is being measured at the handset, and that measurement is being asserted by Petitioner as “an activation cue being received.” See Exh. 1001, 19:25-26. The determination of quality is not a sent or received activation cue.

CLAIM 1 ELEMENTS

GROUND 1

Element 1[e]

Mooney

[1.e] **a cue receiver** operatively linked to said electronic circuit **for receiving an activation cue** from a source external to said cellular phone;

Exhibit 1001, Claim 1 (*color added*)

Petitioner did not meet its burden of establishing element [1.e] was found in the *Mooney* reference.

“Failure to prove the matter as required ... means that the party with the burden of persuasion loses on that point—thus, if the fact trier of the issue is left uncertain, the party with the burden loses [i.e., Petitioner].”
Dynamic Drinkware, LLC v. Nat’l Graphics, Inc., 800 F.3d 1375, 1378-79 (Fed. Cir. 2015) (*emphasis added*).

CLAIM 1 ELEMENTS

GROUND 1

Elements 1[h], and 1[i]

Mooney

[1.h] wherein upon said control device being selectively **triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated...**

[1.i] **if said switching element is in said second state, a second data conveyance operation will be initiated....**

Exhibit 1001, Claim 1 (*color added*)

“will be initiated,” requires initiation of “something” in response to the invariable activation command.

CLAIM 1 ELEMENTS

GROUND 1

Element 1[h]

Mooney

[1.h] wherein upon said control device being selectively **triggered by the user to issue said invariable activation command....**

Exhibit 1001, Claim 1 (*color added*)

Mooney discloses that its automatic switch over module switches to cell phone mode when the multimode cell phone 100 “senses” that it has extended beyond an “acceptable” Bluetooth range—**that is, when the piconet/Bluetooth cordless module transceiver (cue receiver) no longer receives quality Bluetooth signals from the piconet base unit, the switch is assigned to cell phone mode.** Mooney, 4:17-23, Fig. 1; Lipoff, ¶108. *Mooney* also explains that “the user may be prompted about impending loss of signal,” causing the device ““switch communication path”” in an “entirely automated” fashion. *Mooney*, 4:41-49.

Petition, 33 (*color added*)

Making a call has nothing to do with being in range of the base station, as the registration of the handset has to have occurred for digits to be entered and a call to be made.

Sur-Reply, 4-5

CLAIM 8 ELEMENTS GROUND 1

Mooney

[8] A cellular phone as defined in claim 1, wherein said first data transceiver comprises a proximity transceiver for accomplishing a wireless data exchange with a first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward **a close proximity of the first external data exchange device** **and** **within a range to receive the activation cue** to initiate the wireless data exchange.

Exhibit 1001, Claim 8 (*color added*)

The claim requires (1) a close proximity and (2) within a range.

PO Sur-Reply (paper 24), 2

Independent Claims 1, 10, 11, 12, and 19 Dependent claims 8 and 16

Mooney

Elements 1[e], 1[h], and 1[i] discussed for independent claim 1 also apply to all the other independent claims 10, 11, 12 and 19.

See Exhibit 1001, Claims 1, 10, 11, 12, and 19

The “Close Proximity” element discussed in dependent claims 8 also applies to dependent claim 16.

See Exhibit 1001, Claims 8 and 16

Ground 2

§103 – Claims 1-20 – *Mooney and Lee*

CLAIM 1 ELEMENTS

GROUND 2

Only elements 1[h] and 1[i] rely Lee

Mooney and Lee

[1.h] wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated...

[1.i] if said switching element is in said second state, a second data conveyance operation will be initiated....

Exhibit 1001, Claim 1 (*color added*)

No Motivation to Combine

Ground 2

Mooney and Lee

Mooney is directed toward routing calls through a connection-oriented circuit-based PSTN network. See Exh. 1005, 130 Fig. 1.

The *Lee* 705 patent is directed toward a voice-over internet protocol (VOIP) network that is connectionless and simply routes VOIP packets. See Exh. 1006, 206 Fig. 1; Exh. 2001, ¶¶182-185.

Response, 53

Additionally, the purpose of *Lee* 705 is to integrate a wireless local loop network with a cellular network. No motivation to combine is found in *Lee* 705 that it would work in a non-wireless network, such as a PSTN network. Rather, *Lee* teaches explicitly away from being implemented in a non-wireless environment. See Exh. 1005; Exh. 2001, ¶187. *Lee* 705 states circuit switched voice data is received and translated to IP packets by the BT Hub 118. Exh. 1006, 5:15-16; Exh. 2001, ¶188.

See Response, 54

Patent Owner's Motion To Exclude

Motion to Exclude Mr. Lipoff's Opinions

Mr. Lipoff's Opinions Are Improperly Based on His Knowledge and Professional Judgment.

Paper 28, 3

Patent Owner objected to Mr. Lipoff's Opinions in his Expert Declaration (Exh. 1003) and Expert Reply Declaration (Exh. 1014) under Fed. Rule Evid. 403.

Paper 28, 3

Mr. Lipoff's opinions are based on his knowledge and professional judgment, guided only by the understanding of a POSITA. Fed. Cir. Law is well settled that expert testimony must be from the vantage point of an ordinary skilled artisan in a patent case and not from the expert's perspective.

See Paper 28, 4

Contrary to Fed. Cir. law, Petitioner flips the perspective in this IPR. "The examiner must ascertain what would have been obvious as of the relevant time to one of ordinary skill in the art, and not to the inventor, a judge, a layman, those skilled in remote arts, or to geniuses in the art at hand." *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983), *cert. denied*, 464 U.S. 1043 (1984).

Motion to Exclude

Mr. Lipoff's is not a Bluetooth Communication Expert

Mooney incorporates the Bluetooth Specification 1.1, Part K:2 (Exh. 2003)

(12) **United States Patent**
Mooney

(10) Patent No.: US 6,941,156 B2
(45) Date of Patent: Sep. 6, 2005

(54) AUTOMATIC HANDOFF FOR WIRELESS PICONET MULTIMODE CELL PHONE

(75) Inventor: Philip D. Mooney, Sellersville, PA (US)

(73) Assignee: Agere Systems Inc., Allentown, PA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 835 days.

(21) Appl. No.: 09/888,493
(22) Filed: Jun. 26, 2001
(65) Prior Publication Data
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(51) Int. Cl.⁷ H04M 1/00
(52) U.S. CL. 455/553.1; 455/552.1
(58) Field of Search 455/403, 426.1, 455/552.1, 553.1

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(19) Claims, 6 Drawing Sheets

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Primary Examiner

(57) **ABSTRACT**
A technique and apparatus for transferring a communication link between two different modes of a multimode cell phone. For instance, an active telephone call using a cordless telephone RF communication link may be automatically switched (with user prompt if desired) to a cell phone call when desired (e.g., when the cordless telephone goes out of range of its base unit), and vice versa. CallerID Type 2 and Call Waiting may be used to switch the far end telephone from one line to the other with minimal (or even unnoticeable) disruption to the participants or content of the telephone connection.

The diagram illustrates a system for automatic handoff between a cellular network and a cordless telephone network. On the left, a 'CELL PHONE' (100) is shown with a 'PICONET CORDLESS PHONE' (100b) and a 'WALKIE-TALKIE' (100c). Below these is an 'AUTOMATIC SWITCH OVER MODULE' (101) which receives 'USER PROMPT' and 'USER ACTIVATION' signals. The system is connected to a 'CELLULAR NETWORK' (120) via a 'PICONET FRONT END CORDLESS TELEPHONE BASE UNIT' (110). This base unit is further connected to a 'PSN' (130) and a 'TYPE 2 CALL WAITING SERVICE' (140). A 'HANDOVER TELEPHONE CALL' (150) is shown between the cellular network and the cordless phone. The diagram also shows a 'CORDLESS TO CELL PHONE HAND OVER' (112) and a 'DIGITAL TELEPHONE CALL' (140).

The entire BLUETOOTH™ specification (core and profiles), version 1.1, in particular the Cordless Telephony Profile portion of version 1.1 of the Profiles, is explicitly incorporated herein by reference.

Exh. 1005, 2:61-64

Patent Owner objected to Mr. Lipoff's opinions regarding the Bluetooth specification in the Expert Reply Declaration (Exh. 1014) because Mr. Lipoff is not an expert in Bluetooth communication. See Paper 22, pp.3-4. Mr. Lipoff has offered no evidence of having any knowledge of Bluetooth. Mr. Lipoff's CV does not even mention Bluetooth.

PO Motion to Exclude, 4-5

End of Demonstrative