

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD,
Petitioners

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00231

Patent 7,929,902

REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE

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Pursuant to the Board's April 14, 2025 Order, Petitioners RØDE Microphones, LLC and Freedman Electronics Pty Ltd ("RØDE" or "Petitioners") submit this Reply to Zaxcom, Inc.'s ("Zaxcom's" or "PO's") Patent Owner's Preliminary Response ("Reply"). Given space constraints, at this time RØDE does not present claim constructions or rebut all of Patent Owner's constructions. RØDE, however, does not acquiesce to Patent Owner's constructions, and expressly reserves the right to present and apply its own constructions should this case be instituted.

A. "master timecode generator" and "master timecodes"

Strub discloses that the local audio devices (recording units) include GPS receivers 311. Ex. 1003, Fig. 3, 12:46-52, 62:53-55. Strub teaches that "GPS ***time signals*** are extremely accurate; thus, since ***all of the recording units*** are receiving this time signal, the timestamps of ***all recording units*** are adequately synchronized." *Id.* 63:46-49. Therefore, the GPS signals are master time reference signals.

Additionally, the GPS signals control and synchronize at least one timecode generator of at least one other device. Strub discloses that each "recording unit" (i.e., local audio device) includes an "internal clock ... that, while not as accurate as the GPS time signals, can also be used to accurately time-stamp data." *Id.* 63:56-60. A POSA would understand these internal clocks used for timestamping to be local timecode generators. These internal clocks are controlled and synchronized by the GPS signal. Strub states that "[d]epending upon the speed of the processing device(s)

of the recording unit, the GPS signal can be **updated** about once a second.” *Id.* 63:43-46. A POSA would understand that the term “updated” refers to using the GPS signal to update the internal clock, i.e., to synchronize the clock to GPS time. These synchronizations then occur “once a second” so long as the GPS signal is being received. This understanding is then confirmed by the next paragraph, which states:

Though the recording unit must not be constantly blocked from GPS satellites in order for the recording unit to receive such time signals, the recording unit need only be exposed to a GPS satellite for about a minute to enable the time signals to begin. Further, after that point, clock drift occurs slowly, even if the recording unit is blocked from the GPS satellites for a period of time.

Id. 63:50-56. A POSA would understand from this paragraph that the recording unit needs about a minute to initially acquire the GPS signals, at which point the internal clock is updated/synchronized using the GPS signals. It is then explained that “after that point” there will be “clock drift” if the GPS satellites are “blocked.” That is, if the GPS signals are blocked then the internal clock will not receive its once per second synchronization updates and will start to “drift” relative to the GPS time.

Similarly, Strub’s recording units may include “a clock that is used to time-stamp recording data,” *id.* 79:63-65, but the “**clocks** of different recording units may not be adequately **synchronized**,” *id.* 79:66-80:2. Strub teaches that this clock synchronization issue is alleviated if each recording unit includes a GPS receiver. *Id.* 80:2-7. POSA would understand this to mean that the GPS signals are used to

control and synchronize the clocks (local timecode generators) of the recording devices. Thus, Strub teaches these claim elements even under PO's constructions.

Additionally, Strub discloses recorders having an "external communication port" to receive a "SMPTE time code input ... to enable synchronization with an external device." *Id.* 75:25-57. A POSA would understand this to refer to an SMPTE master time reference signal conveying timecodes used to synchronize each recorder's clock so that they are all synchronized to the same "external device." *Id.* Again, this meets Patent Owner's constructions.

Woo also teaches "master timecode generator" and "master timecodes" under Patent Owner's constructions. Woo uses GPS satellites 26-28 and GPS receiver 122 to output a "precision clock output" (i.e. a time reference signal) "for synchronizing film and video **equipment**" via their "master clock input ports." Ex. 1004, Figs. 1, 5, 8:60-9:4. Woo teaches that this involves a "jam-sync" process wherein a "slave" time code "generator" in the equipment is sync'd to a master input signal. *Id.* 3:38-46. Thus, the GPS master time reference signals are used to control, via jam sync, the slave timecode generators in the audio equipment (e.g., recorders 14 and 16).

B. "locally generated audio" and "local audio"

Zaxcom's construction: (1) limits the audio to the "audio created by the wearer of the local audio device," which effectively requires that the local audio device actually be worn by the person creating the audio, and (2) adds the requirement that

the audio “is suitable for use as an independent track of audio.” These aspects of Plaintiff’s construction do not reflect ordinary meaning, and Plaintiff fails to point to any lexicographic definition or disclaimer that justifies such narrowing.

First, apparatus claims 1 and 9 merely require the local audio device to be “wearable by a creator,” not that it actually be worn by the creator. This is sensible, as “wearable” limits the structure of the device whereas actually wearing it comprises an action to be taken with the device. Method claims 13 and 16-20 do not mention wearability or a wearer. Indeed, the specification is clear that for some embodiments the local audio device 102 need not be worn, since microphone 312 may be worn instead. Ex. 1001, 10:7-10. Additionally, the specification does not preclude a local audio device worn by one performer from receiving audio being created by a different performer. *Id.* 4:10-14, 10:38-41, 11:45-50, 13:46-49, 16:50-55. In that case, the device is wearable, but the creator and wearer may be different.

Second, whether the audio is “suitable for use as an independent track of audio” is the intended purpose or use for the “locally generated audio” or “local audio” rather than the actual meaning of the term itself. *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 326 F.3d 1215, 1223 (Fed. Cir. 2003) (“[T]he written description does not suggest that the invention must be used only in a manner to attain that objective.... Absent a clear disclaimer of particular subject matter, the fact that the inventor anticipated that the invention may be used in a particular manner

does not limit the scope to that narrow context."). The only reference to "independent track of audio" appears at the end of the paragraph at column 11, lines 20-50 of the '902 specification. But this paragraph does not even mention "locally generated audio" or "local audio" and does not purport to define or restrict the invention generally. In view of the foregoing, Zaxcom's construction is overly narrow.

Even under Zaxcom's construction, Strub teaches the "local[...]audio" elements. Strub discloses that the recording units may be "worn" by a person "participating in" as opposed to merely "observing" an event. Fig. 1, 8:6-26, 11:3-17, Abstract, 1:24-35. Being a participant would involve the generation of local audio by the wearer. Indeed, Strub discloses participants "singing" Happy Birthday and participating in events such as ping pong, a group hike, or a family trip to an amusement park. 52:19-24, 67:59-68:2, 2:55-65, 47:33-39. Thus, the local audio device receives and records "audio created by the wearer of the local audio device."

In addition, each recording by each local audio device is "an independent track of audio" distinct from the recordings of other devices since they are not co-located and would receive sound differently. Zaxcom cites no evidence suggesting that multiple voices (including those of non-wearers) cannot be recorded as an independent audio track. In any event, an individual creator's recording made "while engaging in an athletic activity" like skiing would be an independent track of audio created by just that one person. 67:59-68:2.

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/ Michael A. Fisher /

Jeffrey B. Plies, reg. no. 46,999

Michael A. Fisher, reg. no. 42,536

DECHERT LLP

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00231 (U.S. Patent 7,929,902)

I caused to be served a copy of the foregoing Reply to Patent Owner's Preliminary Response upon:

ZAXCOM INC., c/o:

Rita Chipperson - rcc@chippersonlaw.com

Janice Kwon - jk@chippersonlaw.com

Morgan Golightly - mdg@chippersonlaw.com

Gerard O'Rourke - gorourke@okorlaw.com

Sean O'Kelly - sokelly@okorlaw.com

Laura Carrig - lcarrig@okorlaw.com

via:

Electronic Mail

Patent Owner agreed to have the above-listed counsel accept electronic service of papers filed in this IPR on November 20, 2024. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: April 21, 2025

By: /Michael A. Fisher/
Michael A. Fisher, Reg. No. 42,536
Dechert LLP

Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
Tel: 215-994-2079
Fax: 215-655-2279
michael.fisher@dechert.com