

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.

IPR2025-00557

Patent 12,051,444

REQUEST FOR BOARD REHEARING OF INSTITUTION DENIAL

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A. Introduction

Pursuant to 37 C.F.R. § 42.71(c) and (d), Petitioners request Board rehearing of the September 30, 2025 denial of institution, Paper 15 (“Decision”). The only basis for denying institution was the Board’s finding that Strub did not meet Element 1[A] of Claim 1—“a remote receiver, the remote receiver configured to create at least one master timecode and to receive audio data”—a finding which was based solely on the premise that Petitioners did not dispute Patent Owner’ arguments regarding that element. But Petitioners *did* dispute those arguments in a passage of their Reply that the Board appears to have overlooked. Since the underlying premise of the denial decision is faulty, the decision should be reversed and institution granted.

B. Argument

1. **The Denial of Institution Should Be Reversed Because It Depends On the Erroneous Finding That Petitioners Did Not Dispute Patent Owner’s Arguments**

The sole basis for the Board’s denial of institution was its finding that Strub does not teach Element 1[A]. Paper 15 (“Decision”), at 20-23. No other claim elements are analyzed in the Decision. The Board’s findings on all other claims are

similarly based on the premise that Strub does not teach Element 1[A]. Decision, at 27-28.¹

That premise—and thus the entire decision to deny institution—was based on a finding that the synchronization pulses synchronize only visual data, not audio data. Decision at 23. Although the Decision did discuss several of Petitioner’s alternative arguments, *id.* at 24-26, those alternative arguments are moot if Petitioners’ primary assertion—that the synchronization pulses also synchronize audio data—is correct.

The Board’s finding that Strub’s synchronization pulses do not synchronize audio data rested in turn on its findings that “Petitioner has not disputed Patent Owner’s assertions that the described “genlocking” technique is a video synchronization technique that does not apply to or affect the synchronization of system clocks or audio timestamps and has no bearing on audio synchronization” and that “Petitioner [does not] explain in the Petition or the Preliminary Reply how or why an ordinarily skilled artisan would have applied this teaching to audio data recorded by an audio device.” *Id.* at 23. Both of those findings are mistaken because

¹ Element 13[A] of independent Claim 13 is identical to Element 1[A]. Paper 1, at 32, 66; Ex. 1001, 43:26-27, 44:33-34. The Board addressed Element 13[A] only to incorporate the findings from its analysis of Element 1[A]. Decision, at 27.

they do not address Petitioners' arguments on these issues. In their pre-institution Reply, Petitioners (1) expressly disputed that the synchronization pulses are limited to visual data—since, among other things, Strub repeatedly states that its “recording data” includes audio data, and (2) explained why a POSA would apply Strub’s synchronization pulses to audio data recorded by an audio device:

Strub teaches that "recording data" includes audio data. Ex. 1003, 27:45-50, 29:66-30:2, 31:27-34, 32:23-25. In any event, it makes little sense to synchronize the visual recording data but not the corresponding audio recording data, else the audio and video would get out of sync relative to one another. See, e.g., *id.*, 3:25-45 (explaining desirability of synchronizing audio recordings with visual recordings), 80:10-16 (using either the audio or video to synchronize the "recording data" from different recording units, which necessarily indicates that the audio and video are synchronized relative to one another).

Paper 13 (“Reply”), at 2 n.1.

Petitioners respectfully submit that the Board may have overlooked the above passage, leading it to the erroneous premise that Petitioners had not disputed Patent Owner’s contention that the technique described in Strub at 38:29-37 does not apply to synchronization of system clocks or audio, and had not explained why a POSA would apply Strub’s synchronization pulses to audio data. Since the denial of institution was based on that premise, the Board should reverse its Decision and grant institution.

2. **The Denial of Institution Should Be Reversed Because Petitioners Demonstrated That Strub’s Synchronization Pulses Are Used to Synchronize Both the Visual and Audio Portions of The Recordings**

Petitioners not only *argued*, but were *correct*, that Strub discloses the use of synchronization pulses to “coordinate the recordings obtained by recording units,” which can include both audio and video data. Reply, at 1-2, n.1 (citing Strub 38:29-39). More particularly, “recordings” necessarily comprise “recording data.” See, e.g., 79:63-8:2 (cited at Reply, p.1) (discussing timestamping of “recording data” and “recordings” interchangeably); 13:52-58 (cited at Reply, p.1) (similar). Strub discloses that such “recording data” may include audio data. This is demonstrated by the citations provided in Footnote 1 of Petitioner’s Reply. See 27:45-50 (referring to “recording data” produced by A/D converting signals from both a video camera and a *microphone*—i.e., an *audio device*), 29:66-30:2 (referring to “process[ing] recording data from a single visual data acquisition device and several...*audio data acquisition devices*”), 31:27-34 (“recording data (e.g., audio recording data...)”), 32:23-25 (“[T]he addition of a *microphone* will increase the amount of *recording data* to be stored.”).

In sum, the passage at Strub 38:29-39 discloses coordinating “recordings” between recording units using a “synchronization pulse” so that they are “temporally synchronized.” Since the recordings comprise recording data that includes both visual recording data and audio recording data, the audio data is also being

synchronized. As further explained in Footnote 1 of the Reply, this is confirmed logically since it would make little sense to use the synchronization pulses to synchronize only the video but not the audio, thereby permitting the video and audio to get out of sync relative to one another. Indeed, Strub discloses the desirability of synchronizing visual recordings made by cameras at a distance from the subject with audio recordings made near the subject. Reply, n.1 (citing Strub 3:25-45).

Strub's disclosure of using a GPS satellite to establish synchronization between recordings, Decision at 23-24 (citing Strub, at 80:2-27), is a non-limiting example. It does not negate Strub's teaching that synchronization pulses from a recording unit can be used to "coordinate [*i.e.*, synchronize] the recordings," which include both visual and audio data. Strub, at 27:45-50, 29:66-30:2, 31:27-34, 32:23-25, 38:30-37.

Since Petitioners correctly argued that Strub discloses Element 1[A], Petitioners' alternative arguments discussed on pp. 24-26 of the Decision are moot because they are not necessary for the Board to conclude that Petitioners have demonstrated a reasonable likelihood of prevailing on Claim 1.

C. Conclusion

The denial of institution is based on an incorrect premise—that Petitioners (1) did not dispute that the synchronization pulses described in Strub at 38:29-37 is limited to visual data and (2) did not explain why a POSA would use those pulses to

synchronize audio. Furthermore, Petitioners demonstrated that Strub meets Element 1[A], because a POSA would understand Strub's teachings to include the use of synchronization pulses to synchronize both the visual and audio portions of the recordings. Accordingly, Petitioners respectfully request that the Board reverse its decision and grant institution.

Dated: October 15, 2025

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CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00557 (U.S. Patent 12,051,444)

I caused to be served a copy of the foregoing Request for Board Rehearing of Institution Denial upon:

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Patent Owner agreed to have the above-listed counsel accept electronic service of papers filed in this IPR on November 20, 2024, and further in Patent Owner's February 25, 2025 Mandatory Notices. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: October 15, 2025

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