

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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RØDE MICROPHONES, LLC AND  
FREEDMAN ELECTRONICS PTY LTD,

Petitioners

v.

ZAXCOM, INC.,

Patent Owner

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IPR2025-00557

U.S. Patent No. 12,051,444

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**PATENT OWNER'S RESPONSE TO PETITIONERS' REQUEST FOR  
BOARD REHEARING OF INSTITUTION DENIAL**

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**TABLE OF AUTHORITIES**

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## **I. The Board Did Not Overlook Petitioners' Arguments**

Petitioners claim the Board overlooked their arguments when it stated:

“‘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.’”

(“Undisputed PO Arguments”). Paper 16 at 2. Petitioners claim Board error and point to Paper 13, at 2 n. 1 (“Footnote 1”) stating the “Board may have overlooked the above passage.” Paper 16 at 3. However, Footnote 1 is cited at the top of Paper 13, page 2, and the Board explicitly refers to this page 2 in its Decision no less than four times. Paper 15 at 21, 23, 25-26. As such, the Board clearly considered Footnote 1. Assuming arguendo that Footnote 1 was overlooked, it would still not change the Board’s reasoning regarding the Undisputed PO Arguments because Footnote 1 does not mention genlocking techniques, synchronization of system clocks, audio timestamps, nor an ordinarily skilled artisan. The Board correctly found that Petitioners failed to dispute the above-referenced PO assertions.

Further, under 35 U.S.C. § 312(a)(3) and 37 CFR § 42.104(b)(4), *the Petition* must set forth “how the construed claim is unpatentable” and “where each

element of the claim is found in the prior art.” Paper 16 admits this failure of the Petition, and, even if Footnote 1 rebutted PO’s assertions, it is untimely. *See Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1370 (Fed Cir. 2016) (The Board did not abuse its discretion in disregarding new invalidity arguments first raised in a reply).

## II. Section 2 of Paper 16 Mischaracterizes Strub’s Teachings

Only one paragraph in Strub’s 59-page disclosure teaches pulse synchronization/genlocking (i.e., Strub 38:29-39) (the “Genlocking Excerpt”). The Genlocking Excerpt makes no reference to audio data, instead referencing “visual recording data” and synchronization of “analog visual data acquisition devices.” Petitioners first *argue* that the Genlocking Excerpt applies to audio data because: “recordings” *can* include both audio and video data; “recordings” necessarily comprise “recording data;” and “recording data *may* include audio data.” Paper 16 at 4. Yet, by the end of this argument, Petitioners inexplicably, without citation or support, argue the recordings of the Genlocking Excerpt comprise “recording data that *includes both* visual recording data and audio recording data.” The Genlocking Excerpt does not teach that it applies to audio, that the genlocked recordings must be recording data, nor that recording data must include audio recording data.

The opening sentence of the Genlocking Excerpt literally informs the reader that the genlocking teaching applies to data *other than* recording data: “**Data other**

**than recording data** can also be exchanged between recording units.” Ex-1003, 38:29-30 (emphasis added). That is, in addition to not mentioning audio in any form, the opening sentence of the Genlocking Excerpt explicitly teaches that its pulse synchronization/genlocking teachings do not apply to recording data. Therefore, even if recording data must include audio (which it does not for the reasons discussed below), the Genlocking Excerpt does not apply to recording data, and therefore does not apply to audio synchronization.

Even if the Genlocking Excerpt applied to “recording data,” which it does not, nothing in Strub requires “recording data” to include both audio and visual recording data. To the contrary, Strub discusses that “[a] mark can also be specified based upon analysis of audio recording data, visual recording data, or both.” Ex-1003, 5:1-2. Strub regularly refers to “recording data” that is visual only. Ex-1003, 14:30-33; 15:39-53; 19:2-11; 19:23-30; 20: 9-19. This directly contradicts the assertion that “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” (emphasis added). Paper 16 at 4. No portion of Strub requires recording data to include audio data. Strub teaches the exact opposite.

Dated: October 31, 2025

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 31, 2025, Patent Owner served the foregoing “PATENT OWNER’S RESPONSE TO PETITIONERS’ REQUEST FOR BOARD REHEARING OF INSTITUTION DENIAL” in the above-captioned proceeding upon:

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Petitioners agreed to have the above-listed counsel accept electronic service of papers filed in this IPR by Petitioner’s Updated Mandatory Notice of May 2, 2025. *See* 37 C.F.R. § 42.6(e)(1) (“Service may be made electronically upon agreement of the parties.”)

Dated: October 31, 2025

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