

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

SECURE COMMUNICATION TECHNOLOGIES, LLC,

Patent Owner.

Case IPR2026-00099

U.S. Patent No. 8,116,749

PATENT OWNER'S PRELIMINARY RESPONSE

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PATENT OWNER’S EXHIBIT LIST

Exhibit #	Description
2001	Declaration of James Proctor, Jr.
2002	Mr. Proctor’s November 2011 Correspondence with Google
2003	LinkedIn Profile – Kyle Enright (Google)
2004	Mr. Proctor’s February 2012 Correspondence with Google
2005	LinkedIn Profile – Amar Mehta (Google)
2006	Application Data for Google’s U.S. Patent Application No. 13/716,675
2007	December 2012 IDS from U.S. Patent Application No. 13/716,675
2008	Application Data for Google’s U.S. Patent Application No. 12/969,291
2009	May 2012 IDS from U.S. Patent Application No. 12/969,291
2010	Application Data for Motorola Mobility’s U.S. Patent Application No. 13/738,384
2011	May 2014 Notice of References Cited from U.S. Patent Application No. 13/738,384
2012	Application Data for Google’s U.S. Patent Application No. 17/305,266
2013	July 2021 IDS from U.S. Patent Application No. 17/305,266
2014	Complaint from <i>Secure Commc’n Techs., LLC v. Samsung Elecs. Co., Ltd. et al.</i> , No. 2:24-cv-484-JRG (E.D. Tex.)
2015	Redacted Version of Samsung’s Motion to Transfer Venue from <i>Secure Commc’n Techs., LLC v. Samsung Elecs. Co., Ltd. et al.</i> , No. 2:24-cv-484-JRG (E.D. Tex.)
2016	Complaint from <i>Secure Commc’n Techs., LLC v. Google, LLC</i> , No. 1:25-cv-1207 (W.D. Tex.)
2017	First Amended Complaint from <i>Secure Commc’n Techs., LLC v. Google, LLC</i> , No. 1:25-cv-1207 (W.D. Tex.)
2018	Google blog article concerning Nearby Share
2019	Article from Techcrunch.com concerning Google Fast Pair
2020	Article from Techcrunch.com concerning Android Device Manager (precursor to Google Find Hub)
2021	Google blog article concerning generations of Pixel phones
2022	First Amended Complaint from <i>Proxicom Wireless, LLC v. Target Corp.</i> , No. 6:19-cv-01886 (M.D. Fla.)

2023	Complaint from <i>Proxicom Wireless, LLC v. Macy's, Inc.</i> , 6:18-cv-00064 (M.D. Fla.)
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I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner Secure Communication Technologies, LLC (“SCT” or “Patent Owner”) hereby submits this Preliminary Response to Petitioner Google, LLC’s (“Google” or “Petitioner”) Petition for *Inter Partes* Review of U.S. Patent No. 8,116,749 (the “’749 patent”). As set forth below, Petitioner’s anticipation and obviousness grounds are fundamentally flawed because Bucuk does not disclose a key element of the challenged independent claims—i.e., the requirement that “the second wireless device, *upon an occurrence of a predetermined event coordinated with said central server*, . . . providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information.” The “modified identification information” Google points to in Bucuk, the only reference it relies on for this limitation, is only sent when a new device searches for nearby devices. In other words, the “modified identification information” is not sent “upon an occurrence of a predetermined event coordinated with said central server,” as required by every challenged claim. Google offers no alternative theory for how the identified art allegedly satisfies this element.

The fact that Google’s identified art does not disclose this claim element comes as no surprise, as *the Board previously concluded in a separate IPR*

proceeding concerning the '749 patent that this same claim element was not present in the prior art.

Given this shortcoming in each of Petitioner's grounds, the Director should deny institution of Google's Petition. Additionally, as discussed in Patent Owner's Brief in Support of Discretionary Denial, the Director should exercise discretion to deny institution because the instant Petition lacks merit.

II. SUMMARY OF PRELIMINARY RESPONSE

The '749 patent has two independent claims (claims 1 and 7), which as relevant to this Response recite similar limitations. Claim 1 is shown below, with Google's claim element identifiers (and the elements relevant to this Response in bold).

[1.PRE]	A method for exchange of information between one or more applications executing on at least a first wireless device and a second wireless device, the method comprising the steps of:
[1.A]	[1.A.I] at the first wireless device, providing initial identification information to a central server, said initial identification information having been collected by the first wireless device from the second wireless device via a first, direct, short range local wireless link between the second and first wireless devices, [1.A.II] wherein the initial identification information is associated at the central server with an

	identity of a user or entity associated with the second wireless device, and [1.A.III] wherein the initial identification information is provided to the central server, by the first wireless device, over a second wireless link;
[1.B]	[1.B.I] at the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, [1.B.II] within a specific application on the second wireless device, [1.B.III] providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information,
[1.C]	at the first wireless device, collecting said modified identification information.

The limitation highlighted above is also present in independent claim 7.

Ground 1 from the Petition (which relies on Bucuk alone) addresses claim 1 and some of its dependent claims. *See* Pet. 15-32. Ground 2 (which relies on Bucuk as the primary obviousness reference) addresses claims 1 and 7 and several of their dependent claims. *See id.* at 32-58. Grounds 3 and 4 address additional dependent claims. *See id.* at 58-72. Notably, in Ground 2, Petitioner lays its invalidity theory only for claim 1. *See id.* at 37-42. For claim 7, Petitioner refers to its claim 1

allegations. *See id.* at 45-48. Accordingly, Patent Owner’s analysis focuses on Petitioner’s allegations for claim 1.

As set forth below, Petitioner has failed to show that Bucuk discloses or renders obvious the claimed requirement that “the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, . . . providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information.” Google relies on Bucuk’s disclosure of a phone being used to unlock a car, and upon unlocking, the car changing its “Bluetooth name with a new Device ID . . . according to a pre-arranged scheme.” Pet. 23 (citing Ex. 1051, [0170]). However, this new/changed Device ID in Bucuk is not provided to any devices when the car is unlocked (which Google alleges is the “predetermined event coordinated with said central server”). Instead, Bucuk discloses that the new/changed Device ID is provided to other devices when those devices “search[] for nearby devices” subsequent to the unlocking event. Ex. 1051, [0166]. In other words, Bucuk does not disclose “providing modified identification information” “upon an occurrence of a predetermined event” as required by the challenged claims.

Google’s failure to show how the art discloses this element is no surprise, as the Board previously found that a different IPR petitioner failed to demonstrate how other art discloses this element as well. *See* Ex. 1029 at 14-18.

Given this repeated and fundamental shortcoming of the identified art, Google's Petition here should be denied institution.

III. FACTUAL BACKGROUND

A. The '749 Patent

The '749 patent issued in February 2012 from U.S. Patent Application No. 12/364,938, filed in February 2009. The '749 patent claims priority to U.S. Provisional Patent Application Nos. 61/095,001 and 61/095,359, both filed in September 2008. In its Petition, Google does not dispute that the challenged claims of the '749 patent are entitled to that priority date. The '749 patent issued over dozens of cited references considered by the Examiner.

The claims of the '749 patent were invented by Messrs. James Arthur Proctor, III and James Arthur Proctor, Jr., a father and son duo who are the co-founders of Proxicom Wireless, LLC ("Proxicom"). Mr. James A. Proctor, III holds a B.S.E.E. from the University of Florida and an M.S.E.E. from the Florida Institute of Technology. He is a former faculty member at the Florida Institute of Technology where he taught graduate courses in electrical engineering. Mr. James A. Proctor, III has forty years of experience in engineering and management roles at Harris Corporation in Melbourne, Florida working with communications systems. Mr. James A. Proctor, Jr., holds a B.S.E.E. from the University of Florida and an M.S.E.E. from the Georgia Institute of Technology. Mr. Proctor, Jr. is an

accomplished technology executive and serial entrepreneur in the wireless and communications field, having contributed to the startup, growth, operation, and success of a number of programs and companies.

One inspiration for the inventions taught and claimed in the patents-in-suit was the difficulty that Mr. Proctor, Jr. experienced in sharing files securely. In 2008, Mr. Proctor, Jr. realized that devices such as laptops that had Wi-Fi and Bluetooth capabilities for short-range communication could not communicate securely with other similar devices, or exchange documents using those short-range communication channels. In fact, users could be tracked by third parties with the then-existing peer-to-peer technology. A third party could copy the identifier associated with a user or user's device and misuse it. Accordingly, there was a need for technology that could facilitate secure communications between mobile devices using short-range communication technologies.

B. Prior Litigation Concerning the '749 Patent and Related Patents

In *Proxicom Wireless, LLC v. Target Corp.*, No. 6:19-cv-01886 (M.D. Fla.) and *Proxicom Wireless, LLC v. Macy's, Inc.*, No. 6:18-cv-00064 (M.D. Fla.), Proxicom (SCT's predecessor in interest) accused Target Corporation ("Target") and Macy's, Inc. ("Macy's") of infringing the '749 patent and other related patents. Exs. 2022-2023. Specifically, Proxicom accused Target's and Macy's mobile app

features of infringement, including features for locating items on shopping lists and personalized in-store offers. Exs. 2022-2023.

On July 3, 2024, SCT filed a complaint in the U.S. District Court for the Eastern District of Texas, asserting U.S. Patent Nos. 11,334,918 (the “’918 patent”), 11,443,344 (the “’344 patent”), and 11,687,971 (the “’971 patent”) against Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”). *See* Ex. 2014. In that complaint, SCT accused features of Samsung’s phones, tablets, and laptops of infringing claims of the ’918, ’344, and ’971 patents. *See id.* Among the infringing features were the Nearby Share/Quick Share and Fast Pair features of Samsung’s phones and tablets, which Samsung alleged were developed by Google. *See* Ex. 2015. Google then filed IPR petitions against the ’918, ’344, and ’971 patents on July 2, 2025, one day before the statutory bar date based on SCT’s lawsuit against Samsung.¹ *See Google LLC v. Secure Comm’n Techs., LLC*, IPR2025-01181, IPR2025-01182, IPR2025-01183 (collectively the “Denied

¹ Samsung also filed IPR petitions concerning the challenged patents. *See Samsung Electronics Co., Ltd. v. Secure Comm’n Techs., LLC*, IPR2025-01049, IPR2025-01050, IPR2025-01051, Paper 6 (P.T.A.B. June 18, 2025). In August 2025, SCT reached a settlement with Samsung, and the district court action and all three IPR proceedings involving Samsung were all terminated.

Google IPRs”). On December 23, 2025, the Director denied institution of those IPRs on the merits. *Id.*, Paper 14 at 1.

On August 4, 2025, SCT filed a complaint against Google in the U.S. District Court for the Western District of Texas. *See* Ex. 2016. SCT filed a First Amended Complaint (“FAC”) in that action on September 8, 2025. *See* Ex. 2017. In the FAC, SCT accuses Google of infringing not only the patents from the Denied Google IPRs, but also U.S. Patent No. 11,995,685 (the “’685 patent”) (which Google challenged in IPR2026-00098) and the ’749 patent. *See id.*

C. Target’s IPR Petition Concerning the ’749 Patent

Target previously filed IPR petitions challenging several Proxicom patents, including the ’749 patent. *See* Ex. 1028 (Target IPR petition concerning the ’749 patent). The Board denied institution of Target’s IPR petition concerning the ’749 patent, concluding that Target had not shown how the art at issue in that petition disclosed the independent claims’ requirement that “the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, . . . provid[e] modified identification information over the first, direct, short range local wireless link in place of the initial identification information.” Ex. 1029 at 14-18. The Board specifically concluded that Target’s IPR petition failed to demonstrate how the purported “modified identification information” Target identified in the

Mgrdechian reference was provided “upon an occurrence of a predetermined event.”

Id. at 15.

D. Background Concerning the Art in Google’s Petition

Each of the grounds in Google’s Petition relies on either Bucuk alone or Bucuk in combination with secondary references. With respect to the pertinent limitations in this Response, Google relies solely on Bucuk.

Bucuk discloses a system that relies both on short-range Bluetooth communications between devices and communications with a server. According to Bucuk, the short-range Bluetooth communications are used to provide a “unique identifier” for each device, which can then be sent to the server to authenticate the user/device associated with the unique identifier. Ex. 1051 at, *e.g.*, [0008]-[0010], [0020]. Bucuk describes an exemplary use case of its system as using identifiers exchanged over Bluetooth to authenticate a user and unlock a car. *See id.* at [0164]-[0169]. In this example, Bucuk describes that “mobile phone device (172)” will “search[] for nearby devices,” and when it does, it will discover the car’s Bluetooth name, which contains the car’s “device ID.” *Id.* at [0166]. The mobile phone then sends both its device ID and the car’s device ID to the server. *Id.* at [0167]. Once the server “confirm[s] an authorised link” between the mobile phone and the car, the server issues an “unlocking key[]” that allows the mobile phone to unlock the car. *Id.* at [0168]-[0169]. Bucuk discloses that “after this step, [the car] could change

Bluetooth® name according to a pre-arranged scheme (established at initialisation) so the next time new values are pas[sed] to the authentication server it will be updated accordingly . . . effectively guaranteeing only one device ID (unlocking key) at the time can unlock” the car. *Id.* at [0170]. Thus, the next time the mobile phone (or another device) is near the car and searches for nearby devices, the car will provide a new Bluetooth name. *See id.*

IV. LEGAL STANDARDS

The Board may only institute an *inter partes* review where “the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); 37 C.F.R. § 42.108(c). Petitioner bears the burden of showing that this statutory threshold has been met. *See Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (“[T]he Petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.”); *Liberty Mut.*, Paper 8 at 14-15 (PTAB Oct. 25, 2012) (representative) (“[I]t is the responsibility of the Petitioner to clearly articulate [the proposed combination].”); 37 C.F.R. §§ 42.22(a)(2), 42.104(b)(4).

“Under 35 U.S.C. § 102(b), a prior art reference will anticipate if it ‘disclose[s] each and every element of the claimed invention . . . arranged or combined in the same way as in the claim.’” *Blue Calypso, LLC v. Groupon, Inc.*,

815 F.3d 1331, 1341 (Fed. Cir. 2016) (citation and footnote omitted). If a single element of a claim is absent from the reference, the claim cannot be anticipated. *See, e.g., Am. Airlines, Inc. v. Intellectual Ventures II LLC*, IPR2025-00782, Paper 15 at 11-14 (P.T.A.B. Nov. 18, 2025) (denying institution of IPR petition when element missing from allegedly anticipatory reference); *Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00436, Paper 12 at 5-11 (P.T.A.B. Aug. 26, 2025) (same).

Section 103 of the Patent Act provides that “[a] patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter *as a whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a) (emphasis added). If a single element of a claim is absent from the prior art, the claim cannot be considered obvious. *See CFMT, Inc. v. YieldUp Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (“[O]bviousness requires a suggestion of all limitations in a claim.”) (citing *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974)); *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (reversing obviousness rejection where prior art did not teach or suggest all claim limitations); *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 15 at 15 (PTAB Jan. 9, 2013) (refusing to institute an IPR under 35 U.S.C. § 103 where prior art did not disclose all claim limitations).

V. GOOGLE HAS FAILED TO DEMONSTRATE A REASONABLE LIKELIHOOD THAT IT WILL PREVAIL ON ANY CHALLENGED CLAIM

As discussed below, Google’s proposed grounds (whether based on Bucuk alone or Bucuk in combination with other references) fail to disclose or render obvious at least one element of the challenged claims. There is thus no reasonable likelihood that Google will prevail on any challenged claim.

A. Ground 1: Bucuk Does Not Disclose “the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, . . . providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information”

Ground 1 alleges that Bucuk “anticipates and/or renders obvious” independent claim 1 and some of its dependent claims. Pet. 11. Claim 1 requires that “the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, . . . providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information.” Ex. 1001, claim 1. Bucuk does not disclose this element.

Google alleges that Bucuk’s disclosure of the mobile phone providing the server with the car’s “IP address and Device ID” as meeting the “providing initial identification information to a central server” in element [1.A.I]. Pet. 17. Google then alleges that the claimed “predetermined event coordinated with said central server” is met by the server issuing an unlocking key (Pet. 21) and that the claimed

“providing modified identification information” is met by the car “providing a changed Bluetooth name with a changed Device ID” (Pet. 23).² However, nothing in Bucuk discloses providing the changed Bluetooth name (which includes the device ID) to any other device upon the server’s issuance of an unlocking key (i.e., the alleged “predetermined event”), or even changing the car’s Bluetooth name, upon the server’s issuance of an unlocking key. Instead, Bucuk discloses that, once an unlocking key issues and is sent to the mobile phone, the mobile phone will “rewrite” its own Bluetooth name to include the unlocking key “which, when read by [the car], will result in unlocking the car.” Ex. 1051, [0168]. It is only after that unlocking process is completed that Bucuk discloses that the car “could change Bluetooth® name according to a pre-arranged scheme (established at initialisation) so the next time new values are pas[sed] to the authentication server it will be updated accordingly.” *Id.* at [0170].

The only point in the mobile phone/car example in Bucuk where the car’s IP address and Device ID (Google’s alleged “identification information”) or the car’s changed Device ID (Google’s alleged “modified identification information”) are

² Notably, while Google alleges that both the car’s IP address and Device ID are the claimed “identification information” (Pet. 17), nowhere does Google point to any disclosure in Bucuk of the car’s IP address changing. *See* Pet. 23.

provided to any other device is when a device (e.g., the mobile phone) searches for nearby devices. *Id.* at [0166]. Nowhere does Google allege in its Petition that this searching process is the claimed “predetermined event.” Nor could it, because nothing in Bucuk discloses that the searching for nearby devices is “coordinated with [the] central server,” as claim 1 requires.

Google does not articulate any theory as to how this element of claim 1 is obvious in view of Bucuk, but instead merely alleges that Bucuk expressly discloses this element. *See* Pet. 21-24. Nor does Google’s expert offer any obviousness opinions concerning this element. *See* Ex. 1003, ¶¶ 82-89.

Because Bucuk does not disclose this element of claim 1, Google has failed to demonstrate a reasonable likelihood that it will prevail on Ground 1.

B. Ground 2: Bucuk Does Not Disclose “the second wireless device, upon an occurrence of a predetermined event coordinated with said central server, . . . providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information”

Ground 2 alleges that independent claims 1 and 7 (and several of their dependent claims) are obvious over Bucuk in view of Nordman. However, as to limitation [1.B], Google relies almost entirely on Bucuk, only referring to Nordman once. *See* Pet. 40-42. Claim 7 is directed to a “server” and (similar to claim 1, discussed above) requires that the second wireless device, “upon an occurrence of a predetermined event coordinated with [the server], . . . providing modified

identification information over the first, direct, short range local wireless link in place of the initial identification information.” Ex. 1001, claims 1, 7. Bucuk does not teach, suggest, or otherwise render obvious this element of claims 1 and 7.

In Ground 2, Google alleges that “the second device’s UID” in Bucuk is the claimed “identification information.” Pet. 38.³ And, Google alleges that the claimed “predetermined event” is “a periodic changing of the second device’s UID” (Pet. 40) and that “Bucuk teaches that the second device’s UID is ‘periodically changed’ upon the occurrence of a predetermined event, e.g., using known criteria such as an identifier’s expiration and/or one-time use, which Nordman teaches in detail” (Pet. 40-41 (citations omitted)). However, nothing in Bucuk teaches providing the changed UID to the mobile phone (or any other device) upon “criteria such as an identifier’s expiration and/or one-time use.” Instead, as discussed above with respect to Ground 1, the only point in Bucuk where the Device ID (Google’s alleged “identification information”) is provided to any other device is when a device (e.g., the mobile phone) searches for nearby devices. Ex. 1051, [0166].⁴

³ Google’s discussion of claim 7 in its Petition merely refers back to its analysis of claim 1. *See* Pet. 45-48.

⁴ Claim 7 makes even more clear that the changing/modification of the claimed identification information and its provision to another device are distinct, as claim 7

In sum, Google relies solely on Bucuk as allegedly meeting the “providing modified identification information” element (Pet. 41-42). Bucuk does not disclose this limitation, and Google does not explain (via its expert or otherwise) how Nordman cures this deficiency. *See* Ex. 1003, ¶¶ 133, 134.⁵

separately recites “sending a message to the second wireless device to change the identification information within a specific application on the second wireless device” and “subsequently providing modified identification information over the first, direct, short range local wireless link in place of the initial identification information.” Ex. 1001, claim 7.

⁵ In addition, to the extent Google contends that claim 7 requires the server’s transmitter to “provid[e] modified identification information over the first, direct, short range local wireless link in place of the initial identification information,” the Petition has failed to show that Bucuk discloses this element. *Harmonic*, 815 F.3d at 1363 (“[T]he Petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.”); *Liberty Mut.*, Paper 8 at 14-15 (“[I]t is the responsibility of the Petitioner to clearly articulate [the proposed combination].”).

Because Bucuk does not disclose this element of claims 1 and 7 and Google has not explained how Nordman cures this deficiency, Google has failed to demonstrate a reasonable likelihood that it will prevail on Ground 2.

C. Grounds 3 and 4

Grounds 3 and 4 challenge additional dependent claims as obvious in view of Bucuk, Nordman, and additional references. *See* Pet. 58-72. As discussed above with respect to Ground 2, Bucuk (alone or in combination with Nordman) does not teach, suggest, or otherwise render obvious every element of claims 1 and 7. All of the claims challenged in Grounds 3 and 4 depend from one of those two independent claims, and thus, for the same reasons as Ground 2, Google has failed to demonstrate a reasonable likelihood that it will prevail on Ground 3 or Ground 4.

VI. CONCLUSION

For at least the reasons set forth above and those set forth in Patent Owner's Brief in Support of Discretionary Denial, the Director should exercise discretion to deny institution, *inter alia*, because of the lack of any merit to the Petition. And, even if the Director does not discretionarily deny institution, the Board should deny institution on the merits, because Google has failed to demonstrate a reasonable likelihood that it will prevail on any challenged claim.

Dated: April 14, 2026

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24, the undersigned certifies that the foregoing Patent Owner's Preliminary Response contains 3,818 words excluding a table of contents, a table of authorities, Mandatory Notices under § 42.8, a certificate of service or word count, or appendix of exhibits or claim listing. Patent Owner has relied on the word count feature of the word processing system used to create this paper in making this certification.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Preliminary Response was served April 14, 2026, to Lead and Back-up Counsel for Petitioner at the service address provided in Petitioner's Mandatory Notices:

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