

UNITED STATES PATENT AND TRADEMARK OFFICE

AT&T SERVICES, INC. AND STREAMWIDE INC.

Petitioners

v.

BK TECHNOLOGIES, INC.

Patent Owner

CASE: IPR2026-00348

U.S. PATENT NO. 11,997,568

PATENT OWNER'S PRELIMINARY RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
2001	Reseller Agreement between StreamWide Inc. and BK Technologies, Inc. dated July 22, 2022
2002	Declaration of James Teel
2003	AT&T, <i>Introducing FirstNet Fusion: New Mission-Critical Platform will Revolutionize First Responder Communications</i> (Oct. 16, 2025), https://about.att.com/story/2025/firstnet-fusion.html
2004	StreamWide, <i>AT&T selects STREAMWIDE to power the FirstNet next-generation mission-critical application for public safety in the U.S.</i> (Sept. 30, 2025), https://www.streamwide.com/wp-content/uploads/2025/09/30092025-_-streamwide_firstnet_-att_-pr_-en-vfinal.pdf
2005	Complaint, Dkt. 1, <i>BK Technologies Inc. v. AT&T Mobility, LLC et al.</i> , No. 2:26-cv-00090 (E.D. Tex. Feb. 3, 2026)
2006	Motion to Intervene, Dkt. 16, <i>BK Technologies Inc. v. AT&T Mobility, LLC et al.</i> , No. 2:26-cv-00090 (E.D. Tex. May. 6, 2026)
2007	Coke Morgan Stewart, Memorandum re Interim Processes for PTAB Workload Management (Mar. 26, 2025), https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf
2008	Interim Director Discretionary Process, https://www.uspto.gov/patents/ptab/interim-director-discretionary-process
2009	DocketNavigator Statistics – Motion Success, accessed on June 29, 2026
2010	Declaration of Lisa Moyles
2011	Letter to AT&T from Lisa Moyles on behalf of BK Technologies dated November 13, 2025
2012	Declaration of Dr. Jacob Sharony

TABLE OF AUTHORITIES

Cases

<i>Garrett M. Salpeter v. ARP Manufacturing, LLC</i> , IPR2019-01382 (PTAB Dec. 27, 2019)	1, 31
<i>Guangdong Alison Hi-Tech Co. v. Int’l Trade Comm’n</i> , 936 F.3d 1353 (Fed. Cir. 2019)	33
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d (Fed. Cir. 2016)	40
<i>Kingston Tech. Co., Inc. v. SPEX Techs., Inc.</i> , 798 Fed. Appx. 629 (Fed. Cir. 2020)	33
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor, Co.</i> , 868 F.3d 1013 (Fed. Cir. 2017)	29
<i>PersonalWeb Techs., LLC v. Apple, Inc.</i> , 917 F.3d 1376 (Fed. Cir. 2019)	33
<i>Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.</i> , 200 F.3d 795 (Fed. Cir. 1999)	30

Statutes

35 U.S.C. § 103	46
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35 U.S.C. § 313	1
37 C.F.R. § 42.107	1

I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner BK Technologies, Inc. (“BK Technologies”) submits this Preliminary Response to AT&T Services, Inc. and StreamWide Inc.’s (collectively, “Petitioners”) Petition for Inter Partes Review (“IPR”) of U.S. Patent No. 11,997,568 (“the ’568 Patent”). BK Technologies respectfully requests that the Board deny institution because Petitioners have failed to demonstrate a reasonable likelihood of success on the grounds submitted in the Petition for challenging the patentability of any claim in the ’568 Patent.

Petitioners fail to advance a single fully developed theory of unpatentability. The Petition instead presents a disjointed, patchwork approach that does not address any of the challenged claims as a whole, leaving BK Technologies and the Board to piece together theories on which Petitioners purport to rely. Critically, Petitioners have declined to submit any expert declaration or supporting expert testimony to substantiate their unpatentability theories, relying instead on bare attorney argument. Whether prior art anticipates or renders claims obvious involves inherently technical, fact-dependent inquiries that typically require expert support. “Bare attorney argument cannot take the place of evidence lacking in the record.” *Garrett M. Salpeter v. ARP Manufacturing, LLC*, IPR2019-01382, Paper 13 at 12 (PTAB Dec. 27, 2019). By contrast, BK Technologies submits the declaration of Dr.

Sharony, an expert who testifies that the references do not disclose the claimed features and would not have been combined by a POSITA. EX2012, Declaration of Dr. Jacob Sharony, ¶¶ 60-89. Dr. Sharony's opinions and testimony completely undermine each of Petitioners' invalidity assertions, which are supported only by attorney argument.

Petitioners rely on Mazzarella for each of the two grounds in their Petition, but Mazzarella fails to disclose at least: (1) a control device configured to provide a POC service; (2) transmitting, from a control device to a first non-subscriber device, a first communication; and (3) a first communication including a link to download a POC software application configured to join a POC talkgroup. EX2012 ¶¶ 62-79. Neither Tillet '981 nor Tillet '066 remedies the deficiencies of Mazzarella, and the Petition does not apply either Tillet Reference in such a manner. EX2012 ¶¶ 80-89.

Put simply, a POSITA would not have sought to combine Mazzarella with either Tillet Reference, and the proposed combinations would not yield the subject matter of the challenged claims. Because Petitioners have not shown a reasonable likelihood of prevailing on any patentability challenge, the Board should deny institution.

II. OVERVIEW OF THE TECHNOLOGY

Emergency situations often require coordination among individuals from different agencies, jurisdictions, and technical disciplines. EX2012 ¶ 16. Police

officers, firefighters, emergency medical personnel, utility operators, engineers, public works personnel, military personnel, and other specialists may all be called upon to participate in a response effort. *Id.* Effective response requires that these participants be able to communicate quickly and reliably, often under rapidly evolving circumstances. *Id.*

Communications among responders have ordinarily relied on land mobile radio (“LMR”) systems. *Id.* ¶ 17. However, different organizations frequently operate with different communications services or systems depending on their needs. *Id.* Different communications services may be different subscription-based offerings from different providers, with different capabilities and/or operations. *Id.* Different communications systems may include different components or features such as devices, channels, and networking hardware. *Id.* While interoperability between communications systems can sometimes be established through advance planning and technical integration, such arrangements may not always be practical during a developing emergency. *Id.* ¶ 18. In many situations, responders and support personnel who ultimately need to participate in incident communications are not known in advance, making pre-configuration of communications systems difficult or impossible. *Id.*

Moreover, critical participants in an emergency response may not have access to any responding agency’s communications services. *Id.* ¶ 19. For example, an

incident may require participation by utility personnel, engineers, facility operators, subject matter experts, contractors, medical specialists, or other individuals whose expertise becomes necessary only after the nature and scope of an incident are understood. *Id.* Such individuals are unlikely to have previously shared their credentials with any agencies or possess a device configured for accessing an agency's communications systems, yet their immediate involvement may be essential to the response effort. *Id.*

III. BK TECHNOLOGIES' INNOVATIONS AND THE '568 PATENT

BK Technologies recognized that with cellular-connected devices becoming ubiquitous among the entire population and cellular networks expanding to support high-speed and high-bandwidth communications on a user-by-user basis, cellular communications systems could reliably and efficiently connect and manage communications between responders and non-responders, irrespective of their affiliation (or lack of affiliation) with a particular agency. BK Technologies developed the systems and methods embodied in the '568 Patent specifically for a communications network with the speed and accessibility of cellular networks and in response to their proliferation.

In one aspect, BK Technologies built on push-to-talk-over-cellular ("POC") service by developing a communications system and process for rapidly bringing users into a common POC communications environment (a "talkgroup") using

devices that participants likely already possess and the same cellular networks on which they already communicate. In other words, BK Technologies' developments provided inherently compatible communications for coordinating incident responses among users, regardless of whether they are members of a particular agency, subscribers to a particular agency's communications service, or participants in a preconfigured interoperability arrangement.

A. The '568 Patent

The '568 Patent is entitled "System and Method for Managing Access to a Push-To-Talk-Over-Cellular Communication Network" and includes 21 claims. Claims 1, 8, and 15 are independent and claim 1 is representative:

1. A method of managing access to a push-to-talk-over-cellular (POC) talkgroup, the method comprising:
 - providing a control device configured to:
 - provide a POC service; and
 - manage a first POC talkgroup;
 - granting a first non-subscriber device access to the POC service and the first POC talkgroup such that the first non-subscriber is permitted to join the first POC talkgroup and communicate via the first POC talk group using the POC service; and
 - transmitting, from the control device to the first non-subscriber device, a first communication including a link to download a POC software application configured to join the first POC talkgroup and communicate via the first POC talkgroup using the POC service.

Each of the challenged claims is directed to managing access to a POC service and a POC talkgroup. EX2012 ¶ 22. Among other features, the claims recite a control device configured for providing a POC service and managing a POC talkgroup, granting a non-subscriber device access to the POC service and POC talkgroup, and transmitting to a non-subscriber device a first communication including a link to download a POC software application configured to join the POC talkgroup using the POC service.

According to the '568 Patent:

[T]he phrase 'non-subscriber device' may refer to a device that does not subscribe to the service [such as POC service] provided by the operator of the control device 104. The non-subscriber device may subscribe to a different POC service [] or the non-subscriber device may not subscribe to any POC service at all and may not even have any POC software installed on the device.

EX1001 at 3:11-18. The '568 Patent discloses a solution for rapidly adding a non-subscriber device falling into any of those categories to the POC talkgroup. EX2012 ¶¶ 23-24. For example, the challenged claims recite a control device configured to provide the POC service and manage a POC talkgroup, and transmitting from the control device to the non-subscriber device a link to download a POC software application "configured to join [a] POC talkgroup" and communicate "using the POC service." *Id.* ¶ 24.

The claimed systems and methods allow rapid addition of non-subscriber devices to the POC talkgroup because the control device transmits the link directly to the non-subscriber devices via “a text message, email message, or message sent via another suitable communication protocol.” EX1001 at 5:13-15; EX2012 ¶ 25. The control device also provides the POC service and transmits the first communication including the link to download the POC software application with configuration information for communicating via the first talkgroup. EX1001 at 5:15-19; EX2012 ¶ 25. Thus, the POC software application is configured for a non-subscriber device to join the POC talkgroup and communicate using the POC service irrespective of existing or previous services, agencies, subscriptions, or applications with which a non-subscriber device has operated. EX2012 ¶ 25.

With reference to FIG. 2 below, the first subscriber device 114 may be a smartphone, tablet, computer, or other device operated by an administrator such as a dispatcher, senior agency member, or otherwise with administrative privileges for creating or managing a talkgroup. EX1001 at 4:20-32. The first non-subscriber device 202 may be a device configured to communicate via a broadband cellular network. *Id.* at 4:36-39.

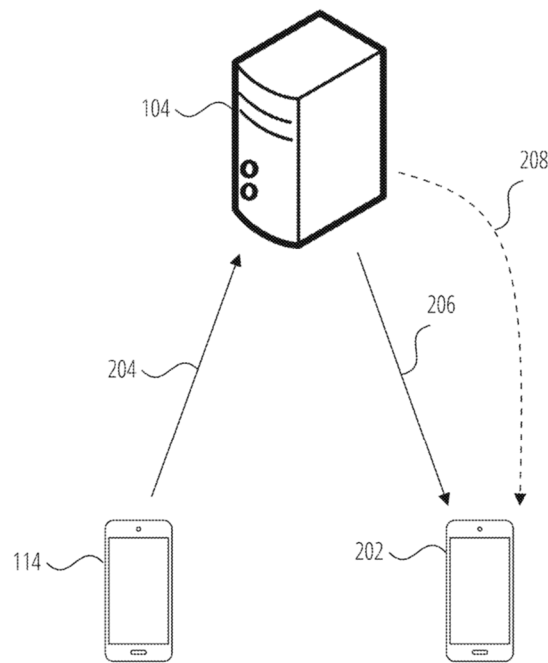


FIG. 2

The first subscriber device 114 is configured with an application or other communications interface with the control device 104. *Id.* at 4:42-44. In an emergency situation, the administrator may create or add responders to a talkgroup as circumstances require. *Id.* at 4:33-36, 39-47. For example, the first subscriber device 114 sends a command 204 to the control device 104 including contact information associated with the first non-subscriber device 202 and instructions to grant access to a talkgroup. *Id.* at 4:64 – 5:5. The contact information may be any identifying information linked to the first non-subscriber device 202, such as a telephone number or email address. *Id.* at 4:64-67. The command 204 from the first

subscriber device 114 may also indicate a predetermined period of time for access to the talkgroup and the period of time may be a default amount of time or settable via the first subscriber device 114. *Id.* at 5:1-7.

In response to the command 204, the control device 104 grants the first non-subscriber device 202 access to the first talkgroup and sends a first communication 206 such as a text message, email, or other suitable communication, to the first non-subscriber device 202 notifying it that access has been granted to the first talkgroup. *Id.* at 5:8-15. The first communication 206 includes first configuration information and/or parameters, e.g., a file for use by a POC software application on the first non-subscriber device 202, for instructing the software application to communicate via the first talkgroup. *Id.* at 5:15-23. Additionally, the first communication 206 may include a link for downloading the POC software application. *Id.* at 5:23-25. The first non-subscriber device 202 is capable of downloading and running the POC software application and communicating via the first talkgroup irrespective of whether the first non-subscriber device 202 was previously configured for POC communications. *Id.* at 5:25-30; EX2012 ¶ 29.

If the first non-subscriber device 202 was granted access to the first talkgroup for a predetermined period of time, the control device 104 may automatically revoke access of the first non-subscriber device 202 to the first talkgroup when the predetermined period of time expires. EX1001 at 5:31-36.

With reference to FIG. 3 below, the command 204 may instruct the control device 104 to grant access to the first talkgroup to a plurality of non-subscriber devices 302. *Id.* at 5:49-55. Each of the plurality of non-subscriber devices 302 may have its own cellular telephone number, for example. *Id.* at 5:55-58. The administrator enters the multiple telephone numbers into the software application on the first subscriber device 114 and the command 204 instructs the control device 104 to grant each of the plurality of non-subscriber devices 302 access to the first talkgroup for the predetermined period of time. *Id.* at 5:58-61, 6:7-12. The control device 104 sends the first communication 206 to each of the plurality of non-subscriber devices 302 for joining the first talkgroup and communicating as described for the first non-subscriber device 202. *Id.* at 6:7-17.

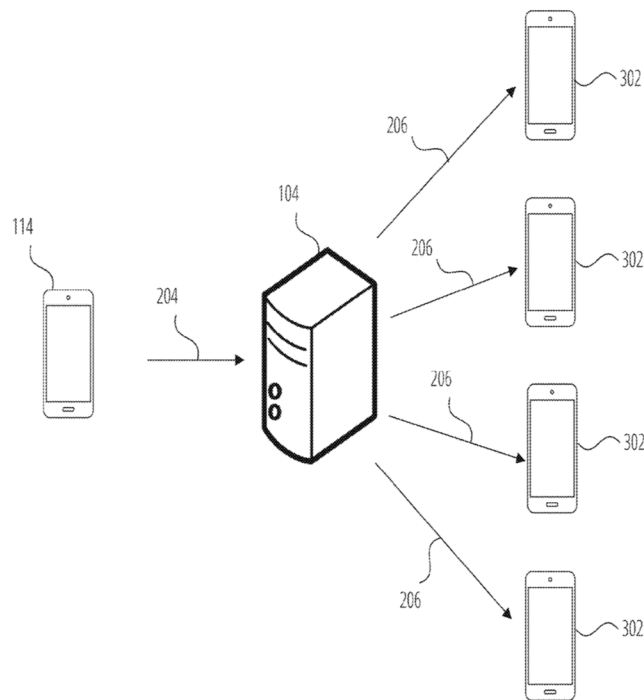


FIG. 3

The first talkgroup may be one of a plurality of talkgroups the control device 104 manages. *Id.* at 6:21-22. In such case, the first communication 206 from the control device 104 includes configuration information for each talkgroup of the plurality of talkgroups and the control device 104 may grant access to one or more of the plurality of talkgroups for the first non-subscriber device 202 or each of the plurality of non-subscriber devices 302. *Id.* at 6:21-30. The multiple talkgroups may also be linked together as part of a single virtual incident. *Id.* at 6:30-32. They may correspond to different types of responders or the geographical location of responders, as two examples. *Id.* at 6:35-41. Also, each talkgroup may be configured to facilitate communication between particular groups during an incident. *Id.* at 6:32-

34. Access to the one or more of the plurality of talkgroups may be for a predetermined period of time after which access is automatically revoked as discussed above. *Id.* at 6:42-44.

With reference to FIG. 7 below, LMR device users may also be invited to and join POC talkgroups 504 managed by the control device 104. *Id.* at 8:23-26. For example, a predefined group of LMR users using LMR devices such as mobile LMR devices (512a, 512b) and handheld LMR devices (514a-514c) may be in communication via an LMR repeater system 516. *Id.* at 7:43-48. The LMR repeater system 516 may also be in communication with a communications gateway such as “a P25 core 702 [serving] as the LMR gateway to the IP network 506,” where “[t]he term P25 refers to the Project 25 suite of standards for interoperable digital two-way radio products.” *Id.* at 8:15-19. The P25 core 702 may be in communication with a radio gateway 508 which is in communication with the IP network 506. *Id.* at 8:1-8.

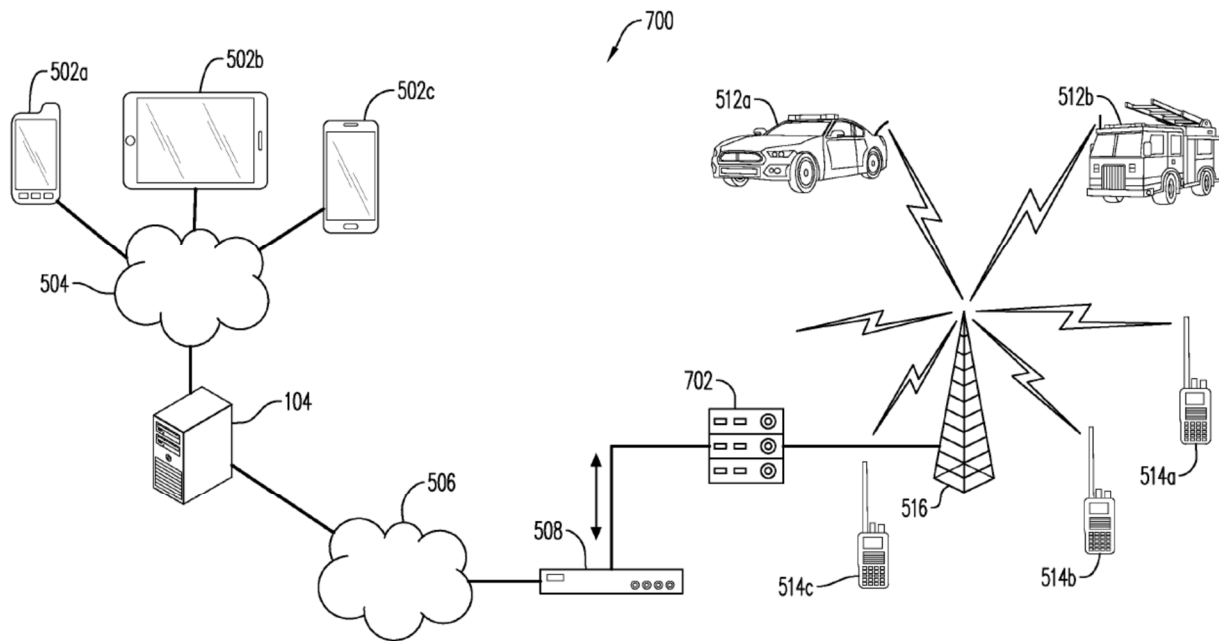


FIG. 7

In the case shown in FIG. 7, the administrator may enter identifying information of the LMR gateway (i.e., the P25 core), such as an IP address, for identifying the LMR gateway. *Id.* at 8:29-32. The LMR gateway is thus a non-subscriber device identified by an IP address. EX2012 ¶ 34. Once the IP address of the LMR gateway is entered, any LMR devices on the corresponding LMR network will have access to the POC talkgroups 504. EX1001 at 8:32-35.

B. The '568 Patent Prosecution History

The '568 Patent issued from US App. No. 17/844,488 (“the '488 Application”) filed June 20, 2022, and claims priority to US Provisional App. No.

63/300,899 filed January 19, 2022.¹ EX1002 at 432. Prosecution of the '568 Patent included multiple Office Actions (*id.* at 135-59, 214-35, 291-305, 348-62), Applicant responses and amendments (*id.* at 123-34, 194-207, 273-90, 323-35), examiner interviews (*id.* at 98-99, 211-12, 341-42), pre-appeal reviews by a panel of examiners, including the application's Examiner and their Supervisory Examiner (*id.* at 101-12, 250-57), and a substantive Appeal Brief addressing the Examiner's prior-art based rejections (*id.* at 45-91). Throughout prosecution, the Examiner assessed the claims and amendments against various prior art references concerning the POC service, the non-subscriber device, and the mechanism by which a non-subscriber device is granted access to join and communicate via a POC talkgroup. *See id.* at 135-59, 214-35, 291-305, 348-62.

In Applicant's February 2, 2024 Appeal Brief, Applicant emphasized that the claims require granting a non-subscriber device access to join a POC talkgroup and communicate via the POC talkgroup using the POC service, including through transmission of a communication containing a link to download a POC software application configured for that participation. *Id.* at 61-84. Applicant further

¹ The Petition asserts that the '488 Application contained "significant new matter" relative to the priority provisional application. Pet. at 7. However, Petitioners do not cite or otherwise identify any purported new matter or any alleged relevance to any aspect of the Petition. Accordingly, Petitioners should not be allowed to later introduce any contentions based on alleged new matter.

explained that the claimed methods and instructions executed by a computer address the need to quickly and efficiently manage access to push-to-talk (“PTT”) talkgroups, including in emergency-response settings where rapid onboarding may be required and complicated administrative procedures may be impractical. *Id.* at 60-61.

The prosecution history also clarifies the scope of the “non-subscriber device” concept invoked by Petitioners. Pet. at 7-8. Applicant explained that, according to the ’488 Application, such a device does not subscribe to the service provided by the operator of the control device. Instead, it may subscribe to a different POC service, subscribe to no POC service at all, or lack POC software before receiving the first communication from the control device. EX1002 at 285, 434-35. Thus, the intrinsic record reflects that the claims encompass users without an existing POC subscription or installed POC software before access is granted, not merely users participating through a different communications environment. EX2012 ¶ 37.

Accordingly, the ’488 Application was allowed over prior art that enabled some form of communication with a non-subscriber device but did not permit the non-subscriber device to join a POC talkgroup and communicate via that POC talkgroup using the POC service, as claimed. *See, e.g.*, EX1002 at 64-73. Other prior art references disclosed subscriber POC clients, multimedia attachments, or already-loaded applications, but none of them disclosed transmitting to a non-subscriber

device a link to download a POC software application configured to join and communicate via the POC talkgroup, as claimed. *See, e.g., id.* at 73-80.

The Examiner ultimately allowed the claims following Applicant's Appeal Brief. The Notice of Allowability expressly states that claims 1-9, 11-17, and 19-23 were allowable "for the reasons as stated in Applicant's arguments (dated 02/02/2024)." *Id.* at 31. Accordingly, Petitioners' selective reliance on isolated prosecution history excerpts should be viewed against the complete record, which reflects extensive substantive examination and allowance based on Applicant's arguments regarding the claimed POC access-management framework.

C. The Cited Prior Art

1. Mazzarella

Mazzarella (U.S. Patent No. 9,794,761) (EX1004) is directed to the formation and management of dynamic PTT talkgroups² among agencies participating in an incident response. EX1004 at 3:64 – 4:4; EX2012 ¶ 41. Users may be invited to join talkgroups through processes administered by the participating agencies, including downloading an agency client PTT application, providing User Identity & Credentials information, and being added to a talkgroup by an agency administrator. EX1004 at 5:55-66, 10:11-36; EX2012 ¶ 41. With reference to FIG. 1 (annotated)

² Mazzarella uses the two-word "talk group" phrase while the '568 Patent uses a single word ("talkgroup"). For simplicity, talkgroup as a single word is used throughout except in direct quotes in which the phrase appears.

of Mazzarella below, each agency (Agency A, Agency B) has its own agency server 107, 125 and “interoperability gateway” 170, 175 through which the agencies “have established secure communications over a network such as IP Network 135 . . . [where a] secure community or agency includes a collection of communication resources having an administrator that maintains control over the agency.” EX1004 at 5:46-52, 6:19-24. Along with a database 109, 180 the agency server 107, 125 and interoperability gateway 170, 175 define respective agency systems (Agency A System 105, Agency B System 120). *Id.* at 5:46-50; EX2012 ¶ 41. FIG. 1 also shows a “joint agency server 160” and Mazzarella explains that “[a] joint agency application server [160] is a multi-agency node that is a peer to each agency (e.g., not a central command control) that can invite one or more agencies to make more information visible (e.g., may request a change to a dynamic access permission) [but e]ach agency is in logical and physical control of their resources and information.” EX1004 at 5:19-26.

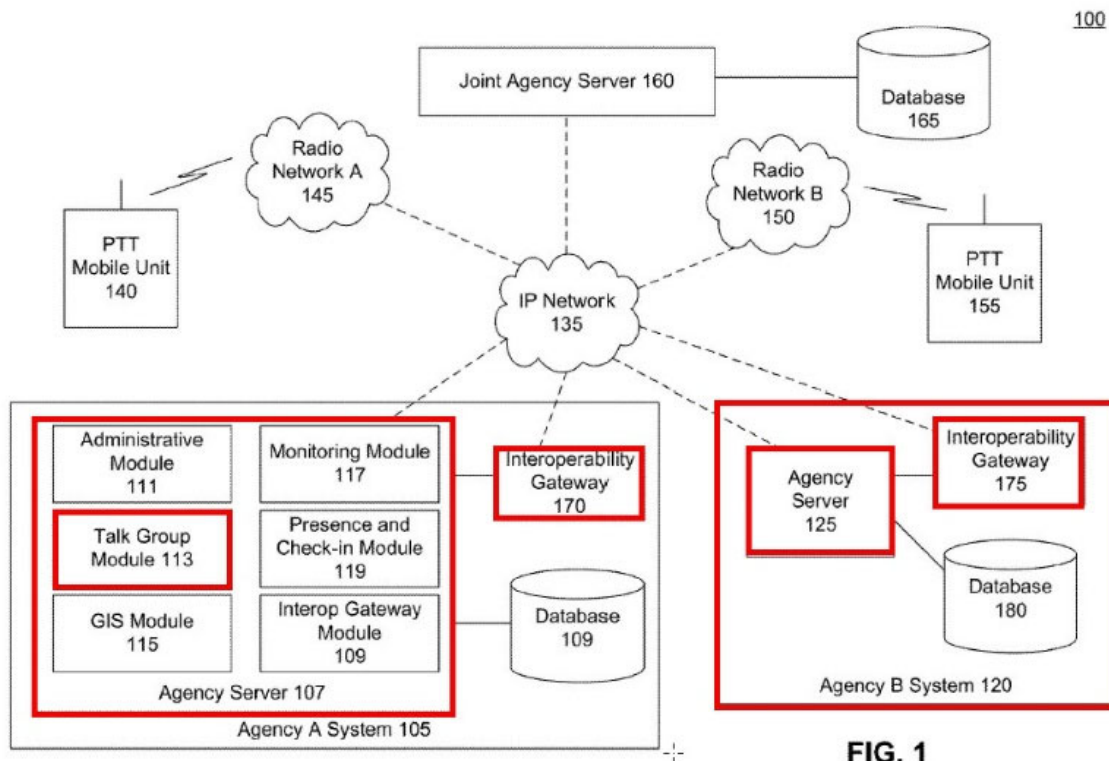


FIG. 1

Within each agency server (e.g., agency server 107) a talkgroup module 113 creates and manages talkgroups that “may include members from one or more agencies as well as members of different networks.” *Id.* at 6:12-16, 9:32-38. In other words, Mazzarella describes an architecture in which participating agencies maintain their own agency-specific infrastructure for communications management including creating and managing talkgroups. EX2012 ¶ 43. Mazzarella explains that a challenge for interoperability between agency communications is an “organization responsible for the operation of its radio system(s) may be unable or unwilling to grant control of its resources either to peer organizations or to a higher-level organization.” EX1004 at 1:34-51.

Mazzarella seeks to address what it describes as the problem of “inadequate” published information regarding talkgroup members belonging to different agencies and the resulting difficulty of creating and managing incident-specific talkgroups. EX1004 at 3:34-38. For example, Mazzarella says that conventional PTT systems may require significant coordination among agencies and administrators and seeks to provide mechanisms for dynamically forming and managing talkgroups during incident response operations. *Id.* at 2:37-51, 3:64 – 4:4. The systems in Mazzarella are directed to supporting PTT services among members of the agencies responding to an incident, where “each agency includes an agency PTT application server that connects, routes, and exchanges voice and data messages among PTT application clients on computing devices whose users are members of a talk group.” *Id.* at 5:53-58. Agency server 107, for example, “directly receives and transmits PTT messages from talk group members that are associated with the same agency (e.g., agency A) [and] receives and transmits PTT messages from the remaining talk group members that are not associated with the same agency (e.g., not associated with agency A) via an interoperability gateway (e.g., interoperability gateway 170).” *Id.* at 6:16-24.

Mazzarella expressly describes a “PTT application” as “a two-way push to talk voice communication and data communications sharing application” used by members of a talkgroup—a “logically defined communications group”—comprised of PTT users that are invited to join and accept the invitation to join the talk group.

Id. at 5:58-66. “If the user accepts the talkgroup invitation, the user may download the agency’s client PTT application to their mobile computing device, enter User Identity & Credentials in an acceptance email, and electronically transmit the acceptance email response to the inviting agency’s agency PTT administrator.” *Id.* at 10:22-27. Further, “several exchanges may take place between the agency PTT administrator and the accepting user to obtain the User Identity & Credentials information.” *Id.* at 10:28-32. The agency PTT administrator adds the User Identity & Credentials to their agency’s database and uses the talkgroup module to add the accepting user to the talkgroup. *Id.* at 10:39-42.

In the event that a mobile computing device is not associated with an agency responding to an incident, Mazzarella describes:

[f]or example, Agency A PTT administrator or a PTT mobile unit user of Agency A with delegation authority may electronically transmit an invitation to a mobile computing device whose user is not associated with agencies responding to an incident (e.g., Agency C (not shown)[]) that has a complementary radio system (e.g., a cellular network) or that has a separate land mobile radio system (e.g., an emergency first responder radio network). The invitation may be an email message that includes a hyperlink to a web page that allows the user to download Agency A’s client PTT application to their mobile computing device (e.g., smart phone). The user enters required User ID & Credentials information along with any subscription information channel acceptances in an acceptance response sent to Agency A PTT

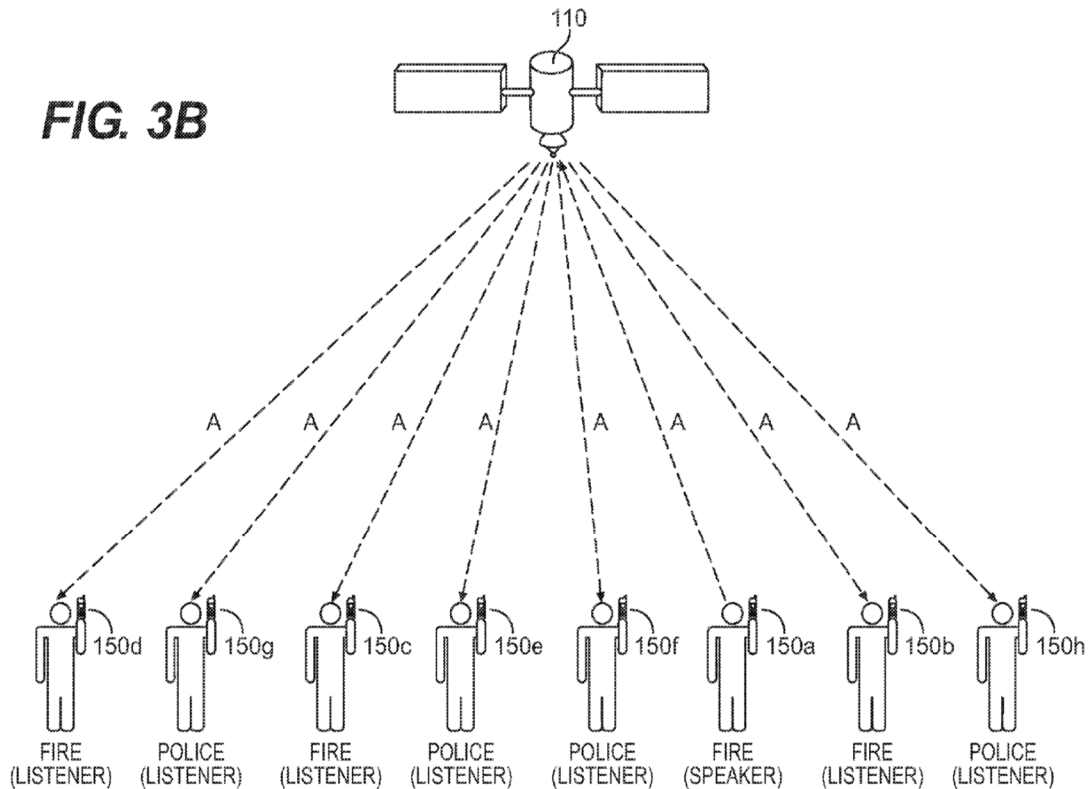
administrator. Once the user is added to the talk group, the user may electronically transmit communications to and electronically receive communications from the talk group as well as electronically receive subscribed information.

Id. at 10:48-65.

2. Tillet '981

Tillet '981 (U.S. Patent No. 9,525,981) (EX1005) is directed generally to sharing talkgroups between organizations, including emergency response agencies. EX1005 at 5:1-13; EX2012 ¶ 47. According to Tillet '981, "one or more PTT talkgroups may be assigned to a particular organization, a particular group of devices, a particular group of users or organizations, or some combination thereof However, situations may arise in which it may be useful for the organization to which the talkgroup is assigned to provide a user (or affiliated communication device) that is not a member of (or associated with) the organization with limited access to the talkgroup." EX1005 at 7:54-67. Tillet '981 describes, in such case, that an organization may share one or more of its assigned talkgroups with "a non-member or other user or device that may not otherwise have access to such talkgroup(s) [and s]uch sharing of a talkgroup may allow for opening of the membership of the talkgroup to members of one or more organizations other than the organization to which the talkgroup is assigned." *Id.* at 8:2-7.

With respect to FIG. 3B below, Tillet '981 describes that “an organization shares a talkgroup assigned to it with another organization Specifically, . . . an example situation in which the fire-fighting organization shares talkgroup A, which is assigned for use by the firefighting organization, with users from the police-responder organization. In particular, the fire-fighting organization may share access rights to talkgroup A, such that one or more of communication devices 150e-h also may access talkgroup A.” *Id.* at 8:59 – 9:1.



In other words, Tillet '981 describes that “access” and “sharing access” to a talkgroup, “[a]ccordingly, [is that] members of the police-responder organization may use communication devices 150e-h to listen to communications from the

member of the fire-fighting organization speaking into communication device 150a or vice versa, for example.” *Id.* at 9:7-11; EX2012 ¶ 49. With reference to FIG. 4 and FIG. 10 below, Tillet ’981 describes “a method for enabling the sharing of a talkgroup between two different organizations . . . as being performed by system 200 of FIG. 10.” EX1005 at 9:46-49. An “operation hub” may include PTT service subscriber accounts for different organizations or groups. *Id.* at 9:50-54. “For example, operation hub 130 may maintain a first account (e.g., talkgroup owning organization’s account 310) for a first organization (e.g., talkgroup owning organization 300) and a second account (e.g., sharing organization’s account 410) for a second organization (e.g., sharing organization 400).” *Id.* at 9:55-60.

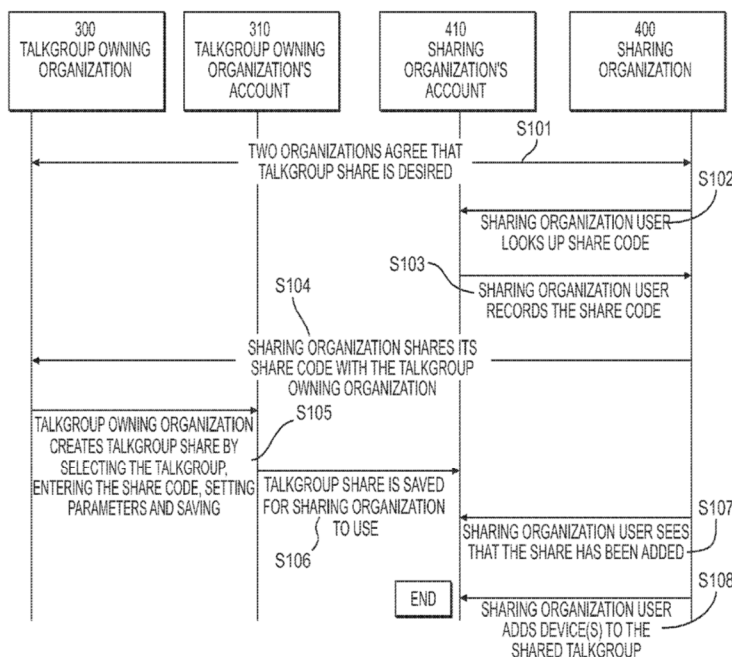


FIG. 4

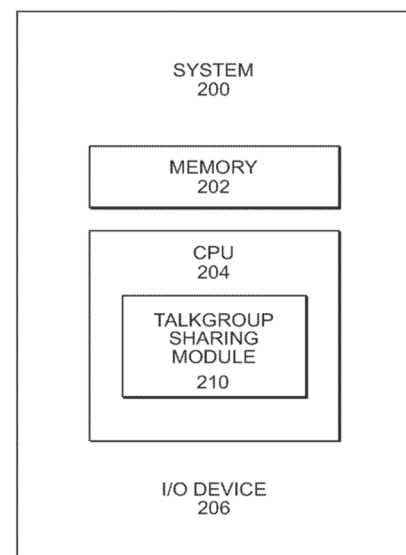


FIG. 10

At S101, “talkgroup sharing organization 400 may request that talkgroup owning organization 300 share a talkgroup that is assigned to talkgroup owning organization 300 with talkgroup sharing organization 400 to enable members of talkgroup sharing organization 400 to communicate with members of the talkgroup owning organization 300 within a shared talkgroup.” *Id.* at 10:13-21. In S102, the talkgroup sharing organization 400 accesses the system 200 and requests a sharecode that identifies the talkgroup sharing organization 400, from the sharing organization’s account 410. *Id.* at 10:29-32. In S103, the talkgroup sharing module 210 generates and sends the sharecode to talkgroup sharing organization 400. *Id.* at 10:39-45. The talkgroup sharing organization 400 then shares the sharecode with the talkgroup owning organization 300 (at S104) and the talkgroup owning organization 300 instructs the talkgroup sharing module 210 to initiate sharing of one or more talkgroups assigned to the talkgroup owning organization 300 with the talkgroup sharing organization 400. *Id.* at 11:25-30.

The talkgroup owning organization 300 may “set a time period so as to limit the sharing of the talkgroup(s) to a defined time period . . . during which the talkgroup(s) will be shared [*sic*] talkgroup sharing organization 400.” *Id.* at 12:15-23. Further, “the talkgroup sharing module 210 may notify talkgroup sharing organization 400 that members of talkgroup sharing organization 400 may participate in the shared talkgroup(s),” for example, for the set time period. *Id.* at

13:44-47. In one example, Tillet '981 describes “talkgroup sharing organization 400 may request that talkgroup sharing module 210 add a number of communication devices associated with talkgroup sharing organization 400 . . . to a shared talkgroup,” and “[i]n response, talkgroup sharing module 210 may cause the specified communication devices associated with the talkgroup sharing organization 400 to be provisioned to be able to access the shared talkgroup(s).” *Id.* at 14:28-42. Specifically, “communication devices may be able to access and participate in the shared talkgroup(s). For example, graphical user interfaces (GUIs) rendered on the specified communication devices may identify the shared talkgroup(s) as talkgroups that are accessible from the specified communication devices and enable users of the specified communication devices to participate in the shared talkgroup(s).” *Id.* at 14:42-49.

In other words, Tillet '981 describes adding devices to a shared talkgroup as causing the devices to be provisioned to be able to access the shared talkgroup during the defined time period. EX2012 ¶ 53. After the defined time period, the talkgroup is no longer shared with the talkgroup sharing organization 400 and the devices of talkgroup sharing organization 400 may no longer participate in the shared talkgroup. *Id.*

3. Tillet '066

Tillet '066 (U.S. Patent No. 9,763,066) (EX1006) is generally directed to satellite-coordinated control channels for talkgroups defined in different geographic regions. EX1006 at Abstract; EX2012 ¶ 54. “In certain implementations, for example, a device 120 connected with management center 130 may function as a management center and may manage [sic] a plurality of talkgroups . . . assigned to a plurality of devices, such as communication devices 150 . . . or organizations. In such implementations, the device 120 may establish, for example, connection orders for such talkgroups, priority settings for such talkgroups, home settings for such talkgroups, security settings or keys for such talkgroups, or other protocols for talkgroups.” EX1006 at 7:6-16.

With respect to FIG. 4 below, Tillet '066 describes a method of providing a “warm” talkgroup in a satellite-based PTT system. EX1006 at 16:15-17.

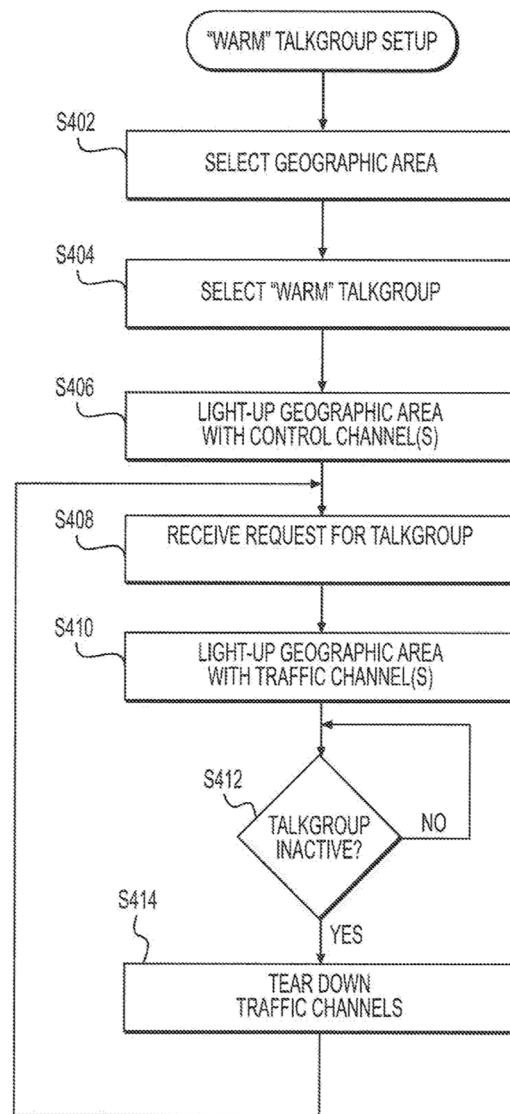


FIG. 4

“In S402, one or more geographic areas are selected as the coverage area for a talkgroup, for example, by an administrator at a management center . . . (e.g., an operations hub). One or more communication devices . . . may be provisioned to communicate on network . . . using the talkgroup, for example.” *Id.* at 16:29-34. In S404, the administrator may define the particular talkgroup as a “warm” talkgroup if the administrator determines, for example, “a need for reduced latency associated

with instantiation of the particular talkgroup and, as a result, may determine that the particular talkgroup should be maintained as a ‘warm’ talkgroup.” *Id.* at 16:40-45. At S406, “satellite(s) . . . that is/are currently providing beams covering the coverage area may establish control channel(s) for the particular talkgroup, such that the control channel(s) for the talkgroup are active throughout the entire coverage area defined for the particular talkgroup, for example, even without a communication device provisioned to participate in the talkgroup having requested the instantiation of the talkgroup.” *Id.* at 16:50-60.

At step S408, a device may request that the “warm” talkgroup be instantiated, and at S410 the request is passed to the management center and an administrator may control the satellite to allocate traffic channel(s) for the “warm” talkgroup within the beams that are covering the defined coverage area for the talkgroup. *Id.* at 17:14-22, 17:28-38. For example, “[o]ne or more devices 120 may connect with management center 130,” (*Id.* at 6:63-64), and “[the] device 120 connected with management center 130 may function as a management center and may manage [sic] a plurality of talkgroups [] assigned to a plurality of devices, such as communication devices 150 [] or organizations” (*Id.* at 7:6-11).

Tillet ’066 further describes that the administrator “may establish, for example, connection orders for such talkgroups, priority settings for such talkgroups, home settings for such talkgroups, security settings or keys for such talkgroups, or

other protocols for talkgroups.” *Id.* at 7:11-16. Later, at S412, the administrator may determine that a talkgroup has become inactive and at S414 will instruct the satellites providing the traffic channels to “tear down (e.g., reallocate or terminate) the traffic channels for the particular talkgroup.” *Id.* at 17:49-66.

IV. PERSON OF ORDINARY SKILL AND CLAIM CONSTRUCTION

A. Person of Ordinary Skill in the Art (POSITA)

Petitioners contend that a POSITA “would be a person having, as of January 19, 2022, (1) at least an undergraduate degree in computer sciences, engineering, or a closely related field, or similar advanced post-graduate education in this area; and (2) one or more years of experience with wireless communication devices and networks, with more education substituting for less experience and vice versa.” Pet. at 21. Solely for purposes of this IPR, BK Technologies adopts Petitioner’s proposed POSITA definition.

B. Claim Construction

Petitioners assert that “the terms should receive their respective plain and ordinary meaning as understood by a person of ordinary skill in the art.” Pet. at 10. BK Technologies agrees that claim construction is not necessary to decide institution. *Id.*; *see also Nidec Motor Corp. v. Zhongshan Broad Ocean Motor, Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (constructions are only needed when “necessary to resolve the controversy”) (citing *Vivid Techs., Inc. v. Am. Sci. &*

Eng'g, Inc., 200 F.3d 795, 803 (Fed. Cir. 1999)). Thus, for the purpose of this Preliminary Response, BK Technologies does not propose construction of any claim terms and believes that the claim terms should be afforded their plain and ordinary meaning. BK Technologies reserves the right to propose constructions should the Board institute trial and/if further clarification becomes necessary in view of Petitioners' positions.

V. THE BOARD SHOULD NOT INSTITUTE REVIEW

Petitioners do not have a reasonable likelihood of prevailing on their patentability challenges. Petitioners rely on Mazzarella for each of the two grounds in their Petition but Mazzarella fails to disclose at least the following claim elements of the '568 Patent: (1) a control device such as a computer configured for providing a POC service; (2) transmitting, from a control device to a first non-subscriber device, a first communication; and (3) a first communication including a link to download a POC software application configured to join a POC talkgroup. EX2012 ¶ 60. Neither Tillet '981 nor Tillet '066 (collectively, the "Tillet References") remedies the deficiencies of Mazzarella and the Petition does not apply either Tillet Reference as such. *Id.* The Board should not institute review for at least those reasons.

Moreover, a POSITA would not have sought to combine Mazzarella with either or both Tillet References, and the proposed combination would not yield the

subject matter of “The Revoking Claims”³ identified in the Petition. *Id.* ¶ 61. At minimum, the combination of Mazzarella and the Tillet References does not disclose automatically revoking access of a first non-subscriber device to a first talkgroup. *Id.* Petitioners offer no expert declaration to establish otherwise. Petitioners bear the burden of showing a reasonable likelihood of prevailing, and attorney argument alone cannot satisfy that burden. *Garrett M. Salpeter*, IPR2019-01382, Paper 13 at 12 (“Bare attorney argument cannot take the place of evidence lacking in the record.”). Without expert testimony, Petitioners’ assertions about what the references disclose, how a POSITA would understand them, and why a POSITA would combine them lack technical support.

Accordingly, Mazzarella, alone or combined with either Tillet Reference, does not render the challenged claims unpatentable. Because Petitioners have not shown a reasonable likelihood of prevailing on any patentability challenges, institution should be denied.

A. Ground 1: Mazzarella Does Not Anticipate Claims 1, 3, 5-8, 11-15, or 18-21

Mazzarella does not disclose the claimed control device configured to provide a POC service or transmit communications to a first non-subscriber device, or the

³ The Petition defines Claims 2, 4, 9, 10, 16, and 17 as “the Revoking Claims.” Pet. at 43.

claimed POC software application configured to join a POC talkgroup. EX2012 ¶ 62. To the contrary, Mazzarella describes an agency-centered PTT architecture in which agency administrators, agency servers, and interoperability gateways are used to create and manage talkgroups among participating agencies. *Id.*

In Mazzarella, agency-specific servers directly receive and transmit PTT messages among talkgroup members associated with the same agency—i.e., subscriber devices. EX1004 at FIG. 1, 6:16-24. PTT messages from talkgroup members not associated with the same agency—i.e., non-subscriber devices—are transmitted via interoperability gateways communicating over an IP network. *Id.*; EX2012 ¶ 63. To add a non-subscriber device to a talkgroup, Mazzarella’s invitation processes require the device to download the inviting agency’s client PTT application and provide User Identity & Credentials information, potentially through multiple communications with the inviting agency’s server. EX1004 at 10:18-32; EX2012 ¶ 64. The agency administrator adds the non-subscriber device to the talkgroup only after the non-subscriber device provides the User Identity & Credentials information. EX1004 at 10:39-42; EX2012 ¶ 64.

Petitioners’ anticipation theory largely equates Mazzarella’s agency-administered PTT system with the claimed POC service. EX2012 ¶ 65. The Petition presents general and inaccurate characterizations regarding Mazzarella being “directed to solving precisely the same problem as the ’568 Patent . . . by creating

and managing access to POC talkgroups,” (Pet. at 21) without expert support. But Mazzearella’s use of IP-based or cellular-network communications alone does not satisfy the specific claim limitations at issue. EX2012 ¶ 65. Mazzearella does not disclose a control device or communications for providing a POC service and transmitting the first communication including the link to download the POC software application according to the challenged claims.

Moreover, the Petition argues that “[a]n LMR gateway itself is also inherently disclosed in Mazzearella” and “Mazzearella inherently discloses that the first non-subscriber’s contact information is an internet protocol address of the LMR gateway.” Pet. at 35. But the Petition falls far short of demonstrating that these features are necessarily present in the challenged claims. *See Guangdong Alison Hi-Tech Co. v. Int’l Trade Comm’n*, 936 F.3d 1353, 1364 (Fed. Cir. 2019) (“An element may be inherently disclosed only if it is necessarily present, not merely probably or possibly present, in the prior art.”) (cleaned up); *see also Kingston Tech. Co., Inc. v. SPEX Techs., Inc.*, 798 Fed. Appx. 629, 633-34 (Fed. Cir. 2020) (affirming Board’s finding in an IPR that the prior art reference did not inherently anticipate); *PersonalWeb Techs., LLC v. Apple, Inc.*, 917 F.3d 1376, 1382-83 (Fed. Cir. 2019) (reversing a finding of unpatentability in an IPR because key underlying fact findings as to what a prior art reference inherently disclosed was not supported by

substantial evidence). Nor did Petitioner engage an expert to explain how these claimed features are necessarily present to a POSITA.

1. Mazzarella fails to disclose “a control device configured to provide a POC service”

Petitioners rely primarily on Mazzarella’s agency servers and/or joint agency server as allegedly corresponding to the claimed “control device configured to provide a POC service.” Pet. at 23-24. However, Petitioners do not (and cannot) identify where Mazzarella discloses a device configured to provide the claimed POC service. With reference again to FIG. 1 of Mazzarella (below), to the extent that Mazzarella’s agency server 107 is considered a control device according to the claims, the agency server 107 does not provide an operator-subscriber POC service. EX2012 ¶ 67. To the contrary, Mazzarella connects, routes, and exchanges voice and data messages between members of a talkgroup via IP network 135 and radio network A 145. EX1004 at 6:2-4; EX2012 ¶ 67. Mazzarella discloses no operator-subscriber service relationship for PTT and talkgroups are assigned to radio channels. EX1004 at 9:46-49; EX2012 ¶ 67. On the other hand, the ’568 Patent refers to “a device that subscribes to a service provided by an operator of the control device 104.” EX1001 at 3:6-8.

Also, the joint agency server 160 cannot be the control device because it is a “peer” of each agency system, for inviting agencies to make talkgroup or user

information visible to the other agencies, and does not serve as a central command control, exercise any control over the agency systems, or provide any communications service. EX2012 ¶ 68.

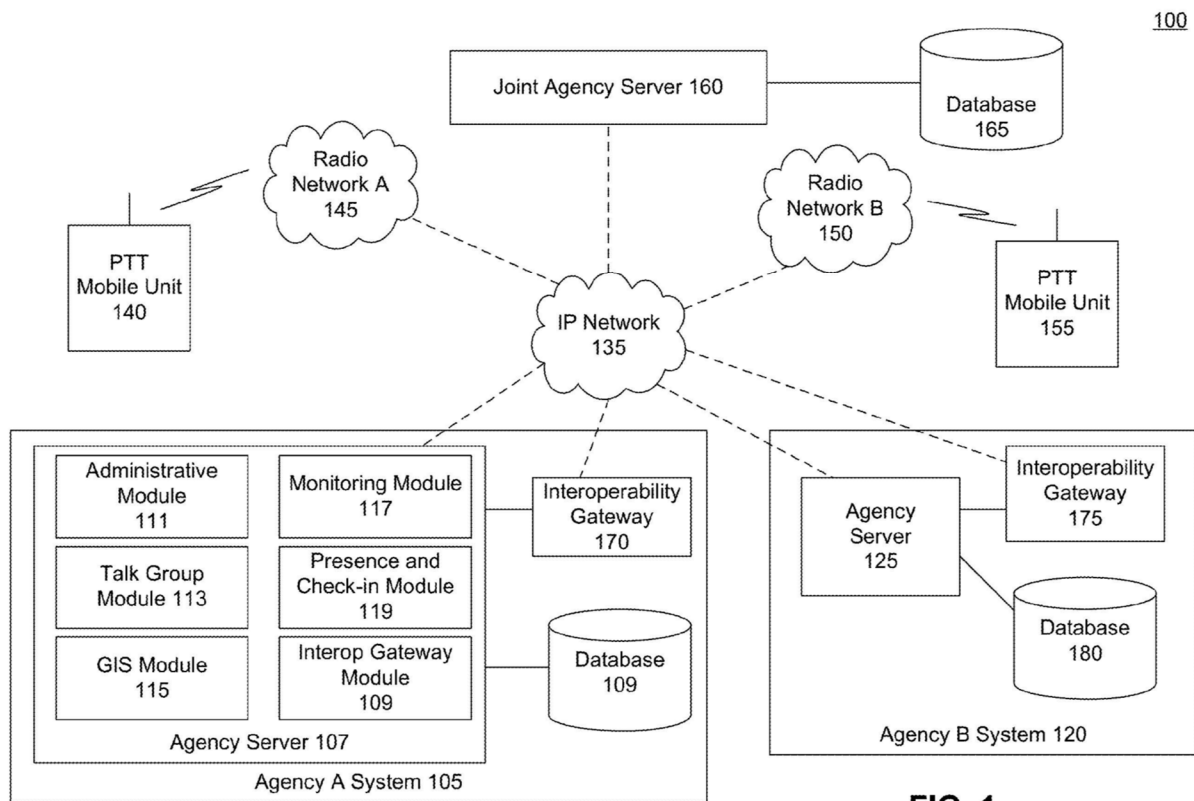


FIG. 1

While the agency servers 107, 125 and joint agency server 160 transmit certain communications over an IP network 135, the claims require a control device configured to provide a POC service. EX2012 ¶ 69. Petitioners do not and cannot identify any disclosure in Mazzarella regarding an agency server or the joint agency server performing the claimed method step of providing a POC service. Further, neither the agency servers 107, 125, the joint agency server 160, nor any other component that communicates via the IP network 135—e.g., the interoperability

gateways 170, 175—is a control device as claimed because no component in Mazzarella provides a POC service and manages a talkgroup and transmits a first communication to a non-subscriber device. *Id.* Mazzarella’s information flow functions are split across the agency server 107, interoperability gateway 170, database 109, a human administrator, and the joint server 160. *Id.* ¶ 70.

For at least the above reasons, Mazzarella fails to disclose a control device configured to provide a POC service, as claimed. *Id.* ¶ 71.

2. Mazzarella fails to disclose “transmitting from a control device to the first non-subscriber device a first communication”

Mazzarella also does not disclose “transmitting, from the control device to the first non-subscriber device, a first communication.” EX2012 ¶ 72. In fact, Mazzarella fails to disclose a control device that transmits any communications to a non-subscriber device. *Id.* In the case where an agency (e.g., Agency A) according to Mazzarella is inviting a non-subscriber device, i.e., a device “associated” with a different agency responding to an incident (e.g., Agency B) or to an agency that is not responding to an incident (e.g., Agency C), to join a talkgroup, PTT communications between the non-subscriber device and the talkgroup are via the interoperability gateway 170. *Id.*; EX1004 at 6:19-24, 10:48-55.

To the extent that Petitioners identify the agency server 107 in Mazzarella as a control device according to the claims, Mazzarella does not disclose that the

agency server 107 ever communicates with a device that is not associated with Agency A (i.e., a non-subscriber device). EX2012 ¶ 73. The agency server 107 communicates PTT messages with talkgroup members not associated with Agency A via interoperability gateway 170. EX1004 at 6:16-24. Also, any “link to download a POC software application” (as part of the first communication) is not sent by the agency server 107 and/or joint agency server 160. EX2012 ¶ 73. Mazzarella’s invitation carrying the PTT application hyperlink is transmitted by “Agency A PTT administrator or a PTT mobile unit user of Agency A with delegation authority,” (EX1004 at 10:48-50), and “may be sent via other communications networks or means, including email, short message service (SMS)” (*Id.* at 9:50-57). Each agency’s server directly communicates only with PTT mobile units associated with that agency (i.e., subscriber devices). EX2012 ¶ 73. The Petition does not identify any disclosure in Mazzarella of a control device transmitting the first communication to the non-subscriber device.

For at least the above reasons, Mazzarella fails to disclose transmitting from a control device to a first non-subscriber device a first communication. *Id.* ¶ 74.

3. Mazzarella fails to disclose a first communication “including a link to download a POC software application configured to join the POC talkgroup”

Mazzarella does not disclose any communication “including a link to download a POC software application configured to join the POC talkgroup.”

EX2012 ¶ 75. To the contrary, Mazzarella describes providing a link for downloading a PTT software application as part of an onboarding process in which the user provides User Identity & Credentials information to the inviting agency administrator before the agency administrator adds them to a talkgroup, using the talk group module 113 of the agency server 107. EX1004 at 10:39-42; EX2012 ¶ 75. Mazzarella discloses that “several exchanges may take place” just for obtaining the User Identity & Credentials. EX1004 at 10:28-32; EX2012 ¶ 75.

Thus, Mazzarella describes at least two distinct steps—(1) downloading the agency PTT application and (2) providing User Identity & Credentials information—before an agency administrator adds the non-subscriber device to a talkgroup. EX2012 ¶ 76.

The distinction is significant. EX2012 ¶ 77. The challenged claims require a first communication “including a link to download a POC software application configured to join the first POC talkgroup and communicate via the first POC talkgroup.” EX1001 at Claim 1. A non-subscriber device according to the claims is “grant[ed] . . . access to the POC service and the first POC talkgroup” such that upon downloading and running the POC software application, the non-subscriber device is joined to the first POC talkgroup and communicates via the first POC talkgroup. EX1001 at Claim 1; EX2012 ¶ 77. By contrast, Mazzarella describes an opposite workflow in which the user first receives a download link for an agency’s PTT

application configured for transmitting User Identity & Credentials information to the agency administrator, and second, the user is added to the PTT talkgroup (e.g., granted access) by the agency administrator. EX2012 ¶ 77. This distinction reflects the difference between the objective of the '568 Patent—to facilitate rapid participation by users who may not already be enrolled in the communications environment—and Mazzarella's goal of providing interoperability through agency-centric systems that allow different agencies to retain control of their own resources. *Id.* ¶ 78.

For at least the above reasons, Mazzarella fails to disclose a first communication including a link to download a POC software application configured to join the POC talkgroup. EX2012 ¶ 79.

* * *

For at least the above reasons, Mazzarella does not anticipate any of claims 1, 8, or 15, or claims 3, 5-7, 11-14, or 18-21 that depend therefrom.

B. Ground 2: Mazzarella in view of the Tillet References Does Not Render Any of Claims 2, 4, 9, 10, 16, or 17 Unpatentable⁴

Mazzarella fails to anticipate the independent claims, claims 1, 8, and 15, for at least the reasons above. Moreover, neither of the Tillet References remedies the deficiencies of Mazzarella. EX2012 ¶ 80. Accordingly, none of claims 2, 4, 9, 10, 16, or 17 are rendered unpatentable by Mazzarella in view of the Tillet References, taken alone or in combination, for at least the same reasons.

Mazzarella in view of the Tillet References also fails to render any of claims 2, 4, 9, 10, 16, or 17 unpatentable because neither discloses the following limitations: (1) “automatically revoking access of the first non-subscriber device to the first POC talkgroup after a predetermined period of time has elapsed” as required by claims 2, 9, and 16, (2) “setting a predetermined period of time via the first subscriber device” as required by claims 4, 10, and 17 and (3) “automatically revoking access of the

⁴ In Ground 2, the Petition asserts that “Claims 2, 4, 9, **10**, 16, and **17**” are unpatentable. Pet. at 1, 43 (emphasis added); *see also* Pet. at 1 (defining Claims 1-21 as “the Challenged Claims”). However, the Petition omits *any* argument regarding the patentability of at least Claims 10 and 17. *See* Pet. at iii (illustrating, in the Table of Contents, the omission of Claims 10 and 17 from Ground 2’s analysis). “It is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge *to each claim*.’” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359 (Fed. Cir. 2016); *see also* 35 U.S. Code § 312 (noting that a petition may be considered only if, among other things, it identifies the evidence that supports the ground for each challenged claim). Thus, because the Petition fails to comply with 35 U.S.C. § 312, it should not be considered by the Board, and institution should be denied on this ground alone.

first non-subscriber device to the first POC talkgroup after the predetermined period of time has elapsed” as required by claims 4, 10, and 17. *Id.* A POSITA also would not have combined Mazzarella with either Tillet Reference because Mazzarella does not suggest limiting a device’s access—the Petition’s asserted rationale for the combination. Pet. at 45; EX2012 ¶ 81. Petitioners submitted no expert testimony, or failed to find a willing expert, to support their obviousness theory. By contrast, BK Technologies’ expert, Dr. Sharony opines that a POSITA would not have combined the cited references as proposed by Petitioners. That opinion is the only evidence of record on whether a POSITA would be motivated to combine the references.

1. Mazzarella in view of Tillet ’981 fails to disclose “automatically revoking access of the first non-subscriber device to the first POC talkgroup after a predetermined period of time has elapsed” as required by claims 2, 9, and 16

Tillet ’981 does not teach or suggest automatically revoking access of a first non-subscriber device to a first POC talkgroup after a predetermined period of time has elapsed. EX2012 ¶ 82. Claims 1, 8, and 15 each recite that “access to the POC service and the first POC talkgroup [is] such that the first non-subscriber is permitted to join the first POC talkgroup,” among other things. Accordingly, “revoking access” as required by dependent claims 2, 9, and 16 includes revoking a non-subscriber device’s access “to join the first POC talkgroup.” *Id.* Tillet ’981 does not teach or suggest “revoking access of the first non-subscriber device” at least because

Tillet '981 does not disclose that a non-subscriber device is ever joined to a POC talkgroup and therefore has any access to revoke. *Id.*

Tillet '981 describes talkgroup sharing by which devices from a sharing organization (members of organization(s) other than the owning organization) are provided with access to communicate with members of a talkgroup assigned to an owning organization. *Id.* ¶ 83. “Such sharing [] may allow for opening of the membership of the talkgroup.” EX1005 at 8:4-7. That sharing is arranged between the organizations themselves: “For example, talkgroup sharing organization 400 may request that talkgroup owning organization 300 share a talkgroup [] to enable members of talkgroup sharing organization 400 to communicate with members of the talkgroup owning organization 300 within a shared talkgroup, and the talkgroup owning organization 300 may agree. This request and consent may occur out-of-band or otherwise outside of the PTT communication system.” *Id.* at 10:15-24. This means that Tillet '981's sharing is negotiated between two organizations outside the system, not a control device granting device access to a talkgroup. EX2012 ¶ 83. After a defined time period, the talkgroup is no longer shared by the owning organization and the devices from the sharing organization cannot access it. *Id.* But what ends is the sharing between the organizations, not any particular device's access. *Id.* Further, Tillet '981 does not disclose automatically revoking a particular

non-subscriber device's access by a control device. *Id.* Petitioners point to no disclosure in Tillet '981 of a control device automatically revoking access of a first non-subscriber device to a first POC talkgroup after a predetermined period of time.

For at least the above reasons, Mazzarella in view of Tillet '981 fails to render any of claims 2, 9, or 16 unpatentable.

- 2. Mazzarella in view of the Tillet references fails to disclose “setting a predetermined period of time via the first subscriber device” and “automatically revoking access of the first non-subscriber device to the first POC talkgroup after the predetermined period of time has elapsed” as required by claims 4, 10, and 17**

Mazzarella in view of Tillet '981 fails to disclose “automatically revoking access of the first non-subscriber device to the first POC talkgroup after the predetermined period of time has elapsed,” as discussed above with respect to claims 2, 9, and 16. Tillet '066 does not remedy the deficiencies of Mazzarella in view of Tillet '981 and therefore claims 4, 10, and 17 are not rendered unpatentable for at least the same reasons. EX2012 ¶ 84. Further, Petitioners do not identify any disclosure in Tillet '066 in which a first subscriber device (mapped to device 120) sets a predetermined period of time, as required by claims 4, 10, and 17. *Id.* Tillet '066 also does not disclose “control[ling] revocation of access to talkgroups by non-subscriber communication devices,” as the Petition contends. Pet. at 54-55;

EX2012 ¶ 84. The administrator “may, for example, use a device 120 connected to management center 130” to select the coverage area. EX1006 at 16:34-36.

Tillet '066 discusses termination or reallocation of talkgroup traffic channels by the satellite network infrastructure when the device 120 at the management center 130 determines that a “warm” talkgroup is inactive. EX2012 ¶ 85. Tillet '066 (similar to Tillet '981) discloses management of the access available to devices (by tearing down traffic channels if a talkgroup becomes inactive) but does not disclose revoking one or more devices' access to a talkgroup. *Id.* Nor does Tillet '066 disclose that “a predetermined amount of time” is a parameter that an administrator may set for providing access to a talkgroup. *Id.* ¶ 86. The Petition cites Tillet '066 with respect to this claim element, but the cited portion discloses only “connection orders for such talkgroups, priority settings for such talkgroups, home settings for such talkgroups, security settings or keys for such talkgroups, or other protocols for talkgroups.” Pet. at 52-53 (citing EX1006 at 7:7-16). Petitioners do not identify any other purported disclosure of a “predetermined amount of time” in Tillet '066.

For at least the above reasons, Mazzarella in view of Tillet '981 and Tillet '066 fails to render any of claims 4, 10, or 17 unpatentable.

3. A POSITA would not be motivated to combine Mazzarella with either Tillet Reference, alone or in combination

Petitioners' lack of expert testimony is especially significant because whether a POSITA would have been motivated to combine references is an inherently

technical, fact-dependent inquiry requiring consideration of how skilled artisans would have understood the prior art. Petitioners offer only conclusory attorney argument, without any supporting expert analysis. By contrast, BK Technologies' expert, Dr. Sharony, who satisfies Petitioners' own definition of a POSITA, opines that a POSITA would not have been motivated to combine Mazzarella with either Tillet Reference. EX2012 ¶¶ 87-89. Except for Petitioners' attorney argument, that sworn testimony is un rebutted.

The Petition cites only two lines from Mazzarella as purported support for motivation to combine Mazzarella with, e.g., the Tillet References, as applied to the challenged claims directed to revoking access of a first non-subscriber device to a first POC talkgroup after a predetermined period of time has elapsed, as claimed. Pet at 44-45. The two lines state: "[a]lso, a PTT user may also electronically receive or view less information when a different rule is satisfied." EX1004 at 9:1-2. Read in context, however, this passage concerns dynamic access permission changes that may change the type or amount of information a PTT user may receive or view (e.g., info from another PTT user's location synchronization) while retaining talkgroup

access. EX2012 ¶ 87. It neither addresses revoking a device's access nor distinguishes between subscriber and non-subscriber devices. *Id.*

Mazzarella's dynamic access permissions govern the information available to users coordinating a response based on criteria such as location and authorization.

EX2012 ¶ 88. At most, Mazzarella suggests varying the information available to different participants based on permissions criteria, none of which is time-based. *Id.* It does not disclose "automatically revoking access of a first non-subscriber device to a first POC talkgroup after a predetermined period of time has elapsed." *Id.* Nor would a POSITA understand the cited passage—directed to a user's receipt or viewing of less information—as suggesting that Mazzarella be modified to revoke a device's talkgroup access. *Id.* ¶ 89.

Although neither Tillet Reference discloses revoking access after a predetermined period of time, a POSITA likewise would have had no reason to modify Mazzarella to add time-based parameters. *Id.* Because Mazzarella provides no motivation for such a modification, Petitioners' obviousness theory under 35 U.S.C. § 103 fails.

VI. BK TECHNOLOGIES RESERVES ALL FURTHER ARGUMENT

Further to the Board's Rules and Practice, BK Technologies reserves all arguments until its full Response, should one be required.

VII. CONCLUSION

For the foregoing reasons, BK Technologies respectfully requests that the Board deny all grounds of challenge, dismiss the Petition, and decline to institute *inter partes* review.

Respectfully submitted,

Dated: August 7, 2026

/Lisa M. Moyles/
Reg. No. 40,737

Lead Counsel for Patent Owner

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this Preliminary Response complies with the type-volume limitation of 37 C.F.R. § 42.24(b). The word count application of the word processing program used to prepare this Preliminary Response indicates that the Preliminary Response contains 9,225 words.

Dated: August 7, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R § 42.6(e), I hereby certify that a true and correct copy of the foregoing was served on Counsel for Petitioner via filing through the P-TACTS System, as well as by delivering a copy via electronic mail to the following:

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