

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ADT LLC and FrontPoint Security Solutions, LLC,  
Petitioners

v.

Script Security Solutions LLC,  
Patent Owner

**PETITION FOR *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 7,113,091**

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## Exhibit List

Ex 1001	U.S. Patent No. 7,113,091 (“the ’091 Patent”)
Ex 1002	U.S. Patent No. 6,542,078 (“the ’078 Patent”)
Ex 1003	U.S. Patent Publication No. 2003/0020611 published on January 30, 2003 by Michael Script and Henry Script
Ex 1004	Excerpts from the File History of U.S. Patent No. 7,113,091 (“the ’091 Patent”)
Ex 1005	Expert Declaration of Joel Christianson
Ex 1006	Resume of Joel Christianson
Ex 1007	ADT Claim Charts - Exhibit 1 to Patent Owner’s Disclosure of Asserted Claims and Infringement Contentions in <i>Script Security Solutions L.L.C. v. Amazon.com, Inc. et al.</i> , (No. 2:15-cv-01030, consolidated, E.D. Tex.), served July 30, 2015
Ex 1008	International PCT Application No. WO 98/49663, published on November 5, 1998, to John Peterson and James Parker (“Peterson”)
Ex 1009	U.S. Patent No. 6,255,953
Ex 1010	Advent Home Navigator Sales Brochure, copyright 2000

## **I. INTRODUCTION**

Petitioners ADT LLC and FrontPoint Security Solutions, LLC (“Petitioners”) request *inter partes* review of claim 2 (“challenged claim”) of U.S. Patent 7,113,091 (the “’091 Patent”) to Henry J. Script and Michael H. Script (“Applicants”). According to Patent Office records, the ’091 Patent is assigned to Script Security Solutions LLC (“Patent Owner”). A copy of the ’091 Patent is provided as Ex 1001. As discussed below, there is a reasonable likelihood that Petitioner’s challenge of claim 2 will prevail.

## **II. MANDATORY NOTICES (37 C.F.R. § 42.8)**

REAL PARTY IN INTEREST: The real-parties-in-interest are ADT LLC, ADT US Holdings, Inc., ADT Holdings, Inc., The ADT Corporation, all having a principal place of business at 1501 Yamato Road, Boca Raton, FL 33431; Icontrol Networks, Inc., having a principal place of business at 555 Twin Dolphin Drive, Suite 280, Redwood City, CA 94065; FrontPoint Security Solutions, LLC, having a principal place of business at 1595 Spring Hill Road, Suite 110, Vienna, Virginia, 22102; and Alarm.com, Inc. and Alarm.com Holdings, Inc., both having a principal place of business at 8150 Leesburg Pike, Vienna, Virginia 22182.

RELATED MATTERS: Patent Owner is currently asserting the ’091 Patent against Petitioners and a number of other companies in litigation pending in the Eastern District of Texas. The following litigation matters include allegations of infringement of the ’091 patent, and therefore may affect, or be affected by, a decision in this

proceeding: Script Security Solutions L.L.C. v. ADT LLC (2:15-cv-00369-JRG); Script Security Solutions, L.L.C. v. CenturyTel Security Systems, Inc., (2:15-cv-00371-JRG); Script Security Solutions, L.L.C. v. Comcast Broadband Security, LLC, (2:15-cv-00372-JRG); Script Security Solutions L.L.C. v. FrontPoint Security Solutions, LLC (2:15-cv-00374); Script Security Solutions, L.L.C. v. Monitronics International, Inc. (2:15-cv-00376-JRG); Script Security Solutions, L.L.C. v. Protection One Alarm Monitoring, Inc. (2:15-cv-00377-JRG); Script Security Solutions, L.L.C. v. Amazon.com, Inc. (2:15-cv-01030-JRG); Script Security Solutions, L.L.C. v. Best Buy Stores L.P. (2:15-cv-01031-JRG); Script Security Solutions, L.L.C. v. Panasonic Corporation of North America (2:15-cv-01032-JRG); and Script Security Solutions, L.L.C. v. Time Warner Cable Enterprises LLC (2:15-cv-01033-JRG).

In addition, Petitioners are simultaneously filing Petitions for *inter partes* review of U.S. Patent Nos. 6,542,078 and 6,828,909 which have also been asserted against Petitioners in the Eastern District of Texas litigations.

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### **III. FEES**

The undersigned hereby authorizes the Office to charge the filing fee specified by 37 C.F.R. § 42.15(a) for this Petition to Deposit Account No. 02-1818. The undersigned further authorizes payment for any additional fees that may be due in connection with this petition to be charged to the above-referenced Deposit Account.

### **IV. GROUNDS FOR STANDING**

Petitioners certify that the '091 Patent is available for *inter partes* review and that Petitioners are not barred or estopped from requesting *inter partes* review challenging the claims of the '091 Patent on the grounds identified herein.

### **V. IDENTIFICATION OF THE CHALLENGE**

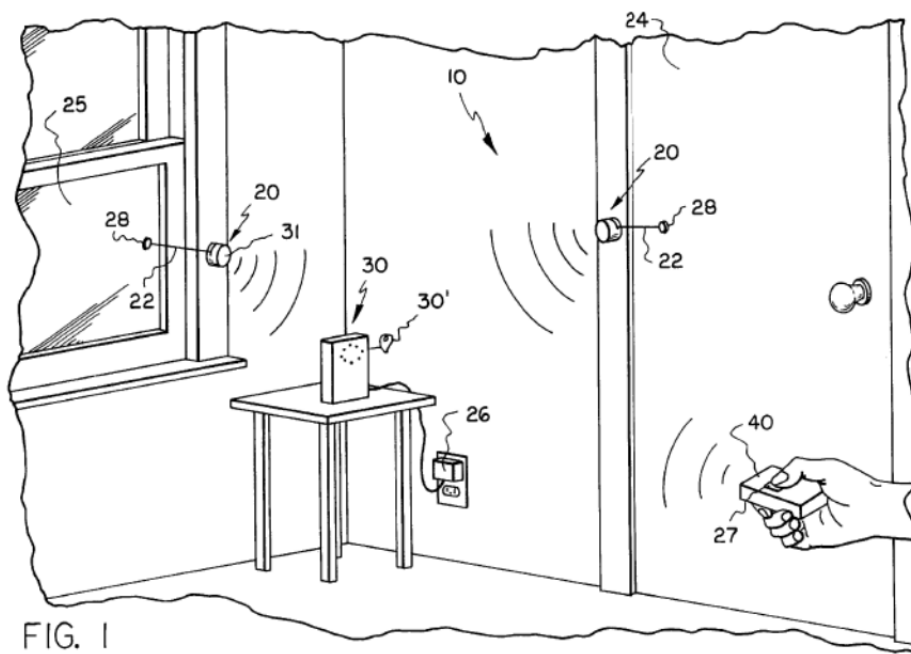
#### **A. Overview of the '091 Patent**

As noted above, Petitioners are simultaneously seeking *inter partes* review of all three patents asserted against them in the Texas Litigation: the '078 patent, the '909 patent, and the subject of this Petition, the '091 patent. These three patents share common inventors (Michael and Henry Script), common disclosure, and some common history, as explained herein. The common history and common disclosure is important to this Petition, because the inventors waived their priority claim late during prosecution of the '091 patent, which made the '909 and '078 patent disclosures prior art. When the inventors made this waiver, they did not inform the Examiner that the '909 patent (then a published application) was now prior art, and that it disclosed nearly all the subject matter of the claim challenged in this Petition.

Below, we summarize and compare the disclosures of these three patents, describe the relevant file history, and then demonstrate that the earlier disclosure, alone or in combination with another reference (Peterson), renders the challenged claim 2 obvious.

i. The Disclosure of the '078 Patent

The '078 patent, the earliest of the three challenged patents, disclosed a portable alarm system which can detect movement of a door, a window, or a valuable moveable object such as a painting. (Ex. 1002, '078 Patent, 4:34-49, 2:62-67.) The portable portion of the system is shown generally in Fig. 1:



The system includes multiple “movement detecting and signal transmitting means 20,” a receiver 30, and a remote control 40. ('078 Patent, 4:28-32.) The movement detectors 20 each have a retractable wire 22 that extends from a moveable



object, such as a door or window, to moveable magnets inside the casing of detector 20. ('078 Patent, 4:49-56.) When the object moves, the wire is displaced, causing a transmitter in detector 20 to send a wireless signal. The receiver 30 detects the wireless signal and initiates an alarm. ('078 Patent, 4:60-64, 5:14-19.)

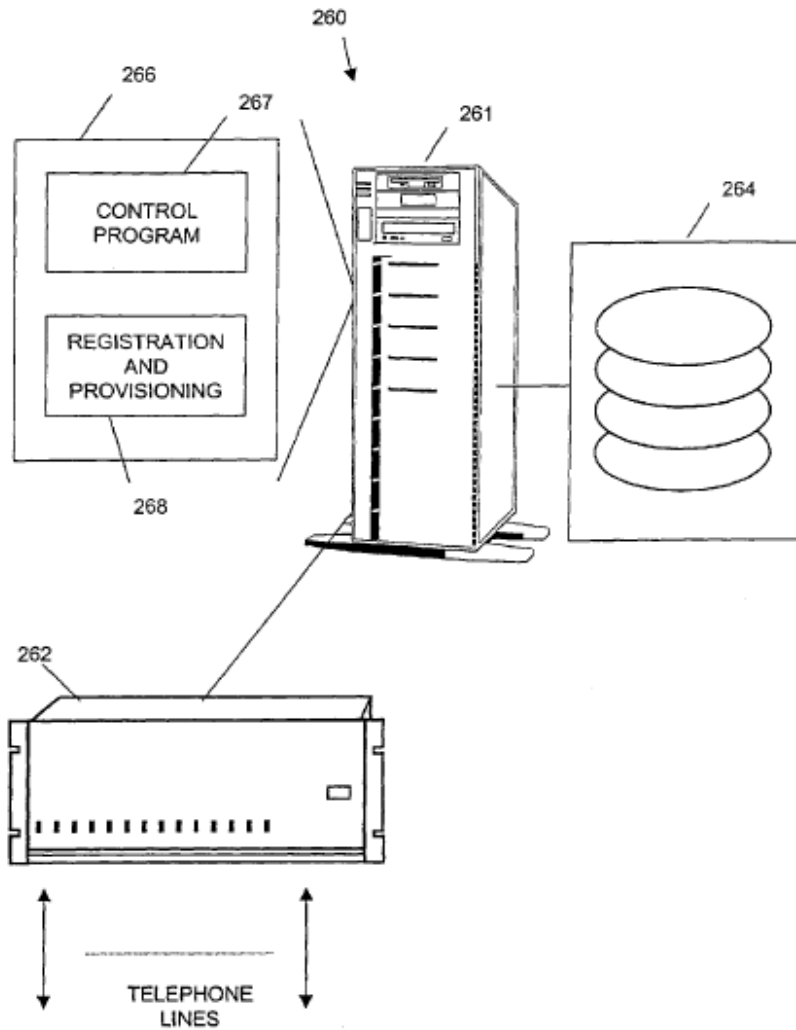
In Figures 12-15, the '078 Patent disclosed an “enhanced version” of the alarm system in which “motion detection information is collected in response to the detection of movement and provided to a remote facility, such as a law enforcement or security agency.” ('078 Patent, 10:13-18.) In addition to the detector 20 and receiver 30, the “enhanced version” includes an information gathering device 90, a remote notification device 92, and a network computer host 96. ('078 Patent, 10:13-29.) When the object being monitored moves, the information gathering device gathers information (e.g., video or pictures) and sends the information to remote notification device 92. ('078 Patent, 12:24-36.) The remote notification device then forwards that information to a remote network computer host 96. ('078 Patent, 12:39-52.)

In the '078 Patent's disclosure, the remote host 96 is an Internet host, a server at a security agency, or an email server. When the remote host receives information (i.e., video or pictures), it can respond by: (i) “display[ing] the received information on a monitor for viewing by a security agent”; or (ii) forwarding the information, “via email or the like, to the owner of the premises.” ('078 Patent, 12:53-65.)

ii. The Disclosure of the Script '535 Application (the '909 Patent)

In April 2002, the inventors filed Application No. 10/119,535 as a continuation-in-part of the application which became the '078 patent. The Script '535 application was published in January 2003, and issued as the '909 Patent in December 2004. The Script '535 application repeated all of the disclosure of the '078 patent and then added new Figures 16-22 and seven new columns of text.

The new sections describe combining the portable alarm system of the '078 patent with a “remote security administration system” that can perform certain functions. Figure 20 illustrates “an exemplary security administration system 260.” (Ex. 1003, Script '535, at [0106].)



**FIG. 20**

The security administration system 260 includes a computer host 261, modem pool 262 and phone lines for connecting to the portable alarm systems 10 of multiple subscribers, and a data network interface. (Script '535, at [0106].)

The new sections further describe associating each of the movement and detecting means 20 with "object identification information." The "object identification information" describes, in a word or phrase, what the particular

detecting means 20 is guarding (e.g., “FRONT DOOR”). (Script ’535, at [0095], [0101], Fig. 18.) In one embodiment, when a motion detector 20 is triggered, it sends a unique identifier to the receiver means 30, which then forwards that identifier to the remote security administration system. (Script ’535, at [0096], [0100], [0103].) Using a look-up table, the remote security administration system converts the unique identifier to the object identification information. (Script ’535, at [0103], Fig. 18.) The remote security administration system then responds to the alarm by: (i) sending an alert to a subscriber’s contact location (e.g., phone number); and (ii) “download[ing] the object identification information to the receiver means 30,” where the information is displayed on a “visual display device 234 (e.g., an LCD).” (Script ’535, at [0103], [0102].) “This will permit a person who is physically present within visible...range of the receiver means 30 to promptly determine the location of the motion sensing and transmitting means 20 that set off the alarm system 10.” (Script ’535, at [0102].)

Finally, the ’535 application described an alternative embodiment where a movement detecting means 20 is adapted “for industrial process monitoring and measurements,” such as “industrial tank expansion measurements, and the like.” (Script ’535, at [0118].)

### iii. The Disclosure of the ’091 Patent

The ’091 Patent, the patent at issue in this Petition, began as another continuation-in-part application. It included all of the disclosure of the Script ’535 application, plus new Figures 23-43, and 21 new columns of text.

The vast majority of the disclosure new to the '091 Patent concerns alternative versions of the detecting and transmitting means 20, such as a gyroscope-based detector, environmental sensors, speakers, remote control functionality, and additional programming and circuitry for the various system components. The only new disclosure relevant to the claim challenged in this Petition, claim 2, is a single paragraph in column 38, which states that the security administration system 260 can also be programmed to download “other information” to the local receiver’s LCD, including government security notices and ads. The relevant new specification paragraph is reproduced in full below:

An additional function that may be provided by the ACS 260<sup>1</sup> is to download security or other information to the receiver means 30. This information would typically not involve any specific events taking place within the alarm system 10, but would pertain to outside events, such as security notifications from a governmental agency like the U.S. Department of Homeland Security. By way of example, only, a color-code warning in accordance with the Homeland Security Advisory System could be sent to all receiver means 30 served by the ACS 260. On a more general note, the ACS 260 could also be used to provide commercial information, such as promotional offers, advertisements and the like, to the receiver means 30. Such information could be coded by category and users of the receiver means 30 could input a unique

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<sup>1</sup> The '091 specification refers to the remote security administration system 260 as “ACS (Automated Central Service) 260.” ('091 Patent, 36:35-37.)

subscriber code that is linked to one or more category codes. In that way, each person could receive information content that is of personal interest to them from receiver means 30.

('091 Patent, 38:17-34.)

The challenged claim recites as follows:

2. A security network comprising  
a security administration system and  
at least one portable security alarm system having a wireless receiver means and one or more wireless movement detecting and signal transmitting means for transmitting security information to said receiver means,

said security administration system comprising a computer host programmed to respond to security alerts from said at least one portable security alarm system, and

being further programmed to provide information to said at least one portable security alarm system, said information including one of security alert notifications from a governmental agency, advertising or other commercial information.

## **B. The File History and Applicant's Waiver of Priority Claim**

As noted above, the '091 patent began as a continuation-in-part application. It claimed priority to a string of earlier applications dating back to a May 30, 1996 provisional, including the applications which became the '078 and '909 patents. (Ex. 1004, File History Excerpts, p. 3.) The original priority claim is reproduced below:

## CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of application serial number 10/613,518, filed July 3, 2003, which is a continuation-in-part of application serial number 10/119,535, filed April 8, 2002, which is a continuation-in-part of application serial number 09/785,702, filed February 16, 2001 (now U.S. Patent No. 6,542,078), which is a continuation-in-part of application serial number 09/271,511, filed March 18, 1999 (now U.S. Patent No. 6,215,396), which is a continuation-in-part of application Serial No. 08/865,886, filed May 30, 1997 (now abandoned), which is based on provisional application serial number 60/018,829, filed May 30, 1996.

(Ex. 1004, p. 3.)

In a final office action dated December 6, 2005, the Examiner allowed the majority of the claims while rejecting three claims and objecting to three others. (Ex. 1004, p. 27-30.) In a subsequent “Amendment After Final Rejection” filed March 6, 2006, the applicants made various claim amendments to put the remaining claims in condition for allowance. (Ex. 1004, pp. 33-43.) In the same filing, however, the applicants also deleted the priority claim from the specification, stating as follows:

**By the present amendment, the specification has been amended to remove the benefit claim to parent application serial no. 10/613,518 (now U.S. Patent No. 6,940,405). Therefore, the effective filing date of the subject application is its actual filing date of July 2, 2004.**

(Ex. 1004, pp. 34, 42.)

In a responsive Advisory Action, the Examiner declined to enter the post-final amendments because the priority claim deletion would require a new prior art search. The Examiner pointed out that “applicant’s earlier U.S. patents 6,542,078 and

6,215,396 would then qualify as prior art under 35 U.S.C. § 102(b).” (Ex. 1004, p. 46.)

The Examiner evidently did not realize, however, that the Script ’535 application was also now prior art, since it had been published on January 30, 2003. (Ex. 1003.)

Applicants responded by filing a Request for Continued Examination. They did not file an IDS or inform the examiner that the Script ’535 application was now prior art.

The Examiner then issued a Notice of Allowability. In the Reasons for Allowance, the Examiner stated that pending claim 2 (which later became issued claim 1) was patentable over the applicants’ ’078 patent because it included a limitation to a remote control unit provided with “identification information”:

2. The following is an examiner’s statement of reasons for allowance:

As noted by applicant (in remarks associated with the amendment filed 4/6/06), the removal of the priority claim under 35 U.S.C. 120--which had referred to, and claimed the earlier effective date of, applicant's prior copending applications--causes the present application to have an effective date of 7/2/04, the filing date of the present application; as a result, applicant's prior patents US 6215396 and US 6542078 qualify as prior art under 35 U.S.C. 102(b). (Of course, other prior art having "intervening" effective dates would also now be potentially applicable to the claims in the present application.) Each of the prior '396 and '078 patents substantially teaches the "portable security alarm system" of claim 2 herein, except for failing to teach that the remote control unit is provided with "identification information" and transmits it to the movement detecting/signal transmitting means, and that the latter means likewise is provided with "identification information" and transmits it to the receiver means (associated with each of the remote control unit and the signal transmitting means). It is considered that there is no motivation or express teaching found in the prior art of record that would render it obvious to provide identification signals between these elements in the '396 or '078 patents, in the manner claimed.



(Ex. 1004, p. 55.)

The Examiner failed to address pending claim 4 (issued claim 2, the claim challenged in this Petition), which did not include the remote control or identification information limitations. The Examiner also did not consider the Script '535 application, which, as noted above, also became prior art after the applicants' priority waiver.

Applicants did not respond the Examiner's Reasons for Allowance. Thus, issued claim 2 was never examined against the disclosures of the Script '535 application. In this Petition, applicants demonstrate that the published Script '535 application, alone or in combination with another reference (Peterson), renders claim 2 obvious.

### **C. One of Ordinary Skill in the Art**

Petitioners submit that one of ordinary skill in the art of the '091 Patent would have a Bachelor's degree in computer science, electrical engineering, or a similar field, and would have at least two years industry experience in networking or security systems. (Declaration of Joel Christianson, Ex. 1005, hereinafter "Christianson Decl.," ¶ 12.)

### **D. Claim Construction**

Claim terms of unexpired patents are given their broadest reasonable interpretation ("BRI") "in light of the specification" in *inter partes* review. *In re Cuozzo Speed Tech., LLC*, 793 F.3d 1268, 1275-79 (Fed. Cir. 2015), *cert. granted* (U.S. Jan. 15,

2016) (No. 15-446); 42 C.F.R. § 100(b); Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (Aug. 14, 2012). The BRI of a claim term “must be consistent with the ordinary and customary meaning of the term (unless the term has been given a special definition in the specification), and must be consistent with the use of the claim term in the specification and drawings. Further, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach.” MPEP § 2111 (*citing In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)). To the extent there is any ambiguity regarding the “broadest reasonable construction” of a term, the ambiguity should be resolved in favor of the broader construction absent amendment by the patent owner. Final Rules, 77 Fed. Reg. at 48699.<sup>2</sup> While not controlling, claim constructions offered in related litigation are relevant to the “broadest reasonable construction.” *See, e.g., SAP America, Inc. v. Versata Dev. Group, Inc.*, CBM2012-00001, Paper 36 at 8-9

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<sup>2</sup> Petitioners expressly reserve the right to advance different constructions in matters now pending in district court, as the applicable claim construction standard for those proceedings are currently different than the “broadest reasonable interpretation standard” applied in *inter partes* review. Further, due to the different claim construction standards in the proceedings, Petitioners identifying any feature in the cited references as teaching a claim term of the ’091 Patent is not an admission by Petitioners that that claim term is met by any feature for infringement purposes.

(Jan. 9, 2013) (adopting petitioner’s proposed construction, in part, because it was “consistent with [patentee’s] proposed construction in the related district court proceeding”).

Below are proposed constructions for several terms in claim 2 of the ’091 Patent. Since the primary reference is applicant’s own prior published application, which includes much of the same written description as the ’091 Patent, little claim construction should be needed.

i. “a wireless receiver means”

This is a means-plus-function clause subject to 35 U.S.C. § 112, ¶ 6.<sup>3</sup> At the least, the corresponding structure includes receiver 30 disclosed in the patent.

ii. “wireless movement detecting and signal transmitting means for transmitting security information to said receiver means”

This, again, is a means-plus-function clause subject to 35 U.S.C. § 112, ¶ 6. At the least, the corresponding structure includes movement detecting and signal transmitting means 20 disclosed in the patent.

iii. “commercial information”

Claim 2 recites that the remote computer host is “further programmed to provide information to said at least one portable security alarm system, said

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<sup>3</sup> The pre-America Invents Act (AIA) provisions of 35 U.S.C. §§ 102, 103, and 112 apply to the ’091 Patent. All references to 35 U.S.C. §§ 102, 103, and 112 in this petition refer to the pre-AIA versions.

information including one of security alert notifications from a governmental agency, advertising or other **commercial information**” (emphasis added).

In the ongoing Texas litigation, Patent Owner has contended, in infringement claim charts directed against Petitioners, that displaying “news, sports, traffic, and weather” on an alarm control panel constitutes providing “commercial information.” (Ex. 1007, p. 41.) In other words, Patent Owner contends that “commercial information” is not limited to information about the sale of goods or services, and can include other information having some connection to commerce. Petitioners request that the Board adopt Patent Owner’s litigation construction as the “broadest reasonable construction” for purposes of this *inter partes* review. *See, SAP America*, CBM2012-00001, Paper 36 at 8-9.

#### **E. The Cited References**

This petition raises two prior art references:

- 1) U.S. Patent Publication No. 2003/0020611, published on January 30, 2003, to Michael Script and Henry Script. This is the Script ’535 application discussed above in Part V.A.2, and provided as Ex. 1003.
- 2) International PCT Application No. WO 98/49663, published on November 5, 1998, to John Peterson and James Parker (“Peterson,” provided as Ex. 1008).

Since the challenged claim of the ’091 patent has a priority date of July 2, 2004, Script ’535 and Peterson qualify as prior art under 35 U.S.C. § 102(b).

## **F. Grounds of Challenge**

This petition presents two grounds of unpatentability:

- Ground 1: Script '535 alone renders claim 2 obvious under 35 U.S.C. § 103
- Ground 2: Script '535, in view of Peterson, renders claim 2 obvious under 35 U.S.C. § 103

## **G. Ground 1: Script '535 Renders Claim 2 Obvious**

### a) (preamble) A security network comprising

Petitioners do not believe this preamble language is limiting. To the extent it is, Script '535 discloses multiple security systems communicating via network communication links to a network computer host. (Script '535, at [0084], [0104], [0106], Fig. 12.) This same disclosure is repeated in the '091 Patent. (See '091 Patent, 12:24-39, 17:18-28, 17:59-18:2, Fig. 12.)

### b) a security administration system and

Script '535 discloses a “security administration system” in Figure 20. (Script '535, at [0106].) This same disclosure is repeated in the '091 Patent. (See '091 Patent, 17:59-18:2, Fig. 20.)

### c) at least one portable security alarm system

Script '535 discloses a “portable security alarm system.” (Script '535, at Abstract, [0078]-[0082].) Again, this same disclosure is repeated in the '091 Patent. (See '091 Patent, Abstract, 10:63-12:17.)

### d) having a wireless receiver means and

Script '535 discloses “receiver means 30.” (Script '535, at [0013], [0015], [0050], [0053], [0055]-[0057], and Figs. ¶¶ 15, 53, 55 and Figs. 1, 10, 12, and 17.) The receiver means 30 is configured to receive signals “wirelessly.” (Script '535, at [0053].) This same disclosure is repeated in the '091 Patent. ('091 Patent, 2:33-40, 2:51-56, 6:36-41, 7:1-11, 7:22-56, Figs. 1, 10, 12, and 17.)

As stated above under claim construction, “receiver means” is a means-plus-function clause. Since the Script '535's disclosure of receiver means 30 is the same as the '091 patent's disclosure of corresponding structure, Script '535's receiver means necessarily satisfies this claim limitation.

- e) one or more wireless movement detecting and signal transmitting means for transmitting security information to said receiver means,

Script discloses multiple “movement detecting and signal transmitting means 20.” (Script '535, at [0050]-[0052], [0062]-[0072], Figs. 2-8.) The movement detecting and signal transmitting means 20 transmits signals wirelessly to the receiver means 30 when it detects movement. (Script '535, at [0053], [0061], [0072], [0073], Fig. 9.) Therefore, the signal comprises security information: that the detector has detected movement. The '091 Patent repeats this same disclosure. ('091 Patent, 6:36-7:11, 8:31-51, 10:14-29, Figs. 2-9.)

As stated above under claim construction, the “movement detecting and signal transmitting means” is a means-plus-function clause. Since the Script '535's disclosure of means 20 is the same as the '091 patent's disclosure of the primary

corresponding structure, Script '535's movement detecting and signal transmitting means 20 necessarily satisfies this claim limitation.

- f) said security administration system comprising a computer host programmed to respond to security alerts from said at least one portable security alarm system, and

Script '535 discloses that the security administration system includes a computer host 261. (Script '535, at [0106].) The computer host 261 “stores a security monitoring control program for implementing functionality required to receive and respond to incoming alarm alerts from the receiver means 30” of the portable alarm system 10. (Script '535, at [0108].) The flow diagram in Figure 21 describes how the security administration system responds to security alerts from the portable security alarm system. (Script '535, [0109]-[0113].) Again, this same disclosure is repeated in the '091 Patent. ('091 Patent, 17:59-18:2, 18:14-19:47, Fig. 21.)

- g) being further programmed to provide information to said at least one portable security alarm system, said information including one of security alert notifications from a governmental agency, advertising or other commercial information.

As discussed above, the '091 patent's written description includes the following paragraph:

An additional function that may be provided by the ACS 260 is to download security or other information to the receiver means 30. This information would typically not involve any specific events taking place within the alarm system 10, but would pertain to outside events, such as security notifications from a governmental agency like the U.S. Department of Homeland Security.... On a more general note, the ACS

260 could also be used to provide commercial information, such as promotional offers, advertisements and the like, to the receiver means 30. Such information could be coded by category and users of the receiver means 30 could input a unique subscriber code that is linked to one or more category codes. In that way, each person could receive information content that is of personal interest to them from receiver means 30.

(’091 Patent, 38:17-34.) The above paragraph was not present in the Script ’535 prior art.

In the Texas litigation, however, Patent Owner takes the position that “commercial information” is not limited to information about the sale of goods or services, but includes, for example, news, sports, and weather information downloaded over the Internet. (Ex. 1007, p. 41.) Accepting this reading of “commercial information” as the broadest reasonable interpretation, the Script ’535 application has disclosure that satisfies the limitation.

At paragraph [0118], Script ’535 discloses that the movement detecting and signal transmitting means 20 can be modified “for industrial process monitoring and measurements,” such as “industrial tank expansion measurement.” In this embodiment, the detecting means 20 measures the distance that the retractable wire 22 moves. (Script ’535, at [0118].) The measurement information can then be uploaded to the remote location, and the remote location then responds with additional information:



The measurement information can be output locally by the receiver means 30 in audible or visual form, or it can be sent to a remote location using any of the communication modalities discussed above, including telephone, network, cable, radio/cellular communication, etc. Once the receiver means 30 outputs its message to the remote location, the remote location can respond to the message in various ways, including (1) messaging response instructions back to the receiver means 30 for forwarding to the signaling movement detecting and signal transmitting means 20 or any of its counterparts, (2) forwarding a customized message to a designated forwarding location, (3) taking any other appropriate action.

(Script '535, at [0118].) The “response instructions back to the receiver means 30” constitutes “commercial information” under the Patent Owner’s construction, since they constitute information relating to commerce (“response instructions” or “a customized message” concerning monitoring or operation of the industrial expansion tank). Thus, in the expansion tank measuring embodiment, the computer host is “further programmed to provide information to said at least one portable security alarm system, said information including...other commercial information.”

Script '535 does not explicitly disclose that the tank expansion version of detecting and signal transmitting means 20 is used with the security network and portable alarm system disclosed by the rest of the application. It would have been obvious, however, to one of skill in the art at the time of the invention to combine the expansion tank version of detecting means 20 with the portable alarm system. The

expansion tank embodiment described in paragraph [0118] already includes the receiver means 30, the remote location, and the communication lines connecting them. (Script '535, at [0118].) With this infrastructure already in place, it would have been obvious to one of skill to add other detecting and signal transmitting means 20 for security. For example, additional means 20 could be used to monitor a door leading to the room with the expansion tank, or could be used to monitor other doors and windows in the facility. (Christianson Decl., ¶ 21.) Such a combination would involve little additional expense or complication and one of skill would expect the combination to be successful, because the system already possesses unique identifiers to distinguish between different detecting and signal transmitting means 20. (Christianson Decl., ¶ 21.) Therefore, adding an additional detecting and signal transmitting means would require no modification to the system. (Christianson Decl., ¶ 21.)

Claim 2, therefore, is obvious over Script '535.

#### **H. Ground 2: Script in View of Peterson Renders Claim 2 Obvious**

- a) (preamble) A security network comprising

See Section G.a in Ground 1 above.

- b) a security administration system and

See Section G.b in Ground 1 above.

- c) at least one portable security alarm system

See Section G.c in Ground 1 above.

- d) having a wireless receiver means and

See Section G.d in Ground 1 above.

- e) one or more wireless movement detecting and signal transmitting means for transmitting security information to said receiver means,

See Section G.e in Ground 1 above.

- f) said security administration system comprising a computer host programmed to respond to security alerts from said at least one portable security alarm system, and

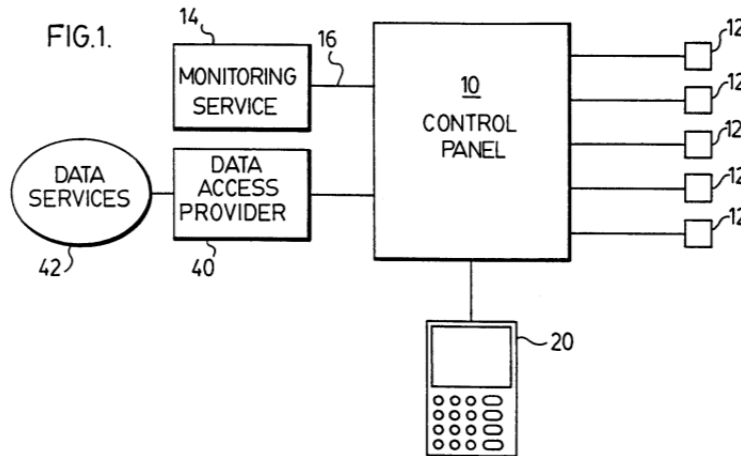
See Section G.f in Ground 1 above.

- g) being further programmed to provide information to said at least one portable security alarm system, said information including one of security alert notifications from a governmental agency, advertising or other commercial information.

As discussed above in Ground 1, the tank expansion measuring embodiment of Script '535 discloses this limitation, applying Patent Owner's litigation construction.

In the event Patent Owner argues otherwise, Peterson discloses the limitation as well.

Peterson discloses a security system that includes a control panel 10, detecting devices 12, a controller 20, and a remote monitoring station 14. (Peterson, p. 3, lines 27-29; p. 5, lines 25-27; p. 14, lines 1-5; Fig. 1.) The system is illustrated in Peterson's Fig. 1:



The detecting devices “may be any of the commonly used detection devices such as motion detectors, door contacts, glass break detectors, or shock sensors,” and can be wireless. (Peterson, p. 3, lines 32-38.) The controller includes an LED or LCD touch screen which can be used to control functions of the system. (Peterson, p. 4, line 16 - p. 5, line 4.)

Peterson further discloses that the controller can be used to display information unrelated to security or home automation, such as “news, sports, business information, stock market quotes, weather, etc.” (Peterson, p. 6, lines 31-35; p. 7, lines 16-18.) The controller acquires this information from a data access provider 40, which “would retrieve the desired information from the required sources and repackage the information for transmission to the controller.” (Peterson, p. 7, lines 13-16.)

The “information” displayed on Peterson’s panel tracks almost exactly the information which Patent Owner contends, in the Texas Litigation, constitutes “other

commercial information.” (See Ex. 1007, p. 41, in which Patent Owner contends that the limitation is satisfied by displaying “news, sports, traffic, and weather” on an alarm control panel.) In addition, Peterson discloses providing a “weather advisory” or notice of school closings to the controller via the data access provider. (Peterson, p. 11, line 32 - p. 12, line 19.) Weather advisories are “security alert notifications from a governmental agency” since weather alerts come from the National Weather Service, a governmental agency, and weather alerts involve the security of person or premise in the case of severe weather, such as a tornado. (Christianson Decl., ¶ 29. See also <http://www.nws.noaa.gov/com/weatherreadynation/wea.html> and <http://alerts.weather.gov/>; US Patent No. 6,255,953, provided as Ex 100 at 1:13-35.) Peterson, therefore, discloses this final limitation of claim 2.

It would have been obvious to one of skill in the art at the time of the invention to combine the system disclosed in Script '535 and the system disclosed in Peterson to add the information display feature of Peterson to the alarm system disclosed in Script '535. (Christianson Decl., ¶¶ 30-32.) The local receiver means 30 in Script '535 already includes an LCD visual display. (Script '535, at [0102].) And Script '535's security administration system is already programmed to provide information to the receiver for display, such as object identification information. (Script '535, at [0103], [0116].) It would have been obvious to one of skill in the art, upon reviewing Peterson, to also use the receiver 30's display to provide other

information available over the Internet, such as weather alerts, news, and sports.

(Christianson Decl., ¶ 35.)

Peterson's information display would be particularly valuable to an entity selling the Script '535 portable alarm system, since that system uses a "subscriber" model. I.e., the remote security administration system 260 simultaneously connects to multiple portable alarm systems 10 owned by multiple "subscribers." (Script '535, at [0106].) One of skill would therefore have recognized Peterson's data acquisition and display functionality to be useful as an additional subscription option and a potential source of additional revenue. (Christianson Decl., ¶ 28.) Indeed, Peterson discloses such a bundling of services: a remote security administration system providing traditional alarm monitoring service in addition to providing other information available over the Internet, such as weather alerts, news, and sports. *Id.*

One of skill would also expect the combination to be successful. Since Script '535's receiver already connects to the remote computer host, and already displays information downloaded from the remote computer host, modifying the software to download and display additional data publicly available on the Internet would have been routine. (Christianson Decl., ¶¶ 33-36.)

## **VI. CONCLUSION**

In summary, there is a reasonable likelihood that claim 2 of the '091 Patent is unpatentable as obvious in view of the cited prior art. Petitioners therefore request that the Board grant this Petition for *inter partes* review of claim 2.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that the above-captioned Petition for *Inter Partes* Review of U.S. Patent No. 7,113,091, including all Exhibits and other documents filed together with this Petition were served on the official correspondence address for U.S. Patent No. 7,113,091 shown in PAIR:

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