

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RESIDEO TECHNOLOGIES, INC. and  
CENTRAL SECURITY GROUP – NATIONWIDE, INC.,<sup>1</sup>  
Petitioner,

v.

UBIQUITOUS CONNECTIVITY, LP,  
Patent Owner.

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IPR2019-01335 (Patent 8,064,935 B2)  
IPR2019-01336 (Patent 9,062,655 B2)<sup>2</sup>

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Before JEAN R. HOMERE, JOHN F. HORVATH, and  
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER  
*Granting* Petitioner's Motion  
to Submit Supplemental Information  
*37 C.F.R. § 42.123*

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<sup>1</sup> Central Security Group – Nationwide, Inc., who filed petitions in IPR2019-01609 and IPR2019-01610 has been joined as a petitioner, respectively, to IPR2019-01335 and IPR2019-01336.

<sup>2</sup> This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

On January 27, 2020, we instituted trial in each of the above-captioned proceedings. Paper 7.<sup>3</sup>

On February 10, 2020, Ubiquitous Connectivity, LP (“Patent Owner”) filed objections to some of the Exhibits that accompanied the Petition. Paper 10. For example, Patent Owner objected to Exhibit 1018 (“Wu”) <sup>4</sup> under Federal Rules of Evidence 901 as lacking authenticity and objected to Exhibit 1028 (“Lee Decl.”) <sup>5</sup> under Federal Rules of Evidence 702 as conclusory and based on insufficient facts and data. *Id.* at 1.

On February 26, 2020, Resideo Technologies, Inc. (“Petitioner”) emailed the Board requesting authorization to file a motion to submit supplemental information. *See* Ex. 3001. Petitioner attached to its email a new declaration attesting to the public availability and authenticity of Wu, and averred that it had already served that declaration on Patent Owner. *Id.* We granted Petitioner’s request for authorization the same day.

On February 28, 2020, Petitioner filed its Motion to Submit Supplemental Information. Paper 11 (“Mot.”). The Motion seeks to submit Exhibits 1029–1038 as supplemental information, where Exhibit 1029 is the Declaration of Dr. Sylvia Hall-Ellis regarding the authenticity and public accessibility of Wu, and Exhibits 1030–1038 are documents that support Dr. Hall-Ellis’s testimony. *Id.* at 3.

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<sup>3</sup> Unless indicated otherwise, we refer to the papers filed in IPR2019-01335. Similar papers have been filed in IPR2019-01336.

<sup>4</sup> Chi-Hsiang Wu and Rong-Hong Jan, *System integration of WAP and SMS for home network system*, 42 Computer Networks 493–502 (2003) (“Wu”).

<sup>5</sup> Declaration of Rupert Lee.

Petitioner argues the Motion should be granted because it timely requested authorization to file the Motion, the supplemental information it seeks to submit is relevant to the authenticity and public accessibility of Wu, and Wu is the principal reference relied on in instituted grounds 2A through 2D. *Id.* at 8–9. Petitioner further argues that granting the Motion will not prejudice Patent Owner because the supplemental information was served on Patent Owner nearly two months prior to the deadline to file any Patent Owner Response. *Id.* at 11. Petitioner also avers that Patent Owner does not oppose the Motion. *Id.*

On the record before us, we grant Petitioner’s Motion to file Exhibits 1029–1038 as supplemental information. Petitioner requested authorization to file the motion within one month of the institution date, and seeks to submit information that is relevant to a claim for which trial was instituted, namely, the authenticity and public availability of Wu. *See* 37 C.F.R. § 42.123(a); *see also* Exs. 1029–1038, 3001. Petitioner avers that Patent Owner was served with the supplemental information nearly two months prior to the deadline for filing any Patent Owner Response, and that Patent Owner does not object to the filing of the supplemental information. Mot. 11. Patent Owner has not contested or disputed the truth or accuracy of these averments in a timely filed Opposition to Petitioner’s Motion. *See* 37 C.F.R. §§ 42.23, 42.25.

Accordingly, under the facts presented, Petitioner’s Motion is *granted*.

IPR2019-01335 (Patent 8,064,935 B2)

IPR2019-01336 (Patent 9,062,655 B2)

## ORDER

It is hereby:

ORDERED that Petitioner's Motion to file Supplemental Information is *granted*;

FURTHER ORDERED that Exhibits 1029–1038 are entered as Exhibits in IPR2019-01335; and

FURTHER ORDERED that Exhibits 1029–1038 are entered as Exhibits in IPR2019-01336.

IPR2019-01335 (Patent 8,064,935 B2)

IPR2019-01336 (Patent 9,062,655 B2)

PETITIONER:

Benjamin Pleune

Christopher T.L. Douglas

Adam J. Doane

ALSTON & BIRD LLP

ben.pleune@alston.com

christopher.douglas@alston.com

adam.doane@alston.com

Joshua Griswold

Bret Winterle

FISH & RICHARDSON PC

griswold@fr.com

winterle@fr.com

PATENT OWNER:

James D. Stein

Andrew Strickland

LEE & HAYES

james.stein@leehayes.com

andrew.strickland@leehayes.com