

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBAL TEL*LINK CORPORATION
Petitioner

v.

SECURUS TECHNOLOGIES, INC.
Patent Owner

Case IPR2016-01362
Patent No. 9,083,850 B1

**PETITIONER'S MOTION TO SUBMIT
SUPPLEMENTAL INFORMATION**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

In this proceeding, trial has been instituted for claims 6, 7, 10-12, 19, and 20 based on, in part, the article titled “Remote Controlled DSP Based Image Capturing and Processing System Featuring Two-Axis Motion” by Gotsopoulos *et al.* (Exhibit 1008). Pursuant to 37 C.F.R. § 42.123(a) and as authorized by the Board during a teleconference on February 16, 2017, Petitioner moves to submit the following supplemental information:

1. Declaration of Gerard P. Grenier, Custodian of Records for IEEE, dated January 27, 2017, attesting to the public accessibility of Exhibit 1008 as of at least December 2, 2010, and the public accessibility online as of at least February 13, 2012; and
2. The entire European DSP in Education and Research Conference (EDERC2010) proceeding papers downloaded from the IEEE electronic digital library;

This supplemental information was also served on Patent Owner on February 7, 2017. This motion complies with the requirements of rule 42.123(a): a request for the authorization to file a motion to submit supplemental information was timely made by Petitioner within one month of the trial institution date, and the supplemental information is relevant to a claim for which the trial has been instituted, namely institution for claims 6, 7, 10-12, 19, and 20.

Exhibit 1008 includes the publication dates for the papers at the IEEE

European DSP in Education and Research Conference (EDERC2010), which occurred prior to the earliest priority date of U.S. Patent No. 9,083,850 (“the ’850 patent”), and lists the article titled “Remote Controlled DSP Based Image Capturing and Processing System Featuring Two-Axis Motion” in its table of contents. Exhibit 1008 includes this article, which is relied on to support the instituted grounds of unpatentability for claims 6, 7, 10-12, 19, and 20. Patent Owner did not challenge the public accessibility of Exhibit 1008 prior to institution of this proceeding, and the Board found the evidence of record sufficient to institute grounds based on Exhibit 1008. (*See* Paper 9, Paper 11.) However, in its objections to evidence filed after institution, Patent Owner asserted that the evidence of record did not demonstrate that Exhibit 1008 was publicly accessible before the earliest priority date of the ’850 patent. (Paper 13, p. 1.) In response to Patent Owner’s evidentiary challenge to public accessibility, Petitioner seeks to submit supplemental information further confirming the public accessibility of Exhibit 1008 prior to the earliest priority date of the ’850 patent.

This supplemental information does not change the grounds of unpatentability instituted in this proceeding, nor does it change the evidence or arguments initially presented in the Petition to support those grounds. Rather, such information merely constitutes additional evidence that confirms public accessibility of Exhibit 1008.

The supplemental information was neither withheld intentionally nor would it limit

or frustrate the Board's ability to complete this proceeding in a timely manner, providing sufficient time for Patent Owner to address the submitted supplemental information in its Patent Owner Response due March 30, 2017. *See* IPR2015-01290, Paper 19, p. 6 (finding that submission of supplemental information prior to Patent Owner's Response was the most expedient manner of handling evidence that is relevant to whether a reference is a prior art printed publication).

Petitioner further notes that rule 42.123(a) does not require the movant to demonstrate that the supplemental information proffered could not have been obtained earlier. *See* IPR2014-01204, Paper 26, pp. 3-4. Nevertheless, the Board has denied such a motion when the supplemental information acts to bolster arguments in the petition, particularly when this information was reasonably available at the time of filing the petition. *See* IPR2013-00106, Paper 24, pp. 3-5. This is not the case here, as the supplemental information Petitioner seeks to submit does not change the evidence or arguments presented in the Petition to support the instituted grounds of unpatentability. There is no burden or prejudice to Patent Owner that will result from submitting this supplemental information, which Patent Owner can address in its Patent Owner Response. *See* IPR2013-00369, Paper 37, p. 5 (finding no prejudice to Patent Owner by allowing submission of supplemental information already served on Patent Owner and provided with sufficient time for Patent Owner to address in its Patent Owner Response).

Therefore, for the reasons set forth above, the Board should grant this motion.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lori A. Gordon/

Lori A. Gordon (Reg. No. 50,633)
Attorney for Petitioner

Date: February 17, 2017
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.