

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 9,083,850

**PETITIONER GLOBAL TEL*LINK CORPORATION'S
OPPOSITION TO PATENT OWNER'S MOTION TO EXCLUDE**

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P.O. Box 1450
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UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 9,083,850 B1 to Higgs
1002	Expert Declaration of Dr. Iain Richardson
1003	Expert CV of Dr. Iain Richardson
1004	U.S. Patent No. 9,106,789 to Shipman, Jr. et al. (“Shipman”), titled “Videoconference and Video Visitation Security”
1005	U.S. Patent No. 7,911,513 to Garrison et al. (“Garrison”), titled “Simulating Short Depth of Field to Maximize Privacy in Videotelphony”
1006	U.S. Patent No. 6,734,900 to Mayhew. (“Mayhew”), titled “Real Time Camera and Lens Control System for Image Depth of Field Manipulation”
1007	U.S. Patent Publication No. 2008/0201158 A1 to Johnson et al. (“Johnson”), titled “Real Time Camera and Lens Control System for Image Depth of Field Manipulation”
1008	“Remote Controlled DSP Based Image Capturing and Processing System Featuring Two-Axis Motion,” by Gotsopoulos et al. (“Gotsopoulos”)
1009	American Heritage Dictionary
1010	European DSP in Education and Research Conference (2010) (originally served on February 7, 2017)
1011	Declaration of Gerard P. Grenier (originally served on February 7, 2017)
1012	July 18, 2017 Deposition Transcript of Dr. Alan Bovik
1013	February 7, 2017 e-mail serving Exhibits 1010 and 1011 on Patent Owner

I. INTRODUCTION

The Board should deny Patent Owner’s (“Securus”) motion to exclude Exhibits 1008 and 1009. Exhibit 1008 is relevant prior art. On its face, Exhibit 1008 was published by IEEE in December of 2010—more than two years before the date of invention. That publication date has been corroborated by independent and undisputed witness testimony and documentary evidence. Substantial evidence thus establishes that Exhibit 1008 is prior art to the ’850 patent and therefore is relevant to this case.

Similarly, Securus’ hearsay arguments against Exhibits 1008 and 1009 miss the mark. Petitioner (“GTL”) does not rely on either publication for the truth of the matters asserted therein. Instead, GTL relies on these references for the teachings they disclose—whether those teachings are true is of no moment. Thus, neither exhibit is subject to the hearsay rule. Even if they were hearsay, each exhibit falls within an exception to the hearsay rule such that exclusion is still improper.

Accordingly, the Board should deny Securus’ motion to exclude Exhibits 1008 and 1009.

II. PROCEDURAL BACKGROUND

Following institution, on January 24, 2017, Securus objected to Exhibit 1008, claiming that GTL had not demonstrated that Exhibit 1008 (the prior art Gotsopoulos reference) was published before the date of invention and that Exhibit

1008 was subject to hearsay. Paper 13, 1-2. Securus similarly objected to Exhibit 1009 as hearsay. *Id.*, 3.

On February 7, 2017, GTL timely served on Securus supplemental evidence to address Securus' objections (*see* Exhibit 1013) and subsequently sought—and received—authorization from the Board to submit that evidence as supplemental information under 37 C.F.R. §42.123(a).¹ GTL's supplemental evidence includes the declaration of an IEEE records custodian attesting to the fact that copies of Exhibit 1008 were published in December of 2010. *See* Ex. 1011, ¶11. Securus has not disputed the veracity of Mr. Grenier's statements or of the business records appended to his declaration, and it did not seek to depose Mr. Grenier despite having an opportunity to do so.

III. ARGUMENTS AND AUTHORITIES

A. Exhibit 1008 is relevant and admissible prior art, published no later than December 2, 2010.

There can be no legitimate dispute that Exhibit 1008 constitutes prior art to the '850 patent. Securus' argument regarding the relevance of Exhibit 1008 lies essentially in its narrow claim that the *publication date* on the face of the document is hearsay, and thus, Exhibit 1008 is irrelevant because there is no proof in the

¹ The Board authorized GTL's request to file this motion, and GTL did so on February 17, 2017. Paper 14. That motion remains pending.

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