

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMERSON ELECTRIC CO.,
Petitioner,

v.

SIPCO, LLC,
Patent Owner.

Case IPR2017-00216
Patent 8,013,732 B2

Before LYNNE E. PETTIGREW, STACEY G. WHITE, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. Background

Emerson Electric Co. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) seeking to institute an *inter partes* review of claims 1–7 of U.S. Patent No. 8,013,732 B2 (Ex. 1001, “the ’732 patent”) pursuant to 35 U.S.C. §§ 311–319. SIPCO, LLC (“Patent Owner”) filed a Preliminary Response. (Paper 7). Based on our review of these submissions and associated evidence, we instituted *inter partes* review of claims 1–7 of the ’732 patent on all asserted grounds. Paper 8 (“Dec.”). The instituted grounds are as follows:

References	Claims Challenged
Kahn, ¹ APA, ² Cerf, ³ and Cunningham ⁴	1, 2, 6, and 7
Kahn, APA, Cerf, and Ehlers ⁵	1–7

Id. at 29.

Patent Owner filed a Patent Owner’s Response (Paper 21, “PO Resp.”), and Petitioner filed a Reply (Paper 33, “Reply”). An oral hearing was held on February 5, 2018. Paper 32 (“Tr.”).

¹ Robert E. Kahn, *Advances in Packet Radio Network Protocols*, Proceedings of the IEEE, Vol. 66, No. 11, Nov. 1978 (Ex. 1002) (“Kahn”).

² Petitioner relies upon the disclosures found in column 1, lines 54 through 65, column 2, lines 27 through 29, column 5 lines 32 through 44, and Figure 1 of the ’732 patent as Admitted Prior Art (“APA”). *See* Pet. 19–20.

³ Vinton G. Cerf & Peter T. Kirstein, *Issues in Packet-Network Interconnection*, Proceedings of the IEEE, Vol. 66, No. 11, Nov. 1978 (Ex. 1011) (“Cerf”).

⁴ U.S. Patent No. 6,124,806 (Ex. 1014) (“Cunningham”).

⁵ U.S. Patent No. 5,924,486 (Ex. 1012) (“Ehlers”).

We have jurisdiction under 35 U.S.C. § 318(a). For the reasons discussed below, Petitioner has demonstrated by a preponderance of the evidence that claims 1–7 of the '732 patent are unpatentable.

B. Related Proceedings

We have been informed that *SIPCO, LLC, v. Emerson Electric Co.*, No. 1:15-cv-0319-AT (N.D. Ga); *SIPCO LLC v. Acuity Brands, Inc.*, No. 1:16-cv-00480 (D. Del.); and *SIPCO, LLC v. Streetline, Inc.*, No. 1:16-cv-00830 (D. Del.), may be impacted by this proceeding. Papers 5, 32, 36. Also, a final written decision has been issued in *inter partes* review between these same parties involving claims 13, 14, 16–22, and 23–35 of the '732 patent. *SIPCO, LLC, v. Emerson Electric Co.*, IPR2015-01973 (PTAB Mar. 27, 2017) (Paper 25) (finding that Petitioner had not carried its burden to prove the challenged claims unpatentable). That decision has been appealed. IPR2015–01973, Paper 26. The parties also are involved in a number of other proceedings before the Board involving related patents. Paper 31, 2; Paper 32. In addition, there are several pending patent applications that claim priority to the '732 patent. Pet. 3.

C. The '732 Patent

The '732 patent is titled “Systems and Methods for Monitoring and Controlling Remote Devices.” Ex. 1001, at [54]. It describes “a system for monitoring a variety of environmental and/or other conditions within a defined remotely located region.” *Id.* at Abstract. “The system is implemented by using a plurality of wireless transceivers. At least one wireless transceiver is interfaced with a sensor, transducer, actuator or some other device associated with the application parameter of interest.” *Id.* at 3:19–24. Figure 2 of the '732 patent is reproduced below.

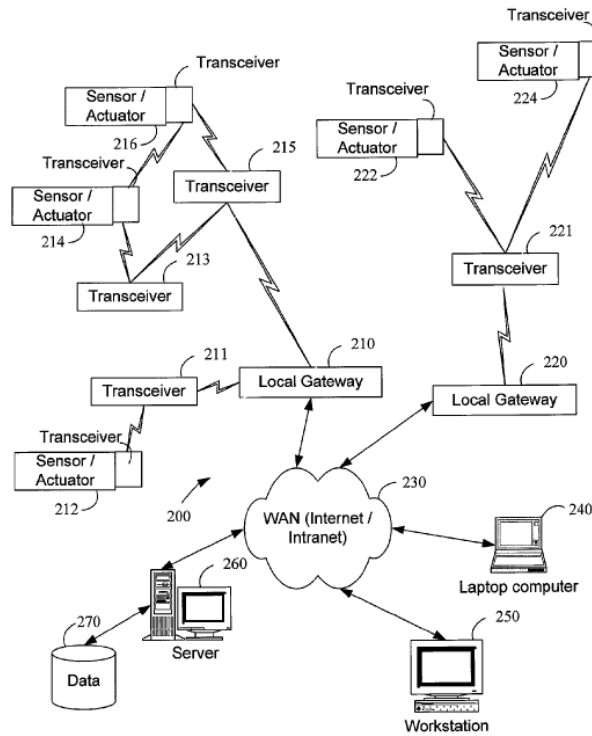


FIG. 2

Figure 2 is a block diagram of the monitoring and control system of a preferred embodiment of the invention. *Id.* at 4:42, 7:33–56. Control system 200 includes one or more sensor/actuators 212, 214, 216, 222, and 224. *Id.* at 5:65–67. Each of these sensor/actuators is integrated with a transceiver. *Id.* Transceivers 212, 214, 216, 222, and 224 may be located within an environment to be monitored such as an automobile, rainfall gauge, or parking lot access gate. *Id.* at 7:34–37. These devices may be used to monitor vehicle diagnostics, total rainfall and sprinkler supplied water, and access gate position. *Id.* The control system also includes a plurality of stand-alone transceivers 211, 213, 215, and 221. *Id.* at 6:15–17. Local gateways 210 and 220 receive transmissions from the transceivers and analyze and convert these transmissions as necessary in order to retransmit the information via a wide area network. *Id.* at 6:37–40.

D. Illustrative Claim

As noted above, we instituted Petitioner's challenges as to claims 1–7 of the '732 patent, of which claim 1 is independent. Claim 1 is illustrative of the challenged claims and is reproduced below:

1. A system for remote data collection, assembly, storage, event detection and reporting and control, comprising:
 - a computer configured to execute at least one computer program that formats and stores select information for retrieval upon demand from a remotely located device, said computer integrated with a wide area network (WAN);
 - a plurality of transceivers dispersed geographically at defined locations, each transceiver electrically interfaced with a sensor and configured to receive select information and identification information transmitted from another nearby wireless transceiver electrically interfaced with a sensor in a predetermined signal type and further configured to wirelessly retransmit in the predetermined signal type the select information, the identification information associated with the nearby wireless transceiver, and transceiver identification information associated with the transceiver making retransmission;
 - at least one gateway connected to the wide area network configured to receive and translate the select information, the identification information associated with the nearby wireless transceiver, and transceiver identification information associated with one or more retransmitting transceivers, said gateway further configured to further transmit the translated information to the computer over the WAN and wherein at least one of said plurality of transceivers is also electrically interfaced with an actuator to control an actuated device.

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