

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

DECLARATION OF DR. KEVIN C ALMEROOTH
Exhibit 2014

IPR2017-00216

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND.....	1
A.	Qualifications	2
B.	Compensation.....	12
II.	TECHNOLOGY BACKGROUND	12
A.	Fundamentals of Network Communication	12
B.	Routing Fundamentals.....	18
C.	Conventional Control and Monitoring Systems.....	26
D.	The ‘732 Patent	28
III.	LEGAL STANDARDS AND BACKGROUND.....	33
A.	Person of Ordinary Skill in the Art	34
B.	Claim Construction	36
C.	Validity.....	36
IV.	SUMMARY OF GROUNDS	39
V.	CLAIM CONSTRUCTION	40
A.	“sensor” (Claims 1 and 2)	40
B.	“actuator” (Claims 1, 2, and 4-5)	41
VI.	THE SCOPE AND CONTENT OF THE PRIOR ART.....	43
A.	Kahn (Ex. 1002).....	44
B.	Cunningham (Ex. 1014).....	45
VII.	NO CLAIMS ARE OBVIOUS OVER THE ASSERTED REFERENCES.46	
A.	Petitioner Failed to Analyze the Factual Inquiries Required to Arrive at an Obviousness Conclusion.....	46
B.	The Claim Limitations of a System Comprising a Gateway that is Configured to Receive and Translate Select Information, Identification Information of a Nearby Transceiver, and Identification Information of Retransmitting Transceivers and to Transmit the Translated Information to a Computer over a WAN of Independent Claim 1 Would not have been Taught or Suggested by the Prior Art	47

IPR2017-00216

1.	Kahn’s Pickup Packets are not Transmitted from the PRNET to the ARPANET via the Gateway	50
2.	Kahn’s Measurement File does not Contain the Identifiers of the Retransmitting Transceiver or the Nearby Transceiver for the Packets that are Received at the Station	51
3.	Even if Kahn’s Measurement file were Modified to Include the Select Information and the Identifiers of the Retransmitting Transceiver and the Nearby Transceiver, it Would Still not Satisfy Claim 1 Because These Three Data Items Would not be Translated as Required by Claim 1	54
4.	The Secondary References do not Compensate for Kahn’s Deficiencies.....	56
C.	The Claim Limitations of a System Comprising a Transceiver that is Configured to Wirelessly Retransmit Select Information, Identification Information of a Nearby Transceiver, and its own Identification Information of Independent Claim 1 Would not have been Taught or Suggested by the Prior Art.....	60
D.	The Claim Limitation of “a plurality of transceivers dispersed geographically at defined locations, each transceiver electrically interfaced with a sensor,” as Recited in Independent Claim 1 Would not have been Taught or Suggested by the Prior Art	64
E.	The Claim Limitation of “at least one of said plurality of transceivers is also electrically interfaced with an actuator to control an actuated device,” as Recited in Claim 1 Would not have been Taught or Suggested by the Prior Art	70
F.	The Claim Limitation of “the control of the actuation device by the actuator corresponds to a sensed condition detected by the sensor electrically interfaced to the at least one of said plurality of transceivers also electrically interfaced with the actuator,” as Recited in Claim 2 Would not have been Taught or Suggested by the Prior Art	71
G.	The Petitioner Failed to show that it Would have been Obvious to Modify Kahn with the Secondary References to Achieve a System Having a Plurality of Transceivers and a Gateway that are both Configured to Receive Select Information, Identification Information of a Nearby Transceiver, and Identification Information of Retransmitting Transceivers and a Gateway that is Further Configured	

to Translate this Information and Transmit the Translated Information
to a Computer over a WAN as Required by all of the Challenged
Claims..... 72

1. Motivation to Combine Kahn and APA73

2. Motivation to Combine Kahn and APA and Cerf79

i. Motivation to Combine Kahn and APA and Cerf and Ehlers ..82

VIII. CONCLUSION88

I. Introduction and Background

1. I have been retained as an independent expert in this *inter partes* review (IPR) by the Gonsalves Law Firm on behalf of SIPCO, LLC (“SIPCO”) to provide opinions and conclusions regarding the unpatentability grounds asserted by the Emerson Electric Co. (“Emerson”). Among other things, I have been asked to offer a rebuttal to the declarations of Mr. Stephen Heppe with respect to U.S. Patent No. 8,013,732 (“the ‘732 Patent”) and included as Exhibit 1004 to Emerson’s IPR2017-00216 Petition.

2. As discussed in further detail in this declaration, it is my opinion that Emerson has failed to prove that the challenged claims of the ‘732 Patent are unpatentable. It is further my opinion that the challenged claims are in fact valid over the cited art.

3. This declaration, including the accompanying exhibits, sets forth my opinions, conclusions, and other matters regarding Emerson’s Petition for IPR and Patent Owner’s Response (“Response”).

4. My opinions are based on information including (i) documents and other evidence that I have reviewed, including Emerson’s Petition for IPR and all associated exhibits, (ii) Patent Owner’s Preliminary Response and Response and all associated exhibits, (iii) other materials noted in this declaration and the Heppe declaration, and (iii) my own education, training, experience, and knowledge. I

IPR2017-00216

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.