

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

---

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

**PETITIONER'S REPLY TO  
PATENT OWNER'S RESPONSE**

## TABLE OF CONTENTS

I. CLAIM CONSTRUCTION .....	1
A. “sensor” .....	1
B. “actuator” .....	2
II. PRIOR ART.....	3
A. Kahn discloses a plurality of transceivers “configured to wirelessly retransmit...the select information, the identification information associated with the nearby wireless transceiver, and transceiver identification information associated with the transceiver making retransmission” .....	3
B. Kahn alone, or alternatively, Kahn in view of Cerf and/or Cunningham discloses a “gateway...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” .....	7
C. Motivation to combine Kahn with APA .....	15
D. Motivation to combine Cunningham with Kahn and APA.....	21
E. Motivation to combine Ehlers with APA and Kahn .....	23
III. THE PETITION COMPLIES WITH GRAHAM .....	25
IV. IPRS ARE CONSTITUTIONAL .....	26

**LIST OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
1001	U.S. Patent No. 8,013,732 to Petite <i>et al.</i> (“the ’732 patent” or “Petite”)
1002	Kahn, Robert E., “Advances in Packet Radio Network Protocols,” Proceedings of the IEEE, Vol. 66, No. 11, November 1978 (“Kahn”)
1003	Reserved
1004	Expert Declaration of Stephen Heppe, Ph.D. (“Heppe Decl.”)
1005	<i>Curriculum Vitae</i> of Stephen Heppe, Ph.D.
1006	Claim Construction Opinion Filed July 30, 2012 in the case of <i>SIPCO, LLC v. ABB, Inc.</i> , et al, Civil Action No. 6:11-CV-0048 LED-JDL
1007	Claim Construction Opinion filed October 19, 2012 in the case of <i>SIPCO, LLC v. Amazon.com, Inc.</i> , et al., Civil Action No. 2:08-CV-359-JRG
1008	PLAINTIFF SIPCO, LLC’S DISCLOSURE OF ASSERTED CLAIMS in Civil Action No. 6:15-cv-907, February 29, 2016
1009	PLAINTIFFS SIPCO, LLC AND IP CO, LLC’S PRELIMINARY ELECTION OF ASSERTED CLAIMS in Civil Action No. 1:16-cv-02690-AT, dated July 28, 2016
1010	Reserved
1011	Vinton G. Cerf, et al., “Issues in Packet-Network Interconnection, Proceedings of the IEEE, Vo. 66, No. 11, November 1978 (“Cerf”).
1012	U.S. Patent No. 5,924,486 (issued July 20, 1999), <i>Environmental Condition Control and Energy Management System and Method</i> (“Ehlers”)
1013	U.S. Patent No. 8,000,314 (issued August 16, 2011), <i>Wireless Network System and Method for Providing Same</i> (“Brownrigg”)
1014	U.S. Patent No. 6,124,806 to Cunningham <i>et al.</i> (“Cunningham”)
1015	Declaration of Gerard Grenier
1016	U.S. App. Ser. No 09/271,517 to Petite
1017	Decision Granting Institution in IPR2015-01973
1018	Patent Owner’s Preliminary Response in IPR2015-01973
1019	PO’s Request for Rehearing in IPR2016-984

<b>Exhibit</b>	<b>Description</b>
1020	U.S. Patent No. 5,971,582
1021	U.S. Patent No. 8,754,780
1022	U.S. Patent No. 7,697,492
1023	Decision on Petition in '582 patent
1024	U.S. Patent No. 6,218,953
1025	U.S. Patent No. 8,193,930
1026	U.S. Patent No. 8,223,010
1027	Bibliographic Data Sheet from '692 patent
1028	U.S. Patent No. 6,914,533
1029	U.S. Patent No. 7,295,128
1030	U.S. Patent No. 8,964,708
1031	Order in IPR2016-984 (Apr. 20, 2017)
1032	Order in IPR2016-984 (May 19, 2017)
1033	Petitioner's email to the Board in IPR2016-984 opposing SIPCO's request to file a third petition to modify the '780 patent's priority
1034	Troutman's Pre-Filing Attorney Checklist for the '780 Patent (Ex.1045 in IPR2016-984)
1035	Troutman's Cover Page for the '780 Patent Application (Ex.1046 in IPR2016-984)
1036	Petitioner's Motion to Deny PO's Request for a Certificate
1037	Decision on Petition in '780 patent
1038	PTO Pair Printout for '582 Patent
1039	Excerpt from File History of the '692 patent
1040	Response to Office Action in '732 patent (May 28, 2010)
1041	Application Data Sheets from the '582 patent
1042	Reserved
1043	U.S. Patent No. 7,468,661
1044	June 19, 2017 Hearing Transcript in IPR2017-00001
1045	Declaration of James R. Batchelder in Support of Motion for <i>Pro Hac Vice</i> Admission
1046	Rebuttal Declaration of Dr. Stephen Heppe In Support of the Petition for <i>Inter Partes Review</i> of United States Patent No. 8,013,732
1047	Webster's Third New International Dictionary of the English Language Unabridged, United States of America (1993)
1048	"On measurement facilities in packet radio systems," Fouad

Exhibit	Description
	A. Tobagi et al., National Computer Conference Proceedings (New York), AFIPS Press, June 1976.
1049	Final Written Decision (Paper 43) in IPR2016-00984 (PTAB Oct. 25, 2017)
1050	Declaration of Dan Braun In Support of the Petition for <i>Inter Partes</i> Review of United States Patent No. 8,013,732

# 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.