

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

International Business Machines Corporation
Petitioner,

v.

EnvisionIT, LLC
Patent Owner

Patent No. 8,438,221

Title: BROADCAST ALERTING MESSAGE AGGREGATOR/GATEWAY
SYSTEM AND METHOD

Inter Partes Review No. IPR2017-01247

PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,438,221

TABLE OF CONTENTS

	Page
LIST OF EXHIBITS	V
I. INTRODUCTION	1
II. MANDATORY NOTICES	3
A. Real Parties in Interest (37 C.F.R. § 42.8(b)(1)).....	3
B. Related Matters (37 C.F.R. § 42.8(b)(2)).....	4
C. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)).....	5
D. Service Information (37 C.F.R. § 42.8(b)(4)).....	5
III. CERTIFICATION OF GROUNDS FOR STANDING	5
IV. FEES	6
V. SUMMARY OF THE '221 PATENT AND PROSECUTION HISTORY	6
A. The Claims of the '221 Patent.....	6
B. Specification of the '221 Patent	8
C. Prosecution History of the '221 Patent	10
VI. LEVEL OF ORDINARY SKILL IN THE ART	11
VII. BACKGROUND ON PUBLIC MESSAGE BROADCASTING.....	11
A. The Emergency Alert System	13
B. The Push For An Updated And Improved Emergency Broadcasting Warning System	17
C. Technological Advances In Geographic Based Messaging.....	26
VIII. OVERVIEW OF CHALLENGE AND PRECISE RELIEF REQUESTED.	30
IX. CLAIM CONSTRUCTION	37

X.	GROUND 1: CLAIM 19 IS OBVIOUS OVER FCC 1994, NSTC, AND CAP 0.5.....	38
A.	Scope and Content of the Prior Art	38
B.	Level of Ordinary Skill in the Art.....	39
C.	Differences Between the Claim and the Prior Art and Conclusion of Obviousness.....	39
D.	Lack of Secondary Considerations.....	49
XI.	FOUNDATIONS 2 AND 3: CLAIM 19 IS ANTICIPATED BY REIGER OR OBVIOUS OVER REIGER AND NSTC	50
A.	Anticipation by Reiger: Ground 2.....	50
B.	Obviousness over Reiger and NSTC: Ground 3	55
XII.	CONCLUSION.....	57
	CERTIFICATE OF WORD COUNT.....	58

TABLE OF AUTHORITIES

Cases

<i>Agrizap, Inc. v. Woodstream Corp.</i> , 520 F.3d 1337 (Fed. Cir. 2008).....	42
<i>AM General LLC v. UUSI, LLC</i> , IPR2016-01049, Paper 14 (P.T.A.B. Nov. 7, 2016).....	4, 6
<i>Asyst Techs., Inc. v. Emtrak, Inc.</i> , 544 F.3d 1310 (Fed. Cir. 2008).....	42, 56
<i>ClassCo, Inc. v. Apple, Inc.</i> , 838 F.3d 1214 (Fed. Cir. 2016).....	50
<i>Cuozzo Speed Techs. LLC v. Lee</i> , 136 S. Ct. 2131 (2016).....	38
<i>Muniauction, Inc. v. Thomson Corp.</i> , 532 F.3d 1318 (Fed. Cir. 2008).....	42
<i>Western Union Co. v. MoneyGram Payment Sys., Inc.</i> , 626 F.3d 1361 (Fed. Cir. 2010).....	49
<i>Zoll Lifecor Corp. v. Philips Elects. N. Am. Corp.</i> , IPR2013-00606, Paper 13 (P.T.A.B. Mar. 20, 2014).....	3

Statutes

35 U.S.C. § 102(b).....	32, 33, 35, 37
35 U.S.C. § 314(a).....	37
35 U.S.C. § 315(b).....	6
35 U.S.C. §§ 311–319.....	1
47 U.S.C. § 303(r).....	32

Rules

37 C.F.R. § 42.....	1
37 C.F.R. § 42.100(b).....	38
37 C.F.R. § 42.104(a).....	5
37 C.F.R. § 42.8(b)(1).....	3
37 C.F.R. § 42.8(b)(2).....	4

37 C.F.R. § 42.8(b)(3).....	5
37 C.F.R. § 42.8(b)(4).....	5
37 C.F.R. §42.24(a)(1).....	58
47 C.F.R. § 11	13
47 C.F.R. § 11.31(d)	15

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.