

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Canon Inc., Canon U.S.A., Inc., and Axis Communications AB,

Petitioners,

v.

Avigilon Fortress Corporation,

Patent Owner.

Case No. IPR2019-00311

U.S. Patent No. 7,932,923

PATENT OWNER'S SUR-REPLY TO PETITIONERS' REPLY

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction.....	1
II. Collateral Estoppel Does Not Apply	1
A. The ’923 Patent Presents Different Issues	2
B. The Issues In The ’923 Patent Have Not Been Actually Litigated.....	5
III. Claim Construction	5
A. “New User Rule” (Claims 1-41)	5
B. “Applying” (Claims 1-41).....	6
C. “Independent” (Claims 1-41)	7
D. “Only” (Claims 1-41)	8
IV. The Challenged Claims Are Patentable	9
A. <i>Kellogg</i> Does Not Disclose A System That Functions Using Only A “Single Camera”	9
B. <i>Kellogg</i> Does Not Disclose “Selecting A New User Rule After Detecting The Plurality Of Attributes”	11
C. <i>Kellogg</i> Does Not Disclose “Applying The New User Rule To The Plurality Of Detected Attributes”	12
D. <i>Kellogg</i> Does Not Disclose “Applying The New User Rule To <u>Only</u> The Plurality Of Detected Attributes”	14
E. <i>Kellogg</i> Does Not Disclose “The Plurality Of Attributes That Are Detected Are Independent Of Which Event Is Identified”	15

F. *Kellogg* Does Not Disclose “Selecting The New User Rule
Comprises Selecting A Subset Of The Plurality Of Attributes
For Analysis”17

G. *Kellogg* Does Not Disclose “A Video Device”18

H. *Kellogg* In Combination With *Brill* Does Not Disclose A
“Single Camera”18

I. *Kellogg* In Combination With *Brill* Does Not Disclose
“Applying The New User Rule To Only The Plurality Of
Detected Attributes”19

V. Motivation To Combine20

VI. Objective Indicia Of Non-Obviousness20

VII. Kellogg and Brill Are Not Printed Publications21

A. Evidence In The Petition Fails To Establish Kellogg And Brill
Were Printed Publications21

B. The Supplemental Information Fails To Establish Kellogg And
Brill Were Printed Publications.....22

VIII. Conclusion24

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>ABS Global v. Inguran, LLC</i> , IPR2016-00927, Paper 33 (PTAB Oct. 2, 2017)	23, 25
<i>Acceleration Bay, LLC v. Activision Blizzard Inc.</i> , 908 F.3d 765 (Fed. Cir. 2018)	24
<i>Apple Inc. v. VirnetX Inc.</i> , IPR2016-01585, 2018 WL 1014160 (Fed. Cir. 2018).....	5
<i>Argentum Pharm. LLC v. Research Corp. Tech., Inc.</i> , IPR2016-00204, Paper 19 (PTAB May 23, 2016)	24
<i>Axis Commc'n AB, et. al. v. Avigilon Fortress Corp.</i> , IPR2018-00138, Paper 11 (PTAB Sept. 4, 2018).....	10, 14
<i>Axis Commc'n v. Avigilon Fortress Corp.</i> , IPR2018-00138, Paper 25 (May 30, 2019).....	16
<i>Deere & Co. v. Gramm</i> , IPR2015-00899, 2019 WL 7000102 (Fed. Cir. 2019).....	5
<i>Ford Motor Co. v. Versara Dev. Grp., Inc.</i> , IPR2016-01019, Paper 9 (PTAB Oct. 4, 2016)	25
<i>In re Freeman</i> , 30 F.3d 1459 (Fed. Cir. 1994)	5
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)	20
<i>Nestle USA, Inc. v. Steuben Foods, Inc.</i> , 884 F.3d 1350 (Fed. Cir. 2018)	5
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008)	16
<i>Ohio Willow Wood Co. v. Alps South LLC</i> , 735 F.3d 1333 (Fed. Cir. 2013)	5, 7
...	

Rivera v. Remington Designs, LLC,
Case No. LA CV 16-04676 JAK, 2017 WL 3449615 (C.D. Cal.
Jul. 7, 2017).....4, 5

Statutes

35 U.S.C. § 312(a)(3).....20

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.