

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. IPR2019-00314

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

**PATENT OWNER'S OPPOSITION TO PETITIONERS' MOTION TO
SUBMIT SUPPLEMENTAL INFORMATION UNDER 37 C.F.R. § 42.123(a)**

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Michael W. De Vries in Support of Unopposed Motion to Appear Pro Hac Vice on Behalf of Patent Owner Avigilon Fortress Corporation.
2002	Declaration of Adam R. Alper in Support of Unopposed Motion to Appear Pro Hac Vice on Behalf of Patent Owner Avigilon Fortress Corporation.
2003	Declaration of Akshay S. Deoras in Support of Unopposed Motion to Appear Pro Hac Vice on Behalf of Patent Owner Avigilon Fortress Corporation.
2004	37 C.F.R. § 1.132 Declaration of Kenneth A. Zeger (excerpt of U.S. Patent No. 7,868,912 Reexamination).
2005	Thomas Olson & Frank Brill, <i>Moving Object Detection & Event Recognition Algorithms for Smart Cameras</i> , 1 PROC. 1997 IMAGE UNDERSTANDING WORKSHOP 159-175 (1997).
2006	Jonathan D. Courtney, <i>Automatic Video Indexing Via Object Motion Analysis</i> , 30(4) PATTERN RECOGNITION 607-625 (1997).
2007	U.S. Patent No. 6,628,835 to Brill et al.
2008	Young Francis Day, et al, <i>Spatio-Temporal Modeling of Video Data for On-Line Object-Oriented Query Processing</i> , Proceedings of the International Conference on Multimedia Computing and Systems 98-105 (1995).
2009	Forouzan Golshani & Nevenka Dimitrova, <i>A Language for Content-Based Video Retrieval</i> , 6 MULTIMEDIA TOOLS AND APPLICATIONS, 289-312 (1998).
2010	IPR2018-00138; IPR2018-00140, Ex. 2009 (Grindon Dep. Transcript Aug. 15, 2018).

Exhibit No.	Description
2011	Declaration of Jennifer A. Babbitt.
2012	SearchWorks Catalog Entry for Thomas Olson & Frank Brill, <i>Moving Object Detection & Event Recognition Algorithms for Smart Cameras</i> , 1 PROC. 1997 IMAGE UNDERSTANDING WORKSHOP 159-175 (1997).
2013	Scanned Cover and Front Matter of Jonathan D. Courtney, <i>Automatic Video Indexing Via Object Motion Analysis</i> , 30(4) PATTERN RECOGNITION 607-625 (1997).
2014	MRC Standards Wikipedia Search.
2015	Declaration of Jennifer A. Babbitt for Sur-Reply.
2016	LinkedIn Profile of Marilyn McSweeney.
2017	Declaration of Jennifer A. Babbitt in Support of Patent Owner's Opposition to Petitioner's Motion for Authorization to Compel Testimony and/or Documents.

I. INTRODUCTION

Patent Owner Avigilon Fortress Corporation (“Patent Owner”) submits this Opposition to Petitioner Canon Inc., Canon U.S.A., Inc., and Axis Communications AB’s (collectively, “Petitioners”) Motion to Submit Supplemental Information Pursuant to 37 C.F.R. § 42.123(a) (the “Motion”) dated August 16, 2019 (Paper 19). Petitioners seek to cure the defects in the Petition and Florio declaration (Ex. 1007) as they relate to the alleged printed publication status of the *Dimitrova* and *Brill* references. Patent Owner submits that the request should be denied for at least three reasons. First, Petitioners’ request is properly characterized as a request to file supplemental evidence, as the Motion makes clear that the purpose of the exhibits is to support the admissibility of the declaration of Emily Florio (Ex. 1007). Such a request is premature, as the proper time to request to file supplemental evidence is in an opposition to a motion to exclude evidence, which has not been filed. Second, Petitioners seek to file supplementary information that they present for the first time in their motion and was not discussed at the August 9, 2019 telephone conference regarding Petitioners’ request to file supplemental evidence, or at any time prior in communication between the parties. The Board did not authorize Petitioners to file a motion requesting to file these exhibits, and Patent Owner respectfully submits that Petitioners’ request should be denied for that reason as well. Third, Patent Owner requests that the Board deny the Motion to submit the remaining exhibits, which

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