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 FOR
AUTHORIZATION TO COMPEL TESTIMONY AND/OR DOCUMENTS**

TABLE OF CONTENTS

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, *Moving Object Detection & Event Recognition Algorithms for Smart Cameras*, 1 PROC. 1997 IMAGE UNDERSTANDING WORKSHOP 159-175 (1997).
2006	Jonathan D. Courtney, *Automatic Video Indexing Via Object Motion Analysis*, 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, *Spatio-Temporal Modeling of Video Data for On-Line Object-Oriented Query Processing*, Proceedings of the International Conference on Multimedia Computing and Systems 98-105 (1995).
2009	Forouzan Golshani & Nevenka Dimitrova, *A Language for Content-Based Video Retrieval*, 6 MULTIMEDIA TOOLS AND APPLICATIONS, 289-312 (1998).

Exhibit No.	Description
2010	IPR2018-00138; IPR2018-00140, Ex. 2009 (Grindon Dep. Transcript Aug. 15, 2018).
2011	Declaration of Jennifer A. Babbitt.
2012	SearchWorks Catalog Entry for Thomas Olson & Frank Brill, *Moving Object Detection & Event Recognition Algorithms for Smart Cameras*, 1 PROC. 1997 IMAGE UNDERSTANDING WORKSHOP 159-175 (1997).
2013	Scanned Cover and Front Matter of Jonathan D. Courtney, *Automatic Video Indexing Via Object Motion Analysis*, 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 for Authorization to Compel Testimony and/or Documents (the "Motion") dated August 16, 2019 (Paper 18). Patent Owner respectfully requests that the Board deny the Motion, which seeks purely hypothetical and irrelevant information, as would significantly burden Patent Owner by forcing it to engage in this meritless discovery process.

II.   PETITIONERS FAILED TO COMPLY WITH THE REGULATION'S REQUIREMENTS AND THE BOARD'S INSTRUCTIONS.

Under 37 C.F.R. § 42.52(a)(1), a party seeking to compel testimony must "identify the witness by name or title." Additionally, the Board instructed Petitioners to "identify as specifically as possible exactly what testimony and documents it is seeking from each of the third parties." Ex. 1050 at 20:19-21:5. Petitioners have not complied with any of these directives, and Patent Owner submits that their request should be denied for at least that reason. *See* Motion at 3; *id*. at Exs. A and B. First, Petitioners clearly do not satisfy Rule 42.52(a)(1) because they do not identify the witnesses, either by name or title, at the Massachusetts Institute of Technology ("MIT") library or the Library of Congress ("LOC") from whom they seek to obtain testimony. *Id*; *see, e.g.*, Motion at 1 ("Petitioners are seeking to

DOCKET ALARM

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.