

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALARM.COM INC.,
Petitioner,

v.

VIVINT, INC.,
Patent Owner.

Case IPR2015-01965
Patent 7,884,713 B1

Before MICHAEL R. ZECHER, JAMES B. ARPIN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges.*

ARPIN, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

In its Petition requesting an *inter partes* review, Alarm.com Inc. (“Petitioner”) asserted the unpatentability of claims 1–54 of U.S. Patent No. 7,884,713 B1 (Ex. 1001, “the ’713 patent”), owned by Vivint, Inc. (“Patent Owner”). Paper 1 (“Pet.”), 4. The Petition identifies Alarm.com Inc. and Alarm.com Holdings, Inc. as real parties in interest. *Id.* at 1. On March 30, 2016, we issued a Decision granting institution of *inter partes* review of claims 1–54 of the ’713 patent. Paper 12 (“Dec. on Inst.”), 36. Patent Owner then filed a Patent Owner Response to the Petition (Paper 19, “PO Resp.”), and Petitioner replied (Paper 21, “Pet. Reply”). A consolidated hearing for the instant proceeding and related Case IPR2015-01977 was held on November 30, 2016. A transcript (Paper 35, “Tr.”) of that hearing is included in the record.

We have jurisdiction under 35 U.S.C. § 6, and this Final Written Decision, issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, addresses issues and arguments raised during the review. For the reasons discussed below, we determine that Petitioner has met its burden to prove, by a preponderance of the evidence, that claims 1–54 (“the challenged claims”) of the ’713 patent are unpatentable on the grounds upon which we instituted *inter partes* review.

A. *Applied References and Declaration*

Petitioner relies upon the following references, file history, and declaration in support of its grounds for challenging claims 1–54 of the ’713 patent:

Exhibit	References, File History, and Declaration
1003	File History of Patent No. US 7,884,713 B2
1005	U.S. Patent Application Publication No. 2005/0012611 A1, publ'd Jan. 20, 2005 ("Osman")
1006	U.S. Patent No. 6,680,675 B1, filed June 21, 2000, and issued Jan. 20, 2004 ("Suzuki")
1008	U.S. Patent Application Publication No. 2004/0230685 A1, publ'd Nov. 18, 2004 ("Seligmann")
1010	Declaration of Vernon Thomas Rhyne, Ph.D., P.E., R.P.A.

Pet. ii.

B. Asserted Grounds of Unpatentability

We instituted *inter partes* review of the challenged claims based on the following grounds (Dec. on Inst. 36; *see* Pet. 5–6):

Reference(s)	Basis	Claims Challenged
Osman	§ 102(b)	1–3, 7, 9–12, 14–21, 25, 27–30, 32–39, ¹ 43, 45–48, and 50–54
Osman and Suzuki	§ 103(a)	4–8, 22–26, and 40–44
Osman and Seligmann	§ 103(a)	13, 31, and 49

C. Related Proceedings

The '713 patent is involved in a U.S. district court case captioned *Vivint, Inc. v. Alarm.com Inc.*, No. 2:15-cv-00392-CW (D. Utah 2015).

¹ Although challenged in the Petition (Pet. 19, 33) and addressed in the Decision on Institution (Dec. on Inst. 1, 15), we inadvertently omitted claim 39 from our listing of the claims on which we instituted this *inter partes* review. *Id.* at 36; *see id.* at 25. Despite this omission, both parties recognized that claim 39 was under review. PO Resp. 1 ("The Board instituted trial on claims 1-54 of U.S. Patent 7,884,713 ("713 patent") on anticipation and obviousness grounds."); Pet. Reply 2 ("The Board should cancel claims 1-3, 9-16, 19-21, 27-34, 37-39 and 45-52. For the reasons set forth in the Petition and the Institution Decision, Osman alone or in combination with other references invalidates these claims.").

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Pet. 1; Paper 9, 2. Concurrently with the instant Petition, Petitioner filed a second petition, Case IPR2015-01967, challenging claims 1–54 of the ’713 patent on different grounds. Pet. 1. We denied institution of an *inter partes* review in that proceeding. *Alarm.com Inc. v. Vivint, Inc.*, Case IPR2015-01967 (PTAB Mar. 30, 2016) (Paper 12). Petitioner also filed other petitions challenging the patentability of certain subsets of claims in the following patents owned by Patent Owner: (1) U.S. Patent No. 6,147,601 (Cases IPR2015-02004, IPR2016-00116, IPR2016-00155, and IPR2016-01080); (2) U.S. Patent No. 6,462,654 B1 (Cases IPR2015-02003, IPR2016-00161, IPR2016-01110, and IPR2016-01124); (3) U.S. Patent No. 6,535,123 B2 (Cases IPR2015-01995, IPR2016-00173, and IPR2016-01126); (4) U.S. Patent No. 6,717,513 B1 (Cases IPR2015-01997, IPR2016-00129, and IPR2016-01091); and (5) U.S. Patent No. 6,924,727 B2 (Cases IPR2015-01977 and IPR2015-02008). *See* Paper 17, 1–2; Paper 18, 1–2.

II. THE ’713 PATENT (EX. 1001)

A. *Subject Matter*

The ’713 patent relates generally to methods, systems, and computer program products for “processing an alert” (Ex. 1001, col. 6, l. 62), based on “location-aware information processing” (*id.* at col. 1, ll. 17–18). More specifically, the independent claims are directed to “techniques for alerting a user based in whole or in part on a location.” *Id.* at col. 1, ll. 18–20; claims 1, 19, and 37. The claimed subject matter is directed to allowing a user to enter or to receive a message, such as a reminder, when the user is at or near a particular location. *See id.* Figs. 2–4.

Figure 2 of the '713 patent is reproduced below:

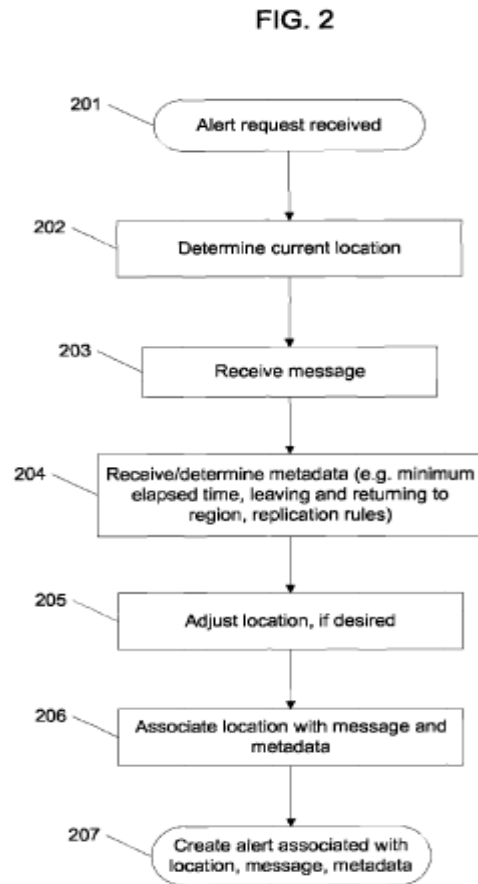


Figure 2 is a flow diagram of a method for creating an alert according to some of the disclosed embodiments. *Id.* at col. 1, ll. 42–43.

An alert refers herein to a location and optional time specification at which a notification such as a reminder may be made, with optional metadata such as a message, a region such as a radius from a location, and/or an indication that a region associated with the alert has been left since the alert was created.

Id. at col. 2, ll. 48–53 (emphasis added).

As depicted in Figure 2, a method for creating an alert, according to some disclosed embodiments, may include receipt of an alert request in step 201. *Id.* at col. 4, ll. 4–6. For example, receiving an alert request may involve presenting a user interface, such as a selectable menu item or a

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