

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

VIVINT, INC.,
Appellant

v.

ALARM.COM INC.,
Cross-Appellant

2017-2218, 2017-2219, 2017-2220, 2017-2260, 2017-2261,
2017-2262

Appeals from the United States Patent and Trade-
mark Office, Patent Trial and Appeal Board in Nos.
IPR2016-00116, IPR2016-00161, IPR2016-00173.

Decided: December 20, 2018

ROBERT GREENE STERNE, Sterne Kessler Goldstein &
Fox, PLLC, Washington, DC, argued for appellant. Also
represented by JASON DANIEL EISENBERG, DEIRDRE M.
WELLS.

RICHARD J. STARK, Cravath Swaine & Moore LLP,
New York, NY, argued for cross-appellant. Also repre-
sented by TEENA-ANN V. SANKOORIKAL, Levine Lee LLP,

New York, NY; WILLIAM MANDIR, DAVID PHILLIP EMERY,
Sughrue Mion PLLC, Washington, DC.

Before PROST, *Chief Judge*, O'MALLEY and HUGHES,
Circuit Judges.

O'MALLEY, *Circuit Judge*.

In three inter partes review proceedings requested by Alarm.com, Inc., the Patent Trial and Appeal Board (“the Board”) invalidated various claims of Vivint Inc.’s U.S. Patent Nos. 6,147,601 (“601 patent”), 6,462,654 (“654 patent”), and 6,535,123 (“123 patent”).¹ It also found other claims patentable over the prior art.

Vivint now appeals the Board’s decision invalidating its claims. Alarm.com cross-appeals, arguing that the surviving claims should also be invalidated. Because the Board did not err in invalidating the patent claims at issue in Vivint’s appeal, we *affirm*. With respect to Alarm.com’s cross-appeal, we conclude that the Board’s construction of “communication device identification codes” is not consistent with the broadest reasonable interpretation of the relevant claims. We therefore *reverse* its construction, *vacate* its related conclusions, and *remand* for further consideration. We *affirm* the Board’s decision on the claims at issue in the cross-appeal in all other respects.

¹ See *Alarm.com Inc. v. Vivint, Inc.*, IPR2016-00116, Paper No. 39 (P.T.A.B. May 2, 2017) (“601 Decision”); *Alarm.com Inc. v. Vivint, Inc.*, IPR2016-00173, Paper No. 40 (P.T.A.B. May 2, 2017) (“123 Decision”); *Alarm.com Inc. v. Vivint, Inc.*, IPR2016-00161, 2017 WL 1969742 (P.T.A.B. May 10, 2017) (“654 Decision”).

I. BACKGROUND

A. The Technology

The patents at issue describe systems and methods for remotely monitoring equipment, such as a heating, ventilating, and cooling system (“HVAC system”). *See, e.g.*, ’601 patent, col. 1, ll. 10–14.² These systems and methods work by using a centralized server to communicate with monitored equipment so that a user, *e.g.* a property owner or contractor, is contacted if the equipment encounters problems.

There are two ways, generally, that the server learns equipment has encountered an issue. First, the equipment can report a problem directly to the server. For example, if the equipment has low battery, then an interface unit connected to the equipment sends an “exception” message to the server. The server then processes this message and, depending on how the server is configured, sends a notification to certain users. Second, interface units can be configured to send status messages to the server. At some defined interval, the server compares the list of interfaces that relayed a status message with a list of all the equipment being monitored. For each missing entry, *i.e.* equipment that did not send a status message, the server “sends out the appropriate messages to the proper individuals.” *Id.* col. 5, ll. 6–10.

In either case, users are contacted based on what the patents call a “message profile.” *Id.* col. 2, ll. 14–16. This message profile essentially directs the server where to send messages if a problem arises. *Id.* For example, a user might configure a message profile so that different

² The ’601 patent, the ’123 patent, and the ’654 patent are all related and share similar specifications. For simplicity, we refer to the ’601 patent unless otherwise noted.

people are notified if an issue is encountered during the day or at night, if an issue is high priority or low, etc. A user might similarly configure a message profile so that multiple people are notified about the same problem.

B. The Prior Art

Although Alarm.com raised several prior art references before the Board, only three are relevant to this appeal. We will briefly discuss each in turn.

1. Shetty

U.S. Patent 5,808,907 (“Shetty”) describes a method for monitoring machines and notifying users if certain events occur. J.A. 2111. It works by having a “batch processing means 102” retrieve a list of events that have occurred, stored in an “event database,” and a list of which users should be contacted and under what conditions, stored in a “user profile database.” J.A. 2115. The batch processing means then compares the list of events that have occurred with the list of events that trigger a notification for each profile. “If all the conditions of a user profile are met, then the user is notified, via a notification means 112.” *Id.* (“Each profile may also trigger a different mode or modes of communication (page, Email, fax).”).

According to Shetty, users may “access” the user profile database and the event database through a user interface. *Id.* (“A user interface 110 allows a user to access both the user profile database 106 and the event database 108.”).

2. Britton

U.S. Patent 6,040,770 (“Britton”) describes a system for supervising the communication path between an alarm panel and a centralized server. J.A. 2125. This path is supervised by the “continual transmission” of check-in messages sent from the alarm panel to the server. *Id.* If a check-in message is received before the

expiration of a predefined interval, “then the integrity of the communication path for that certain panel 32 has been proven.” J.A. 2126. If it is not, the server generates an alert. J.A. 2125–26.

3. Levac

U.S. Patent 6,034,970 (“Levac”) describes systems and methods for transmitting messages generated by one or more “message source(s)” to different types of communication devices. J.A. 2136. As relevant to this appeal, Levac explains that these messages are embedded in an “.msa file” along with information about the message, such as when and where it should be sent. J.A. 2137. For example, the preferred embodiment in Levac incorporates a “RUNTIME” variable that relays information about the second, minute, hour, day, month, or year when a message should “start running” and “end running.” J.A. 2138.

C. Procedural History

Based on Alarm.com’s petitions, the Board instituted review of claims 1, 2, 4–15, 17–23, 25–31, and 33–41 of the ’601 patent, claims 9, 10, 14, 17, 18, 22, and 25–28 of the ’654 patent, and all claims of the ’123 patent. The Board ultimately invalidated as obvious claims 1, 2, 4, 6, 7, 10–15, 17, 18, 22, 23, 25, 29, and 38 of the ’601 Patent; claims 9, 10, 14, and 27 of the ’654 Patent; and claims 1, 2, 4–6, 10, 13, and 15–17 of the ’123 Patent. But it rejected Alarm.com’s arguments for the remaining instituted claims.

II. DISCUSSION

A. Vivint’s Appeal

Vivint contends that the Board erroneously construed the “message profile” limitation and unreasonably concluded that Shetty discloses “remotely configur[ing]” a message profile. These limitations are both required by all the invalidated claims. For the remaining limitations,

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