UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALARM.COM INC.
Petitioner

v.

VIVINT, INC.
Patent Owner

Case IPR2016-00116
Patent 6,147,601

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. SHETTY TEACHES A MESSAGE PROFILE CONTAINING OUTGOING MESSAGE ROUTING INSTRUCTIONS

Claims 1 and 22 of the '601 Patent disclose a "message profile", which the Board correctly construed as a "data record including instructions specifying at least one communication device to which an outgoing message can be routed in response to an incoming exception message". Institution Decision, 14. Vivint disagrees, but its proposed construction is meritless. *See infra* § I.A. Because the Board's construction "take[s] into consideration" the problem the '601 Patent was directed at and is the Broadest Reasonable Interpretation of the term, it is correct. Patent Owner's Resp., 32-35 (citations omitted) ("Response"). However, under either the Board's or Vivint's construction, Shetty teaches a "message profile".

A. Vivint's Proposed Construction Of "Message Profile" Should Again Be Rejected.

Vivint contends that "message profile" should be construed as a "data record including instructions specifying ***which*** communication device ***associated with which individuals*** an outgoing message can be routed in response to an incoming exception message". Response, 32.

Vivint largely rehashes arguments the Board previously rejected in its Institution Decision. Patent Owner's Prelim. Resp., 7-9 (arguing that Patentee was his own lexicographer and urging similar construction); Response, 33-35. Those

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arguments should be rejected once again for the same reasons the Board previously articulated:

1) Vivint's construction proposes an "uncommon definition". No such "uncommon definition" is found in the Patent. Institution Decision, 12-13.

2) The '601 Patent's teachings "at most reflect[] that 'a list of who to contact via what means depending on which fault has occurred' *could* be"—not must be—"an example of a message profile". *Id.*

Vivint cites the language of the '601 Patent, stating that "[s]uch a list of who to contact via what means ... may be referred to as a 'message profile'" (Response, 33), but this adds nothing. Such a list indeed fits within the Board's construction, but adds no support for a limitation *requiring* that a message profile identify individuals. Institution Decision, 12-13; Ex. 1130, ¶¶18-26.

Lines 4:39-47 of the '601 Patent likewise do not support Vivint's narrower construction of "message profile". Response, 34. That passage identifies several implementation details of the preferred embodiment that are not limitations of the independent claims: a user account; accessing a server via the internet; specifying types of communication devices and the specification of multiple individuals. To make such details part of the term construction improperly imports the specification into the claims. Petition, 7-8; Ex. 1130, ¶¶27-34.

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