UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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RPX CORPORATION and
PROTECTION ONE, INC.
Petitioner,

v.

MD SECURITY SOLUTIONS, LLC,
Patent Owner.

_____

Case IPR2016-00285
Patent 7,864,983 B2

_____

Held: February 15, 2017

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BEFORE: SALLY C. MEDLEY, KARL D. EASTHOM, and
WILLIAM M. FINK, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
February 15, 2017, commencing at 1:32 p.m., at the U.S.
Patent and Trademark Office, 600 Dulany Street, Alexandria,
Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ON BEHALF OF THE PETITIONER:
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--and--

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ON BEHALF OF PATENT OWNER:

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1   P R O C E E D I N G S

2   -   -   -   -   -

3   JUDGE FINK: This is a hearing for Inter Partes

4   Review Number IPR2016-00285. Petitioner is RPX Corporation

5   and Protection One, Incorporated, and Patent Owner is MD

6   Security Solutions, LLC.

7   I am Administrative Patent Judge Fink and with me are

8   Judge Medley and Judge Easthom.

9   Let's start with appearances. Who is representing

10 Petitioner?

11   MR. GIUNTA: Good morning, Your Honor. Rich

12 Giunta and Elizabeth Hunt from Wolf Greenfield for Petitioner

13 RPX.

14   MR. GRISWOLD: Josh Griswold and Bret Winterle,

15 Protection One.

16   JUDGE FINK: Okay. And Mr. Weinberg, I presume.

17   MR. WEINBERG: That's right. Dan Weinberg from

18 Freitas Angell & Weinberg on behalf of the Patent Owner.

19   JUDGE FINK: All right. Mr. Weinberg, you'll be

20 presenting for Patent Owner pursuant to lead counsel's request to

21 be absent today.

22   MR. WEINBERG: That's correct, Your Honor.

23   JUDGE FINK: All right. As set forth in the hearing

24 order, each side will have -- please be seated -- each side will

25 have 30 minutes to present its case. We will start with Petitioner

1   followed by Patent Owner. Petitioner is permitted to reserve time

2   for rebuttal, but please let us know before you begin if you wish

3   to reserve time.

4   And, counsel, you may begin when you're ready.

5   MR. GIUNTA: Thank you, Your Honor.

6   Your Honor, before I begin I just have one

7   housekeeping question. I think I understand from the trial order

8   that it will be okay for us to reference the slides themselves and

9   that we don't need to reference the underlying exhibits in the

10   record and I just want to make sure that that was accurate before

11   we started.

12   JUDGE FINK: I think you can represent -- you can

13   refer to the slides. And if you wish to talk about the underlying

14   exhibits and refer to them for purposes of keeping the record

15   clear, that's also helpful, so.

16   MR. GIUNTA: All right. Thank you, Your Honor.

17   And our hope would be our plan, depending upon how many

18   questions Your Honors have, would be to reserve somewhere

19   between 5 and 10 minutes, if that's acceptable to Your Honors.

20   JUDGE FINK: Yes.

21   MR. GIUNTA: So in this proceeding we have two

22   instituted grounds on 20 claims. The Patent Owner Response

23   challenges only two claim limitations as allegedly not being met

24   by the grounds. And in the absence of questions from Your

1   Honors on other issues, our point would be to focus on those two

2   limitations to demonstrate how they're met.

3   I plan to address the Patent Owner's argument that

4   Milinusic's CPU does not receive image data and Ms. Hunt will

5   address Dependent Claims 2 and 18, which are the only ones to

6   which the Patent Owner's Response raises an additional

7   challenge.

8   So for all the claims other than 2 and 18, Patent Owner

9   Response raises the single argument that the Milinusic's CPU

10   does not receive image data. Your Honors have rejected this

11   argument already twice, once in the Institution Decision and then,

12   again, in a decision denying a request for reconsideration.

13   Your Honors should reject it again for two reasons.

14   First, it's based on an unreasonably narrow claim construction

15   that's unsupported by the '983 specification or the extrinsic

16   evidence that the Patent Owner itself cites about the plain

17   meaning of the word receive.

18   Second, the Patent Owner's expert admitted at

19   deposition that Milinusic's CPU, in fact, receives image data,

20   even under the Patent Owner's unduly narrow interpretation. So

21   if Your Honors, again, reject this argument, that's dispositive for

22   every challenged claim, except for Claims 2 and 18.

23   So if we take a look at slide 2, the '983 patent is directed

24   to a security system with motion detectors and cameras to capture

25   video or still images of a monitored area and that image data is

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