

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENFORCEMENT VIDEO, LLC,
Petitioner,

v.

DIGITAL ALLY, INC.,
Patent Owner.

Case IPR2017-01401
Patent 9,325,950 B2

Before PHILLIP J. KAUFFMAN, MINN CHUNG, and
ROBERT L. KINDER, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Enforcement Video, LLC (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–4, 8–10, 12–17, 20–22, and 24 (the “challenged claims”) of U.S. Patent No. 9,325,950 B2 (Ex. 1001, “the ’950 patent”). Digital Ally, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”). We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a).

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims on the grounds set forth in the Petition. Accordingly, we deny Petitioner’s request to institute an *inter partes* review of claims 1–4, 8–10, 12–17, 20–22, and 24.

II. BACKGROUND

A. Related Proceeding

The parties indicate that the ’950 patent is the subject of the following patent infringement cases: *Digital Ally, Inc. v. Enforcement Video, LLC d/b/a WatchGuard Video*, 2:16-CV-02349-JTM-JPO, pending in the United States District Court for the District of Kansas. Pet. 9; Paper 3, 2.

B. The '950 Patent

The '950 patent describes a vehicle-mounted video and audio recording system using distributed processing. Ex. 1001, Abstract, 2:7–9. In an embodiment, the video system for a vehicle comprises a video camera mounted on the vehicle for capturing and encoding video, a central control unit mounted on the vehicle for receiving and decoding the encoded video, and a display monitor mounted on the vehicle for displaying the decoded video. *Id.* at 2:13–18. In addition, the system may include a microphone to capture and encode audio, which is received and decoded by the central control unit. *Id.* at 2:30–32.

In another embodiment, the video cameras may include a unique identifier, such as a serial number. *Id.* at 10:14–17. The audiovisual signals recorded by a camera are stamped with the camera's identifier so that the identity of the camera that acquired the video is verified and maintained with the recorded data itself. *Id.* at 10:17–21.

C. Illustrative Claim

Of the challenged claims, claims 1 and 13 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below.

1. A video system for a law enforcement vehicle, the system comprising:
 - a first video camera mounted on the law enforcement vehicle and configured to capture and encode video of an event and to associate the encoded video with a first unique camera identifier;
 - a second video camera configured to capture and encode video of the event and to associate the encoded video with a second unique camera identifier;

wherein the first video camera and the second video camera are configured to implement a pre-event recording loop;

a central control unit configured to receive, decode, and timestamp the encoded video from the first video camera and the encoded video from the second video camera,

wherein the central control unit is configured to be updated in the field via a wireless data link;

a memory for receiving and storing the captured, decoded, and timestamped video from the central control unit,

wherein the central control unit is further configured to wirelessly upload the captured, decoded, and timestamped video stored in the memory to a remote computer,

wherein one or both of the video captured by the first video camera and the video captured by the second video camera is selectively playable on a display of a smartphone carried by a user of the video system, such that the display is configured to display the selected decoded video; and

a microphone configured to capture and encode audio, wherein the central control unit is configured to receive and decode the encoded audio.

Ex. 1001, 10:59–11:23.

D. Asserted Prior Art and Grounds of Unpatentability

Petitioner cites the following references in its challenges to patentability.

Reference and Relevant Date	Designation	Exhibit No.
U.S. Patent Application Pub. No. 2009/0195655 A1 (published Aug. 6, 2009)	Pandey	Ex. 1002
U.S. Patent No. 6,518,881 B2 (issued Feb. 11, 2003)	Monroe	Ex. 1003
Sony Network Camera User's Guide (Copyright 2004)	Sony	Ex. 1004
U.S. Patent Application Pub. No. 2004/0008255 A1 (published Jan. 15, 2004)	Lewellen	Ex. 1005
U.S. Patent No. 8,081,214 B2 (issued Dec. 20, 2011)	Vanman ¹	Ex. 1006

Petitioner asserts the following grounds of unpatentability (Pet. 11):

Claims Challenged	Statutory Basis	References
1–4, 8, 12–17, 20, and 24	§ 103(a)	Pandey, Monroe, and Sony
9 and 21	§ 103(a)	Pandey, Monroe, Sony, and Lewellen
10 and 22	§ 103(a)	Pandey, Monroe, Sony, and Vanman

¹ For clarity and ease of reference, we only list the first named inventor.

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