UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,
Petitioner,

v.

WIRELESS MONITORING SYSTEMS LLC,
Patent Owner.

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Case IPR2018-00027
Patent 9,280,886 B2

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Before TREVOR M. JEFFERSON, BRIAN J. McNAMARA and,
IRVIN E. BRANCH, *Administrative Patent Judges.*

BRANCH, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

BACKGROUND

Unified Patents Inc. ("Petitioner") filed a petition, Paper 3 ("Pet."), to institute an *inter partes* review of claims 1, 2, 4–6, 9, 10, 29, 35, 37–42, and 51–54 (the "challenged claims") of U.S. Patent No. 9,280,886 B2 ("the '886 patent"). 35 U.S.C. § 311. Wireless Monitoring Systems LLC ("Patent Owner") timely filed a Preliminary Response, Paper 7 ("Prelim. Resp."), contending that the petition should be denied as to all challenged claims. We have jurisdiction under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, 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." Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we institute *inter partes* review of claims 1, 2, 4–6, 9, 10, 29, 35, 37–42, and 51–54.

REAL PARTIES IN INTEREST

The Petition identifies Unified Patents Inc. as real party-in-interest. Pet. 3. Patent Owner identifies Wireless Monitoring Systems, LLC, and Circuit Ventures, LLC, as real parties-in-interest. Patent Owner Mandatory Notice Information Under 37 CFR § 42.8(a)(2) (Paper 6) 2.

PENDING LITIGATION

The Petition states that the '886 patent has been asserted in the following litigations:

1. *Wireless Monitoring Systems LLC v. AT&T Inc.* et al., 2-17-cv- 00501 (E.D. Tex.);

2. *Wireless Monitoring Systems LLC v. Comcast Corporation*, 2- 17-cv-00502 (E.D. Tex.);

3. *Wireless Monitoring Systems LLC v. MONI Security*, LP, 2-17-cv-00503 (E.D. Tex.);

4. *Wireless Monitoring Systems LLC v. Smith Thompson Security*, LLC, 2-17-cv-00504 (E.D. Tex.);

5. *Wireless Monitoring Systems LLC v. Charter Communications, Inc.*, 2-17-cv-00505 (E.D. Tex.);

6. *Wireless Monitoring Systems LLC v. Vector Security, Inc.*, 2-17-cv-00506 (E.D. Tex.).

Pet. 3.

Patent Owner states that the '886 patent has been asserted in the following litigations:

1. *Wireless Monitoring Systems, LLC v. ADT, LLC*; 2:2016-cv-01226

2. *Wireless Monitoring Systems, LLC v. 3D Security, Inc.*; 2:2016-cv-01227

3. *Wireless Monitoring Systems, LLC v. CenturyLink, Inc.*; 2:2016-cv-01228

4. *Wireless Monitoring Systems, LLC v. iSmart Alarm, Inc. d/b/a iSmartAlarm*; 2:2016-cv-01229

5. *Wireless Monitoring Systems, LLC v. Patroltag, Inc., d/b/a Korner d/b/a Korner Safe*; 2:2016-cv-01230

6. *Wireless Monitoring Systems, LLC v. Mivatek International, Inc.*; 2:2016-cv- 01238

7. *Wireless Monitoring Systems LLC v. Frontpoint Security Solutions LLC*; 2:2016-cv-01239

8. *Wireless Monitoring Systems LLC v. Skylink Technologies Inc.*; 2:2016-cv- 01240

9. *Wireless Monitoring Systems LLC v. SimpliSafe, Inc.*; 2:2016-cv- 01241

10. *Wireless Monitoring Systems LLC v. Vivint, Inc.*; 2:2016-cv-01242

11. *Wireless Monitoring Systems LLC v. AT&T, Inc.*; 2:2017-cv-00501

12. *Wireless Monitoring Systems LLC v. Comcast Corporation*; 2:2017-cv-00502

13. *Wireless Monitoring Systems LLC v. MONI Security, LP*; 2:2017-cv-00503

14. *Wireless Monitoring Systems LLC v. Smith Thompson Security, LLC*; 2:2017- cv-00504

15. *Wireless Monitoring Systems LLC v. Charter Communications, Inc.*; 2:2017-cv- 00505

16. *Wireless Monitoring Systems LLC v. Vector Security, Inc.*; 2:2017-cv-00506

Paper 6, 2–3.

THE '886 PATENT (EXHIBIT 1001)

The '886 patent is directed to circuit monitoring, particularly for circuits that include field devices such as motion detectors, smoke detectors, read switches on doors and windows, and the like. Ex. 1001, 4:66–5:8. A number of circuit monitoring devices monitor the status of these field devices in security management systems. *Id.* Figure 1 of the '886 patent is reproduced below.
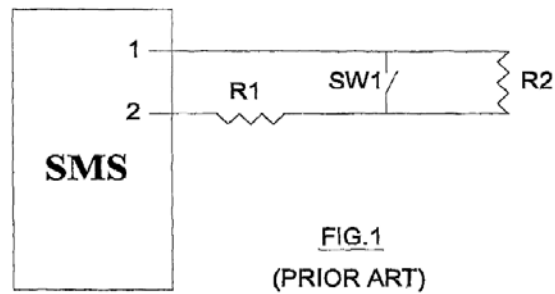
FIG.1
(PRIOR ART)

Figure 1 depicts a typical prior art monitored circuit in a security management system (SMS). SW1 represents a switchable element of a field device. Resistor R2 is in parallel with SW1 and resistor R1 is in series with SW1 such that the resistance from terminal 1 to terminal 2 is equal to R1 when SW1 is closed and is equal to R1+R2 when SW1 is open. Ex. 1001, 2:4–23. Thus, the status of SW1 may be monitored by continuously monitoring the circuit resistance of the terminals 1, 2 at a SMS control unit. *Id.*

The '886 patent explains that in large SMS installations with many field devices, maintaining the system such that the field devices all have consistent values of R1 and/or R2 is not practical or may not be desirable. As a result, in a mixed system, the monitored-for resistance values at the input terminals of the control unit may be different for different circuits. *Id.* at 2:24–3:18. As depicted in Figure 2 below, the '886 patent describes programmable circuit monitoring devices to overcome this limitation.

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