

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESIDEO TECHNOLOGIES, INC. and
CENTRAL SECURITY GROUP – NATIONWIDE, INC.,¹
Petitioner,

v.

UBIQUITOUS CONNECTIVITY, LP,
Patent Owner.

IPR2019-01335
Patent 8,064,935 B2

Before JEAN R. HOMERE, JOHN F. HORVATH, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining Some Challenged Claims Unpatentable
35 U.S.C. § 318(a)

¹ Central Security Group – Nationwide, Inc., who filed a petition in IPR2019-01609, has been joined as a petitioner to this proceeding.

I. INTRODUCTION

A. *Background and Summary*

Resideo Technologies, Inc. (“Resideo”) filed a Petition requesting *inter partes* review of claims 1–22 (“the challenged claims”) of U.S. Patent No. 8,064,935 B2 (Ex. 1001, “the ’935 patent”). Paper 2 (“Pet.”), 3–4. Ubiquitous Connectivity, LP (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted *inter partes* review of all challenged claims on all grounds raised in the Petition. Paper 7 (“Dec. Inst.”). Subsequent to our Institution Decision, Central Security Group – Nationwide, Inc. (“CSG”) was joined with Resideo as Petitioner in this proceeding. Paper 10.

Patent Owner filed a Response to the Petition (Paper 23, “PO Resp.”), Petitioner filed a Reply (Paper 27, “Pet. Reply”), and Patent Owner filed a Sur-Reply (Paper 29, “PO Sur-Reply”). An oral hearing was held on October 27, 2020, and the hearing transcript is included in the record. Paper 37 (“Tr.”).

We have jurisdiction under 35 U.S.C. §§ 6, 318. This is a Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons set forth below, we find Petitioner has shown by a preponderance of evidence that claims 1–11 and 13–22 are unpatentable, but has failed to show by a preponderance of evidence that claim 12 is unpatentable.

B. *Real Parties-in-Interest*

Resideo identifies itself, the City of San Antonio, Texas, the City Public Service Board of San Antonio, Texas d/b/a CPS Energy, Ademco,

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Inc., and Honeywell International, Inc. as real parties-in-interest.² Pet. 1. CSG identifies itself and Guardian Security Systems, Inc., CSG Holdco, Inc., Central Security Group Holdings, Inc., Central Security Group Holdco, Inc., and Central Security Group, Inc. as real parties-in-interest. Paper 10, 2. Patent Owner identifies itself as the real party-in-interest. Paper 3, 2.

C. Related Matters

The parties identify *Ubiquitous Connectivity, LP v. City of San Antonio d/b/a CPS Energy*, 5:18-cv-00718 (W.D. Tex.), *Ubiquitous Connectivity, LP v. TXU Energy Retail Co. LLC*, 3:18-cv-02084 (N.D. Tex.), *Ubiquitous Connectivity, LP v. Central Security Group – Nationwide, Inc.*, 4:18-cv-00368 (N.D. Okla.), and *Ubiquitous Connectivity, LP v. TXU Energy Retail Co. LLC*, 6:17-cv-00433 (E.D. Tex.) as district court proceedings that can affect or be affected by this proceeding. Pet. 1; Paper 3, 2; Paper 10, 2–3. The parties also identify IPR2019-01336, challenging related U.S. Patent No. 9,602,655 B2, as an *inter partes* review that can affect or be affected by this proceeding. Pet. 1; Paper 3, 2; Paper 10, 2–3. Patent Owner further identifies Application No. 16/503,883 as a pending application that can affect or be affected by this proceeding. Paper 3, 3.

D. The '935 Patent

The '935 patent relates to “a remote monitoring and control system for an environment.” Ex. 1001, 1:18–19. Such a system is shown in Figure 1 of the '935 patent, which is reproduced below.

² Honeywell International, Inc. disputes its identification as a real party-in-interest. Pet. 1, n. 1.

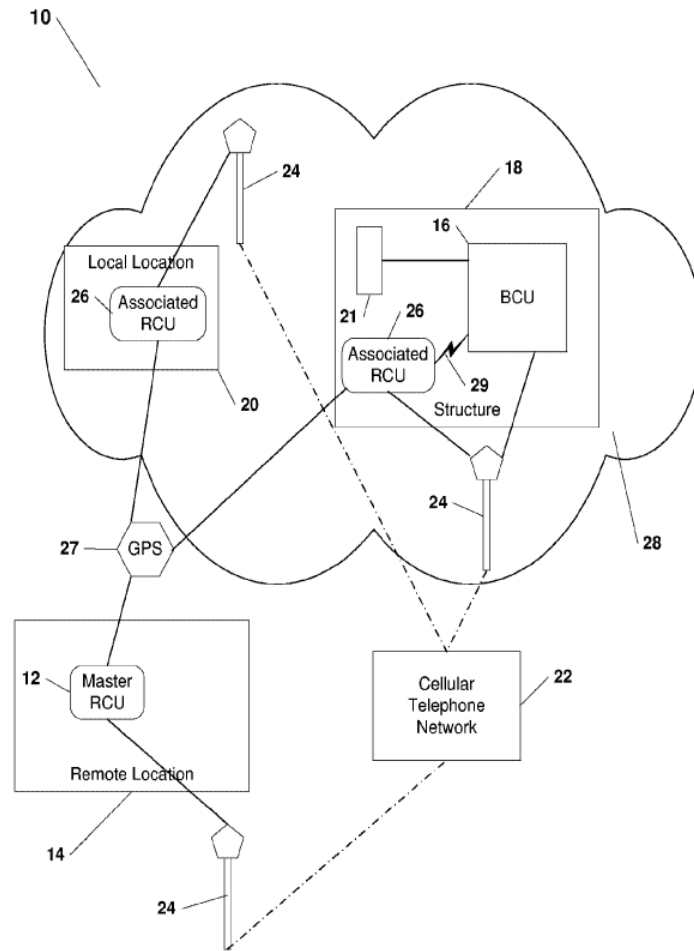


Figure 1 is a block diagram illustrating an environmental connectivity and control system. *Id.* at 3:36–38. The system includes base control unit 16, environmental devices 21, master remote control unit 12, associated remote control units 26, and cellular telephone network 22. *Id.* at 3:51–60, Fig. 1. Master remote control unit 12 interfaces with base control unit 16 to monitor and control devices 21 via “a short message and/or the data bearer cellular telephone network 22.” *Id.* at 3:51–57. Associated remote control units 26 also interface with base control unit 16 to monitor and control devices 21 when in proximity of base control unit 16. *Id.* at 3:57–60.

Controlled devices 21 may include HVAC (heating, ventilation, and air conditioning) units, refrigerators, water heaters, security systems,

cameras, lights and other devices. *Id.* at 11:46–53, 12:1–6. Environmental conditions monitored by the system may include utility and power status, humidity, door and window condition, temperature, smoke or toxic gas presence, structural and security integrity, and others. *Id.* at 11:32–39, 12:6–12. Base control unit 16 “consists [of] a wireless module 70 communicating with a microcontroller 106 for operating a number of separate subsystems” and “communicates status information to the remote control unit either on a periodic or event-driven basis.” *Id.* at 4:46–48, 9:1–3. For example, base control unit 16 communicates various alarms to remote control unit 12, such as burglar and fire alarms, or temperature threshold alarms for an HVAC or freezer. *Id.* at 9:6–12.

Remote control unit 12 can be a “conventional cellular telephone handset[] . . . equipped with a programming kernel, such as Java or J2ME.” *Id.* at 6:65–7:1. Remote control unit 12 “communicates with the base control unit 16 to affect the operational aspects thereof and peripheral equipment operatively attached thereto.” *Id.* at 6:50–52. Remote control unit 12 executes application software to “communicate[] . . . command[s] to the base control unit 16 through the cellular telephone network 22.” *Id.* at 6:58–60. “The data path between the remote control unit and the base control unit is SMS (‘simple message service’).” *Id.* at 7:9–11. SMS messages are “processed within the cellular telephone’s application software” and “by the base control unit applications software.” *Id.* at 7:39–41, 11:7–9.

E. Illustrative Claims

Claim 1 of the ’935 patent is illustrative of the claimed subject matter, and is reproduced below.

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