

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CHARLES SHAMOON,
Appellant

v.

**RESIDEO TECHNOLOGIES, INC., CENTRAL
SECURITY GROUP - NATIONWIDE, INC.,**
Appellees

**KATHERINE K. VIDAL, UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE,**
Intervenor

2021-1813, 2021-1814

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2019-
01335, IPR2019-01609.

Decided: August 8, 2023

CHARLES SHAMOON, SR., Little Elm, TX, pro se.

KIRK T. BRADLEY, Alston & Bird LLP, Charlotte, NC,

for appellee Resideo Technologies, Inc. Also represented by ADAM DOANE, LAUREN NICOLE GRIFFIN, SCOTT BENJAMIN PLEUNE.

ANITA SPIETH, Choate Hall & Stewart LLC, Boston, MA, for appellee Central Security Group - Nationwide, Inc.

PETER JOHN SAWERT, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for intervenor. Also represented by THOMAS W. KRAUSE, FARHEENA YASMEEN RASHEED.

Before NEWMAN, REYNA, and CUNNINGHAM, *Circuit Judges.*

NEWMAN, *Circuit Judge.*

This appeal is from two *inter partes* review (“IPR”) decisions of the Patent Trial and Appeal Board (“PTAB” or “Board”), finding claims 1–11 and 13–22 of United States Patent No. 8,064,935 (“935 patent”) unpatentable.¹ The ’935 patent is now owned by Charles Shamoan, the inventor thereof. The patent had initially been assigned to Ubiquitous Connectivity, LP, of which Mr. Shamoan was president.

The IPR proceedings were requested by Resideo Technologies, Inc. and Central Security Group - Nationwide, Inc. (collectively “appellees”). The Director of the Patent and Trademark Office intervened to respond to the

¹ *Resideo Techs., Inc. v. Ubiquitous Connectivity LP*, No. IPR2019-01335, 2021 WL 262372 (P.T.A.B. Jan. 26, 2021) and No. IPR2019-01609 (P.T.A.B. Jan. 26, 2021). The Board issued identical opinions. Citations to “Board Dec.” refer to IPR2019-01335.

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constitutional issues raised by Mr. Shamoon. We now affirm the decisions of the Board.

I

Substitution of Pro Se Appellant

Ubiquitous Connectivity, LP owned the '935 patent during the PTAB proceedings, filed the appeal now before us, and completed briefing of the appeal. By assignment, Ubiquitous transferred ownership of the '935 patent to Mr. Shamoon, and this court granted Mr. Shamoon's request to substitute himself as the appellant and to appear *pro se*. See Letter dated July 14, 2022, ECF No. 68 ("Ubiquitous Connectivity, LP informs the Court that it intends to assign the patent at issue in these appeals to its President, Charles Shamoon, who then intends to represent himself *pro se.*"); Motion of Charles Shamoon, ECF No. 69 (informing the court that the patent sale and assignment had occurred, and that Charles Shamoon intends to take over the appeal and to proceed without representation); Order, ECF No. 70 (granting motion to substitute and instructing Mr. Shamoon how to proceed).

We confirm that this appeal is properly before us. The appeal has been submitted on the briefs filed by Ubiquitous Connectivity, LP, the appellees, and the Director of the PTO. Mr. Shamoon adopted the briefs filed by Ubiquitous Connectivity, LP. See Letter dated September 14, 2022, ECF No. 72. Oral argument was waived.

II

A

The '935 Patent Claims

The '935 patent is titled "Ubiquitous Connectivity and Control System for Remote Locations." The specification states that the invention "relates to on-demand bidirectional communication between a remote access unit and a

multifunctional base control unit in a geographically remote location.” ’935 patent col. 1 ll. 20–22. The technology is used, for example, in a home automation system to enable users to monitor and control equipment from a remote location. The ’935 patent describes and claims a remote access system where a base control unit monitors and controls associated devices such as air conditioners, water heaters, refrigerators, and other appliances in a user’s home.

The patent provides that the remote unit can be in two-way communication with the base control unit. The base control unit sends information about monitored characteristics to the remote unit, and the remote unit sends commands to the base control unit which then sends them to the appropriate device. Claim 1 was designated as representative:

1. A wireless system comprising:

an environmental device;

a base unit operatively interfaced with the environmental device and configured to control an operation of the environmental device;

a remote unit having wireless connectivity and being configured to send and receive short message service (SMS) messages; and

a wireless module operatively interfaced with the base unit and configured to provide wireless connectivity between the base unit and the remote unit,

wherein the base unit is configured to send a first SMS message, including current environmental information, to the remote unit through the wireless module,

wherein the remote unit is configured to send a second SMS message, including a command for the environmental device, to the base unit through the wireless module, and

wherein the base unit is configured to receive the second SMS message, including the command, and to send the command to the environmental device to control the operation of the environmental device.

The other challenged claims contain additional limitations. Claims 20 and 22 require an additional step in the communication sequence, whereby the base control unit sends a confirmation message to the remote unit when the instruction has been executed. Claim 20 states:

20. A wireless system comprising:

a base unit operatively interfaced with an environmental device for controlling an environmental condition in a structure;

a receiver associated with said base unit, and adapted for receiving a first wireless message from a remote unit having wireless connectivity, wherein the first wireless message includes a command for the environmental device;

a controller operatively associated with said base unit, and operatively connected with the environmental device for executing the command; and

a transmitter operatively associated with the controller for sending a second wireless message to the remote unit, wherein the second wireless message includes

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