

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBAL TEL*LINK CORPORATION,
Petitioner,

v.

SECURUS TECHNOLOGIES, INC.,
Patent Owner.

Case PGR2015-00013
Patent 8,855,280 B1

Before KEVIN F. TURNER, BARBARA A. BENOIT, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION
Institution of Post-Grant Review
37 C.F.R. § 42.208

I. INTRODUCTION

Global Tel*Link Corporation (“Petitioner”) filed a Petition requesting a post-grant review of claims 1–20 of U.S. Patent No. 8,855,280 B1 (Ex. 1001, “the ’280 Patent”) pursuant to 35 U.S.C. §§ 321–329. Paper 2 (“Pet.”). Patent Owner, Securus Technologies, Inc., filed a Preliminary Response. Paper 13 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may be instituted only if “the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” 35 U.S.C. § 324(a).

Upon consideration of the Petition and the Preliminary Response, we conclude the information presented in the Petition demonstrates it is more likely than not that at least one of the challenged claims is unpatentable. Accordingly, pursuant to 35 U.S.C. § 324(a), we authorize a post-grant review to be instituted as to claims 1–20 of the ’280 Patent.

A. Related Matters

Neither party identifies any judicial or administrative matters that would affect or be affected by this proceeding. Pet. 1; Paper 4.

B. The ’280 Patent

The ’280 Patent relates to creating, maintaining, and making available communication detail records (CDRs) including media in “controlled-environment facilities.” Ex. 1001, Abs. The Specification provides that

CDRs are “a record produced by a telecommunication device,” and often include “metadata having data fields that describe a specific instance of a telecommunication transaction,” but “do[] not include audio data or recordings.” *Id.* at 1:31–38. According to the ’280 Patent, communication that can produce CDRs can include “telephone call, a video visitation session, an electronic chat session, a video telephone call, a text message, a prerecorded video message, a social network message, and/or an electronic mail message.” *Id.* at 12:62–65.

The ’280 Patent details that media associated with the communication are captured, where those media might include “a still photograph, a movie, video, and/or audio of the resident or of a non-resident party.” *Id.* at 12:66–67; 13:1–3. After the media are captured, “one or more biometric recognition operations based, at least in part, upon the captured media file(s)” is performed, where biometric operation could be based on facial recognition or voice verification. *Id.* at 13:16–19. The identification of at least one of the parties is established based on the biometric recognition operations, and that one or more of that identification, or the media file, and/or a reference to the media file, is added to the CDR. *Id.* at 13:36–38.

C. Illustrative Claim

Claims 1, 15, and 18 of the ’280 Patent are independent. Claim 1 is illustrative of the claimed subject matter:

1. A method, comprising:
enabling, at least in part via one or more communication systems, a communication between two or more parties,

wherein at least one of the two or more parties is a resident of a controlled-environment facility, and wherein the resident operates a communication device disposed within the controlled-environment facility;

creating, at least in part via the one or more communication systems, a Communication Detail Record (CDR) associated with the communication, wherein the CDR includes or references a digital media file;

identifying, at least in part via the one or more communication systems, at least one of the two or more parties based upon a comparison between the digital media file and a signature; and

adding a resulting identification of the at least one of the two or more parties to the CDR.

Ex. 1001, 14:2–19.

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–20 of the '280 Patent are unpatentable based on the following specific grounds¹ (Pet. 7–80):

¹ The version of 35 U.S.C. § 103 (obviousness) that applies here is that of the Leahy-Smith America Invents Act (“AIA”), given the effective filing dates of the claims of the '280 Patent. *See Leahy-Smith American Invents Act*, Pub. L. No. 112–29, 125 Stat. 284, 293 (2011).

Claims Challenged	Basis	References
1–20	§ 101	
1–4, 7, 11, 15, and 18	§ 103	Viola ² and Timmins ³
5, 6, 8–10, 12–14, 16, 17, 19, and 20	§ 103	Viola, Timmins, and Gongaware ⁴
1–4, 7–9, 11, 15, and 18	§ 103	Reinhold ⁵ and Walters ⁶
5, 6, 13, 16, and 20	§ 103	Reinhold, Walters, and Dudovich ⁷
10, 12, 14, 17, and 19	§ 103	Reinhold, Walters, and Gongaware

E. Eligibility of the '280 Patent for Post-Grant Review

The post-grant review provisions of AIA apply only to patents subject to the first inventor-to-file provisions of the AIA. AIA § 6(f)(2)(A). Specifically, the first inventor to file provisions apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time a claim to a claimed invention that has an effective filing date on or after March 16, 2013. AIA § 3(n)(1). Furthermore, “[a] petition for a post-grant review may only be filed not later than the date that is 9 months after the date of the grant of the patent or of the issuance of a reissue patent (as the case may be).” 35 U.S.C. § 321(c); *see* 37 C.F.R. § 42.202(a).

² U.S. Patent No. 7,805,457 B1, issued Sept. 28, 2010 (Ex. 1004, “Viola”).

³ US 2005/0041784 A1, pub. Feb. 24, 2005 (Ex. 1005, “Timmins”).

⁴ US 2013/0263227 A1, filed Mar. 15, 2013, pub. Oct. 3, 2015 (Ex. 1008, “Gongaware”).

⁵ US Patent No. 7,494,061 B2, issued Feb. 24, 2009 (Ex. 1003, “Reinhold”).

⁶ US 2013/0044867 A1, pub. Feb. 21, 2013 (Ex. 1007, “Walters”).

⁷ US 2012/0051604 A1, pub. Mar. 1, 2012 (Ex. 1006, “Dudovich”).

Petitioner represents that the '280 Patent is available for post-grant review. Pet. 1–2. The '280 Patent was issued from an application filed September 27, 2013, its earliest effective filing date, and so contains a claim that has an effective filing date on or after March 16, 2013. Pet. 1–2; Ex. 1001. Petitioner also represents that that the instant Petition was filed within nine months of the October 7, 2014 issue date of the '280 Patent. *Id.* Petitioner also represents that it is not barred or estopped from requesting this post-grant review on the grounds asserted in the instant Petition. Pet. 1–2. Patent Owner does not dispute that the '280 Patent is eligible for post-grant review. *See generally* Prelim. Resp.

We concur with Petitioner that the '280 Patent is available for post-grant review.

II. DISCUSSION

We now turn to Petitioner's asserted grounds of unpatentability to determine whether Petitioner has met the threshold standard under 35 U.S.C. § 324(a) for instituting review.

A. *Claim Construction*

In a post-grant review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.200(b); *see In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278, 1279 (Fed. Cir. 2015) (“Congress implicitly approved the broadest reasonable interpretation standard in enacting the AIA,” and “the standard was properly adopted by

PTO regulation.”), *reh’g en banc denied*, 793 F.3d 1297 (Fed. Cir. 2015). *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1328 (2015) (affirming use of broadest reasonable construction standard in a covered business method patent review).⁸ Under that standard, claim terms are presumed to be given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes a construction for the claim term “Communication Detail Record (CDR).” Pet. 6–7. Patent Owner does not appear to contest Petitioner’s proposed claim construction. *See generally* Prelim. Resp. We determine, however, that no claim terms need express construction at this stage of the proceeding.

B. Real Party-In-Interest

Section 322(a) of Title 35 of the United States Code provides that a petition for post-grant review under 35 U.S.C. § 321 may be considered only if, among other things, the petition identifies all real parties-in-interest. 35 U.S.C. § 322(a)(2).

Patent Owner contends that a post-grant review should not be instituted because Petitioner failed to identify all real parties-in-interest.

⁸ Post-grant reviews and covered business method patent reviews are instituted using the threshold enumerated in 35 U.S.C. § 324(a). *See generally* *Versata*, 793 F.3d at 1310.

Prelim. Resp. 4–18. Patent Owner raised this argument, prior to the filing of its Preliminary Response, in a Motion for Additional Discovery. Paper 10. Patent Owner’s arguments and evidence in its Preliminary Response are not different substantively from the arguments and evidence presented in its Motion for Additional Discovery, or find their basis in the earlier presented arguments. *Id.* The arguments and evidence are unpersuasive for same reasons explained in our Decision Denying Patent Owner’s Motion for Additional Discovery (Paper 17). We adopt and incorporate by reference the findings and conclusions of that Order.

C. Asserted Ground that Claims 1–20 Are Unpatentable Under § 101

Petitioner challenges claims 1–20 of the ’280 Patent as directed to patent-ineligible subject matter under 35 U.S.C. § 101. Pet. 7–12. Patent-eligible subject matter is defined in 35 U.S.C. § 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

There are, however, three limited, judicially-created exceptions to the broad categories of patent-eligible subject matter in § 101: laws of nature; natural phenomena; and abstract ideas. *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1293 (2012). The Supreme Court has made clear that the test for patent eligibility under § 101 is not amenable to bright-line categorical rules. *See Bilski v. Kappos*, 561 U.S. 593, 605 (2010).

In *Alice Corp. Pty, Ltd. v. CLS Bank International*, 134 S. Ct. 2347 (2014), the Supreme Court reiterated the framework set forth previously in *Mayo*, “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of these concepts.” *Alice*, 134 S. Ct. at 2355. The first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.* If they are directed to a patent-ineligible concept, the second step in the analysis is to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 132 S. Ct. at 1298, 1297). In other words, the second step is to “search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Id.* (alteration in original) (quoting *Mayo*, 132 S. Ct. at 1294).

Petitioner asserts that claims 1–20 describe a patent-ineligible abstract concept of “identifying a party to a communication using biometric information,” which is “a ubiquitous part of the human experience” and attempts to “preempt an idea that itself has been routinely performed by humans with a pen and paper for scores of years.” Pet. 7–8. Additionally, Petitioner argues that the actual steps detailed in the claims, beyond the abstract concept, “were well-understood, routine, and conventional activities well before the filing date of the ’280 patent,” and that CDRs, as recited in

the claims, “were well understood, routine and conventional records that are created with communications.” *Id.* at 9–10.

Patent Owner opposes, arguing that Petitioner’s analysis under step one of *Alice* does not address the actual language of the claims and does not cite to the ’280 Patent. Prelim. Resp. 18–20. Patent Owner also contends that Petitioner does not consider the actual language of the claims in step two of *Alice*, such as adding the resulting identification to the CDR. *Id.* at 20–21.

In determining whether a claim recites an abstract idea, we must examine the claim as a whole. *Alice*, 134 S. Ct. at 2355 n.3. Taking claim 1 as an example, that claim, read as a whole, relates to enabling communication between parties and adding identification of at least one of the parties, through comparison of a digital media file and a signature, to a CDR. This is more than merely identifying a party to a communication; in one respect it is broader than Petitioner’s abstract concept because it does not recite the use of biometric information specifically. Although Petitioner indicates that much of claim 1 is directed to “well-understood, routine, and conventional activities” (Pet. 9), we are not persuaded that such activities would necessarily be performed in the context of Petitioner’s abstract concept.

For example, one could identify a party to a communication using biometric information without the creation of a CDR or adding identification to that CDR. As such, we are not persuaded that the claims attempt to “preempt an idea that itself has been routinely performed by humans with a

pen and paper for scores of years.” Pet. 8. Further, we agree with Patent Owner that “alleged abstract idea is swallowed whole by one portion of a single step of claim 1” (Prelim. Resp. 19), and does not adequately consider the remaining aspects of that same claim. Additionally, Petitioner’s analysis is inadequate with respect to independent claims 15 and 18, alleging they contain “only minor (‘draftsman’s art’) differences when compared to claim 1” (Pet. 8), without identifying any real differences between the independent claims and how that would impact any allegedly underlying abstract concept.

Therefore, having considered the information provided in the Petition, as well as Patent Owner’s Preliminary Response, we are not persuaded Petitioner has demonstrated that it is more likely than not that the claims challenged in the Petition are only directed to patent-ineligible abstract idea of identifying a party to a communication using biometric information and, as such, are unpatentable under 35 U.S.C. § 101.

D. Asserted Ground of Obviousness over Reinhold and Walters

Petitioner contends claims 1–4, 7–9, 11, 15, and 18 are unpatentable under 35 U.S.C. § 103 as obvious over the combination of Reinhold and Walters. Pet. 45–63. To support its contention and relying on the declaration testimony of Mr. Frank Koperda, Petitioner provides analysis explaining how the combination would have conveyed to one of ordinary skill in the art the claim limitations and provides reasons why one of ordinary skill in the art would have combined the teachings of the

references. *Id.* (citing Ex. 1002). Patent Owner opposes institution on this ground. Prelim. Resp. 25–29.

1. Reinhold

Reinhold is directed to systems and methods for verifying the identity of a person operating a device. Ex. 1003, Abs. Reinhold details that its system can be used in “monitoring of telephone calls between residents and non-residents of controlled-environment facilities,” where an inmate “may initiate the authentication procedure by having a biometric trait acquired by a biometric sensor.” *Id.* at 2:47–50, 8:16–18. After the initial identification, “biometric samples may continuously be monitored,” and if a subsequent match is not made, “the ongoing call may be disconnected, a warning may be issued to the inmate or a third party, the call may be recorded, and/or authorities may be requested to listen to the conversation.” *Id.* at 8:18–20, 31–34.

Reinhold also discloses that an activity log database may be used to record usage and may include “the biometric traits of the operator [and] the identity of the operator,” and that for telephones, the telephone conversation may be stored in the database along with the associated usage information. *Id.* at 5:18–30. The records in the database may also include the phone number of the called party and the starting time of the communication. *Id.* at 5:18–23. Reinhold also details that an inmate initiate the authentication procedure through use of Personal Identification Number (PIN). *Id.* at 8:12–17.

2. *Walters*

Walters discloses a system for managing telephone activity in a correctional facility that uses voice biometrics software to evaluate conversations. Ex. 1007, Abs. Walters describes that the voice biometrics software is designed to identify unique voice prints of those participating in the telephone conversation based on recordings of those conversations saved to memory. *Id.* ¶¶ 24, 27. Alternatively, just a portion of the call may be recorded, based on the use of the voice biometrics module. *Id.* ¶ 27.

3. *Analysis*

Petitioner relies on the description of Reinhold for the majority of the subject matter of the claims but acknowledges that Reinhold does not explicitly disclose certain elements. *See, e.g.,* Pet. 47. Petitioner further relies on Walters disclosing those elements and provides reasons for the combination of Reinhold and Walters. *See, e.g., id.* at 47–49. Patent Owner counters that Petitioner has not adequately explained how the combination teaches or suggests all of the elements of the claims, or how the combination arrives at the claimed invention. Prelim. Resp. 25–29.

i. Petitioner's Contentions

Petitioner contends that Reinhold discloses recording telephone calls and the ability to store those recordings in a CDR, along with the established identity of the inmate-caller, utilizing voice verification. Pet. 47 (citing Ex. 1002 ¶ 123). Petitioner acknowledges that Reinhold does not explicitly disclose that the identity of an inmate could be determined by performing voice verification on a “digital media file” instead of a live call.

Id. Petitioner argues, however, that voice verification on call recordings was well-known to ordinarily skilled artisans at the filing of the application that matured into the '280 Patent. *Id.* Petitioner relies on the teachings of Walters and argues that “performing biometric analysis of communications in real-time was processor intensive, and often infeasible for every call because of the number of concurrent communications occurring at any given time.” *Id.* at 48 (citing Ex. 1002 ¶¶ 123–24). Nonetheless, Petitioner argues that the monitoring of inmate communications is important, and that Walters would have provided a proscription for identifying inmates using voiceprints extracted from call recordings instead of retrieving voiceprints in real time, so that every communication could be properly monitored. *Id.* at 48–49.

Regarding independent claim 1, in addition to the general combination of Reinhold and Walters discussed above, Petitioner argues that one of ordinary skill in the art would have understood Walter’s call recording as a digital media file, storable on a hard drive. Pet. 51 (citing Ex. 1007 ¶ 27; Ex. 1002 ¶ 131). Petitioner also argues that combining Walter’s call recording and voice biometrics with Reinhold’s system would have been obvious because it is merely a simple substitution of one known element for another to obtain predictable results. Pet. 51 (citing Ex. 1002 ¶¶ 133–34).

Regarding independent claims 15 and 18, Petitioner relies on the same disclosed elements of Reinhold and Walters, as well as identifying that Reinhold’s system can be implemented on a computer system adapted to execute specific software, and that Walters discloses reproducing the call recording to computer operators that wish to monitor the communication and

because the call recording is reproduced during the biometric analysis. Pet. 55–56, 59–60 (citing Ex. 1003 8:41–9:18; Ex. 1007 ¶ 27; Ex. 1002 ¶¶ 139, 151). With respect to claim 11, Petitioner contends that Reinhold discloses a storing a recording of a conversation in the CDR, and that one of ordinary skill in the art would have understood that Reinhold’s call recording is at least partially obtained during the pendency of the call. Pet. 63 (citing Ex. 1003, 5:26–30; Ex. 1002 ¶ 164).

iii. Patent Owner Contentions

In its Preliminary Response, Patent Owner argues that “the petition does not explain how either reference discloses identifying a party by comparing the digital media file *included or referenced in the CDR* with a signature, as claimed.” Prelim. Resp. 25. Patent Owner points out that Petitioner has acknowledged that Reinhold does not use the recording in the log database to identify a party to the call, and that Walters does not disclose that either the voice print or the stored communications are included in or referenced in a CDR. *Id.* at 26. We do not find Patent Owner’s argument to be persuasive.

Patent Owner faults Walters for not disclosing a CDR or using a recording stored or referenced in a CDR, but appears to acknowledge that Reinhold stores the telephone conversation in an activity log database, which may be equivalent to a CDR. *Id.* As such, Patent Owner is faulting Walters for not disclosing what is already disclosed in Reinhold. The pertinent question for the analysis of Petitioner’s asserted grounds of obviousness is whether the claimed subject matter as a whole would have been obvious to

one of ordinary skill in the art in view of the combined references, not whether the references in the asserted combination individually teach the subject matter of the claims. 35 U.S.C. § 103(a); *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012) (“The test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art.”). Patent Owner’s preliminary argument in large measure amounts to attacks on Reinhold and Walters individually, rather than addressing what the references would have conveyed to one of ordinary skill in the art.

Additionally, Patent Owner argues that “the petition puts forth no argument—let alone evidence—that the resulting combination would be a system that identifies an individual based on a digital media file stored in a CDR.” Prelim. Resp. 28. Patent Owner continues that the Petition does not explain how the proposed combination would disclose or suggest identifying a party based on comparing the digital media file included or referenced in the CDR with a signature. *Id.* at 27–29. We do not find Patent Owner’s argument to be persuasive.

Patent Owner’s argument is not based on the language of the claims, but rather a paraphrasing of the claims. Claim 1, for example, recites that “the CDR includes or references a digital media file” and “identifying . . . based upon a comparison between the digital media file and a signature,” but recites those elements separately. Thus, the digital media file must be stored or referenced in a CDR, and compared with the signature, but it need not be a digital media file “taken” from the CDR, as Patent Owner implies.

Therefore, as Walters discloses identifying an individual through comparison of a voice print with communications stored into memory, and Reinhold teaches recording a telephone conversation and storing it in an activity log database, as acknowledged by Patent Owner (*id.* at 26), the combination teaches or suggests the cited elements of claim 1.

4. Conclusion

On the present record, Petitioner has made a sufficient showing that the combination of Reinhold and Walters would have taught or suggested all of the limitations of claims 1–4, 7–9, 11, 15, and 18, and has provided articulated reasoning with rational underpinning for combining the references. Accordingly, the information presented shows it is more likely than not that at least one of the claims challenged in the Petition would have been unpatentable for obviousness over Reinhold and Walters.

E. Asserted Grounds of Obviousness Over Reinhold and Walters, in view of Dudovich and Gongaware

Further to the grounds discussed above with respect to Reinhold and Walters, Petitioner also asserts that claims 5, 6, 13, 16, and 20 are obvious over Reinhold, Walters, and Dudovich, and that claims 10, 12, 14, 17, and 19 are obvious over Reinhold, Walters, and Gongaware, both under 35 U.S.C. § 103. Pet. 64–80. Petitioner acknowledges that Reinhold and Walters do not explicitly disclose capturing video or images of an inmate while a communication is occurring, or that other forms of biometric

identification could also be used to identify the inmate. Pet. 64, 71.
Because of this, Petitioner also cites to Dudovich and Gongaware.

1. Dudovich

Dudovich is directed to systems for identifying and tracking individuals that correlate information from different subsystems. Ex. 1006, Abs. One of those subsystems uses video surveillance cameras, which are separate from a mobile phone, to “capture[] video images of the area-of-interest, and processes the video images so as to identify individuals who are present in the area.” *Id.* ¶ 24. This is accomplished through an image recognition process on the captured video images, and the information about the caller is stored in a database. *Id.* ¶ 40. The information stored in the database can range from “a telephone number” or “IMSI” to “an image of the individual’s face” or “video footage of the individual” obtained from the video surveillance system (*i.e.*, a digital media files). *Id.*

2. Gongaware

Gongaware is directed to systems for determining whether a communications session is authorized based on an obtained identity attribute. Ex. 1008, Abs. Gongaware discloses a processing center 150 that routes communications from facility residents using kiosks 102 to outside parties 180, 181. *Id.* ¶ 56. The processing center routes voice, text, and/or video traffic from facility kiosks to their ultimate destinations. *Id.*
Gongaware further discloses that “[t]he processing center 150 ... *may record voice or video traffic* according to predefined rules. The processing center 150 also logs *all failed and/or blocked communication.*” *Id.* ¶ 61 (emphases

added). Gongaware also specifies that the outside parties may be “friends and family members” located in “the lobby of another detention environment with a suitable service.” *Id.* ¶ 35.

In addition, the kiosk of Gongaware includes camera 303 that can be used for user authentication via facial recognition, including during the log in process where “image or video of the resident logging on is recorded, and stored along with a record of the attempted log in.” *Id.* ¶¶ 83, 93.

Gongaware further discloses that these login attempts, along with other metadata, are stored in the processing center, along with all other actions taken on a kiosk. *Id.* ¶ 127. These actions can include each session start, location of the session (*e.g.*, kiosk number), length, and audio or video recordings of activities, as well as phone calls placed, including call destination, length, billing method, and a recording of the audio. *Id.*

3. Analysis

Petitioner contends that one of ordinary skill in the art would have found it obvious to combine Dudovich with Reinhold and Walters because the latter both are directed to use in secure facilities that utilize video surveillance cameras, and that it would have been desirable to have enhanced identification of inmates using communication devices. Pet. 65 (citing Ex. 1002 ¶ 167). Petitioner also contends since Reinhold and Walters save details of calls through a call management system (CMS), a person of ordinary skill in the art would have understood that the records needed to implement the processes described in Dudovich could be obtained through the CMS. *Id.* at 65 (citing Ex. 1002 ¶ 169).

With respect to claims 5 and 6, Petitioner contends that all of the references, Reinhold, Walters, and Dudovich, identify individuals engaged in communications through biometrics, and that one of ordinary skill in the art would have understood that it was desirable to have enhanced identification of inmates before and while they are using a communication device. *Id.* at 67 (citing Ex. 1002 ¶¶ 167, 175). With respect to claim 16, Petitioner contends that because Dudovich captures video images of the area-of-interest, the cameras would need to be located in the “area of interest” as well. *Id.* at 69–70.

With respect to Gongaware, Petitioner also contends that Gongaware’s “processing center” is similar to Reinhold’s and Walter’s communications systems, both of which provide similar functionality. *Id.* at 74 (citing Ex. 1002 ¶ 185). Petitioner also contends that one of ordinary skill in the art would have found it obvious to combine the functionalities described in Gongaware with the system of Reinhold and Walters because all involve communications between parties, it would comprise combining prior art elements according to known methods to yield predictable results, and would allow for greater data mining capabilities. *Id.* at 72–73 (citing Ex. 1002 ¶¶ 189–90, 195–97).

With respect to claims 10 and 19, Petitioner contends that it would have been obvious to incorporate Gongaware’s facial verification login process with Reinhold and Walters because it provides additional verification of inmates’ identities, and because all of the references verify identity of the person initiating the call, to result in the identity of the inmate

being stored in Reinhold’s activity log. *Id.* at 74–75 (citing Ex. 1002 ¶¶ 189, 196, 197). With respect to claim 12, Petitioner contends that because of Gongaware’s goal of preventing impersonation among inmates, it would have been obvious to continue to recording until the end of the call, which would require biometric verification at the time the call ended. *Id.* at 75–76 (citing Ex. 1002 ¶¶ 199, 200). With respect to claim 17, Petitioner contends that it would have been obvious to have used video cameras and microphones at the other detention environment to identify “friends and family” and incorporate such information into Reinhold’s CDRs because those signals and identifications relate to the communication. *Id.* at 78–80 (citing Ex. 1002 ¶ 207).

4. Conclusion

Patent Owner does not offer counter arguments to the latter grounds against the dependent claims in its Preliminary Response. On the present record, Petitioner has made a sufficient showing that the combination of Reinhold, Walters, and Dudovich would have taught or suggested all of the limitations of claims 5, 6, 13, 16, and 20, that the combination of Reinhold, Walters, and Gongaware would have taught or suggested all of the limitations of claims 10, 12, 14, 17, and 19, and has provided articulated reasoning with rational underpinnings for combining the combinations of references. Accordingly, the information presented shows it is more likely than not that at least one of the claims challenged in the Petition would have been unpatentable for obviousness over cited references.

F. Other Asserted Grounds of Obviousness

Petitioner also asserts the following grounds of unpatentability:

Claims	Basis	References
1–4, 7, 11, 15, and 18	§ 103	Viola and Timmins
5, 6, 8–10, 12–14, 16, 17, 19, and 20	§ 103	Viola, Timmins, and Gongaware

The Board’s rules for AIA post-grant proceedings, including those pertaining to institution, are “construed to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b); *see also* 35 U.S.C. §§ 316(b), 326(b) (regulations for AIA post-grant proceedings take into account “the efficient administration of the Office” and “the ability of the Office to timely complete [instituted] proceedings”). Therefore, we exercise our discretion and do not institute a review based on the other asserted grounds for reasons of administrative necessity to ensure timely completion of the instituted proceeding. *See* 37 C.F.R. § 42.208(a).

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition establishes that it is more likely than not that claims 1–20 of the '280 Patent are unpatentable. Any discussion of facts in this Decision are made only for the purposes of institution and are not dispositive of any issue related to any ground on which we institute review. The Board has not made a final determination with respect to the patentability of these claims. The Board's final determination will be based on the record as developed fully during trial.

IV. ORDER

After due consideration of the record before us, and for the foregoing reasons, it is:

ORDERED that pursuant to 35 U.S.C. § 324, a post-grant review is hereby instituted as to claims 1–20 of the '280 Patent on the following grounds of unpatentability:

1. claims 1–4, 7–9, 11, 15, and 18 under 35 U.S.C. § 103 as being unpatentable over Reinhold and Walters;
2. claims 5, 6, 13, 16, and 20 under 35 U.S.C. § 103 as being unpatentable over Reinhold, Walters, and Dudovich; and
3. claims 10, 12, 14, 17, and 19 under 35 U.S.C. § 103 as being unpatentable over Reinhold, Walters, and Gongaware.

FURTHER ORDERED that no other grounds of unpatentability alleged in the Petition are authorized for post-grant review; and

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FURTHER ORDERED that pursuant to 35 U.S.C. § 324(a), post-grant review of the '280 Patent is hereby instituted commencing on the entry date of this Order, and pursuant to 35 U.S.C. § 324(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial.

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PETITIONER:

Lori A. Gordon
Michael B. Ray
Daniel S. Block
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
lgordon-PTAB@skgf.com
mray-PTAB@skgf.com
dblock-PTAB@skgf.com

PATENT OWNER:

Erika H. Arner
Darren M. Jiron
Michael V. Young
Daniel C. Tucker
Brandon S. Bludau
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
erika.arnier@finnegan.com
darren.jiron@finnegan.com
michael.young@finnegan.com
daniel.tucker@finnegan.com
brandon.bludau@finnegan.com