

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FIELDCOMM GROUP,  
Petitioner,

v.

SIPCO, LLC,  
Patent Owner.

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Case IPR2015-00663  
Patent 7,103,511

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Before BRYAN F. MOORE, MICHAEL J. FITZPATRICK, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

## I. INTRODUCTION

FieldComm Group (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–4, 6–11, 27–47, and 51–64 of U.S. Patent No. 7,103,511 B2, as amended by *ex parte* reexamination certificate US 7,103,511 C1 (both documents submitted together as Ex. 1001, “the ’511 patent”). Sipco, LLC (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

For the reasons set forth below, Petitioner does *not* demonstrate a reasonable likelihood of prevailing in showing unpatentability of claims 1–4, 6–11, 27–47, and 51–64 of the ’511 patent. Accordingly, the Petition is denied, and no trial is instituted.

### A. *Related Proceedings*

The parties indicate that the ’511 patent is the subject of several co-pending district court cases. Pet. 1; Paper 5, 1–2. The parties also indicate that the Petition is related to the petitions for *inter partes* review in IPR2015-00659, which involves U.S. Patent No. 7,697,492 B2, and IPR2015-00668, which involves U.S. Patent No. 6,437,692 B1. Pet. 2; Paper 5, 2.

### B. *The ’511 Patent*

The ’511 patent was the subject of an *ex parte* reexamination. As a result of that reexamination, the patentability of claims 1–12 and 27–29 was confirmed, claims 13–26 were canceled, and claims 30–64 were added. *See* Ex. 1001, US 7,103,511 C1, col. 1, ll. 16–21. The ’511 patent relates to

controlling a plurality of remote devices via a host computer connected to a wide area network (“WAN”). Ex. 1001, US 7,103,511 B2, col. 1, ll. 31–36. In order to facilitate communication between the remote devices and the host computer, the ’511 patent describes using a plurality of wireless transceivers. *Id.* at col. 2, ll. 39–42. Each of the wireless transceivers is configured to receive a sensor data signal from one of the remote devices and transmit an original data message comprising a unique identifier and the sensor data signal. *Id.* at col. 2, ll. 55–60. Each of the wireless transceivers is also configured to receive an original data message transmitted by another wireless transceiver and transmit a repeated data message. *Id.* at col. 2, ll. 60–64. The ’511 patent also describes a site controller that communicates with at least one of the wireless transceivers and provides information related to the sensor data signal to the WAN for delivery to the host computer. *Id.* at col. 2, l. 66–col. 3, l. 6.

C. *Illustrative Claim*

Claims 1, 8, 27, and 44 are independent. Claim 1 is illustrative and is reproduced below.

1. A wireless communication network adapted for use in an automated monitoring system for monitoring and controlling a plurality of remote devices via a host computer connected to a wide area network, the wireless communication network comprising:

a plurality of wireless transceivers having unique identifiers, each of the plurality of wireless transceivers configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message using a predefined wireless communication protocol, the original data message comprising the corresponding unique identifier and sensor data signal, and further configured to receive the original data message transmitted by one of the

other wireless transceivers and transmit a repeated data message using the predefined communication protocol, the repeated data message including the sensor data signal and the corresponding unique identifier; and

a site controller in communication with at least one of the plurality of wireless transceivers, the site controller configured to receive the original data messages and the repeated data messages, identify the remote device associated with the corresponding sensor data signal, and provide information related to the sensor data signal to the wide area network for delivery to the host computer.

Ex. 1001, US 7,103,511 B2, col. 23, ll. 21–46.

D. *Evidence of Record*

Petitioner relies on the following references and declaration (*see* Pet.

8–9):

Reference or Declaration	Exhibit No.
KPC-3 Plus Users Guide: Introduction, Getting Started, Modes of Operation, Command Reference, and Hardware Specifications (1997) (“Kantronics”)	Ex. 1002
AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0 (Oct. 1984) (“AX.25 Protocol”)	Ex. 1003
Declaration of Fred Goldstein	Ex. 1004
Clifford Neuman et al., Adding Packet Radio to Ultrix Kernel (1987) (“Ultrix”)	Ex. 1007

E. *Asserted Grounds of Unpatentability*

Petitioner asserts that the challenged claims are unpatentable on the following grounds (*see* Pet. 3):

Claims Challenged	Basis	References(s)
1–4, 6–11, 27–47, and 51–64	35 U.S.C. § 103(a)	Kantronics, AX.25 Protocol, and Ultrix

## II. ANALYSIS

### A. *Claim Construction*

The claims of an unexpired patent are interpreted using the broadest reasonable interpretation in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1281–82 (Fed. Cir. 2015). On this record and for purposes of this decision, we determine that no claim terms require express construction.

### B. *Asserted Grounds of Unpatentability*

#### 1. *Obviousness of Claims 1–4, 6–11, 27–47, and 51–64 over Kantronics, AX.25 Protocol, and Ultrix*

Petitioner argues that claims 1–4, 6–11, 27–47, and 51–64 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix. Pet. 3. We have reviewed Petitioner’s assertions and supporting evidence, and, for the reasons discussed below, Petitioner does *not* demonstrate a reasonable likelihood of prevailing in showing that claims 1–4, 6–11, 27–47, and 51–64 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix.

##### a. *Claims 1–4, 6, 7, and 30–43*

Independent claim 1 recites “a plurality of wireless transceivers having unique identifiers, each of the plurality of wireless transceivers configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message . . . and further configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data message.” Ex. 1001, US 7,103,511 B2, col. 23, ll. 26–38. As such, claim 1 requires that *each* of the plurality of wireless transceivers be configured to (1) receive a sensor data signal from a remote device; (2) transmit an original data message; (3) receive an original

data message transmitted by another wireless transceiver; *and* (4) transmit a repeated data message. *Id.*

Petitioner argues that the remote TNC 600 and the local TNC 700 in Kantronics teach the “plurality of wireless transceivers” in claim 1. Pet. 14. Petitioner, however, does not provide a specific explanation or identify specific evidence showing that the remote TNC 600 and the local TNC 700 in Kantronics are configured to receive an original data message transmitted by another wireless transceiver and transmit a repeated data message, as required by claim 1. *Id.* at 18. Petitioner instead argues that Kantronics teaches an intermediate TNC repeater for receiving an original data message from the remote TNC 600 and transmitting a repeated data message to the local TNC 700. *Id.* Even assuming *arguendo* that the intermediate TNC repeater in Kantronics is configured to receive an original data message and transmit a repeated data message, Petitioner does not show sufficiently that the alleged wireless transceivers (i.e., the remote TNC 600 and the local TNC 700) are configured to receive an original data message transmitted by another wireless transceiver and transmit a repeated data message. Therefore, on this record, we are not persuaded that the combination of Kantronics, AX.25 Protocol, and Ultrix would include a “plurality of wireless transceivers . . . configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data message,” as recited in claim 1.

Petitioner argues that the remote TNC 600 in Kantronics receives a sensor data signal from a tank sensor (Pet. at 17–18) and transmits an original data message (*id.* at 17–18, 20). Petitioner, however, does not provide a specific explanation or identify specific evidence showing that the

other alleged wireless transceiver, the local TNC 700, also is configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message. *Id.* Because Petitioner does not show sufficiently that *each* of the plurality of wireless transceivers is configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message, we are not persuaded that Petitioner’s proposed combination of Kantronics, AX.25 Protocol, and Ultrix would include a “plurality of wireless transceivers . . . configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message,” as recited in claim 1.

Independent claim 1 also recites “a site controller in communication with at least one of the plurality of wireless transceivers, the site controller configured to receive the original data messages and the repeated data messages . . . and provide information related to the sensor data signal to the wide area network for delivery to the host computer.” Ex. 1001, US 7,103,511 B2, col. 23, ll. 39–46. Petitioner argues that the term “site controller” in the challenged claims refers to “a device that manages and relays data *between* the wireless transceivers and the wide area network.” Pet. 5 (emphasis added). Petitioner argues that the local TNC 700 in Kantronics teaches the claimed “site controller.” Pet. 19. Patent Owner, on the other hand, contends that the local TNC 700 in Kantronics does not teach the claimed “site controller,” even under Petitioner’s proposed construction. Prelim. Resp. 23–27. On this record, we agree with Patent Owner.

Petitioner argues that it would have been obvious for the *remote TNC 600* in Kantronics to provide information from a remote device to a computer. *See* Pet. 23 (“A person of ordinary skill in the art would

understand that a computer program . . . running on computer 900 . . . could receive packetized information from a remotely located device (*e.g.*, tank 100) *via remote TNC 600.*” (emphasis added)). However, as discussed above, Petitioner alleges that the local TNC 700 in Kantronics, not the remote TNC 600, corresponds to the claimed “site controller.” *Id.* at 19. Petitioner does not provide a specific explanation or identify specific evidence showing that the local TNC 700 (*i.e.*, the alleged site controller) is a device that manages and relays data *between* the wireless transceivers and the wide area network, as required by Petitioner’s proposed construction. *See* Pet. 20–25; Prelim. Resp. 24, 26.

Further, Petitioner also does not provide a specific explanation or identify specific evidence showing that the alleged site controller in Kantronics is configured to provide information to the wide area network for delivery to the host computer, as required by claim 1. *See* Pet. 20–25; Prelim. Resp. 27. For example, the annotated figure on page 22 of the Petition shows the TNC providing information *to a serial connection for delivery to a computer* that is also connected to a WAN, but Petitioner does not argue specifically that the TNC is configured to provide information *to the WAN for delivery to the host computer.* Pet. 22. Therefore, we are not persuaded that Petitioner’s proposed combination of Kantronics, AX.25 Protocol, and Ultrix would include a “a site controller in communication with at least one of the plurality of wireless transceivers, the site controller configured to receive the original data messages and the repeated data messages . . . and provide information related to the sensor data signal to the wide area network for delivery to the host computer,” as recited in claim 1.

For the foregoing reasons, Petitioner does *not* demonstrate a

reasonable likelihood of prevailing in showing that claim 1 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix. Because claims 2–4, 6, 7, and 30–43 depend directly or indirectly from claim 1, Petitioner also does *not* demonstrate a reasonable likelihood of prevailing in showing that claims 2–4, 6, 7, and 30–43 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix.

*b. Claims 8–11*

Independent claim 8 recites limitations similar to those discussed above with respect to independent claim 1 (Ex. 1001, US 7,103,511 B2, col. 24, ll. 27–48), and Petitioner relies on the same arguments and evidence for these limitations of claim 8 as Petitioner does for those of claim 1 (Pet. 34–35). Therefore, for the reasons discussed above with respect to claim 1, Petitioner does *not* demonstrate a reasonable likelihood of prevailing in showing that claim 8 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix. *See supra* Section II.B.1.a. Because claims 9–11 depend directly or indirectly from claim 8, Petitioner also does *not* demonstrate a reasonable likelihood of prevailing in showing that claims 9–11 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix.

*c. Claims 27–29*

Independent claim 27 recites limitations similar to those discussed above with respect to independent claim 1 (Ex. 1001, US 7,103,511 B2, col. 27, l. 17–col. 28, l. 13), and Petitioner relies on the same arguments and evidence for these limitations of claim 27 as Petitioner does for those of claim 1 (Pet. 37–38). Therefore, for the reasons discussed above with respect to claim 1, Petitioner does *not* demonstrate a reasonable likelihood of prevailing in showing that claim 27 would have been obvious over

Kantronics, AX.25 Protocol, and Ultrix. *See supra* Section II.B.1.a. Because claims 28 and 29 depend directly or indirectly from claim 27, Petitioner also does *not* demonstrate a reasonable likelihood of prevailing in showing that claims 28 and 29 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix.

*d. Claims 44–47 and 51–64*

Independent claim 44 recites limitations similar to those discussed above with respect to independent claim 1 (Ex. 1001, US 7,103,511 C1, col. 2, ll. 31–65), and Petitioner relies on the same arguments and evidence for these limitations of claim 44 as Petitioner does for those of claim 1 (Pet. 43–45). Petitioner also cites to some of the arguments and evidence presented for claim 2, but does not provide a specific explanation showing how the arguments and evidence presented for claim 2 apply to those limitations of claim 44. *Id.* Therefore, for the reasons discussed above with respect to claim 1, Petitioner does *not* demonstrate a reasonable likelihood of prevailing in showing that claim 44 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix. *See supra* Section II.B.1.a. Because claims 45–47 and 51–64 depend directly or indirectly from claim 44, Petitioner also does *not* demonstrate a reasonable likelihood of prevailing in showing that claims 45–47 and 51–64 would have been obvious over Kantronics, AX.25 Protocol, and Ultrix.

### III. CONCLUSION

Petitioner does *not* demonstrate a reasonable likelihood of prevailing on its challenge to the patentability of claims 1–4, 6–11, 27–47, and 51–64 of the '511 patent as unpatentable under 35 U.S.C. § 103.

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#### IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied, and no trial is instituted.

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