UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.
Petitioner

v.

UNWIRED PLANET, LLC
Patent Owner

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Case CBM2014-00006
Patent 7,203,752

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Before MICHAEL W. KIM, JENNIFER S. BISK, and GEORGE R. HOSKINS, *Administrative Patent Judges.*

HOSKINS, *Administrative Patent Judge*.

DECISION
Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

Google Inc. ("Petitioner") filed a petition (Paper 1, "Pet.") on October 9, 2013, requesting review of U.S. Patent No. 7,203,752 (Ex. 1001, "the '752 patent") under the transitional program for covered business method patents. Unwired Planet, LLC ("Patent Owner") filed a preliminary response (Paper 8, "Prelim. Resp.") on January 15, 2014. We have jurisdiction under AIA § 18(a)[1] and 37 C.F.R. § 42.300(a) (2013).

The standard for instituting a covered business method patent review is set forth in 35 U.S.C. § 324(a), which provides:

> THRESHOLD.—The Director may not authorize a post-grant review to be instituted unless the Director determines that the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

See AIA § 18(a)(1). Petitioner contends claims 25–29 of the '752 patent are unpatentable under 35 U.S.C. §§ 101, 103, and 112, first paragraph. *See* Pet. 25–27. For the following reasons, and taking into account Patent Owner's preliminary response, we determine the information presented in the petition demonstrates it is more likely than not that claims 25–29 of the '752 patent are unpatentable. Therefore, pursuant to 35 U.S.C. § 324, we authorize a covered business method patent review to be instituted as to claims 25–29 of the '752 patent.

A. The '752 Patent

The '752 patent discloses a method and system for managing wireless communications device location information. *See* Ex. 1001, title. Figure 1 of the '752 patent is reproduced below:

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[1] *See* section 18(a) of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 329–31 (2011) ("AIA").
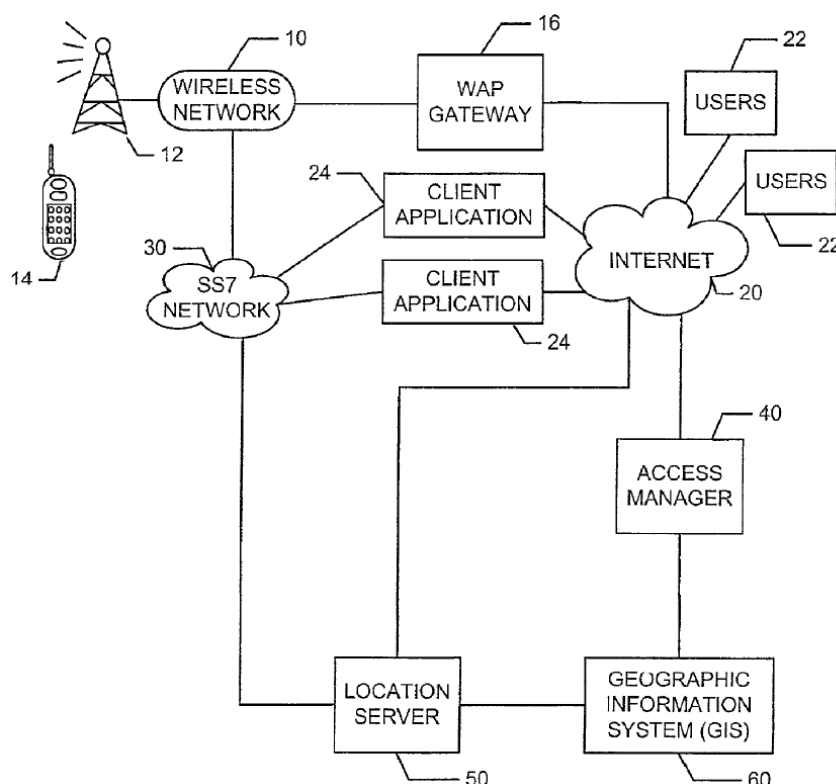
*Figure 1 discloses a communications architecture
within which an access system operates.*

As shown in Figure 1, wireless device 14 communicates over wireless network 10
to access Internet 20. *See id.* at 4:28–50. Location server 50 also is connected to
wireless network 10 and Internet 20. *See id.* at 4:51–52. Location server 50
collects and records data reflecting a location of wireless device 14. *See id.* at
4:52–5:4. Client application 24 communicates with access manager 40 to request
location information relating to wireless device 14. *See id.* at 5:25–46. Access
manager 40 then performs a test to determine if client application 24 is authorized
to make the request. *See id.* at 7:31–34; 11:21–26. The test may include accessing
a subscriber profile stored in a memory of access manager 40 to analyze whether
and to what degree criteria specified in the subscriber profile are met by the request
for location information. *See id.* at 7:40–45.

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A subscriber profile is illustrated in Figure 3 of the '752 patent. *See id.* at 8:60–66. Figure 3 is reproduced below:

Figure 3 discloses an example profile for a subscriber.

As illustrated in Figure 3, the subscriber profile may include a permission set 324 for each client application 24 authorized to access location information for wireless device 14. *See id.* at 9:36–39. Each permission set 324 "may include a temporal permission set which identifies the time of day / day of week a particular authorized client [24] may access the location information" as well as a "spatial permission set [which] provides a listing of the enabled geographic areas (for example city / county / state), for providing the location information" to client application 24. *Id.* at 9:39–45.

B.   Related Matters

Petitioner and Patent Owner have identified one related district court proceeding involving the '752 patent: *Unwired Planet LLC v. Google Inc.*,

No. 3:12-cv-00504 (D. Nev.). *See* Pet. 79; Paper 7, at 2. Petitioner also has requested *inter partes* review of the '752 patent (IPR2014-00037).

Moreover, U.S. Patent No. 7,024,205 ("the '205 patent") and U.S. Patent No. 7,463,151 ("the '151 patent") are owned by Patent Owner, are involved in the same district court proceeding, and also concern location-based mobile service technology. The '205 patent and the '151 patent are not, however, in the same patent family as the '752 patent. Petitioner has requested Office review of the '205 patent (CBM2014-00005 and IPR2014-00036) and the '151 patent (CBM2014-00004 and IPR2014-00027).

C. Illustrative Claims

Of the challenged claims 25–29, only claim 25 is an independent claim. Claim 26 depends from claim 25, claims 27 and 28 each depend from claim 26, and claim 29 depends from claim 28. Claims 25 and 26 are reproduced here:

> 25. A method of controlling access to location information for wireless communications devices operating in a wireless communications network, the method comprising:
> receiving a request from a client application for location information for a wireless device;
> retrieving a subscriber profile from a memory, the subscriber profile including a list of authorized client applications and a permission set for each of the authorized client applications, wherein the permission set includes at least one of a spatial limitation on access to the location information or a temporal limitation on access to the location information;
> querying the subscribe profile to determine whether the client application is an authorized client application;
> querying the subscriber profile to determine whether the permission set for the client application authorizes the client application to receive the location information for the wireless device;
> determining that the client application is either not an authorized client application or not authorized to receive the location information; and

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