

Trials@uspto.gov
571-272-7822

Paper 11
Entered: December 16, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WAVEMARKET INC. d/b/a LOCATION LABS,
Petitioner,

v.

LOCATIONET SYSTEMS LTD.,
Patent Owner.

Case IPR2014-00920
Patent 6,771,970 B1

Before KRISTEN L. DROESCH, GLENN J. PERRY, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Wavemarket, Inc. d/b/a Location Labs (“Petitioner”) filed a Petition (Paper 3, “Petition” or “Pet.”) to institute *inter partes* review of claims 1–17 and 19 (“the challenged claims”) of U.S. Patent No. 6,771,970 B1 (Ex. 1101, “the ’970 Patent”). See 35 U.S.C. § 311. LocatioNet Systems Ltd. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We determine under 35 U.S.C. § 314(a), and based on the record before us, there is a reasonable likelihood that Petitioner would prevail with respect to claims 1–17 and 19.

B. Related Proceedings

On November 27, 2013, Petitioner filed a Petition (“the ’199 Petition” or “’199 Pet.”) for *inter partes* review of claims 1–19 of the ’970 Patent (Case IPR2014-00199, Paper 6). Pet. 1–2; Paper 7, 2. On May 9, 2014, we instituted *inter partes* review of claim 18 of the ’970 Patent. Case IPR2014-00199 (Paper 18, “’199 Decision” or “’199 Dec.”); see Pet. 1–2; Paper 7, 2. With this Petition, Petitioner filed a Motion for Joinder (Paper 4), seeking to join these proceedings with the proceedings of IPR2014-00199. A decision on Petitioner’s Motion for Joinder is entered concurrently with this Decision. Paper 13.

Petitioner indicates that the ’970 Patent is the subject a Request for *ex parte* Reexamination (Control No. 90/013,370) filed October 13, 2014. Paper 9, 2. Petitioner also indicates the ’970 Patent is at issue in the following actions (Pet. 2, Paper 7, 1–2):

- (1) *CallWave Commc’ns, LLC v. AT&T Mobility, LLC*, No. 1:12-cv-01701 (D. Del.);

- (2) *CallWave Commc'ns, LLC v. Sprint Nextel Corp.*, No. 1:12-cv-01702 (D. Del.);
- (3) *CallWave Commc'ns, LLC v. T-Mobile USA Inc.*, No.1: 12-cv-01703 (D. Del.);
- (4) *CallWave Commc'ns, LLC v. Verizon Commc'ns Inc.*, No. 1:12-cv-01704 (D. Del.); and
- (5) *CallWave Commc'ns, LLC v. AT&T Mobility LLC*, No. 1:12-cv-01788 (D. Del.).

C. The '970 Patent (Ex. 1101)

The '970 Patent relates to a system and method for location tracking of mobile platforms. Ex. 1101, Abs.; col. 2, ll. 2–28; col. 3, ll. 4–24.

Figure 1 of the '970 Patent is reproduced below:

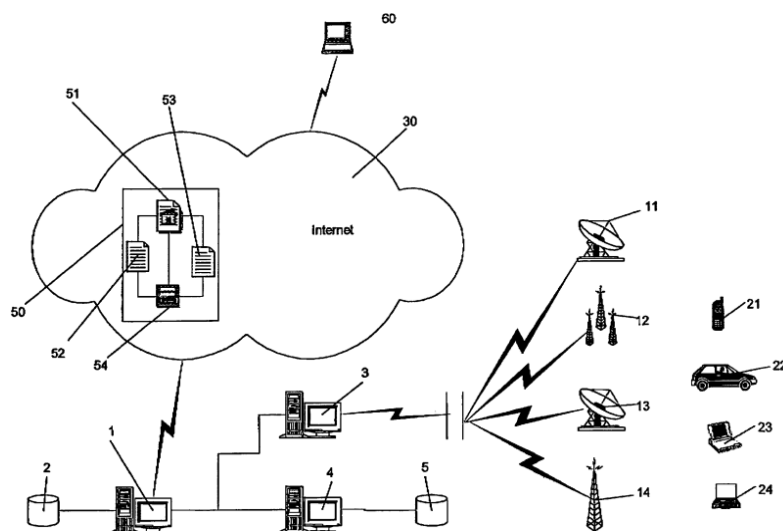


Figure 1 illustrates mobile platforms, including mobile telephone 21, car 22, laptop 23, and briefcase 24, and location tracking systems 11, 12, 13, 14 that communicate with communication subsystem 3 of location determination system 1. Ex. 1101, col. 3, ll. 31–32; col. 3, l. 44–col. 4, l. 11. Location determination system 1 is linked to database 2 and map server 4

that accesses map database 5. *Id.* at col. 4, ll. 12–22. Location determination system 1 hosts website 50 on Internet 30. *Id.* at col. 4, ll. 23–28. A subscriber to location determination system 1, and equipped with computer 60 running an internet browser, logs on to website 50 and selects mobile platform 21–24 for which the location is sought. *Id.* at col. 4, ll. 29–39. The request is passed to location determination system 1, which accesses database 2 to determine the appropriate location tracking system (11–14) for locating the subscriber-selected mobile platform. *Id.* at col. 4, ll. 39–42; *see id.* at col. 4, ll. 12–15. The request and the details of the appropriate location tracking system (11–14) then are passed to communication subsystem 3. *Id.* at col. 4, ll. 42–45. The respective location tracking system 11–14 receives the request from communication subsystem 3, determines the location of the requested mobile platform, and transmits the location information back to communication subsystem 3. *Id.* at col. 4, ll. 46–52; *see id.* at col. 5, l. 51–col. 6, l. 11. Communication subsystem 3 associates the location information with the request and passes it to location determination system 1, which passes the location of the requested mobile platform 21–24 to map server 4. *Id.* at col. 4, ll. 52–56. Map server 4, using a map engine, obtains a map of the area in which the requested mobile platform 21–24 is located, marks the position of the mobile platform on the map, and passes it to location determination system 1. *Id.* at col. 4, ll. 56–59. The map then is passed to the web browser running on subscriber’s computer 60. *Id.* at col. 4, ll. 60–61; *see id.* at col. 5, ll. 19–24.

D. Illustrative Claim

Claims 1, 14, 16, and 19 are independent claims. Claims 2–13 depend from claim 1, claim 15 depends from claim 14, and claim 17 depends from claim 16. Claim 1, reproduced below, is illustrative of the claims at issue (emphasis added):

1. A system for location tracking of mobile platforms, each mobile platform having a tracking unit; the system including:

a location determination system communicating through a user interface with at least one subscriber; said communication including inputs that include the subscriber identity and the identity of the mobile platform to be located;

a communication system communicating with said location determination system for receiving said mobile platform identity; and,

a plurality of remote tracking systems communicating with said communication system each of the remote tracking systems being adapted to determine the location of a respective mobile platform according to a property that is predetermined for each mobile platform for determining the location of the mobile platform;

wherein *said location determination system is arranged to determine an appropriate one of the plurality of remote tracking systems*, the appropriate remote tracking system receiving said mobile platform identity from said communication system and returning mobile platform location information, said communication system being arranged to pass said mobile platform location information to said location determination system;

said location determination system being arranged to receive said mobile platform location information and to forward it to said subscriber.

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