UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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WAVEMARKET INC. d/b/a LOCATION LABS,
Petitioner,

v.

LOCATIONET SYSTEMS LTD.,
Patent Owner.
_____

Case IPR2014-00199
Patent 6,771,970 B1

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

DROESCH, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. *Background*

Wavemarket, Inc. d/b/a Location Labs ("Petitioner") filed a Petition[1] (Paper 6, "Pet.") to institute an *inter partes* review of claims 1–19 of U.S. Patent No. 6,771,970 B1 ("the '970 Patent"). LocatioNet Systems Ltd. ("Patent Owner") timely filed a Preliminary Response. Paper 12. In a May 9, 2014 Decision (Paper 18, "Dec."), we instituted review of claim 18.

Following institution, Patent Owner filed a Response (Paper 35, "PO Resp.") and Petitioner filed a Reply (Paper 39, "Pet. Reply"). Patent Owner relies upon the Declaration of Narayan Mandayam Ph.D. (Ex. 2016, "Dr. Mandayam's Declaration") in support of its Response.

Petitioner relies upon the Declaration of Scott Hotes Ph.D. (Ex. 1013) in support of its Petition and the Declaration of Craig Rosenberg Ph.D. (Ex. 1020, "Dr. Rosenberg's Declaration") in support of its Reply.

Patent Owner filed a Motion to Exclude certain of Petitioner's evidence. Paper 43 ("PO Mot. Excl."). Petitioner filed an Opposition (Paper 48, "Pet. Opp."), and Patent Owner filed a Reply (Paper 51, "PO Reply Opp."). Patent Owner also filed a Motion for Observations on the Cross Examination of Craig Rosenberg Ph.D. (Paper 44, "PO Mot. Obs.") and Petitioner filed a Response to Patent Owner's Observations (Paper 49, "Pet. Resp. Obs.").

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[1] Throughout this Decision, we refer to the corrected Petition (Paper 6) filed on December 13, 2013.

Petitioner filed a Motion to Exclude certain of Patent Owner's evidence. Paper 42. Patent Owner filed an Opposition (Paper 47), and Petitioner filed a Reply (Paper 50).

We heard oral argument on February 10, 2015. Paper 55 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, Petitioner has shown by a preponderance of the evidence that claim 18 is unpatentable.

B. Related Proceedings

Petitioner indicates the '970 Patent is at issue in the following actions (Pet. 2):

(1) *CallWave Communications, LLC v. AT&T Mobility, LLC*, No. 1:12-cv-01701-RGA (D. Del.);

(2) *CallWave Communications, LLC v. Sprint Nextel Corp*, No. 1:12-cv-01702-RGA (D. Del.);

(3) *CallWave Communications, LLC v. T-Mobile USA Inc*, No.1: 12-cv-01703-RGA (D. Del.);

(4) *CallWave Communications, LLC v. Verizon Communications Inc.*, No. 1:12-cv-01704 (D. Del.); and

(5) *CallWave Communications, LLC v. AT&T Mobility LLC*, No. 1:12-cv-01788 (D. Del.).

C. The '970 Patent

The '970 Patent relates to a system and method for location tracking of mobile platforms. Ex. 1001, Abs., col. 2, ll. 2–28, col. 3, ll. 4–24.

Figure 1 of the '970 Patent, reproduced below, schematically depicts a location tracking system. *Id.* at col. 3, ll. 31–32.
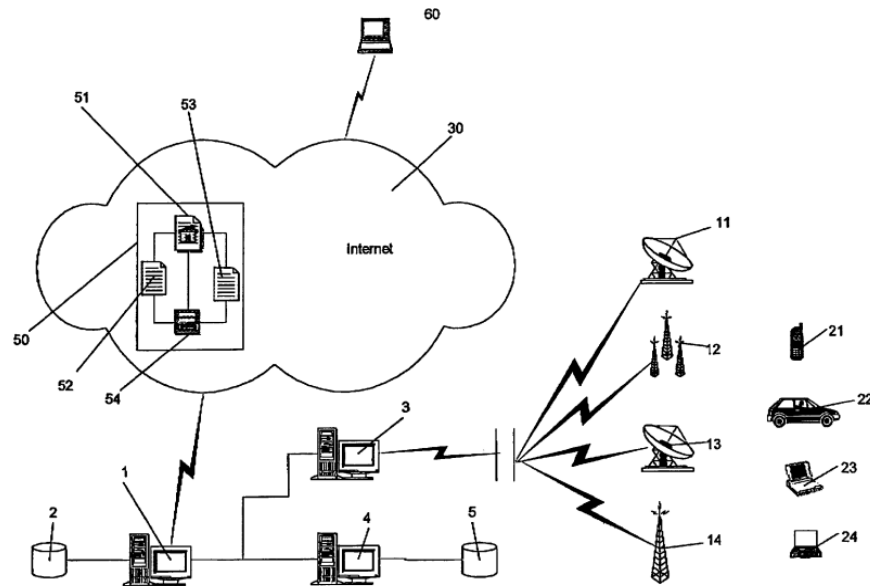

Figure 1 illustrates mobile platforms 21, 22, 23, and 24, and location tracking systems 11, 12, 13, and 14 that communicate with communication subsystem 3 of location determination system 1. Ex. 1001, col. 3, l. 44–col. 4, l. 11. Location determination system 1 is linked to database 2 and map server 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 a mobile platform from among mobile platforms 21–24 for which the location is sought. *Id.* at col. 4, ll. 29–39. The request is passed from web site 50 to location determination system 1, which passes the request to communication

subsystem 3. *Id.* at col. 4, ll. 12–15, 39–45. Communication subsystem 3 formats the request for transmission to a location tracking system 11–14, and transmits the request. *Id.* at col. 4, ll. 6–11, 46–48, col. 5, l. 51–col. 6, l. 2. Location tracking system 11–14 receives the request, determines the location of the requested mobile platform, and transmits the location information back to communication subsystem 3. *Id.* at col. 4, ll. 48–52, col. 6, ll. 2–11. 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, col. 5, ll. 19–24.

D. Claim 18

Claim 18 is reproduced below (disputed limitations italicized):

> 18. A system for location tracking of mobile platforms, each of which is equipped each with a tracking unit, each being adapted to determine the location of a respective mobile platform according to a property that is predetermined for each mobile platform; the system comprising:
> (a) a location server communicating through a user interface with at least one subscriber equipped with a browser; said communication having inputs that include at least the subscriber identity, the mobile platform identity and map information;
> (b) at least one mobile platform location system coupled to said location server for receiving the mobile platform identity

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