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

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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.*

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

I. INTRODUCTION

A. *Background*

Wavemarket, Inc. d/b/a Location Labs (collectively "Petitioner") filed a Petition[1] (Paper 6) ("Pet.") to institute an *inter partes* review of claims 1–19 ("the challenged claims") of U.S. Patent No. 6,771,970 B1 ("the '970 Patent"). *See* 35 U.S.C. § 311. LocatioNet Systems Ltd. ("Patent Owner") filed a Preliminary Response (Paper 12) ("Prelim. Resp.") to the Petition. We conclude that, under 35 U.S.C. § 314(a), Petitioner demonstrates a reasonable likelihood of prevailing with respect to at least one of the challenged claims.

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.).

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

C. The '970 Patent (Ex. 1001)

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.
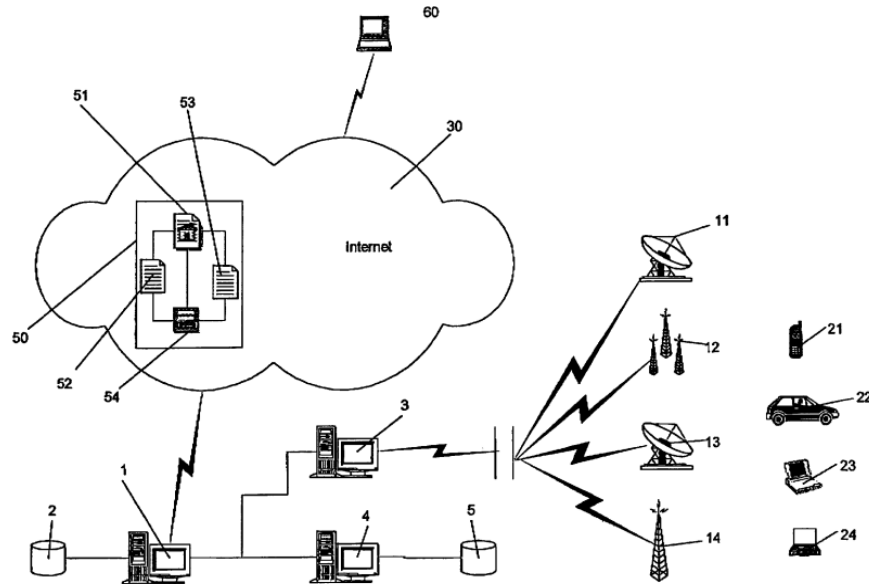

Figure 1 illustrates mobile platforms, including mobile telephone 21, car 22, laptop 23, and briefcase 24, and location tracking systems 11, 12, 13, 14 that communicate with communication subsystem 3 of location determination system 1. *Id.* at col. 3, l. 44–col. 4, l. 11. Location determination system 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 from web site 50 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. Location determination system 1 passes the request and the details of the appropriate location tracking system (11–14) to communication subsystem 3. *Id.* at col. 4, ll. 42–45. Communication subsystem 3 formats the request for transmission to the respective location tracking system, and transmits the request. *Id.* at col. 4, ll. 46–48; *see id.* at col. 4, ll. 6–11; col. 5, l. 51–col. 6, l. 2. Respective 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; *see id.* at 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 is then 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 Claims

Claims 1 and 18, reproduced below, are 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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