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 IPR2014-00199
Patent 6,771,970

_____

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

Table of Contents

I.   INTRODUCTION

The Petition[1] demonstrated that each and every element of claim 18 is disclosed by Elliot, and is thus anticipated. The Patent Owner ("PO") made no substantive challenge to the proposed grounds in its Preliminary Response, and the Board agreed that Petitioner made the requisite threshold showing that claim 18 is anticipated by Elliot.[2] A careful reading of the PO's Response reveals that the *actual* grounds set forth in the Petition, as well as the *actual* rationale set forth in the Board's Decision, remain unchallenged. Instead, the PO's Response and Declaration of its expert recast the actual grounds asserted in the Petition and the Board's actual rationale into a reformulation that conveniently omits critical teachings and information alleged in the Petition. Furthermore, the PO improperly attempts to import limitations from dictionary definitions into the claim that not only go beyond the plain language of the claim 18, but also go beyond the scope

---

[1] Corrected Petition for *Inter Partes* Review of U.S. Patent No. 6,771,970 Pursuant to 35 U.S.C. §§ 311-312 and 37 C.F.R. §§ 42.100-106, 108 (December 19, 2013; Paper No. 5; "Petition").

[2] Decision - Institution of *Inter Partes* Review - 37 C.F.R. §42.108 (May 9, 2014; Paper No. 18; "Decision").

and content of anything that could be reasonably argued as encompassed by the disclosure of the '970 patent as a whole.

Furthermore, the PO relies on the opinions of its expert, Dr. Mandayam, with respect to whether Elliot discloses a "map engine" or "map database." However, neither the PO nor Dr. Mandayam identify any support for the proposition that Dr. Mandayam is an expert in mapping software or mapping systems architecture. Therefore, to the extent his testimony on the subject is not entirely disregarded, it should be weighed in view of Dr. Mandayam's own admitted lack of knowledge in this area.

II. ELLIOT ANTICIPATES EACH AND EVERY ELEMENT OF CLAIM 18

The PO's arguments are limited to the following three limitations of claim 18: (i) "map database"; (ii) "map engine" for manipulating said map database ; and (iii) that each one of the mobile platform location system is "associated with" a corresponding map database and map engine.[3] The disputed portion of Claim 18 is reproduced below.

> (b) at least one mobile platform location system coupled to said location server for receiving the mobile platform identity and map information that pertains to mobile platforms associated with the

---

[3] Locationet Systems Ltd.'s Patent Owner Response (August 11, 2014; Paper No. 34; "PO Response"), pp. 1-2.

respective mobile platform location system; *each one of said mobile platform location systems being associated with a map database and map engine for manipulating said map database*;

The PO does not dispute the fact that Elliot anticipates all other elements of claim 18.

A.   Elliot Discloses the Claimed "Map Database"

With regard to this element of claim 18, the PO argues:

In other words, Petitioner argues that a general description of a web server that provides graphical maps and commercial software programs for producing and manipulating graphics images somehow disclose the claimed 'map database'. . .
The 'web server' that provides graphical maps in Elliot does not and cannot describe a 'map database'. (PO Response, p. 10.)
Nowhere does the Petition or the Board's Decision allege that the Web server disclosed by Elliott satisfies the claimed "map database." For example, the PO acknowledges that both the Petition and the Decision cite "[a] web server *with its associated files provides graphical maps* capable of showing the current and historical locations of the device" (emphasis added). Elliot, 3:2-4. The PO ignores the fact that this portion of the cited Elliot disclosure includes not only a server, but a collection of graphical map files as well. The PO's expert witness even acknowledges that Elliot discloses not only a server, but also a collection of graphical map files. **Exhibit 1019**; p. 40, ln. 18 - p. 41, ln. 3.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.