

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WAVEMARKET, INC. D/B/A/ LOCATION LABS

Petitioner,

v.

CALLWAVE COMMUNICATIONS, LLC

Patent Owner.

Case IPR2014-TBD

Patent 6,771,970

**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**

TABLE OF CONTENTS

	Page No.
I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1).....	1
A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	1
B. Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	2
D. Service Information Under 37 C.F.R. § 42.8(b)(4).....	2
II. PAYMENT OF FEES	3
III. REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW.....	3
A. Grounds For Standing	3
B. Identification of Challenge and Relief Requested	5
C. The Specific Art and Statutory Grounds on Which the Challenge Is Based	5
1. References.....	5
2. Grounds based on Fitch in view of Roel-Ng.....	6
IV. TECHNICAL INTRODUCTION	7
A. The '970 Patent	7
V. PRIOR ART LOCATION TRACKING TECHNOLOGIES AND BACKGROUND	10
A. State of the Art	10

B.	The '970 Patent File History.....	13
C.	Prior Art That the Patent Office Did Not Consider	14
1.	Fitch, US 6,321,092, "Multiple Input Data Management For Wireless Location Based Applications.....	14
2.	Roel-Ng US 6,002,936 "System and Method for Informing Network of Terminal-Based Positioning Method Capabilities	16
VI.	LEVEL OF ORDINARY SKILL IN THE ART	20
VII.	CLAIM CONSTRUCTION	20
VIII.	EXPLANATION OF WHY THE CLAIMS ARE UNPATENTABLE.....	22
A.	Fitch in view of Roel-Ng renders obvious claims 1-3, 11-14, 16, and 19	22
B.	Fitch in view of Roel-Ng and Jones renders obvious claim 4	48
C.	Fitch in view of Roel-Ng and Shah renders obvious claim 5	49
D.	Fitch in view of Roel-Ng and Elliott renders obvious claims 6-10, 15, and 17	50
IX.	CONCLUSION.....	55
X.	LIST OF EXHIBITS.....	56

TABLE OF AUTHORITIES

	Page No(s).
FEDERAL STATUTES	
35 U.S.C. § 102	4
35 U.S.C. § 311, 312	1
35 U.S.C. § 103	4, 5
35 U.S.C. § 314(a)	56
REGULATIONS	
37 C.F.R. § 42.8(b)(3)	2
37 C.F.R. §§ 42.6, 42.8, 42.22, 42.24 and 42.104	3
37 C.F.R. § 42.8	1-3
37 C.F.R. § 42.15(a)	3
37 C.F.R. § 42.100(b)	9
37 C.F.R. § 42.100-106	1
37 C.F.R. § 42.104	3
37 C.F.R. § 42.108	1

Wavemarket, Inc. d/b/a Location Labs (collectively, “Petitioner”) request *inter partes* review under 35 U.S.C. §§ 311-312 and 37 C.F.R. § § 42.100-106, 108 of Claims 1-17 and 19 of US Patent No. 6,771,970 (“the ’970 Patent”) (**Exhibit 1101**). The '970 Patent issued from US Application Serial No. 09/677,827 filed on October 2, 2000, and purports to claim priority to US Provisional Application No. 60/157,643 filed on October 4, 1999 (**Exhibit 1102**). The '970 Patent issued on August 3, 2004 to Meir Dan. According to the assignment records at the USPTO the '970 Patent is assigned to LocationNet Systems Ltd. CallWave Communications, LLC ("CallWave") claims to be the exclusive licensee of the '970 Patent, and as admitted by the Patent Owner, is a real party-in-interest.

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)

As set forth below and pursuant to 37 C.F.R. § 42.8(a)(1), the following mandatory notices are provided as part of this Petition:

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Wavemarket, Inc. d/b/a Location Labs is the real party-in interest for Petitioner and no other party exercised control or could exercise control over Location Labs' participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Petitioner identifies the following judicial or administrative matters that would affect, or be affected by, a decision in the proceeding: Inter Partes Review

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.