

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioner

v.

BRADIUM TECHNOLOGIES LLC

Patent Owner

CASE: To Be Assigned

Patent No. 7,139,794 B2

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,139,794 B2**

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EXHIBIT LIST

- Ex. 1001 U.S. Patent No. 7,139,794 B2 to Levanon et al. (“the 794 Patent”)
- Ex. 1002 Declaration of Judea d’Arnaud, attaching the article *Maps Alive: Viewing Geospatial Information on the WWW*, Michael Potmesil, Computer Networks and ISDN Systems Vol. 29, issues 8-13, pp. 1327-1342 (“Potmesil”) as Exhibit A.
- Ex. 1003 PCT Publication No. WO 1999/041675 by Cecil V. Hornbacker, III (“Hornbacker”)
- Ex. 1004 U.S. Pat. No. 5,682,441 to Adrianus Ligtenberg et al. (“Ligtenberg”)
- Ex. 1005 U.S. Pat. No. 6,650,998 to Charles Wayne Rutledge et al. (“Rutledge”)
- Ex. 1006 U.S. Pat. No. 6,118,456 to David G. Cooper (“Cooper”)
- Ex. 1007 U.S. Pat. No. 5,760,783 to Migdal et al. (“Migdal”)
- Ex. 1008 Declaration of Prof. William R. Michalson
- Ex. 1009 Six Provisional Applications from which the 794 Patent claims priorities.
- Ex. 1010 EP1070290 to Cecil V. Hornbacker, III from a European national application based on PCT Publication No. WO 1999/041675 (Ex. 1003)
- Ex. 1011 *An Integrated Global GIS and Visual Simulation System* by P. Lindstrom *et al.*, Tech. Rep. GIT-GVU-97-07, March 1997 (“Lindstrom”)
- Ex. 1012 Declaration of Dr. Peter Lindstrom (including Exhibits A, B and C) regarding the publication of the 1997 article entitled “An Integrated Global GIS and Visual Simulation System” which is Ex. 1011 (“Lindstrom”)

Ex. 1013 Declaration of Mr. Charles Randall Carpenter (including Exhibits A, B, C and D) regarding the publication of 1997 article entitled “An Integrated Global GIS and Visual Simulation System” which is Ex. 1011 (“Lindstrom”)

I. INTRODUCTION

Pursuant to 35 U.S.C. § 311 and 37 C.F.R. § 42.100, Microsoft Corporation (“Microsoft” or “Petitioner”) petitions for *inter partes* review (“IPR”) of claims 1 and 2 of U.S. Pat. No. 7,139,794 B2 (“the 794 Patent,” Ex. 1001), currently owned by Bradium Technologies LLC (“Bradium” or “Patent Owner”). This Petition is a remedial measure for correcting the issuance of invalid claims in the original examination and is necessitated by Patent Owner’s improper enforcement of the invalid claims.

Specifically, this Petition shows there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the claims 1 and 2 challenged under 35 U.S.C. § 314(a). As demonstrated by a preponderance of the evidence in this Petition in compliance with 35 U.S.C. § 316(e), claims 1 and 2 are unpatentable under pre-AIA 35 U.S.C. §103 based on specific grounds listed below.

Grounds	References	Challenged Claims
Pre-AIA 35 U.S.C. §103(a)	Potmesil, Lindstrom, and Hornbacker	Claims 1 and 2
Pre-AIA 35 U.S.C. §103(a)	Rutledge, Ligtenberg and Cooper	Claim 1
Pre-AIA 35 U.S.C. §103(a)	Rutledge, Ligtenberg, Cooper and Migdal	Claim 2

Petitioner Microsoft respectfully requests the Office to institute a trial for IPR and to cancel claims 1 and 2.

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