

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

TRACBEAM, LLC,

Patent Owner.

Patent No. 7,525,484

Inter Partes Review No. IPR2015-01697

**PETITIONER'S REQUEST FOR REHEARING
UNDER 37 C.F.R. § 42.71(D)**

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I. INTRODUCTION

Petitioner Apple Inc. (“Apple”) requests rehearing under 37 C.F.R § 42.71(d) of the Board’s determination not to institute trial of claims 25, 45, and 49 of U.S. Patent No. 7,525,484 (“the ’484 Patent” (Ex. 1001)) in view of U.S. Patent No. 5,604,765 to Bruno et al. (“Bruno” (Ex. 1007)), alone or in combination with U.S. Patent No. 5,602,903 to LeBlanc et al. (“LeBlanc” (Ex. 1009)).

In its February 17, 2016 Decision on Institution (Paper 8; “Decision”), the Board determined that the following limitations of claims 25 and 45 distinguished over Bruno:

- “neither of the first and second position information is dependent upon the other” (claim 25); and
- “neither of the first and second position information varies substantially as a result in a change in the other” (claim 45).

(Decision at 9-13.) The Board determined that Bruno did not disclose these features primarily because Bruno’s circuitry is shared among different techniques. But the listed claim limitations require that the *determined position information* that is *output* from the location estimators be independent from one another, not that the *circuitry* of the estimators be independent. Thus, it is respectfully submitted that the Board misapprehended the teachings of Bruno as applied to claims 25 and 45.

For claim 49, the Board determined that the Petition did not adequately identify Bruno's teachings for the elements of the claim, and instead made references to "See above" and "See below." (Decision at 11.) The elements of claim 49 for which the Petition referenced "See above" are not unique to claim 49, and are similar in scope to the limitations discussed above for claims 25 and 45. Moreover, the "See above" and "See below" referrals were to immediately adjacent limitations in the same claim to citations that readily disclose the corresponding elements. Thus, Apple respectfully submits that the Petition adequately identified the teachings of Bruno for all elements of claim 49.

II. ARGUMENT

A. Bruno discloses that "neither of the first and second position information is dependent upon the other," as recited in claim 25

Claim 25 requires that the position information outputted by first and second location evaluators are independent from one another:

... each of said first and second location evaluators determine corresponding location information related to L_M , and wherein for at least one location L of one of the mobile stations, said first location evaluator and said second location evaluator output, respectively, first and second position information related to the one mobile station being at L wherein neither of the first and second position information is dependent upon the other[.]

(Emphasis added.)

The Board confirmed this interpretation, stating that “by its terms,” claim 25 “requires that the first position information is independent of the second position information, and that the second position information is independent of the first position information.” (Decision at 9.) Thus, neither the plain language of claim 25 nor the Board’s interpretation require that *circuitry* of the first and second location evaluators be independent. Based on this understanding, Bruno discloses the above-described limitation of claim 25.

As set forth in Apple’s Petition (Paper 2), Bruno discloses the use of GPS, cellular, and RF Signposts techniques that are “independent” (Petition at 17) in that none of their determined *outputs* “is dependent on the other,” as recited in claim 25 of the ’484 Patent. Figure 9 of Bruno, cited in the Petition and reproduced by the Board on page 10 of its Decision, shows the structure of Bruno:

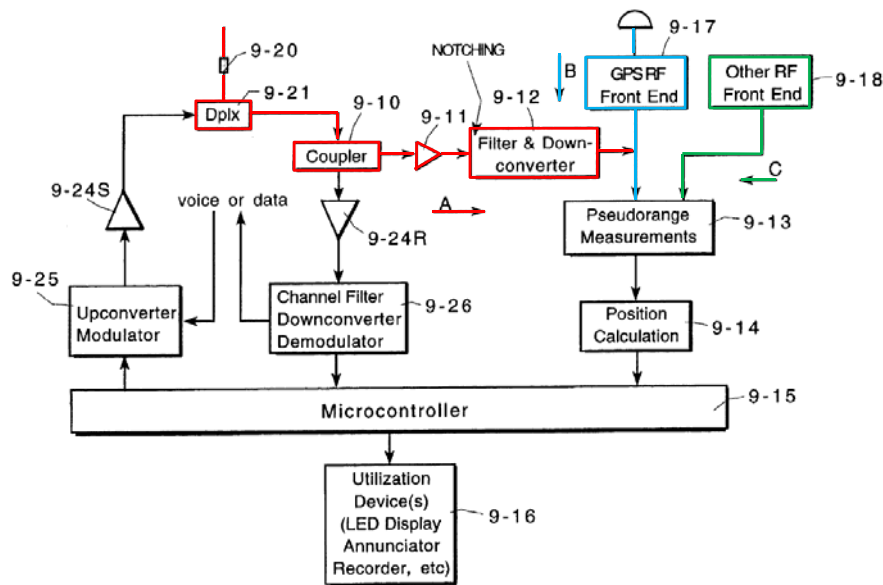


FIGURE 9

(Bruno, Fig. 9.)

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