Patent No. 8,648,717 Petition for *Inter Partes* Review

Paper	No.	
uper	1 10.	

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIERRA WIRELESS AMERICA, INC., SIERRA WIRELESS, INC. AND RPX CORP.

Petitioner

V.

M2M SOLUTIONS LLC
Patent Owner

Patent No. 8,648,717 Issue Date: February 11, 2015 Title: PROGRAMMABLE COMMUNICATOR

Inter Partes Review No. Unassigned

PETITION FOR INTER PARTES REVIEW UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET. SEQ.



### Table of Contents

Page

Con	tents		
I.	Intro	oduction	1
II.	Noti	ces and Requirements	3
	A.	Notice of Each Real Party in Interest	3
	B.	Notice of Related Matters	3
	C.	Notice of Lead and Backup Counsel	3
	D.	Notice of Service Information	4
	E.	Payment of Fees	4
	F.	Grounds for Standing	4
III.	State	ement of Precise Relief Requested	
IV.	The	'717 Patent Petitioned for Review	6
	A.	Summary of The '717 Patent	6
	B.	Relevant Information Regarding the Prosecution History of the '717 Patent	11
	C.	Person of Ordinary Skill of the Art	12
	D.	Priority Date of '717 Patent	12
	E.	Claim Construction	13
		1. programmable interface	13
		2. coded number	15
		3. identity module	16
		4. programming transmitter	16
V.	State	ement of How Each Claim is Unpatentable Based on the Prior Art	17
	A.	Claims 1-3, 5-7, 10-16, 18, 22-24, and 29-30 are obvious under 35 U.S.C § 103 over Whitley in view of SIM+ME Spec and/or obvious under 35 U.S.C § 103 over Whitley in view of SIM+ME Spec and the Admitted Prior Art	17



# Table of Contents (continued)

	Page
1.	[1a] A programmable communicator device comprising:17
2.	[1b] a programmable interface for establishing a communication link with at least one monitored technical device, wherein the programmable interface is programmable by wireless packet switched data messages.20
3.	[1c] a processing module for authenticating one or more wireless transmissions sent from a programming transmitter and received by the programmable communicator device by determining if at least one transmission contains a coded number
4.	[1d] wherein the programmable communicator device is configured to use a memory to store at least one telephone number or IP address included within at least one of the transmissions as one or more stored telephone numbers or IP addresses if the processing module authenticates the at least one of the transmissions including the at least one telephone number or IP address and the coded number by determining that the at least one of the transmissions includes the coded number, the one or more stored telephone numbers or IP addresses being numbers to which the programmable communicator device is configured to and permitted to send outgoing wireless transmissions
5.	[1e] wherein the programmable communicator device is configured to use an identity module for storing a unique identifier that is unique to the programmable communicator device
6.	[1f] and wherein the one or more wireless transmissions from the programming transmitter comprises a General Packet Radio Service (GPRS) or other wireless packet switched data message
7.	[1g] and wherein the programmable communicator device is configured to process data received through the programmable interface from the at least one monitored technical device in response to programming instructions received in an incoming wireless packet switched data



# Table of Contents (continued)

			Page
		message	36
		8. Independent claims 24 and 29	38
		9. Dependent Claims 2-3, 5-7, 10-15, 18, 22-23, and 30	42
	B.	Claims 16-17 and 19 – 20 are obvious under 35 U.S.C. § 103 over Whitley in view of SIM+ME Spec and further in view of Kail	51
	$\mathbf{C}$		31
	C.	Claim 21 is obvious under 35 U.S.C. § 103 over Whitley in view of SIM+ME Spec and further in view of Eldredge	55
VI	Con	clusion	56



#### **EXHIBITS**

1001	U.S. Patent No. 8,648,717 ("the '717 patent")
1002	Prosecution History for U.S. Patent No. 8,648,717 ("the '717 prosecution history").
1003	Int'l Patent Pub. No. WO99/49680 ("Whitley")
1004	Digital cellular telecommunications system, Phase 2+; Specification of the Subscriber Identity Module - Mobile Equipment, SIM - ME interface, GSM 11.11 version 7.4.0 Release 1999 ("SIM+ME Spec")
1005	U.S. Patent No. 5,959,529 ("Kail")
1006	Int'l Patent Pub. No. WO 95/05609 ("Eldredge")
1007	Digital cellular telecommunications system (Phase 2+); AT command set for GSM Mobile Equipment (ME) (GSM 07.07 version 5.8.1 Release 1996) ("AT Command Set")
1008	Excerpts from Expert Report of Dr. Nettleton
1009	Digital cellular telecommunications system, Phase 2+; General Packet Radio Service (GPRS); Service description; Stage 2 (GSM 03.60 version 6.3.2 Release 1997) ("GPRS Service Description")
1010	U.S. Patent No. 5,772,586
1011	U.S. Patent No. 6,225,901
1012	U.S. Patent No. 6,804,558
1013	Declaration of Kevin Negus
1014	Digital cellular telecommunications system, Phase 2+; Specification of the SIM Application Tookit for the Subscriber Identity Module – Mobile Equipment (SIM-ME) interface (GSM 11.14 version 7.3.0 Release 1998)
1015	The Subscriber Identity Module, European Telecommunications



# DOCKET

# 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.

