

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.  
Petitioner,

v.

WEST VIEW RESEARCH, LLC,  
Patent Owner.

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Case IPR2016-00125  
Patent 8,290,778

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**PATENT OWNER'S MOTION TO AMEND UNDER 37 C.F.R. § 42.121**

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Patent Trial and Appeal Board

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### EXHIBIT LIST

- Exhibit 2001 Original Specification, Claims, and Figures of U.S. Application Serial No. 13/404,853, now U.S. Patent No. 8,290,778 to Gazdzinski
- Exhibit 2002 Original Specification, Claims, and Figures of U.S. Application Serial No. 09/330,101, now U.S. Patent No. 6,615,175 to Gazdzinski
- Exhibit 2003 U.S. Patent No. 6,615,175 to Gazdzinski
- Exhibit 2004 U.S. Patent No. 6,148,261 to Obradovich et al.
- Exhibit 2005 U.S. Patent No. 6,252,544 to Hoffberg
- Exhibit 2006 U.S. Patent No. 5,682,525 to Bouve et al.
- Exhibit 2007 U.S. Patent No. 6,944,533 to Kozak et al.
- Exhibit 2008 U.S. Patent No. 5,948,040 to DeLorme et al.
- Exhibit 2009 *MapQuest Launches Revolutionary GeoCentric Advertising Program Enabling Businesses to Provide Geographically Sensitive Advertisements as Users Click on Destinations and Content* (1996)
- Exhibit 2010 U.S. Patent No. 6,044,376 to Kurtzman, II
- Exhibit 2011 *Argument of a Function*, Wikipedia (2015)
- Exhibit 2012 U.S. Patent No. 6,230,132 to Class et al.
- Exhibit 2013 U.S. Patent No. 6,707,421 to Drury et al.

## TABLE OF AUTHORITIES

### CASES

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| <i>Toyota Motor Corporation v. American Vehicular Sciences LLC</i> ,<br>IPR2013-00419, Paper 32 (March 7, 2014) ..... | 1  |
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### STATUTES

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### RULES AND REGULATIONS

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## **I. Introduction**

Patent Owner moves to cancel Claims 1, 3, 5, 8, 9, 22, 27, 28, and 30, and to substitute Claims 31, 32, 33, 34, 35, 36, 38, 39, and 40 in their place, respectively, per the Appendix to this Motion to Amend. 35 U.S.C. § 316; 37 C.F.R. § 42.121.

Patent Owner also proposes the addition of new Claim 37 (no existing counterpart), per previous PTAB guidance: “If the additional proposed substitute claim is patentably distinct from the first substitute claim, given the first substitute claim as prior art, that likely would be sufficient justification.” *Toyota Motor Corporation v. American Vehicular Sciences LLC*, IPR2013-00419, Paper 32 at 3 (March 7, 2014). Patent Owner submits that new Claim 37 is patentably distinct (discussed *infra*), and is properly included with the other proposed claims.

Proposed substitute Claim 35 is included solely for consistency (i.e., since extant Claim 9 depends on Claim 8, which is the subject of substitute Claim 34).

## **II. Proposed Claim Construction**

Patent Owner provides proposed claim constructions under the standard applicable for *Inter Partes* Reviews for the following terms used in the proposed substitute claims. Patent Owner’s construction should not be deemed limiting outside of the context of *Inter Partes* Review. Specifically:

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