

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of: Pinter

U.S. Pat. No.: 5,894,506

Attorney Docket No.: 19473-0348IP3

Issue Date: Apr. 13, 1999

Appl. Serial No.: 08/708,696

Filing Date: Sep. 5, 1996

Title: METHOD AND APPARATUS FOR GENERATING AND  
COMMUNICATING MESSAGES BETWEEN SUBSCRIBERS  
TO AN ELECTRONIC MESSAGING NETWORK

**Mail Stop Patent Board**

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 5,894,506**  
**PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>II.</b>	<b>MANDATORY NOTICES UNDER 37 C.F.R § 42.8.....</b>	<b>1</b>
	<b>A. Real Parties-In-Interest Under 37 C.F.R. § 42.8(b)(1).....</b>	<b>1</b>
	<b>B. Related Matters Under 37 C.F.R. § 42.8(b)(2).....</b>	<b>2</b>
	<b>C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3) .....</b>	<b>3</b>
	<b>D. Service Information.....</b>	<b>3</b>
<b>III.</b>	<b>PAYMENT OF FEES – 37 C.F.R. § 42.103 .....</b>	<b>3</b>
<b>IV.</b>	<b>REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104 .....</b>	<b>3</b>
	<b>A. Grounds for Standing Under 37 C.F.R. § 42.104(a) .....</b>	<b>3</b>
	<b>B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested .....</b>	<b>4</b>
<b>V.</b>	<b>SUMMARY OF THE '506 PATENT .....</b>	<b>7</b>
<b>VI.</b>	<b>Claim Construction under 37 C.F.R. §§ 42.104(b)(3) .....</b>	<b>8</b>
<b>VII.</b>	<b>THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '506 PATENT IS UNPATENTABLE .....</b>	<b>12</b>
	<b>A. Ground 1: Claims 8-11 are Obvious under § 103 over LaPorta in view of Ise.....</b>	<b>12</b>
	<b>B. Ground 2: Claims 12-14, 19-21 are Obvious under § 103 over LaPorta in view of Ise and Will.....</b>	<b>43</b>
<b>VIII.</b>	<b>CONCLUSION .....</b>	<b>74</b>

## EXHIBITS

GOOGLE1001	U.S. Pat. No. 5,894,506 to Pinter (“the ’506 patent”)
GOOGLE1002	Prosecution History of the ’506 patent (Serial No. 08/708,696)
GOOGLE1003	Declaration of Peter Rysavy
GOOGLE1004	U.S. Patent No. 5,970,122 to LaPorta et al. (“LaPorta”)
GOOGLE1005	U.S. Patent No. 5,257,307 to Ise (“Ise”)
GOOGLE1006	Reserved
GOOGLE1007	U.S. Patent No. 5,588,009 to Will (“Will”)
GOOGLE1008	Claim Construction Order in <i>Mobile Telecommunications Technologies, LLC, v. Google, Inc.</i> , Case No. 2:16-cv-00002 (E.D. Tex)
GOOGLE1009	Complaint in <i>Mobile Telecommunications Technologies, LLC, v. Google, Inc.</i> , Case No. 2:15-cv-2123 (E.D. Tex)
GOOGLE1010	Corrected complaint in <i>Mobile Telecommunications Technologies, LLC, v. Google, Inc.</i> , Case No. 2:16-cv-00002 (E.D. Tex)
GOOGLE1011	MTEL’s Opening Claim Construction Brief in <i>Mobile Telecommunications Technologies, LLC, v. Google, Inc.</i> , Case No. 2:16-cv-00002 (E.D. Tex)
GOOGLE1012	RESERVED
GOOGLE1013	RESERVED

- GOOGLE1014 April 2014 Deposition of Mr. Gregory Pinter in *Mobile Telecommunications Technologies, LLC v. Sprint Nextel Corporation*, Civil Action No. 2:12-cv-832-JRG-RSP, U.S.D.C. for the Eastern District of Texas (IPR2014-01033 & 01034 Exhibit 2000)
- GOOGLE1015 Sheth Memo dated February 17, 1995 (IPR2014-01033 & 01034 Exhibit 2001)
- GOOGLE1016 Huller Memo dated February 23, 1995 (IPR2014-01033 & 01034 Exhibit 2002)
- GOOGLE1017 1995 Functional Requirements dated March 13, 1995 (IPR2014-01033 & 01034 Exhibit 2003)
- GOOGLE1018 The WSJ article dated September 19, 1995 (IPR2014-01033 & 01034 Exhibit 2004)
- GOOGLE1019 USA Today article dated September 19, 1995 (IPR2014-01033 & 01034 Exhibit 2005)

## I. INTRODUCTION

Google Inc. (“Petitioner”) petitions for *Inter Partes* Review (“IPR”) of claims 8-14 and 19-21 of U.S. Patent 5,894,506 (“the ’506 patent”). The ’506 patent describes a communications system for transmitting “canned messages” between paging devices in message code form. GOOGLE1001, 1:50-67.

The claimed system, however, was not new by September 1996. Indeed, as evidenced by the publications here, transmission message codes representing canned messages between communication devices was predictable and routine in similar prior art systems. GOOGLE1004, 1:62-2:4 (“Each such message is coded in a predetermined manner and includes, among other things, a message number that uniquely identifies a message”); GOOGLE1005, 9:62-66 (“message code corresponding to the desired message from the message table”); 10:26-29; 6:13-23; GOOGLE1007 27:56-58; 13:8-13; 21:10-12.

LaPorta, Ise, and the other references cited herein were not considered during prosecution and disclose all of the elements of the claimed system. Petitioner therefore requests IPR of the challenged claims.

## II. MANDATORY NOTICES UNDER 37 C.F.R § 42.8

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

Google Inc. is the Petitioner and the real party-in-interest. No other party had access to the Petition, and no other party had any control over, or contributed to any funding of, the preparation or filing of the present Petition.

# 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.