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Paper 7
Entered: December 11, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01531
Patent 7,650,234 B2

Before JOHN F. HORVATH, JOHN A. HUDALLA, and KAMRAN JIVANI, *Administrative Patent Judges.*

JIVANI, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner Unified Patents Inc. requested an *inter partes* review of claims 1–30 (the "Challenged Claims") of U.S. Patent No. 7,650,234 B2 ("the '234 patent"). Paper 1 ("Petition" or "Pet."). Patent Owner Silver State Intellectual Technologies, Inc. filed a Preliminary Response. Paper 6 ("Prelim. Resp.").

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless it is determined that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the Challenged Claims. Applying this standard, we are not persuaded Petitioner has shown a reasonable likelihood that it would prevail with respect to at least one of the Challenged Claims because the Petition does not account properly for all the limitations of independent claims 1, 9, 17, and 24. Accordingly, we deny the Petition and decline to institute *inter partes* review of the Challenged Claims for the reasons set forth below.

II. BACKGROUND

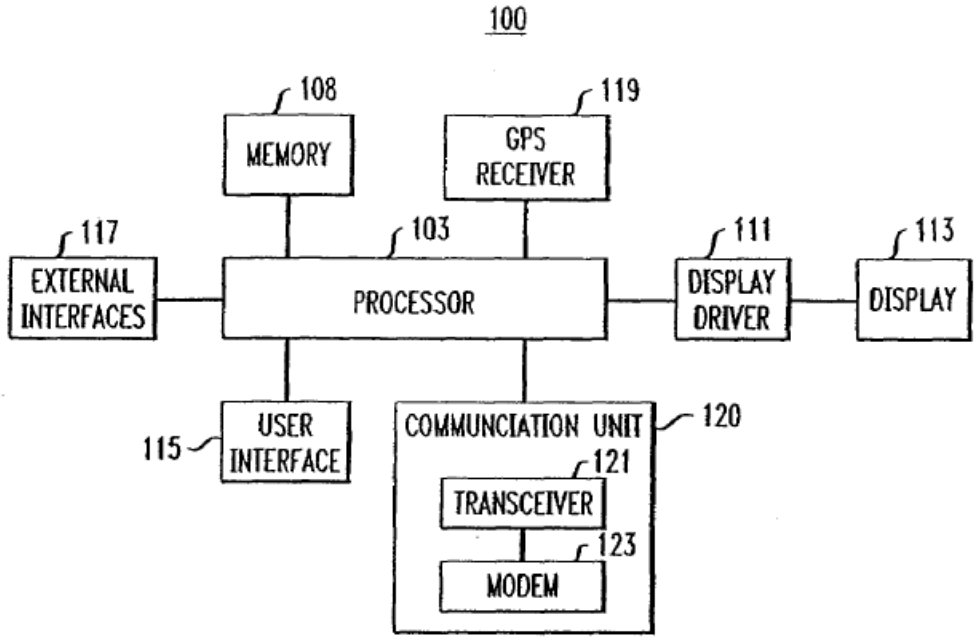
A. The '234 patent (Ex. 1001)

The '234 patent relates to a navigation system that takes into account user preferences. *See* Ex. 1001, 1:2–22. The '234 patent describes a navigation device that has been "expanded [beyond] the concept of the traditional navigation to broadly include providing a navigated route subject to user preferences, together with information concerning facilities and events surrounding the navigated route for the user's convenience." *Id*. at 1:59–63. A route is selected in order to satisfy the purpose of a trip, which according to the '234 patent, can be: (i) to reach a given destination, as taught in the prior art, or (ii) "to perform certain tasks enroute [sic] or at the

destination, which may include purchasing business supplies, shopping for gifts, dining, obtaining entertainments, etc." *Id*. at 1:63–2:1. The described system and method store user profiles including preferences for types of restaurants, shops, entertainment, etc. for use in navigating according to the latter purpose. *Id*. at 2:1–4. The actual route selected for a trip may also depend on external conditions, such as traffic, weather, and road conditions. *Id*. at 5:49–51. The '234 patent describes receiving information concerning such external conditions from a server and then selecting the most efficient route to accomplish the purpose of the trip, "despite any adverse traffic, weather and road conditions." *Id*. at 5:52–57.

Figure 1 of the '234 patent, reproduced below, depicts a navigator arrangement 100, for use either as a handheld device or a docked device within another system such as a computer or vehicle. *Id*. at 3:27–35.

FIG. 1



After a user creates a profile, navigator arrangement 100's processor 103 obtains from GPS receiver 119 coordinates for the current location of the navigator arrangement and creates a record of the coordinates associated with the user. *Id.* at 6:35–43. Processor 103 then uses communication unit 120 to request a map and related information from navigation server 630, shown in Figure 5 reproduced below. *Id.* at 7:3–27.

FIG. 5

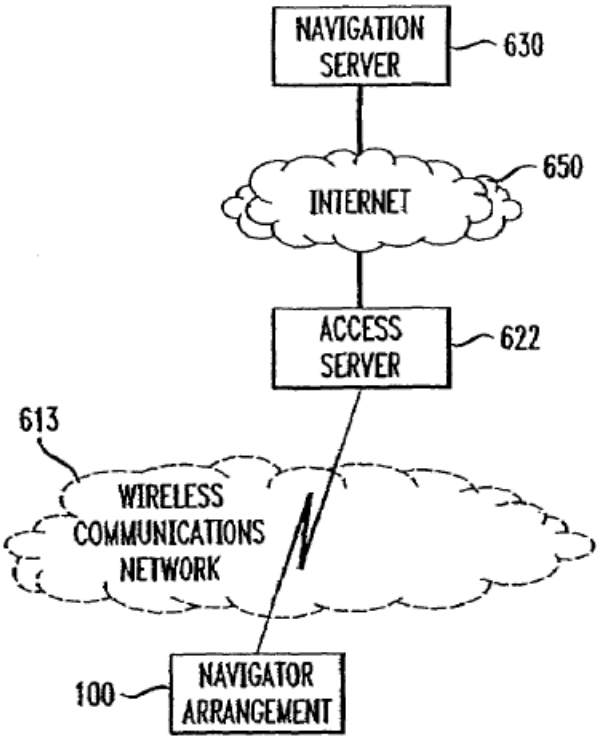


Figure 5 depicts navigator arrangement 100's communication with navigation server 630 via an internet service provider's access server 622. *Id.* "Navigation server 630 . . . provides the navigation service in accordance with the invention." *Id.* at 7:33–34. Navigation server 630 "receives data from different sources and maintains numerous databases therein including a map database, a weather database, a traffic database, a

road-condition database, a subscriber database, a non-subscriber database, etc." *Id*. at 7:35–39. Navigation server 630 responds to the request from processor 103 in navigation arrangement 100 by sending navigation arrangement 100 a map and a list of personal favorite facilities and events, which navigation arrangement 100 stores in a record 400. *Id*. at 8:26–55.

The '234 patent further describes a "NAVIGATE option 657 for navigation by arrangement 100." *Id*. at 9:56–57. The NAVIGATE option provides the user with an interface to enter an origination and destination address, with the user's current location being the default origination. *Id*. at 10:5–10. Processor 103 determines whether the navigation coverage based on the map stored in record 400 includes the origination and destination addresses, and whether the stored map and related information are current. *Id*. at 10:27–34. If the navigation coverage includes the addresses and the map and information are current, processor 103 analyzes the map and information to select the fastest route from the origination to the destination. *Id*. at 10:35–52. Otherwise, processor 103 requests an updated map and related information from navigation server 630. *Id*. at 10:55–62. Navigation server 630 responds by preparing a new map and related information covering "at least the origination address to the destination address." *Id*. at 10:66–11:2. Navigation server 630 sends the new map and related information to navigation arrangement 100, which stores the new map and information in record 400. *Id*. at 11:8–11.

B. Challenged Claims

Claims 1 9, 17, and 24 are independent. Claim 1 and 17 are reproduced below with bracketed material and formatting added.

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