

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUIZ FOOD PRODUCTS, INC.,
PETITIONER,

v.

MACROPOINT LLC,
PATENT OWNER.

Case IPR2017-02016
Patent 8,275,358

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,275,358
UNDER 35 U.S.C. §§ 311 ET SEQ. AND
37 C.F.R. § 42.100 ET SEQ.**

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Exhibit 1006	U.S. Patent No. 6,591,242 to Karp et al. (“Karp”)
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Exhibit 1012	Order Dismissing Complaint Without Prejudice, <i>FourKites, Inc. v MacroPoint, LLC</i> , Case No. 1:16-cv-02703-CAB (N.D. Ohio) (entered on June 27, 2017)
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Exhibit 1014	U.S. Patent Publication No. 2014/0295798 to Roach (“Roach”)

I. INTRODUCTION

Petitioner, Ruiz Foods Products Inc. (“Petitioner”), hereby respectfully requests *Inter Partes* Review (“IPR”) pursuant to 35 U.S.C. §§ 311 *et seq.* and 37 C.F.R. §§ 42.100 *et seq.*, of claims 1-30 of U.S. Patent No. 8,275,358 (“the ‘358 patent”) filed March 1, 2012 to Adelson. *See* Ex. 1001.

The ‘358 patent purports to claim methods and systems of providing notice to and receiving consent from a user of a mobile device during an automated telephone call. The notice and consent relate to obtaining and disclosing location information of the user’s mobile device. Yet, the process of notifying and obtaining consent from an individual is not inventive (and could be done through face to face conversation without the use of any technology). Moreover, the ‘358 patent acknowledges that the wireless telecommunications industry had already put out guidelines for location based services requiring “user notice and consent.” Ex. 1001 at 1:55-2:3.

The additional claim elements of providing notice and receiving consent within the context of an automated telephone call does nothing to impart patentability in light of the ‘358 patent’s 2012 filing date. This has been accomplished for decades via live customer service representatives. The Interactive Voice Response (IVR) technology was used to provide automated interaction based on user responses long before the ‘358 patent was filed. Indeed, the

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