

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

OPPOSITION TO PATENT OWNER'S MOTION TO AMEND

TABLE OF CONTENTS

I.	Introduction	1
II.	Proposed Substitute Claims Are Abstract Ideas under 35 U.S.C. §101.....	1
	A. <i>Alice</i> Step One	2
	B. <i>Alice</i> Step Two.....	7
	C. Prior §101 court decisions on patent related to the '358 patent	9
III.	Proposed Substitute Claims Lack Written Description Support and are Indefinite under §112.....	11
	A. Substitute claims lack written description support.....	11
	B. “The mobile device of a driver by a carrier” is indefinite	15
IV.	Substitute claims 31-60 have been improperly broadened.....	15
V.	Substitute Claims 31-60 are Obvious	16
	A. Reasons to combine Poulin with Cone (with or without Karp):.....	18
	B. Obtaining Location Information of the Mobile Device of a Driver by a Carrier so That the Carrier May Assign Freight for the Driver to Haul (Substitute Claim 31 and 49)	19
	C. Receiving from the carrier a code that the carrier obtained from another carrier that serves as verification that the driver has consented to disclosing the location information of the mobile device (Substitute Claims 31 and 49)	21
	D. A “second” telephone call (Substitute claim 43)	24
	E. Substitute claims 32-42, 44-48 and 50-60	25

VI. CONCLUSION25

LIST OF EXHIBITS

Exhibit 1001	U.S. Patent No. 8,275,358 to Adelson
Exhibit 1002	Expert Declaration of Scott Denning
Exhibit 1003	CV of Scott Denning
Exhibit 1004	Prosecution File History for U.S. Patent No. 8,275,358
Exhibit 1005	U.S. Patent Pub. No. 2002/0115453 to Poulin et al. (“Poulin”)
Exhibit 1006	U.S. Patent No. 6,591,242 to Karp et al. (“Karp”)
Exhibit 1007	U.S. Patent Publication No. 2008/0186166 to Zhou et al. (“Zhou”)
Exhibit 1008	CTIA, Best Practices and Guidelines for Location-Based Services, May 23, 2012.
Exhibit 1009	U.S. Patent No. 5,592,538 to Kosowsky et al. (“Kosowsky”)
Exhibit 1010	U.S. Patent Pub. No 2007/0159322 to Campbell (“Campbell”)
Exhibit 1011	U.S. Patent No. 8,045,995 to King et al. (“King”)
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)
Exhibit 1013	Proof of Service of Complaint of Patent Infringement, <i>MacroPoint, LLC v Ruiz Food Products, Inc.</i> , 6:16-cv-01133 (E.D. TX) (served on August 31, 2016)

Exhibit 1014	U.S. Patent Publication No. 2014/0295798 to Roach (“Roach”)
Exhibit 1015	Declaration of Scott Denning in support of Petitioner’s Opposition to Patent Owner’s Motion to Amend
Exhibit 1016	US Patent Application Publication No. 2008/0045232 to Cone (“Cone”)
Exhibit 1017	Guester, M. and Liu, X, “Protecting Privacy in Continuous Location-Tracking Applications”, IEEE COMPUTER SOCIETY, 1540-7993/04 (March/April 2004). (“Guester”)
Exhibit 1018	U.S. Patent No. 4,785,408 to Britton et al.
Exhibit 1019	Rebuttal Expert Report of Ivan Zatkovich
Exhibit 1020	Deposition Transcript of David H Williams
Exhibit 1021	U.S. Patent No. 5,199,062 to Von Meister et al.
Exhibit 1022	U.S. Patent No. 5,592,538 to Kosowsky et al.
Exhibit 1023	U.S. Patent No. 6,442,391 to Johansson et al.

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.