

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

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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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.

I. INTRODUCTION

Patent Owner's Response ("PO Resp.") presents identical arguments, worded in almost the exact same way, as Patent Owner's Preliminary Response. The Board already considered and dismissed these arguments in its Institution Decision for this case, *see* Paper #7, Institution Decision at 11-14, and Patent Owner does not even attempt to rebut the Board's preliminary findings. Patent Owner has presented no basis for the Board to reach a different outcome in its Final Written Decision.

Just as in the preliminary response, Patent Owner argues that the Petition provides no reason to modify Poulin without hindsight. PO Resp. at 20-24. However, as the Board found in the Institution Decision, the Petition provides a reason to modify Poulin that does not rely on hindsight. Institution Decision at 13-14 ("Thus, we do not agree with Patent Owner's argument that modification of Poulin relies on hindsight or lacks a persuasive reason for the modification of Poulin") (citing to the Petition at 20-21, Ex. 1002 at ¶¶66-68 and Ex. 1005 at ¶¶2, 22, 23 and 67).

The PO Resp. does not meaningfully address, let alone overcome, any of the evidence supporting the grounds for obviousness provided in the Petition and cited by the Board in the Institution Decision. Indeed, Patent Owner did not depose Mr. Denning, Petitioner's expert, to challenge the testimony he provided for why the

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