

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUIZ FOOD PRODUCTS, INC.,
PETITIONERS,

v.

MACROPOINT LLP,
PATENT OWNER

Case IPR2017-02018
Patent 9,429,659

DECLARATION OF MR. SCOTT ANDREW DENNING

TABLE OF CONTENTS

	<u>Page</u>
LIST OF EXHIBITS	iii
I. INTRODUCTION AND SCOPE OF WORK	1
II. SUMMARY OF OPINIONS.....	2
III. BACKGROUND AND QUALIFICATIONS	2
IV. LEGAL STANDARDS	6
A. Claim Interpretation.....	7
B. Obviousness.....	7
V. BASIS FOR OPINIONS.....	11
VI. FIELD OF ART	13
VII. PERSON OF ORDINARY SKILL IN THE ART	13
VIII. THE '659 PATENT	14
A. The Prosecution History	14
B. Summary of Disclosure of the Claimed Invention.....	18
IX. THE STATE OF THE ART RELEVANT TO THE '659 PATENT	20
X. SUMMARY OF THE PRIOR ART REFERENCES RELIED ON FOR OBVIOUSNESS.....	23
A. Enzmann (U.S. Patent No. 7,130,630)	23
B. King (U.S. Patent No. 8,045,995)	24
C. Dhanani (U.S. Patent No. 8,395,547).....	26

TABLE OF CONTENTS (cont'd)

	<u>Page</u>
XI. CLAIMS 1-30 ARE OBVIOUS	27
XII. DETAILED INVALIDITY ANALYSIS.....	28
XIII. CONCLUSION	85

LIST OF EXHIBITS

Exhibit 1001	U.S. Patent No. 9,429,659 (“the ’659 patent”)
Exhibit 1003	Scott Denning CV
Exhibit 1004	U.S. Patent No. 7,130,630 to Enzmann et al. (“Enzmann”)
Exhibit 1005	U.S. Patent No. 8,045,995 to King et al. (“King”)
Exhibit 1006	U.S. Patent No. 8,395,547 to Dhanani et al. (“Dhanani”)
Exhibit 1007	Prosecution File History of the ’659 patent
Exhibit 1008	CTIA, Best Practices and Guidelines for Location-Based Services
Exhibit 1009	U.S. Design Patent No. D580,387 to Andre et al. (“Andre”)
Exhibit 1010	U.S. Patent No. 6,833,811 to Zeitfuss et al. (“Zeitfuss”)
Exhibit 1011	U.S. Patent No. 7,864,163 to Ording et al. (“Ording”)
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	Complaint of Patent Infringement, <i>MacroPoint, LLC v. Ruiz Food Products, Inc.</i> , 6:16-cv-01133 (E.D. TX)
Exhibit 1015	U.S. Patent No. 4,736,290 to McCallion (“McCallion”)
Exhibit 1016	U.S. Patent No. 4,467,420 to Murakami (“Murakami”)
Exhibit 1017	U.S. Patent No. 4,768,150 to Chang et al. (“Chang”)
Exhibit 1018	U.S. Patent Publication No. 2008/0186166 to Zhou et al. (“Zhou”)

I, Scott Andrew Denning, of Colorado Springs, Colorado, declare that:

I. INTRODUCTION AND SCOPE OF WORK

1. I have been retained by Ruiz Food Products, Inc. in the above-captioned *Inter Partes* Review (IPR) as an independent expert in fields of location tracking and telecommunications.

2. I have been asked to provide my independent analysis regarding the references identified by petitioner Ruiz Food Products, Inc. (“Petitioner”) in this IPR related to U.S. Patent 9,429,659 (“the ’659 patent”), which appears to be assigned to MacroPoint, LLC (“Patent Owner”). I have been asked to consider what one of ordinary skill in the art before the earliest claimed priority date of the ’659 patent, March 26, 2012, would have understood including scientific and technical knowledge related to the ’659 patent.

3. I have also been asked to provide my opinions regarding whether claims 1-30 of the ’659 patent (“the Challenged Claims”) would have been obvious to a person having ordinary skill in the art at the time of the alleged invention (“POSITA”).

4. My analysis is directed by my education, training, and experience as a person of ordinary skill in the art as of the earliest claimed priority date of the ’659 patent. The ’659 patent was filed on January 4, 2016 as Application No.

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.