

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner.

PTAB Case No. IPR2016-01897
Patent No. 9,253,239 B2

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,253,239 B2**

Bromium Exhibit 2031

TABLE OF CONTENTS

	Page
EXHIBIT LIST	iii
I. INTRODUCTION	1
II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8(B)	1
III. REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW	3
A. GROUND FOR STANDING.....	3
B. IDENTIFICATION OF CHALLENGE.....	3
IV. OVERVIEW OF THE 239 PATENT.....	5
A. PRIORITY DATE OF THE 239 PATENT	5
B. SUMMARY OF THE 239 PATENT	5
C. THIS PETITION PRESENTS QUESTIONS OF PATENTABILITY THAT HAVE NOT BEEN BEFORE THE OFFICE	10
D. LEVEL OF ORDINARY SKILL IN THE ART	11
E. PROPOSED CLAIM CONSTRUCTION.....	12
V. THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE 239 PATENT IS UNPATENTABLE	12
A. THE CITED REFERENCES ARE PRIOR ART	12
B. GROUND 1: CLAIMS 1-20 AND 23-25 ARE UNPATENTABLE UNDER 35 U.S.C. §103(A) OVER REDDY AND HORNBACKER.....	13
1. REDDY AND HORNBACKER SHOW THAT THE PURPORTED SOLUTIONS CLAIMED BY THE 239 PATENT WERE NOT NOVEL IN THE TECHNICAL FIELD	14
2. A POSITA WOULD HAVE BEEN MOTIVATED TO COMBINE REDDY AND HORNBACKER.....	20
3. Claim 1	24
4. Claim 2.....	42
5. Claim 3.....	43

TABLE OF CONTENTS

(continued)

	Page
6. Claim 4.....	45
7. Claim 5.....	46
8. Claim 6.....	46
9. Claim 7.....	46
10. Claim 8.....	48
11. Claim 9.....	48
12. Claim 10.....	49
13. Claim 11.....	50
14. Claim 12.....	51
15. Claim 13.....	51
16. Claim 14.....	52
17. Claim 15.....	52
18. Claim 16.....	52
19. Claim 17.....	53
20. Claim 18.....	53
21. Claim 19.....	53
22. Claim 20.....	54
23. Claim 23.....	54
24. Claim 24.....	56
25. Claim 25.....	57
C. GROUND 2: CLAIMS 21-22 ARE UNPATENTABLE UNDER 35 U.S.C. §103(A) OVER REDDY, HORNBACKER AND LOOMANS.....	58
1. Claim 21.....	62
2. Claim 22.....	62
VI. CONCLUSION.....	65

EXHIBIT LIST

- Ex.1001 U.S. Patent No. 9,253,239 B2 to Levanon et al. (“the 239 Patent”)
- Ex.1002 U.S. Patent No. 8,924, 506 B2 to Levanon et al. (“the 506 Patent”)
- Ex.1003 PCT Publication No. WO 99/41675 to Cecil V. Hornbacker, III (“Hornbacker”)
- Ex.1004 Reddy *et al.*, “TerraVision II: Visualizing Massive Terrain Databases in VRML,” IEEE Computer Graphics and Applications March/April 1999, pp. 30-38 (“Reddy” with added paragraph numbers by Petitioner for ease of reference in the Petition)
- Ex.1005 Declaration of Prof. William R. Michalson (“Michalson Decl.”)
- Ex.1006 EP1070290 to Cecil V. Hornbacker, III
- Ex.1007 Printout of IEEE Explore citations to Reddy *et al.* (Ex.1004)
- Ex.1008 Printout of Google Scholar citations to Reddy *et al.* (Ex.1004)
- Ex.1009 Cover page and authenticating declaration of Reddy *et al.* (Ex.1004) from British Library
- Ex.1010 Cover page of Reddy *et al.* (Ex.1004) from Linda Hall Library
- Ex.1011 First Amended Complaint Dated March 14, 2016 in Case No. 15-cv-00031-RGA, *Bradium Technologies, LLC v. Microsoft Corp.*
- Ex.1012 U.S. Patent No. 7,908,343 (“the 343 Patent”)
- Ex.1013 File History of 239 Patent
- Ex.1014 U.S. Patent No. 6,728,960 (“Loomans”)
- Ex.1015 Provisional App. No. 60/109,077 (“Loomans Provisional”)
- Ex.1016 International Publication No. WO 98/15920 (“Austreng”)

I. INTRODUCTION

Pursuant to 35 U.S.C. §311 and 37 C.F.R. § 42.100, Microsoft Corporation (“Microsoft” or “Petitioner”) petitions for *inter partes* review (IPR) of Claims 1-25 of U.S. Patent No.9,253,239 (the “239 Patent,” Ex.1001), owned by Bradium Technologies LLC (“Bradium” or “Patent Owner”).

The 239 Patent attempts to broadly claim a well-known concept in the art of dividing large sets of imagery (such as geographic imagery) into “image parcels” at varying levels of detail to allow users to browse such imagery online. The cited Reddy and Hornbacker show how this concept was well-known and documented in detail before the priority date of the 239 Patent.

This Petition demonstrates that Claims 1-25 are unpatentable under pre-AIA 35 U.S.C. §103.

II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8(B)

REAL PARTY IN INTEREST: Petitioner is the only real party in interest and there are no other real parties in interest under 35 U.S.C. §312(a)(2) and 37 C.F.R. §42.8(b)(1).

RELATED MATTERS: The 239 Patent and three other patents in the same family, U.S. Patent Nos.7,139,794 B2, 7,908,343 B2, and 8,924,506 B2, are being asserted against Petitioner in an on-going patent infringement lawsuit brought by Patent Owner in *Bradium Techs. v. Microsoft*, 1:15-cv-00031-RGA, filed January

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.