

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASUSTEK COMPUTER INC. AND  
ASUS COMPUTER INTERNATIONAL,  
Petitioner,

v.

MAXELL, LTD.,  
Patent Owner.

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Case IPR2019-00071  
Patent 6,430,498 B1

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Before TERRENCE W. McMILLIN, JOHN A. HUDALLA, and  
JASON W. MELVIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

DECISION  
Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314(a)

## I. INTRODUCTION

ASUSTek Computer Inc. and ASUS Computer International (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 1–13 of U.S. Patent No. 6,430,498 B1 (Ex. 1001, “the ’498 patent”). Maxell, Ltd. (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the Preliminary Response shows that “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Upon consideration of the Petition, the Preliminary Response, and the supporting evidence, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner will prevail with respect to any of the claims challenged in the Petition. Accordingly, we do not institute an *inter partes* review as to the challenged claims of the ’498 patent.

### A. *Related Matter*

The parties indicate that the ’498 patent has been asserted in *Maxell, Ltd. v. ASUSTek Computer Inc. & ASUS Computer International*, 3-18-cv-01788 (C.D. Cal.), filed March 22, 2018. Pet. 2; Paper 5, 1.

*B. The '498 Patent*

The '498 patent is titled, "Portable Terminal With The Function of Walking Navigation." Ex. 1001, (54). "[T]he portable terminal of the present invention with the function of walking navigation is provided with data communication, input, and display devices just like those of ordinary portable telephones and PHS [Personal Handyphone System] terminals, as well as a device for getting location information and a device for getting direction information denoting the user's present place." *Id.* at 2:56–62. Figure 1 of the '498 patent is reproduced below.

**FIG. 1**

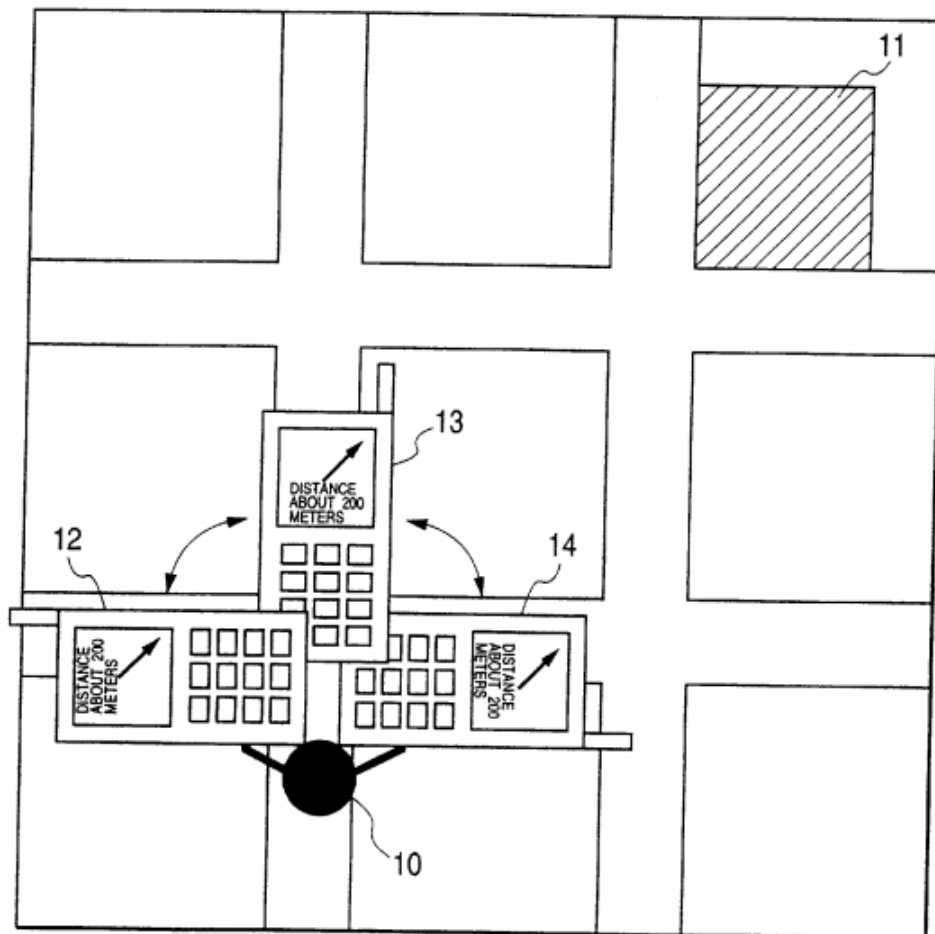


Figure 2 depicts the data display of the portable terminal of a user 10 walking towards destination 11. *Id.* at 5:1–4. Figure 10 of the '498 patent is reproduced below.

**FIG. 10**

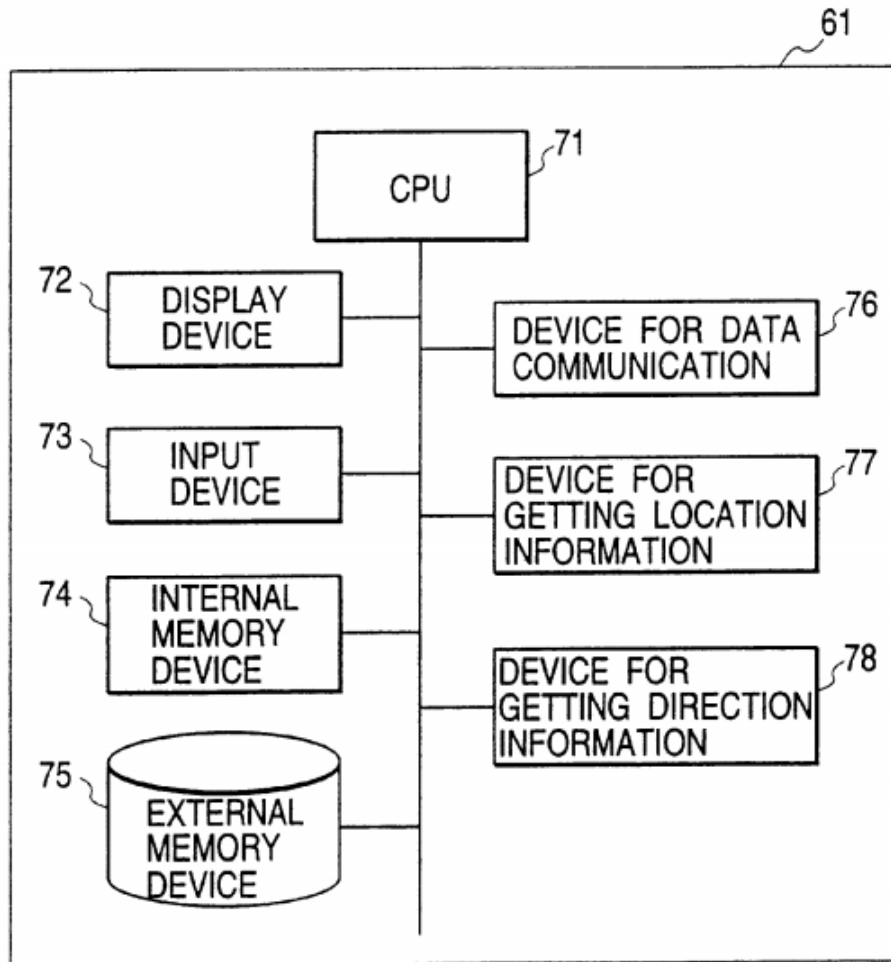


Figure 10 depicts “a block diagram of the portable terminal of the present invention with the function of walking navigation.” *Id.* at 4:61–62.

*C. Illustrative Claim*

Petitioner challenges claims 1–13 (all claims) of the '498 patent. Pet. 1. Claims 1, 5, and 10 are independent claims. Independent claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A portable terminal with the function of walking navigation, comprising:
  - a device for getting location information denoting a present place of said portable terminal; and
  - a device for getting direction information denoting an orientation of said portable terminal,wherein a direction and a distance of a destination from said present place are denoted with an orientation and a length of line that is distinguished between starting and ending points to supply route guidance information as said walking navigation information.

Ex. 1001, 10:30–40. The “device for getting location information denoting a present place of said portable terminal” limitation is recited in all of the independent claims. *Id.*, *see also id.* at 10:62–63 (claim 5), 11:31–32 (claim 10).

*D. Asserted Grounds of Unpatentability*

Petitioner challenges claims 1–3 and 5–8 of the '498 patent as obvious in view of Suzuki<sup>1</sup> and Nosaka.<sup>2</sup> Pet. 3 (statement of ground), 37–38 (motivation to combine), 45–72 (application of cited art to claims).

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<sup>1</sup> Japanese Patent No. H07-280583 (Ex. 1004) (English translation Ex. 1005).

<sup>2</sup> Japanese Patent No. H10-170301 (Ex. 1007) (English translation Ex. 1008).

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