

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

MICROSOFT CORPORATION

Petitioner,

v.

IRON OAK TECHNOLOGIES, LLC,

Patent Owner.

Patent No. 5,699,275

Issued: December 16, 1997

Filed: April 12, 1995

Inventors: Dale E. Beasley et al.

Title: SYSTEM AND METHOD FOR REMOTE PATCHING OF OPERATING  
CODE LOCATED IN A MOBILE UNIT

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*Inter Partes* Review No. IPR2019-00106

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 5,699,275**

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## I. INTRODUCTION

Petitioner Microsoft Corporation respectfully requests the Board institute *inter partes* review of claim 1 of U.S. Patent No. 5,699,275 (“the 275 Patent”) (Ex.1001). The 275 patent describes a system that allows centralized operators, such as fleet operators, and others to upgrade existing software in mobile units. Ex. 1001, 1:12-15. That is precisely what Sugita—a published, unexamined Japanese application—discloses, as described by Petitioner in detail below. However, Petitioner expects that Patent Owner will argue that certain limitations from the specification should be read in to the challenged claim 1, or that certain other limitations are not expressly taught in Sugita. Even if one were to accept those arguments, Petitioner has shown how Sugita in view of several prior art references nonetheless render claim 1 obvious.

## II. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

### A. Certification the 275 Patent May Be Contested by Petitioner

Petitioner certifies it is not barred or estopped from requesting *inter partes* review of U.S. Patent No. 5,699,275 (Ex.1001). Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the 275 Patent. The 275 Patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

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