

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN MULTI-CINEMA, INC.; AMC ENTERTAINMENT HOLDINGS, INC.; BOSTON MARKET CORPORATION; MOBO SYSTEMS, INC.; MCDONALD'S CORPORATION; MCDONALD'S USA; PANDA RESTAURANT GROUP, INC.; PANDA EXPRESS INC.; PAPA JOHN'S INTERNATIONAL, INC.; STAR PAPA LP; and PAPA JOHN'S USA, INC.

Petitioner,

v.

FALL LINE PATENTS, LLC  
Patent Owner.

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Case IPR2019-00610  
Patent 9,454,748 B2

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Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

ORDER  
*Conduct of the Proceeding*  
37 C.F.R. § 42.5

We authorize the parties to provide additional briefing on claim construction issues concerning GPS and device indifferent and device independent tokens.

In particular, claim 1 of the challenged patent recites the following limitations:

(c) tokenizing said questionnaire, thereby producing a plurality of device indifferent tokens representing said questionnaire;

(e) when said remote computing device is at said location, executing at least a portion of said plurality of tokens representing said questionnaire at within said remote computing device to collect a response from a user; and

(f) automatically entering the GPS coordinates into said questionnaire.

Claim 19 recites these limitations:

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and

(d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information.

And claim 21 recites these limitations:

(a)(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting GPS

coordinates and at least one additional question, said tokenized questionnaire comprising a plurality of device independent tokens;

(a)(4)(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device, and

(a)(4)(ii) automatically entering the GPS coordinates into said questionnaire.

Patent Owner appears to implicitly construe the above limitations to require that each of steps (f) in claim 1, (d3) in claim 19, and (a)(4)(ii) in claim 21 be performed by executing device independent tokens. *See, e.g.*, Patent Owner Response (Paper 17), 17–21. The Petition does not appear to have the same implicit constructions. *See, e.g.*, Paper 7, 27. Neither party, however, has expressly addressed these claim construction issues. Thus, we authorize the parties to expressly address these issues of claim construction in additional briefing.

Within six business days of the issuance of this Order, each party may submit an Initial Paper of no more than five pages, addressing the above claim construction issues. In its Initial Paper, each party should address the following questions:

1. Is there any requirement of device independence for step (f) in claim 1? If so, what is that requirement? Must step (f) in claim 1 be performed by executing device indifferent tokens?
2. Does step (c) of claim 1 require that all tokens produced by tokenizing the questionnaire be device indifferent?
3. Is there any requirement of device independence for steps (d3) in claim 19 and step (a)(4)(ii) in claim 21? If so, what is that requirement? Must steps (d3) in

claim 19 and step (a)(4)(ii) in claim 21 be performed by executing device independent tokens? and

4. Does the phrase “tokenized questionnaire comprising a plurality of device independent tokens” recited in claims 19 and 21 require that all tokens in the recited questionnaire be device independent?

In its Initial Paper, each party should provide its reasoning for its answers to the above questions as well as any additional exposition and case law discussion pertinent to the construction of the above limitations regarding device independence, device indifference, and GPS. No other issues may be addressed in the Initial Papers or in the Responsive Papers authorized below.

If a party timely submits an Initial Paper, it may within nine business days from the issuance of this Order, submit a Responsive Paper of no more than three pages responding to the Initial Paper of the opposing party.<sup>1</sup> The Responsive Paper shall only respond to issues addressed in the opposing party’s Initial Paper. No other papers are authorized.

It is:

ORDERED that, within six business days of the issuance of this Order, each party may submit an Initial Paper as specified above; and

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<sup>1</sup> A party is not authorized to submit a Responsive Paper if its opposing party does not submit an Initial Paper.

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FURTHER ORDERED that, if a party timely submits an Initial Paper, that party may, within nine business days from the issuance of this Order, submit a Responsive Paper as specified above.<sup>2</sup>

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<sup>2</sup> See footnote 1 above.