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Paper 9
Date: March 4, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LBT IP I LLC,
Patent Owner.

IPR2020-01192
Patent 8,421,618 B2

Before JOHN A. HUDALLA, SHEILA F. McSHANE, and JULIET MITCHELL DIRBA, *Administrative Patent Judges.*

McSHANE, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background and Summary

Apple Inc. ("Apple" or "Petitioner") filed a Petition requesting *inter partes* review of claims 1–24 of U.S. Patent No. 8,421,618 B2 (Ex. 1001, "the '618 patent"), along with the supporting Declaration of Scott Andrews. Paper 1 ("Pet."); Ex. 1003. LBT IP I LLC ("LBT" or "Patent Owner") filed a Preliminary Response to the Petition. Paper 8 ("Prelim. Resp.").

We have authority under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . 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."

For the reasons that follow, we determine that Petitioner has demonstrated that there is a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. For the reasons set forth below, and pursuant to 35 U.S.C. § 314, we institute *inter partes* review of claims 1–24 of the '618 patent.

B. Related Matters

The parties identify *LBT IP I LLC v. Apple Inc.*, Civil Action No. 1:19-cv-01245-UNA (D. Del.), filed on July 1, 2019 as a related matter. Pet. 70; Paper 3, 2; Paper 6, 2. Petitioner also identifies several petitions filed that challenge other patents related to the '618 patent: IPR2020-01189, IPR2020-01190, IPR2020-01191, and IPR2020-01193. Pet. 70.

C. The '618 Patent

The '618 patent is titled "Apparatus And Method For Determining Location And Tracking Coordinates Of A Tracking Device" and issued on

April 16, 2013, from an application filed on January 23, 2012. Ex. 1001, codes (22), (45), (54).

The '618 patent is directed to an apparatus to monitor location coordinates of an electronic tracking device. Ex. 1001, code (57). The electronic tracking device apparatus includes electronic components such as a transceiver, signal processing circuitry, and an accelerometer. *Id*. at 5:50–53. Figure 1, reproduced below, depicts a schematic of the electronic tracking device.

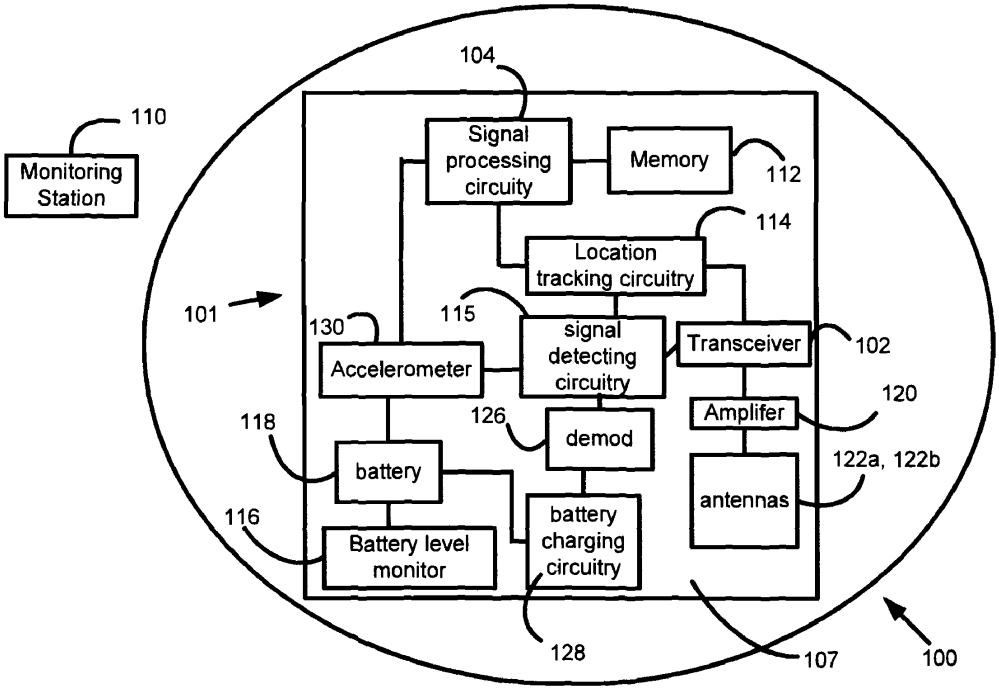

Figure 1

As depicted in the schematic of Figure 1, reproduced above, tracking device 100 contains electronic components 101 such as transceiver 102, signal processing circuitry 104 (e.g., a microprocessor or other signal logic circuitry), and accelerometer 130. Ex. 1001, 5:50–53. Signal processing circuitry 104 may store a first identification code, produce a second

identification code, determine location coordinates, and generate a positioning signal that contains location data. *Id*. at 5:62–66. Location tracking circuitry 114 calculates location data received and sends the data to signal processing circuitry 104. *Id*. at 6:12–14. Memory 112 stores operating software and data communicated to and from signal processing circuit 104 and/or location tracking circuitry 114, which, for example, is global positioning system (GPS) logic circuitry. *Id*. at 6:14–17. Signal power levels are detected and measured, and the battery level is detected. *Id*. at 6:17–22. When a signal level received by the GPS receiver is below a first signal level, portions of GPS circuitry may be placed in a sleep mode to conserve the battery level, and GPS signal acquisition may be resumed when the signal level is above a first signal level. *Id*. at 6:66–7:11. "[W]hen GPS signaling is not practicable, electronic device proximity measurements provide differential location coordinate information to calculate current location coordinate information." *Id*. at 8:9–12.

Figure 3, reproduced below, is a flow chart illustrating battery conservation for electronic tracking device 100. Ex. 1001, 9:32–33.

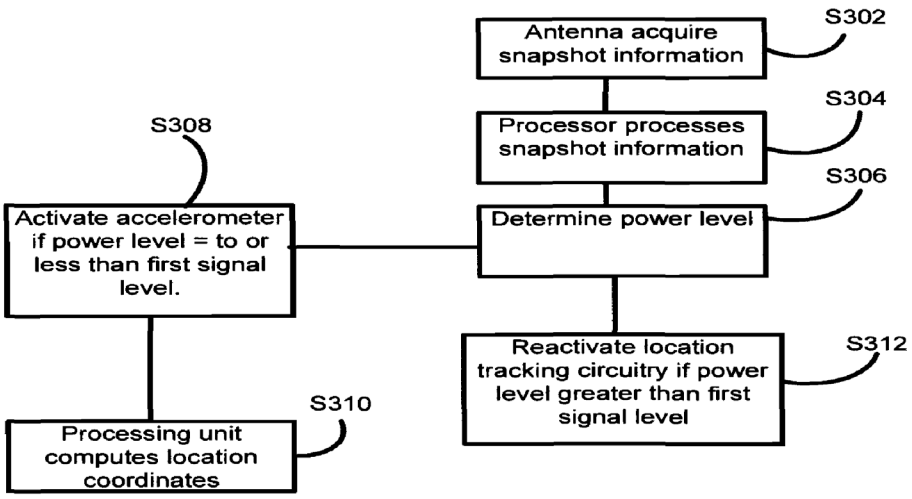

Figure 3

As shown in the flow chart of Figure 3, above, antenna 122a, which is associated with electronic tracking device 100, acquires a snapshot of receive communication signal in step 302, including location coordinates data, and processing unit 104 processes the data in step 304. Ex. 1001, 9:35–40. In step 306, processing unit 104 determines a power level of a receive communication signal. *Id*. at 9:40–41. In step 308, accelerometer 130 activates if a power level of the receive communication signal is insufficient, and accelerometer 130 may measure acceleration of electronic tracking device 100 at time intervals, with processing unit 104 computing current location coordinates using acceleration measurements at step 310. *Id*. at 9:42–48. In a variation of step 312, upon determining receive communication signal is of sufficient signal strength, accelerometer 130 is deactivated and location tracking circuitry 114 is activated. *Id*. at 9:56–61.

Challenged claims 1 and 15 are independent. Claim 1 of the '618 patent is reproduced below, with bracketed letters added to the limitations for reference purposes.

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