

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

LBT IP I LLC,

Patent Owner

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Case IPR2020-01192  
U.S. Patent No. 8,421,618

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**PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO  
PATENT OWNER'S MOTION TO AMEND**

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### PATENT OWNER'S EXHIBIT LIST

<b>Exhibit Number</b>	<b>Description</b>
2001	Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For <i>Pro Hac Vice</i> Admission
2002	Revised Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For <i>Pro Hac Vice</i> Admission
2003	Transcript of deposition of Scott Andrews
2004	U.S. Pub. No. 2009/0174603 (Appl. No. 11/969,905)
2005	Sun, U.S. Patent Number 7,612,663
2006	Syrjarinne et al., U.S. Pub. No. 2005/0113124
2007	Suprun et al., U.S. Patent Number 7,292,223
2008	Croyle et al., U.S. Patent Number 5,862,511
2009	Lau et al., U.S. Patent Number 5,592,173
2010	Tsai, U.S. Pub. No. 2007/0057068
2011	Huang et al., U.S. Patent Number 7,826,968
2012	File history of U.S. Patent Number 8,421,619
2013	U.S. Pub. No. 2009/0189807 (Appl. No. 12/419,451)
2014	U.S. Appl. No. 13/356,614
2015	U.S. Appl. No. 11/969,905
2016	U.S. Appl. No. 13/356,599
2017	U.S. Appl. No. 12/419,451
2018	U.S. Appl. No. 13/356,643

## **I. INTRODUCTION**

Petitioner's Opposition to Patent Owner's Motion to Amend (Paper 26, "*Opp.*") asserts claim 25 and Patent Owner's claim construction lack written description support. *See Opp.* at 1-3. Petitioner also asserts claims 25-48 are obvious over prior art not previously before the Board. *Id.* at 5-23.

As discussed below, the proposed substitute claims and Patent Owner's claim construction have written description support and claims 25-48 are patentable over the prior art.

## **II. THE AMENDED CLAIMS ARE PATENTABLE UNDER § 112**

### **A. Claims 11-13 Are Fully Supported By Written Description**

The '618 patent issued from Application Ser. No. 13/356,599, filed Jan. 23, 2012, which is a divisional of the U.S. patent application entitled "Apparatus and Method For Determining Location And Tracking Coordinates Of A Tracking Device", having Ser. No. 11/969,905, filed Jan. 6, 2008, now U.S. Pat. No. 8,102,256. The non-provisional '905 application (Ex. 2015) provides § 112 support for the proposed substitute claims.

As noted by the Board, the '905 application states that "[b]attery level detection circuitry (e.g., battery level monitor 116) detects a battery level of battery 118." Ex. 2015 at p. 9, ll. 9-10. Further, the '905 application states "[i]n response to measured signal strength level, a power management circuitry (e.g., battery

monitor) controls power levels associated with [a] tracking device to reduce or increase power consumption of transceiver and its associated circuitry.” *Id.* at p. 4, l. 30 – p. 5, l. 2. As determined by the Board, “the ‘905 application adequately supports ‘battery power monitor,’ as recited in substitute claim 25.” Preliminary Guidance (“*Guidance*”) at 5.

**B. Patent Owner’s Claim Construction Is Fully Supported By Written Description**

Petitioner asserts “a component consuming reduced power is met by a component that is periodically activated relative to a normal positioning mode where positioning is at a higher frequency, i.e., every one second or every ten seconds.” *Opp.* at 3. However, Petitioner’s assertion is explicitly contradicted by the clear disclosure of the ‘905 application.

The ‘905 application states “the present invention conserves battery power by placing on standby, low power mode, or disabling entirely GPS signal acquisition circuitry and other associated devices, e.g., all or a portion of amplifier block 120 including power amplifiers.” Ex. 2015 at p. 11, ll. 25-27. The ‘905 application also states “electrical circuitry associated with GPS signal acquisition, e.g., all or a portion of amplifier block 120, may be, for instance, placed on standby or in a sleep mode” and “circuitry, such as amplifier block 120 or location tracking circuitry 114, may be placed in a sleep or standby mode to conserve a battery level of the battery 118.” *Id.* at p. 10, ll. 3-4 and 11-13. Thus, the ‘905 application draws a clear

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