

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

LBT IP I LLC,

Patent Owner

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

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW
OF U.S. PAT. NO. 8,421,618**

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The Petitioner has not demonstrated a reasonable likelihood of success in its argument that any of the challenged claims of U.S. Patent No. 8,421,618 (“the ’618 Patent”) are invalid as obvious because (i) the Petitioner’s proposed combinations of references are improper, and (ii) even if the Petitioner’s proposed combinations of references were proper, the references on which it relies nonetheless fail to disclose required limitations from the challenged claims. Because the Petitioner has not met its burden, its request for institution of an *inter partes* review (“IPR”) should be denied.

I. INTRODUCTION

The ’618 Patent describes a device and method to monitor location coordinates of an electronic tracking device. Ex. 1001, Abstract. The device includes transceiver circuitry, accelerometer circuitry, a battery power monitor to selectively activate and deactivate at least one portion of the transceiver circuitry and location tracking circuitry, and processor circuitry. *Id.*

Independent claim 1 recites, in part:

accelerometer circuitry to measure displacements of the portable electronic tracking device;

a battery power monitor configured to selectively activate and deactivate at least one portion of the transceiver circuitry and location

tracking circuitry to conserve battery power in response to a signal level of the at least one portion of the receive communication signal;

Id., Claim 1.

Independent claim 15 recites, in part:

measuring displacements of the portable electronic tracking device;
activating and deactivating at least one portion of the transceiver circuitry and location tracking circuitry to conserve battery power in response to a signal level of the at least one portion of the receive communication signal;

Id., Claim 15.

Of note, displacements of the device are measured. In addition, independent claims 1 and 15 recite a single “signal level” in response to which activation and deactivation occurs.

II. PETITIONER HAS NOT MET ITS BURDEN OF SHOWING A REASONABLE LIKELIHOOD OF SUCCESS THAT ANY OF THE CHALLENGED CLAIMS ARE OBVIOUS.

Because Petitioner relies on improper proposed combinations of references, and because the references relied upon by Petition do not disclose required limitations from those claims, the petition must be denied.

A. Petitioner’s Proposed Combinations of References are Improper.

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