

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIANTIC, INC.,
Petitioner,

v.

NANT HOLDINGS IP, LLC,
Patent Owner.

IPR2021-01119
Patent 10,664,518 B2

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. § 42.4

I. INTRODUCTION

A. Background

Niantic, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–9, 11–20, 23–32, and 34–36 (the “challenged claims”) of U.S. Patent No. 10,664,518 B2 (Ex. 1001, “the ’518 patent”). Paper 2 (“Pet.”). Nant Holdings IP, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). With our authorization, Petitioner filed a Reply to Patent Owner’s Preliminary Response. Paper 7 (“Prelim. Reply”).

The Board has authority to determine whether to institute an *inter partes* review. See 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and the preliminary response “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 stated below, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to any challenged claim. We therefore do not institute *inter partes* review as to any of the challenged claims of the ’518 patent.

B. Related Proceedings

The parties identify the following district court proceeding concerning the ’518 patent: *NantWorks LLC and Nant Holdings IP, LLC v. Niantic, Inc.*, No. 3:20-cv-06262 (N.D. Cal.). Pet. 1; Paper 4, 1.

C. Real Party-in-Interest

The Petition identifies Niantic, Inc., as the real party-in-interest. Pet. 1. Patent Owner in its Preliminary Response does not contest this

identification. Patent Owner identifies Nant Holdings IP, LLC, as the real party-in-interest. Paper 4, 1.

D. The '518 Patent

The '518 patent relates to systems and methods that provide augmented reality (“AR”) content to one or more user devices based on at least one of location identification and object recognition. Ex. 1001, 2:15–18. The user device is auto-populated with AR content objects based on a location, and the AR content objects are instantiated based on object recognition within the location. *Id.* at 2:18–22. AR content objects are data objects including content that is to be presented via a suitable computing device (*e.g.*, smartphone, AR goggles, tablet) to generate an augmented-reality or mixed-reality environment. *Id.* at 7:16–19. This involves overlaying the content on real-world imagery (preferably in real-time) via the computing device, such that the user of the computing device sees a combination of the real-world imagery with the AR content seamlessly. *Id.* at 7:20–23.

Figure 5, reproduced below, illustrates a generation of a tessellated area map.

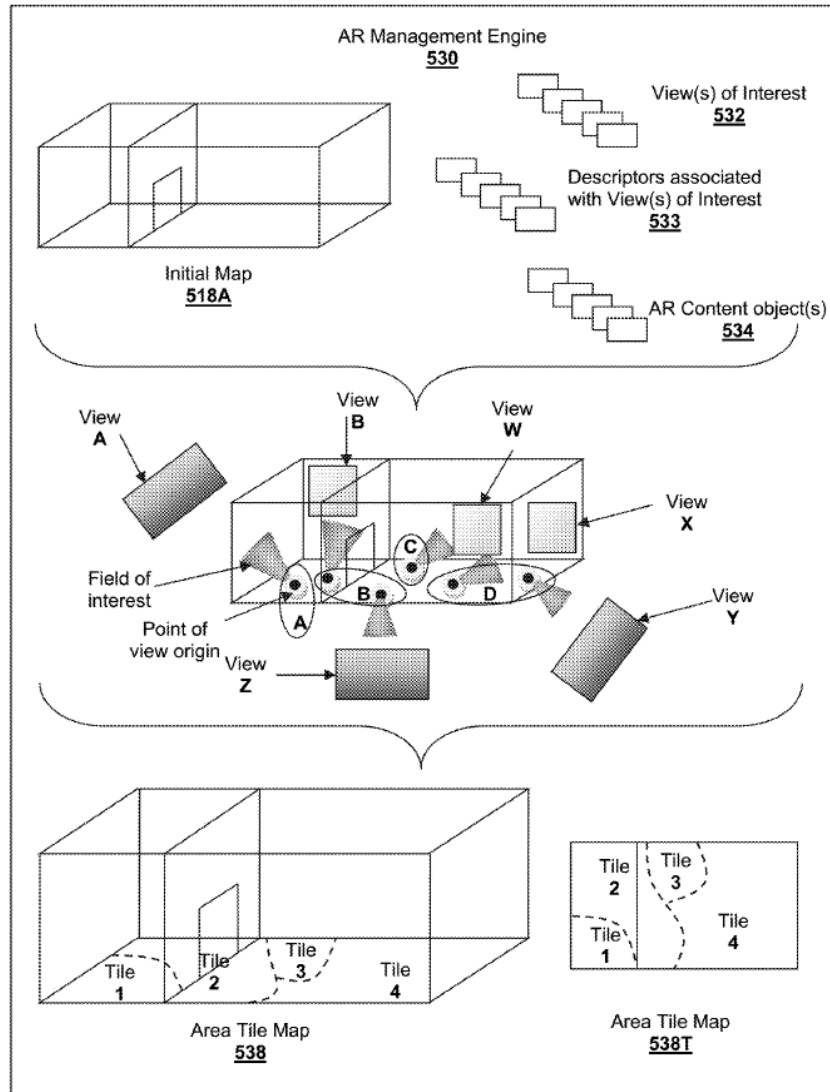


Figure 5

Figure 5 of the '518 patent is a schematic of AR management engine 530 generating area tile maps 538 and 538T. *Id.* at 17:57–58. AR management engine 530 includes, among other things, initial map 518A, view(s) of interest 532 (*e.g.*, point of view origin data, field of interest data), descriptors associated with view(s) of interest 533, and AR content object(s) 534. *Id.* at 17:58–62. Based on area data and optional other data (*e.g.*, signal data), AR management engine 530 establishes AR experience clusters A, B, C, and D

within the initial map 518A as a function of the set of AR content objects 534 and the views of interest 532. *Id.* at 17:62–67.

In the example shown in Figure 5, cluster A includes a first point of view origin having a first field of interest leading to view A. *Id.* at 17:67–18:2. Clusters B, C, and D include other point of view origins having other corresponding fields of interest and other views including objects of interest. *Id.* at 18:13–20. Based at least in part on the AR clusters, area tile maps 538 and 538T (perspective view and top view, respectively) are generated. *Id.* at 19:36–38. The area tile maps include a plurality of tessellated tiles, regular or non-regular (*e.g.*, semi-regular, aperiodic), covering at least some of the area of interest. *Id.* at 3:36–38, 18:38–40.

Figure 6, reproduced below, illustrates an area tile map based on view of interest clusters.

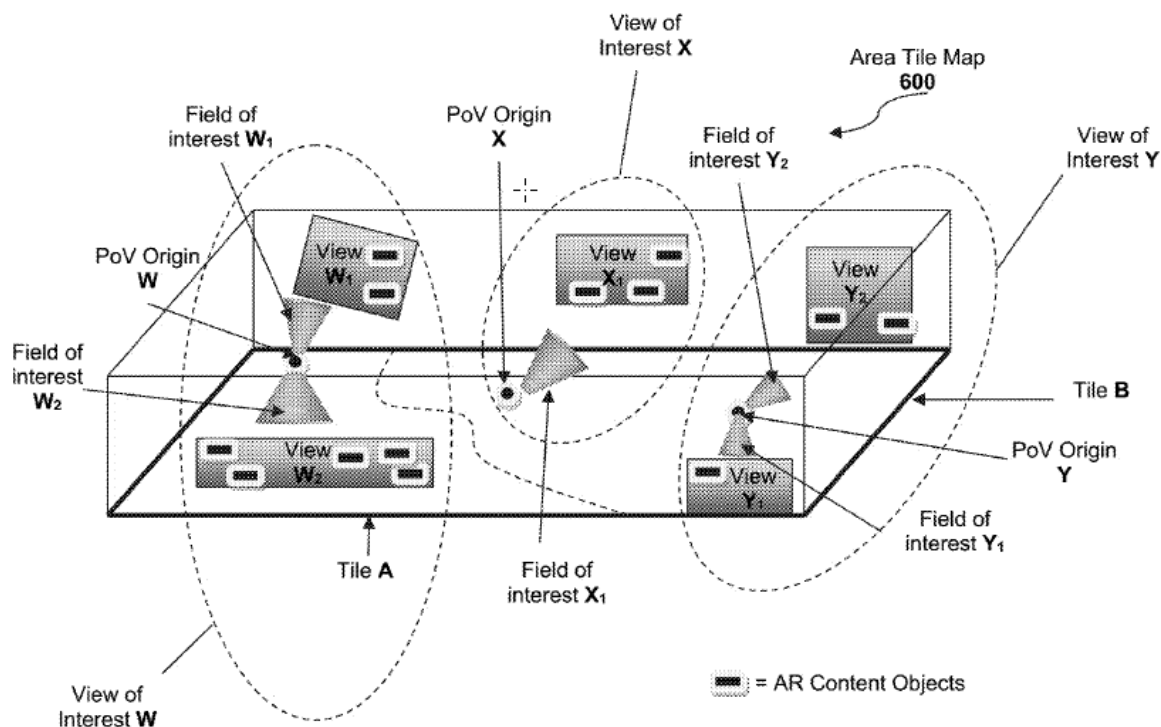


Figure 6

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