Paper No.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC

Petitioner

v.

MEMORYWEB, LLC

Patent Owner

Patent No. 10,621,228

Inter Partes Review No. IPR2021-01413

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107



TABLE OF CONTENTS

			Page(s)	
I.	Intro	oduction	1	
II.	Overview of the '228 Patent			
	A.	The '228 patent	2	
	B.	Relevant Prosecution History	5	
		1. The Related '426 Application	6	
		2. The '228 Patent	7	
III.	Sum	mary of References Identified by Petitioner	8	
	A.	Okamura (Ex. 1004)	8	
		1. Okamura's Description of the Related Art	8	
		2. Okamura's Improvement Over the Related Art	15	
	B.	Flora (Ex. 1005)	19	
	C.	C. Wagner (Ex. 1006)22		
	D.	Gilley (Ex. 1007)	22	
IV.	Real	-Party in Interest	22	
V.	The Board Should Exercise its Discretion to Deny Institution Pursuant to 35 U.S.C. § 314(a), 35 U.S.C. § 316(b) and 37 CFR § 42.108(a)29			
VI.	The	Board Should Deny Institution Pursuant to 35 U.S.C. § 325(d)	33	
	A.	Substantially The Same Art Was Already Considered	34	
		The Office Already Considered Art That Is Substantially Same as Okamura and Gilley		
		2. The Office Already Considered Art That Is Substantially Same as Flora		
	B.	Petitioner Did Not Show How the Office Allegedly Erred	41	
VII.	Leve	el of Ordinary Skill in the Art	42	
VIII.	Claim Construction			
IX	Petit	ioner Has Not Established a Reasonable Likelihood of Success	43	



	A.	Ground 1: Purported Obviousness over Okamura and Flora	44
		1. Limitation [1c]: "the map view including: (i) an interactive map"	44
		2. Limitations [1g] and [1j]	57
	B.	Ground 2: Purported Obviousness over Okamura, Flora, and Wagner	63
	C.	Ground 3: Purported Obviousness over Okamura, Flora, and Gilley	65
	D.	Ground 4: Purported Obviousness over Okamura, Flora, Wagner and Gilley	65
	E.	Dependent Claims 2-7 (Grounds 1-4)	66
X.	The I	Petition Does Not Comply with 37 C.F.R. § 42.8(b)(2)	66
ΧI	Conc	lusion	67

TABLE OF AUTHORITIES

Page(s)

Cases
Advanced Bionics, LLC v. Med-EL Elktromedizinische Gerate GmbH, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020)33, 41, 42
Apple, Inc. v. ContentGuard Holdings, Inc., IPR2015-00356, Paper 9 (PTAB June 26, 2015)67
Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020)29
Applications in Internet Time, LLC v. RPX Corp., 897 F.3d 1336 (Fed. Cir. 2018) 22, 27, 28
Application of Ratti, 270 F.2d 810, 813 (CCPA 1959)55
Arctic Cat Inc. v. Bombardier Recreational Prod. Inc., 876 F.3d 1350 (Fed. Cir. 2017)49
Allergan, Inc. v. Sandoz Inc., 796 F.3d 1293 (Fed. Cir. 2015)
Becton, Dickinson & Co. v. B. Braun Melsungen AG, IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017)34
Callaway Golf Co. v. Acushnet Co., 576 F.3d 1331 (Fed. Cir. 2009)
C & D Zodiac, Inc. v. b/e Aerospace, Inc., IPR2017-01276, 2017 WL 5067512 (PTAB Oct. 31, 2017)59
Duodecad IT Services Luxembourg S.A.R.L. v. Wag Acquisition, IPR2015-01036, 2016 WL 6946904 (PTAB Oct. 20, 2016)60
General Plastic Co., Ltd. v. Canon Kabushiki Kaishaat,



IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017)	29, 32
In re Kahn, 441 F.3d 977 (Fed. Cir. 2006)	46, 65
InTouch Techs., Inc. v. VGO Commc'ns, Inc., 751 F.3d 1327 (Fed. Cir. 2014)	56, 65
Merck Sharp & Dohme B.V. v. Warner Chilcott Co., LLC, 711 F. App'x 633 (Fed. Cir. 2017)	54
Molins PLC v. Textron, Inc., 48 F.3d 1172 (Fed. Cir. 1995)	34
Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co., 868 F.3d 1013 (Fed. Cir. 2017)	43
Polaris Indus., Inc. v. Arctic Cat, Inc., 882 F.3d 1056 (Fed. Cir. 2018)	49, 56
RPX Corp. v. Iridescent Networks, Inc., IPR2018-00254, 2018 WL 6523985 (PTAB Dec. 10, 2018)	60
Trivascular, Inc. v. Samuels, 812 F.3d 1056 (Fed. Cir. 2016)	55
Valve Corp. v. Elec. Scripting Prods., Inc., IPR2019-00062, -00063, -00084, Paper 11 (PTAB Apr. 2, 2019)	32
Volkswagen Group of Am., Inc. v. Velocity Patent LLC, IPR2015-00276, Paper 8 (PTAB June 1, 2015)	46
Worlds Inc., v. Bungie, Inc., 903 F.3d 1237 (Fed. Cir. 2018)	23
Federal Statutes	
35 U.S.C. § 312	1, 22, 28, 66
35 U.S.C. § 314(a)	1, 29, 30, 41



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

