

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

TRAXCELL TECHNOLOGIES, LLC,
Patent Owner.

IPR2022-00442
Patent 10,820,147 B2

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

Google LLC (“Petitioner”) filed a Petition pursuant to 35 U.S.C.
§§ 311–319 to institute an *inter partes* review of claims 1, 2, 5–8, 11–13,
16–19, and 22 of U.S. Patent No. 10,820,147 B2 (Ex. 1001, “the ’147

patent”). Paper 1 (“Pet.”). Traxcell Technologies, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4. Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we deny the Petition and do not institute an *inter partes* review.

I. BACKGROUND

A. The ‘147 Patent

The ’147 patent relates to “a system and method for providing navigation using mobile wireless devices.” Ex. 1001, 1:48–51. In particular, the ’147 patent describes using a mobile device to access “on-line (connected) navigation operation, as well as off-line navigation from a local database within the mobile device.” *Id.* at Abstr. Routing according to the navigation system can be controlled by traffic-congestion measurements that allow the system to select an optimum route based on expected trip duration. *Id.*

A “specific concern” that the ’147 patent identifies is the ability for the system to access user records. *Id.* at 61:45–46. Accordingly, the patent explains that mobile wireless devices “should be able to submit preference flags that will control access to the tracking and access of their accounts.” *Id.* at 61:47–49. Examples of levels that could be defined by such preference flags include: (1) open access, in which any party may access all information about a user; (2) limited access, in which certain private information like a user’s name is masked, but tracking may occur based on

demographic information; (3) polling access, in which no information is listed under an account, but tracking can still occur by geographic region; and (4) no access, in which a user may not be tracked. *Id.* at 61:49–65.

B. Illustrative Claim

Independent claim 1 is illustrative of the challenged claims and is reproduced below.

1. A wireless communications system including:
 - a first radio-frequency transceiver within a wireless mobile communications device and an associated first antenna to which the first radio-frequency transceiver is coupled, wherein the first radio-frequency transceiver is configured for radio-frequency communication with a wireless communications network;
 - a first processor within the wireless mobile communications device coupled to the at least one first radio-frequency transceiver programmed to receive information indicative of a location of the wireless mobile communications device and generate an indication of a location of the wireless mobile communications device with respect to geographic features according to mapping information stored within the wireless mobile communications device, and wherein the first processor determines user navigation information according to the location of the wireless mobile communications device with respect to the geographic features and a destination specified at the wireless mobile communications device, wherein the first processor further sends the user navigation information to the network as a number of segments, wherein at least one other processor outside the network updates the user navigation information in conformity with traffic congestion information accessible to the at least one other processor outside the network by computing a numerical value for the segments corresponding to the expected time to travel through the segments, updates the user navigation information in conformity with the numerical values for the segments, and

sends the updated user navigation information to the wireless mobile communications device;

at least one second radio-frequency transceiver and an associated at least one second antenna of the wireless communications network to which the second radio-frequency transceiver is coupled; and

a second processor coupled to the at least one second radio-frequency transceiver programmed to acquire the information indicative of a location of the wireless mobile communications device, wherein the second processor selectively acquires the information indicative of a location of the wireless mobile communications device dependent on the setting of preference flags, wherein the second processor acquires the information indicative of a location of the wireless mobile communications device if the preference flags are set to a state that permits tracking of the wireless mobile communications device, and wherein the second processor does not acquire the information indicative of the location of the wireless mobile communications device if the preference flags are set to a state that prohibits tracking of the wireless mobile communications device.

Ex. 1001, 127:63–128:50.

C. Evidence

Petitioner relies on the following references:

Uehara	US 2002/0002036 A1	Jan. 3, 2002	Ex. 1005
Yiu	US 6,928,291 B2	Aug. 9, 2005	Ex. 1006
Myr	US 6,480,783 B1	Nov. 12, 2002	Ex. 1007
Machida	US 2001/0027375 A1	Oct. 4, 2001	Ex. 1009

In addition, Petitioner relies on a Declaration by William Michalson, Ph.D. Ex. 1003. Patent Owner relies on a Declaration by Robert Van Essen. Ex. 2001.

D. Asserted Grounds of Unpatentability

Petitioner challenges claims 1, 2, 5–8, 11–13, 16–19, and 22 on the following grounds. Pet. 3.

Claim(s) Challenged	35 U.S.C. §¹	References
1, 5, 7, 8, 11, 12, 17–19 ²	103(a)	Myr, Yiu
2, 6, 13, 16, 22	103(a)	Myr, Yiu, Machida
1, 5, 7, 8, 11, 12, 17–19	103(a)	Uehara, Yiu, Myr
22	103(a)	Uehara, Yiu, Myr, Machida

E. Real Parties in Interest

The parties identify only themselves as real parties in interest. Pet. 100³; Paper 4, 2.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C § 103(a). The ’147 patent was filed on February 12, 2020, and claims the benefit of filing dates through a series of continuation applications to August 17, 2006, as well as the benefit of even earlier dates through a continuation-in-part application and from various provisional applications. Ex. 1001 at codes (22), (60), (63).

Petitioner “relies on [the earliest date of October 4, 2001], but reserves the right to challenge it.” Pet. 1 n.1. Patent Owner does not dispute that the pre-AIA version of § 103(a) applies, and we accordingly apply it herein.

² Petitioner incorrectly includes claim 6 in the heading to section VI of the Petition, but that claim is not substantively addressed for this ground. See Pet. 4.

³ Petitioner states that it “is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc. XXVI Holdings Inc. and Alphabet Inc. are not real parties-in-interest to this proceeding.” Pet. 100 n.7.

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