

EXHIBIT 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

MAXELL, LTD.
Patent Owner

Case No. IPR2020-00409
U.S. Patent No. 6,580,999

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 6,580,999**

The device for getting direction information 78 is provided with a compass, a gyro, such a sensor as a clinometer, and a control unit for analyzing sensor-measured data, thereby calculating direction information.

'999 *Patent* (Ex. 1001), 9:52-55. The specification further provides that the CPU performs analysis of sensor-measured data to get direction information. *Id.* at 4:17-33, 5:63-6:2, and Fig. 2.

3. “a device for getting the location information of another portable terminal [from said another terminal via connected network]”

Claims 1, 5, and 6 recite “a device for getting the location information of another portable terminal [from said another terminal via connected network].” '999 *Patent* (Ex. 1001), 10:45-46; 11:8-9; 12:7-9. Both Petitioner and Patent Owner agree in current parallel litigation that these terms should be construed pursuant to 112-6. *Joint Claim Construction and Prehearing Statement*, (Ex. 1011), 2; *Opening Claim Construction Brief*, (Ex. 1012), 28.

As has been permitted previously, Petitioner proposes this Board adopt the claim constructions advanced by Patent Owner in the parallel district court litigation for these claimed phrases. *See Western Digital Corporation v. Spex Technologies, Inc.*, IPR2018-00084, (2018) (finding Petition based on claim constructions urged by Patent Owner satisfies the claim construction requirements and that Petitioner is not required to express its subjective agreement regarding correctness of the

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proffered claim construction or take ownership of the construction); *see also* *General Electric v. Vestas*, IPR2018-00928 (clarifying that while the petitioner does not have “to express its subjective agreement regarding [the] correctness of its proffered claim constructions,” the Petitioner nevertheless “cannot expressly disagree with the proffered constructions”) (citing *Western Digital*).

For both “a device for getting a location information of another portable terminal from said another terminal via connected network” and “a device for retrieving a route from said present place to said destination,” Patent Owner has identified the device for data communication 76 as the proposed structure. *Opening Claim Construction Brief*, (Ex. 1012), 28-29. In support, Patent Owner identified the following disclosures in the ’317 Patent (Ex. 1040) in support of this corresponding structure: Abstract, 1:10-15, 2:23-26, 2:51-3:1, 3:43-66, 4:14-39, 5:17- 21, 5:64-6:4, 6:9-18, 8:17-9:39, 9:40-63, 10:29-34, Figures 5-7, 9, 10.³ *Joint Claim Construction and Prehearing Statement*, (Ex. 1011), 8, 10.

As Patent Owner has asserted in the parallel litigation, the Board should adopt “a CPU and a device for data communication 76 of a portable terminal; or equivalents thereof” is the structure performing the claimed functions of getting

³ The identified ’317 Patent citations correspond to the following citations of the ’999 Patent (Ex. 1001): Abstract, 1:8-13, 2:19-22, 2:47-52, 3:39-45, 3:58-60, 4:8-33; 5:13-17, 5:60-67; 6:5-14; 8:13-9:35, 9:40-59, and 10:25-30.

location information of another portable terminal from said another terminal via connected network and retrieving a route from said present place to said destination.

Opening Claim Construction Brief, (Ex. 1012), 28.

IV. THERE IS A REASONABLE LIKELIHOOD THAT THE CHALLENGED CLAIMS OF THE '999 PATENT ARE UNPATENTABLE

A. Ground 1: Hayashida and Abowd render claims 1-6 obvious

Overview of the Prior Art

Hayashida was filed on August 21, 1997 and issued on May 23, 2000 and is prior art to the '999 Patent under at least 35 U.S.C. § 102(e) (pre-AIA) (“§ 102(e)”)⁴.

Hayashida was not cited or considered during prosecution of the '999 Patent.

Hayashida is directed to a navigation system. *Hayashida* (Ex. 1004), Abstract. The system described by *Hayashida* uses a satellite GPS system and land-based beacon system to obtain the location of the user as well as an electronic compass and gyroscope to obtain the traveling direction of the user. *Id.* at 7:60-8:8. *Hayashida* uses this information to retrieve information such as destinations and routes to destinations. *See e.g., id.* at 54:33-46 (describing extraction of facilities along a

⁴ To the extent Patent Owner attempts to swear behind the August 21, 1997 priority date, Petitioner reserves the right to rely on the disclosures of *Hayashida*'s foreign priority applications to demonstrate its status as prior art under 102(e) should be assessed at an earlier date.

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