

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner,

v.

UNWIRED PLANET, LLC,  
Patent Owner.

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Case IPR2014-00037  
Patent 7,203,752 B2

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Before MICHAEL W. KIM, JENNIFER S. BISK, and BARBARA  
A. PARVIS, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

### *A. Background*

Petitioner, Google Inc., filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 25–29 (“the challenged claims”) of U.S. Patent No. 7,203,752 B2 (Ex. 1001, “the ’752 patent”). 35 U.S.C. § 311. On April 8, 2014, we instituted a review solely on claim 25 based upon Petitioner’s assertion that it is anticipated by U.S. Patent No. 6,360,102 (Ex. 1011, “Havinis ’102”). Paper 9 (“Decision to Institute” or “Dec.”). A consolidated hearing for CBM2014-00004, CBM2014-00005, CBM2014-000006, IPR2014-00027, IPR2014-00036, IPR2013-00037, involving the same parties, was held January 13, 2015. Paper 27 (hearing transcript).

This is a Final Written Decision under 35 U.S.C. § 318(a). Based on the record presented, we are persuaded that Petitioner has shown by a preponderance of the evidence that claim 25 of the ’752 patent is anticipated by Havinis ’102.

### *B. The ’752 Patent*

The ’752 patent relates to using location-based services over mobile wireless networks. Ex. 1001, 1:14–19. According to the ’752 patent, at the time of the invention, services related to the provision of wireless communications, including those provided to mobile subscribers based on their geographic location, were common. *Id.* at 1:33–46. These so-called “location-based services” track the mobile subscriber as they move throughout the network so that the service may provide location-based information to either the subscriber (e.g., the closest gas station) or an entity monitoring the subscriber (e.g., an employer monitoring the location of its employees). *Id.* at 1:47–56.

Of course, location tracking raises privacy concerns. *Id.* at 1:60–63. To protect his or her privacy, a mobile subscriber may wish to limit access to their location information based upon many factors, including: (1) the time of the request; (2) the mobile subscriber’s location at the time of the request; or (3) the party who is seeking the information. *Id.* at 1:63–2:1. The ’752 patent addresses this need for controlled access to potentially sensitive location information by storing a “subscriber profile.” *Id.* at 2:8–14. A subscriber profile includes a description of the services (“client applications”) that may receive location information and the conditions under which that information may be provided to the services. *Id.* at 2:8–20. Figure 1 of the ’752 patent is reproduced below.

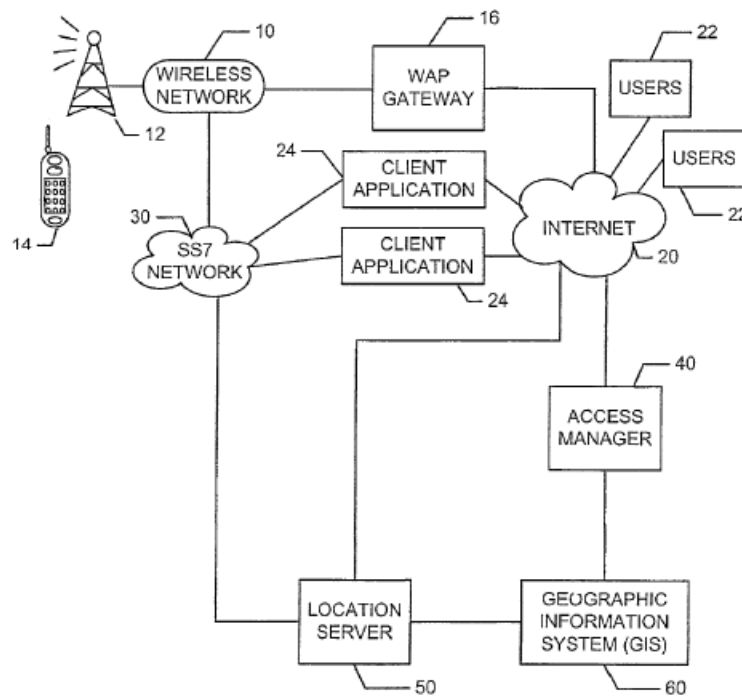


Figure 1 discloses the overall system architecture in which the invention described by the ’752 patent operates. *Id.* at 4:12–13. Wireless communications device 14 communicates via tower 12 over wireless network 10. *Id.* at 4:28–32. Location server 50 periodically collects

location data for wireless communication device 14. *Id.* at 4:51–56. Client application 24 communicates with access manager 40 to request wireless communication device 14’s current location. *Id.* at 5:25–46. Access manager 40 determines if client application 24 is authorized to make the request under the current conditions by authenticating client application 24 and inspecting the contents of wireless communication device 14’s subscriber profile. *Id.* at 5:38–46. Figure 3 of the ’752 patent is reproduced below.

| SUBSCRIBER PROFILE |                                   |                                     |
|--------------------|-----------------------------------|-------------------------------------|
| 302                | CUSTOMER ID                       |                                     |
| 304                | OP ID                             |                                     |
| 306                | USER NAME                         |                                     |
| 308                | USER ALIAS                        |                                     |
| 310                | PASSWORD                          |                                     |
| 312                | STATUS                            |                                     |
| 314                | LANGUAGE PREFERENCE               |                                     |
| 316                | MIN/MSISDN                        |                                     |
| 318                | PSID                              |                                     |
| 320                | GLOBAL PRIVACY FLAG               |                                     |
| 322                | PROVISION NOTIFICATION<br>OPTIONS |                                     |
| 324                | PERMISSION SETS                   | COMPANY A<br>COMPANY B<br>COMPANY C |

Figure 3 discloses an example subscriber profile. *Id.* at 4:17–18. In this example, the subscriber profile includes permission set 324 for each client application 24 (each of Company A, B, and C) authorized to access this subscriber’s location information. *Id.* at 9:36–39. Each permission set 324 “may include a temporal permission set which identifies the time of

day/day of week a particular authorized client may access the location information” as well as a “spatial permission set [which] provides a listing of the enabled geographic areas (for example city/county/state), for providing the location information” to the requesting client application. *Id.* at 9:39–45.

*C. Related Matters*

Petitioner states that the ’752 patent has been asserted against Petitioner in a related district court proceeding in the District of Nevada. Pet. 59. Additionally, Petitioner filed a petition for a covered business method patent review in the following proceeding before the Board involving the ’752 patent: CBM2014-00006. A final written decision in CBM2014-00006 is entered concurrently with this decision.

Furthermore, U.S. Patent No. 7,463,151 (“the ’151 patent”) and U.S. Patent No. 7,024,205 (“the ’205 patent”) are involved in the same district court proceeding identified above, and also concern location-based, mobile service technology. The ’151 patent and the ’205 patent are not, however, in the same patent family as the ’752 patent. Petitioner has requested Office review of the ’151 patent (Case Nos. CBM2014-00004 and IPR2014-00027) and the ’205 patent (Case Nos. CBM2014-00005 and IPR2014-00036).

*D. Independent Claim 25*

Independent claim 25, the only claim at issue, is reproduced here:

25. A method of controlling access to location information for wireless communications devices operating in a wireless communications network, the method comprising:

receiving a request from a client application for location information for a wireless device;

retrieving a subscriber profile from a memory, the subscriber profile including a list of authorized client

applications and a permission set for each of the authorized client applications, wherein the permission set includes at least one of a spatial limitation on access to the location information or a temporal limitation on access to the location information;

querying the subscribe profile to determine whether the client application is an authorized client application;

querying the subscriber profile to determine whether the permission set for the client application authorizes the client application to receive the location information for the wireless device;

determining that the client application is either not an authorized client application or not authorized to receive the location information; and

denying the client application access to the location information.

Ex. 1001, 16:18–40.

## II. ANALYSIS

### A. Claim Construction

We construe all terms, whether or not expressly discussed here, using the broadest reasonable construction in light of the '742 patent specification. *In re Cuozzo Speed Techs., LLC*, No. 2014-1301, 2015 WL 448667 at \*7 (Fed. Cir. Feb. 4, 2015) (“We conclude that Congress implicitly adopted the broadest reasonable interpretation standard in enacting the AIA.”); 37 C.F.R. § 42.100(b). In the Decision to Institute, we expressly construed the term “spatial limitation on access to the location information” as “limitation on access to location information that depends on the mobile device’s location.” Dec. 7–8. Neither party has expressed disagreement with the construction and we see no reason to modify the construction based on the evidence introduced during trial. For purposes of this Decision, we continue to apply this construction for the same reasons as set forth in the Decision to Institute.

*B. Anticipation by Havinis '102*

The Petition challenges the patentability of claim 25–29 of the '752 patent under 35 U.S.C. §§ 102 and 103. Pet. 10–59. After considering the arguments and evidence presented in the Petition, we instituted trial against claim 25, concluding that Petitioner was likely to prevail in showing anticipation by Havinis '102. Dec. 16.

*1. Patent Owner's Arguments*

Patent Owner was then afforded the opportunity to file a Patent Owner Response to address “any ground for unpatentability not already denied” by our Decision to Institute. 37 C.F.R. § 42.220. Patent Owner did not file a Patent Owner Response. Patent Owner, however, does not concede unpatentability of claim 25. See Paper 23, 2 (Patent Owner Request for Oral Argument).

Thus, we are left to consider only the evidence of record as presented in the Petition. See Pet. 11–16. After considering Petitioner's evidence with respect to claim 25, we determine that the preponderance of the evidence weighs in favor of unpatentability.

*2. Overview of Havinis '102*

Havinis '102 is a patent describing a “system and method for defining a subscriber location privacy profile.” Ex. 1011, Title. Specifically, Havinis '102 describes a method for allowing each mobile subscriber of location services in a telecommunications system to define a “Subscriber Location Privacy Profile (SLPP).” *Id.* at Abs. The SLPP contains a list of preferred subscribers and the conditions under which they have permission to receive the location of the mobile subscriber. *Id.* at Abs., 4:5–13. Such conditions may include limiting access by a particular location application (“LA”) “to

only certain hours of the day, certain days of the week and/or certain weeks of the year.” *Id.* at 4:13–15.

After registering with a “Gateway Mobile Location Center (GMLC),” an LA sends a request for the location of a mobile subscriber to the GMLC. *Id.* at 6:25–32. The GMLC receives the request and determines if the LA is authorized to make such a request. *Id.* at 7:3–7. If not authorized, the request is rejected and a rejection message is sent to the LA. *Id.* at 7:17–21. If the LA is authorized, the GMLC verifies that the mobile subscriber allows access by this LA under the current conditions by checking the SLPP. *Id.* at 7:53–8:57. If not, the request is rejected and a rejection message is sent indicating the conditions have not been met. *Id.* at 8:2–7.

### 3. Analysis

Claim 25 recites a method of controlling access to location information for wireless communications devices, upon a request for such information by a client application. As described above, Havinis ’102 controls access to location information for mobile terminals, upon a request for such information from a location application. The method of claim 25 uses a “subscriber profile,” which includes a list of authorized client applications, and a “permission set” for each of the authorized client applications. We are persuaded that the SLPP of Havinis ’102 meets those claim limitations. Ex. 1011, 4:7–18. The SLPP additionally includes a temporal limitation on information access, as recited in claim 25. *Id.*

In summary, we are persuaded that all the limitations of claim 25 are disclosed by Havinis ’102. Thus, for the reasons set forth in the Petition (Pet. 11–16), we conclude that Petitioner has shown by a preponderance of the evidence that Havinis ’102 anticipates claim 25 of the ’752 patent.

III. ORDER

Accordingly, it is:

ORDERED that claim 25 of the '752 patent is determined to be *unpatentable*; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2014-00037  
Patent 7,203,752 B2

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