

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORPORATE SERVICES, INC.,
Petitioner,

v.

ROAMBEE CORPORATION,
Patent Owner.

IPR2022-00933
Patent 10,438,162 B2

Before KEN B. BARRETT, KRISTEN L. DROESCH, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

FedEx Corporate Services, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review (“IPR”) of claims 1–4, 6–16, 18–28, and 31–41 of U.S. Patent No. 10,438,162 B2 (Ex. 1001, “’162 Patent”). Paper 1 (“Pet.”). Petitioner filed a Declaration of Dr. Daniel Engels with its Petition. Ex. 1003. Roambee Corp. (“Patent Owner”) timely filed a Preliminary Response. Paper 11 (“Prelim. Resp.”). Patent Owner filed a Declaration of Dr. Abdelsalam A. Helal (Ex. 2005) with its Preliminary Response.

We have authority to determine whether to institute review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). An *inter partes* review may not be instituted unless it is determined that “the information presented in the petition filed under section 311 and any response filed under section 313 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.” 35 U.S.C. § 314(a).

For the reasons provided below, we determine based on the record before us that there is not a reasonable likelihood Petitioner would prevail in showing at least one of the challenged claims is unpatentable.

B. Related Matters

The parties indicate the ’162 Patent is the subject of *FedEx Corporate Services, Inc. v. Roambee Corp.*, No. 1:21-cv-00175-CFC (D. Del.). Pet. 72; Paper 4, 2.

Petitioner also indicates that IPR2022-00584, IPR2022-00585, IPR2022-00586, and IPR2022-00587 involve patents asserted by FedEx against Roambee in the Delaware proceedings. Pet. 72.

We also note that Petitioner filed a petition in IPR2022-00934 challenging claims of U.S. Patent No. 10,990,922 B1.

C. The '162 Patent (Ex. 1001)

The '162 Patent is directed to tracking a shipment or asset using a wireless tracker. *See* Ex. 1001, code (57), 4:4–9. “[T]he wireless tracker determines a location of the wireless tracker device and regulates battery usage of [the] wireless tracker based on the location.” *Id.* at 4:7–10; *see id.* at 4:51–54.

For example, when within a distance threshold of the shipment origin or shipment destination, the management module may request the communication module to determine a location of the wireless tracker 112 at frequent intervals so as to provide frequent updates to a shipper on the location status of the shipment. However, beyond a distance threshold of the shipment origin and prior to a distance threshold of a shipment destination, frequent location status updates may not be needed by the shipper.

Ex. 1001, 4:54–62; *see id.* at 6:26–38, 11:13–22. “[T]he wireless tracker is configured to receive and verify one or more codes [] for a chain of custody of the shipment . . . [and] to determine a trigger event based on the location of the wireless tracker device and/or sensor information.” *Id.* at 4:17–21; *see id.* at 5:7–10, 5:19–21.

In further embodiments, the wireless tracker 112 may determine that the location of the wireless tracker 112 is within a distance threshold of the shipment destination. In addition, the wireless tracker 112 [may] determine that a code was received within a time threshold. Thus, if the code was received and verified by the authentication module of the wireless tracker 112 within both the distance threshold and the time threshold, then the wireless tracker 112 may transmit a notification to the computer server(s) 102 verifying chain of custody.

Ex. 1001, 5:27–36; *see id.* at 7:63–8:8. In one example, a distance threshold may be configured as 500 meters. *See id.* at 5:44–67.

In further embodiments, the wireless tracker 200 may implement multi-dimensional tracking such as to determine and provide the ability to configure the rules of tracking based on but not limited to if-else-while of various parameter like speed, altitude, temperature, pressure, location and change the behavior of tracking[.] For example, international tracking intervals is changed while at sea, dynamically changing the tracking geo-boundaries and conditions.

Ex. 1001, 8:23–30.

D. Illustrative Claim

Claims 1, 13, and 25 are independent, and claims 2–4, 6–12, 14–16, 18–24, 26–28, and 31–41 depend therefrom, respectively. *See* Ex. 1001, 17:31–22:33.

Claim 1 is illustrative and reproduced below.

A wireless tracker device, comprising:
a communication module configured to determine a location of the wireless tracker device;
a battery;
a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device when the location of the wireless tracker device exceeds an origin distance threshold and the location of the wireless tracker device has yet to reach a destination distance threshold;
wherein the origin distance threshold is measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated; and
wherein the destination distance threshold is measured between the location of the wireless device and a shipment destination location;
wherein the wireless tracker device is configured to receive a code and transmit a code notification to indicate the code was received;
an authentication module configured to determine whether the location of the wireless tracker device is within the destination distance threshold of the shipment destination when the code was received and whether the code was received within a time threshold of the wireless tracker being located within the destination distance threshold of the shipment destination; and

wherein the communication module is configured to transmit a chain of custody notification to a computer server to indicate whether there was a break in the chain of custody.

Ex. 1001, 17:31–64.

E. Asserted Challenge to Patentability and Asserted Prior Art

Petitioner asserts that claims 1–4, 6–16, 18–28, and 31–41 would have been unpatentable based on the following ground (Pet. 2):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–4, 6–16, 18–28, 31–41	103	Stevens ¹ , Cova ² , Dobson ³

II. ANALYSIS

A. Claim Construction

In an *inter partes* review proceeding, the Board applies the same claim construction standard as applied in federal courts in a civil action under 35 U.S.C. § 282(b), which is generally referred to as the *Phillips* standard. *See* 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). Under the *Phillips* standard, “words of a claim ‘are generally given their ordinary and customary meaning.’” *Phillips*, 415 F.3d at 1312.

Petitioner asserts that “no terms require express construction.” Pet. 8 (citing Ex. 1003 ¶ 36). Similarly, Patent Owner asserts that “formal claim constructions are unnecessary at this time.” Prelim. Resp. 8. We do not agree.

“origin distance threshold”

Claim 1 recites “a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device *when the*

¹ US Patent No. 9,177,282 B2, issued Nov. 3, 2015 (Ex. 1005).

² US 2013/0310854 A1, published Dec. 6, 2012 (Ex. 1006).

³ US 2011/0018707 A1, published Jan. 27, 2011 (Ex. 1007).

location of the wireless tracker device exceeds an origin distance threshold”

Ex. 1001, 17:35–40 (emphasis added). Claim 1 defines “an origin distance threshold” as follows: “wherein the origin distance threshold is *measured between the location of the wireless tracker device and a shipment origin location* where the wireless tracker device and the associated shipment originated.” Ex. 1001, 17:43–46 (emphasis added).

In applying the prior art to claim 1, Petitioner asserts that Stevens’s disclosures of a “geofence” or “virtual perimeter” that is located around an origin of the journey of an asset meets the “origin distance threshold” limitation. *See* Pet. 22 (citing Ex. 1003 ¶ 78; Ex. 1005, 3:10–12, 4:4–9, 10:14–17); *see also id.* at 23 (asserting that each of Stevens’s nested geofences comprise an origin distance threshold, reproducing Ex. 1005, Fig. 15 (with annotations); citing Ex. 1003 ¶ 80). According to Petitioner, “[t]he ordinarily-skilled artisan would have . . . understood that a geofence or virtual perimeter around an origin location would include an ‘origin distance threshold’ from the origin.” *Id.* at 22 (citing Ex. 1003 ¶ 78). Petitioner contends that Stevens’s geofences are located a distance from a port and are defined by a set of locations around the port. *See id.* at 24 (citing Ex. 1003 ¶ 81). Petitioner asserts that “[a] person of ordinary skill would have understood that a geofence would have been configured as a perimeter at a certain distance from a point of interest (such as an origin or destination of a journey), or using coordinates that define the geofence edges, where each point is located at a distance from the point of interest.” *Id.* (citing Ex. 1003 ¶ 81). According to Petitioner, “an ordinarily-skilled artisan would have understood that Stevens’s geofence is an ‘origin distance threshold’ that is ‘measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated.’” *Id.* (citing Ex. 1003 ¶ 81); *see id.* at 24–25 (similar argument, citing Ex. 1003 ¶ 81).

Similarly, Petitioner relies on Cova’s disclosures of a geofence to address the “origin distance threshold” limitation. *See* Pet. 25–26 (citing Ex. 1003 ¶ 83; Ex. 1006 ¶¶ 15, 30, 35, 64). According to Petitioner, “[a] person of ordinary skill would have understood that a geofence involves a distance from a point to a location of the geofence, and thus the geofence of *Cova* constitutes the claimed ‘origin distance threshold [that] is measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated.’” *Id.* at 26 (citing Ex. 1003 ¶ 83) (alteration in original).

Based on the forgoing summary of Petitioner’s contentions applying the teachings of Stevens and Cova to the “origin distance threshold” limitations, Petitioner implicitly construes an “origin distance threshold” as including a geofence or virtual perimeter around an origin location at a certain set distance from the shipment origin location. *See* Pet. 21–26. In other words, Petitioner’s construes “origin distance threshold” as measured between a certain set distance and a shipment origin location. Petitioner’s implicit claim construction does not give effect to the meaning of the words “*measured between the location of the wireless tracker device* and a shipment origin location where the wireless tracker device and the associated shipment originated.” Ex. 1001, 17:43–46 (emphasis added). In construing claims, each claim term must be given the respect that it is due. *See Pause Tech., LLC v. TiVo, Inc.*, 419 F.3d 1326, 1334 (Fed. Cir. 2005). “A claim construction that gives meaning to all the terms of the claim is preferred over one that does not do so.” *Merck & Co. v. Teva Pharm. USA, Inc.*, 395 F.3d 1364, 1372 (Fed. Cir. 2005).

Accordingly, giving meaning to all of the terms of the claim, the proper claim construction for “origin distance threshold” is “measured between the

location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated.”

As demonstrated in the analysis below, we need not construe any other claim terms or phrases. *See, e.g., Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

B. The Level of Ordinary Skill in the Art

Petitioner asserts:

[a] skilled artisan as of . . . March 12, 2014 the ’162 patent’s earliest priority date would have been someone with at least a bachelor’s degree in electrical engineering, computer engineering, or a related field, and at least two years of experience in design, development, and/or testing of hardware or software used in sensor networks or Internet of Things (IoT) networks and associated software, or the equivalent, with additional education substituting for experience and vice versa.

Pet. 7 (citing Ex. 1003 ¶ 33) (footnote omitted). Patent Owner does not dispute Petitioner’s definition. *See* Prelim. Resp. 8. For the purpose of institution, we adopt Petitioner’s definition of a person of ordinary skill in the art because it is consistent with the level of skill reflected by the ’162 Patent Specification and the asserted prior art.

C. Principles of Law

A claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved

on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) if in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).⁴

D. Patentability Challenge to Claims 1–4, 6–16, 18–28, and 31–41

1. Overview of Stevens (Ex. 1005)

Stevens is directed to a system for contextually aware monitoring of a supply chain including using wireless tracking devices for determining location. *See* Ex. 1005, code (57). Contextual awareness can be enabled by geofencing and algorithms that allow dynamic modification of the tracking device behavior. *See id.* Geofences (i.e., a virtual perimeter) can be defined around important locations along the journey of an asset, such as ports. *See id.* at 4:4–6. A tracking device or a system in communication with the tracking device can determine when an asset coupled to the tracking device has entered or left a given location when the tracking device enters or leaves a geofence. *See id.* at 4:7–10. The dynamic modification of tracking device behavior can reduce performance to save battery usage and lower costs. *See id.* at code (57), 9:38–52. The update of dynamic behavior of the tracking device can include determining whether it is cost-effective to report an event at a particular time based at least in part on the type of event and the cost and resources required for reporting based on the location of the device. *See id.* at 9:56–60.

⁴ The parties do not present evidence related to secondary considerations.

Figure 15 of Stevens is reproduced below.

Nested Geofences with Inner Geofence of Port

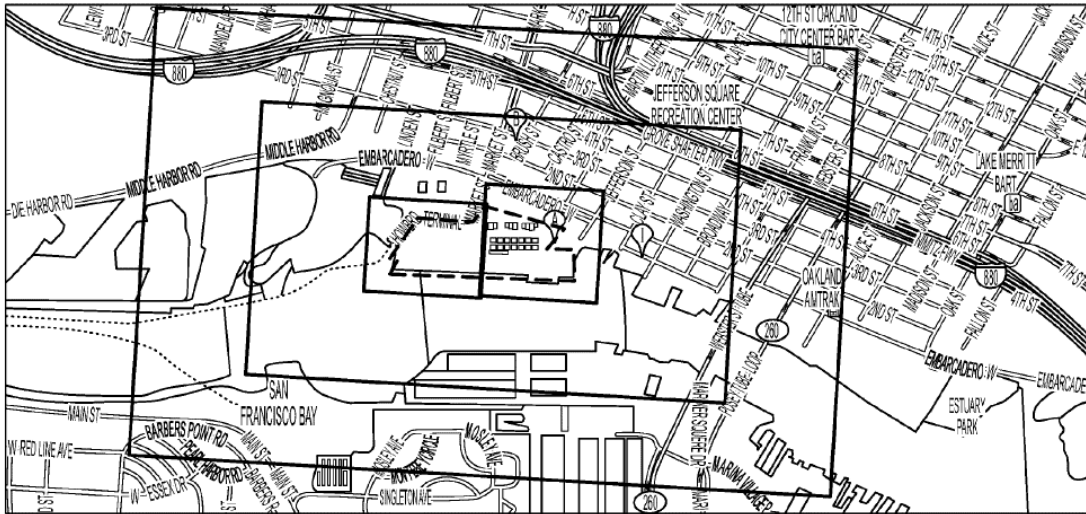


Figure 15 depicts an example of nested geofences around the Port of Oakland terminal. *See* Ex. 1005, 2:27–28, 11:21–22. “As a tracking device on an asset enters successive internal geofences, the context of the shipment can be recognized to be approaching closer and closer to the center node of the geofence. Conversely, exiting successive geofences can be used to recognize[] departure away from the center node of the geofence.” *Id.* at 11:26–32.

Figure 17 of Stevens is reproduced below.

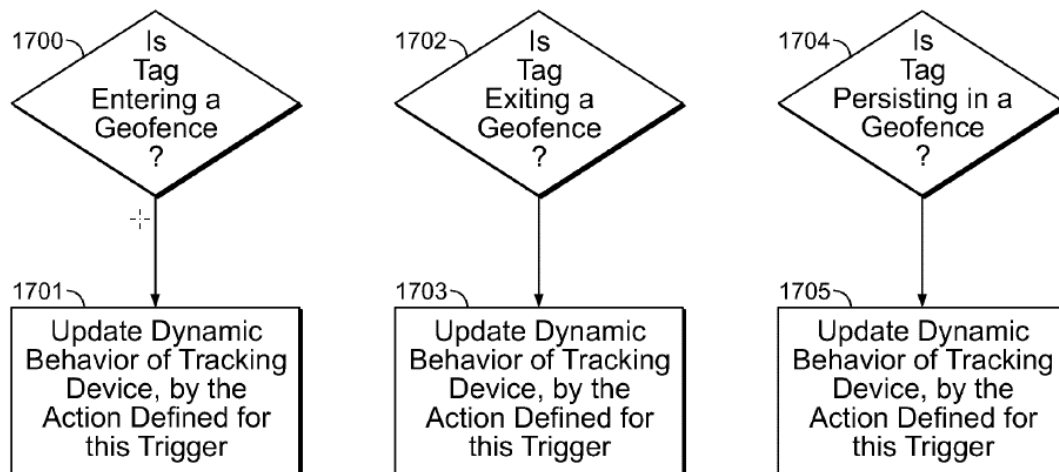


Figure 17 depicts multiple flow diagrams for implementing a nested geofence method. *See* Ex. 1005, 2:33–35, 11:39–40. A tracking device associated with an asset can be determined to enter a geofence 1700, exit a geofence 1702, or persist within a geofence beyond a time threshold 1704. *See id.* at 11:40–49. The dynamic behavior of the tracking device may be updated based on entering a geofence 1701, exiting a geofence 1703, or persisting within a geofence 1705. *See id.* at 11:55–58. Various actions can be taken to update the tracking device behavior 1703 or 1705 based on the triggers of exiting a geofence 1702 or persisting in a geofence 1704, including reducing the frequency of collecting location data and reducing the frequency of communications to reduce power consumption by the tracking device. *See id.* at 12:22–29, 12:51–58.

2. Overview of Cova (Ex. 1006)

Cova is directed to monitoring and tracking physical assets such as intermodal shipping containers. *See* Ex. 1006 ¶ 2. Cova discloses a tag or tracking device is affixed or coupled to the asset at the origin location. *See id.* ¶¶ 13–15. The tag reports various events, including tracking events which are periodic reports of the tag's location. *See id.* ¶ 15.

A tracking system can define geofences (e.g., a virtual perimeter) around important locations along the asset's journey, such as ports, and the tag can report an event when the tag enters, leaves, or persists in a geofence. *See* Ex. 1006 ¶ 15. The tag periodically generates tracking event notifications, where tracking events can be used to determine that the asset has entered or left a port or other designated area because the location is now inside or outside a geofence for the designated area. *See id.* ¶ 30. Geofence data identifies boundaries of locations of interest in an asset's journey, and can be latitude and longitude coordinates, or other geographic coordinates. *See id.* ¶ 36, Fig. 4. The system receives a position fix for

the asset and determines that the asset location is within a boundary of a particular location of interest, by determining whether the coordinates specified by the position fix are inside of the boundary of a location of interest. *See id.* ¶¶ 37–38, Fig. 4. The system then generates a notification indicating that the asset has entered the particular location of interest. *See id.* ¶ 39, Fig. 4.

3. Analysis

Petitioner asserts that Stevens discloses “a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device when the location of the wireless tracker device tracker exceeds an origin distance threshold and the location of the wireless tracker device has yet to reach a destination distance threshold,” as recited in claim 1. *See* Pet. 19–23. To address the first part of the limitation “a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device,” Petitioner contends that Stevens discloses a tracking device that dynamically updates device behavior by reducing the frequency of location data collection and data communications to reduce power consumption when certain trigger actions occur, such as, exiting a geofence or entering a geofence. *See id.* at 19–21 (reproducing Ex. 1005, Fig. 17 (with annotations); quoting Ex. 1005, 1:42–43, 11:60–61, 12:25–26; citing Ex. 1003 ¶¶ 75–77; Ex. 1005, 1:44–48, 3:21–34, 3:64–4:9, 6:7–13, 9:36–47, 11:59–66, 12:5–9, 12:21–35, 12:56–58).

To address the second part of the limitation “when the location of the wireless tracker device tracker exceeds an origin distance threshold and the location of the wireless tracker device has yet to reach a destination distance threshold,” Petitioner contends that Stevens discloses the dynamic behavior of the

tracking device may be updated based upon entering a geofence, exiting a geofence, or persisting within a geofence. *See* Pet. 21–22 (quoting Ex. 1005, 9:57–60, 11:55–58, 12:23–24; citing Ex. 1003 ¶ 78; Ex. 1005, 9:36–60, Fig. 17). According to Petitioner, “[t]he geofences of *Stevens* meet the ‘origin distance threshold’ and ‘destination distance threshold’ of claim 1.” *Id.* at 22. Petitioner asserts that Stevens discloses a geofence or virtual perimeter located around important locations along the journey of the asset, and that a skilled artisan would have understood that the origin and destination are important locations in the journey of an asset. *See id.* (quoting Ex. 1005, 4:5–6, 4:8–9; citing Ex. 1003 ¶ 78; Ex. 1005, 3:10–12, 4:4–9, 10:14–17). According to Petitioner, “[t]he ordinarily-skilled artisan would have . . . understood that a geofence or virtual perimeter around an origin location would include an ‘origin distance threshold’ from the origin, and that a geofence or virtual perimeter around a destination location would include a ‘destination distance threshold.’” *Id.* (citing Ex. 1003 ¶ 78).

Petitioner also contends that the combined teachings of Stevens and Cova teach or suggest “wherein the origin distance threshold is measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated,” as recited in claim 1. *See* Pet. 23–29 (citing Ex. 1003 ¶¶ 80–81). Petitioner contends that Stevens’s Figure 15 depicts nested geofences defined around a port, and, according to Petitioner, “each geofence compris[es] the claimed ‘origin distance threshold.’” *Id.* at 23 (reproducing Ex. 1005, Fig. 15 (with annotations); citing Ex. 1003 ¶ 80). According to Petitioner, “an ordinarily-skilled artisan would have understood that *Stevens*’s geofence is an ‘origin distance threshold’ that is ‘measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated.’” *Id.* at 24; *see id.* at 24–25 (similar argument, citing Ex. 1003 ¶ 81). In support of its assertion,

Petitioner contends: (1) “*Stevens*’s geofences are ‘virtual perimeters’ that are located at a distance from a port, and are defined by a set of locations around the port;” and (2) “*Stevens* discloses determining that a shipment is entering a geofence, remaining within a geofence, or exiting a geofence based on the location of the wireless tracker.” *Id.* at 24 (citing Ex. 1005, 11:33–58). According to Petitioner, “[a] person of ordinary skill would have understood that a geofence would have been configured as a perimeter at a certain distance from a point of interest (such as an origin or destination of a journey), or using coordinates that define the geofence edges, where each point is located at a distance from the point of interest.” *Id.* (citing Ex. 1003 ¶ 81).

Petitioner further asserts that “[t]o the extent there is any question whether the *Stevens*’s geofence constitutes the claimed ‘origin distance threshold’ that is ‘measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated’, the combination of *Stevens* and *Cova* renders this element obvious.” Pet. 25 (citing Ex. 1003 ¶¶ 48–56, 82). Petitioner contends that *Cova* also discloses defining geofences or a virtual perimeter around important locations along the journey of an asset, and further discloses that the data defining the geofence would have been latitude and longitude coordinates that define a boundary around the locations of interest. *See id.* (quoting Ex. 1006 ¶¶ 15, 35), 27 (citing Ex. 1006 ¶ 35). Petitioner asserts that *Cova* also discloses determining that the asset has not left the origin location when the asset location is within the origin geofence, or when the system has not received any event notification indicating that the asset has left the origin. *See id.* (quoting Ex. 1006 ¶ 64), 27–28 (quoting Ex. 1006 ¶ 64). Petitioner contends that *Cova* discloses that, upon entering or exiting a geofence, the tracking device generates event notifications and sends location updates that the system uses to determine a

remaining distance to a destination. *See id.* at 25–26 (citing Ex. 1006 ¶ 30), 28 (citing Ex. 1006 ¶ 30). According to Petitioner, “[a] person of ordinary skill would have understood that a geofence involves a distance from a point to a location of the geofence, and thus the geofence of *Cova* constitutes the claimed ‘origin distance threshold [that] is measured between the location of the wireless tracker device and a shipment origin location where the wireless tracker device and the associated shipment originated.’” *Id.* at 26 (citing Ex. 1003 ¶ 83) (alteration in original). Petitioner asserts that “[a]lthough *Stevens* discloses the use of geofences and provides examples of geofences, *Stevens* does not define an exemplary approach for defining a geofence or determining the presence of a tracking device within a geofence.” *See id.* at 27 (citing Ex. 1003 ¶ 51). Petitioner asserts that *Cova* provides these details, and modifying the teachings of *Stevens* based on *Cova* would have involved nothing more than applying *Cova*’s known techniques of measuring geofences using a set of coordinates and measuring the distance traveled from an origin or remaining distance to a destination, to improve the similar system of *Stevens* to yield predictable results. *See id.* at 27–28 (citing Ex. 1003 ¶¶ 52, 55, 85; Ex. 1005, 11:21–58, Fig. 17; Ex. 1006 ¶¶ 15, 30, 35, 64, Fig. 4); *see also id.* at 25–26 (similar explanation, citing Ex. 1006 ¶¶ 15, 30, 35, 64). Petitioner does not rely on the teachings of *Dobson* to address the “origin distance threshold.” *See Pet.* 19–28.

Patent Owner contends that neither *Stevens* nor *Cova* disclose that “[t]he origin distance threshold is measured between the location of the wireless tracker device and a shipment origin location.” *See Prelim. Resp.* 12. Patent Owner contends that Petitioner attempts to equate established perimeters with the claimed distance thresholds. *See id.* at 12–13. According to Patent Owner, claim 1 “require[s] that a distance threshold be measured between a wireless tracker device

and an origin.” *Id.* at 17 (citing Ex. 2005 ¶ 12); *see also id.* at 13, 16 (similar arguments).

We agree with Patent Owner’s arguments. Petitioner’s arguments and cited evidence does not establish sufficiently, for the purpose of institution, that the combination of Stevens and Cova teaches or suggests “a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device *when the location of the wireless tracker device exceeds an origin distance threshold*,” as required by claim 1. As explained above in Section II.A., the proper construction for “origin distance threshold” is “*measured between the location of the wireless tracker device and a shipment origin location* where the wireless tracker device and the associated shipment originated.”

Petitioner’s assertion that the dynamic behavior of Stevens’s tracking device may be updated based upon entering a geofence, exiting a geofence, or persisting within a geofence, is insufficient to demonstrate that Stevens teaches updating the dynamic behavior of the tracking device “when the location of the wireless tracker device exceeds an origin distance threshold . . . measured between the location of the wireless tracker device and a shipment origin location.” Stated another way, the Petition does not explain sufficiently how the Stevens-Cova combination teaches or suggests that a geofence set at a certain distance around a shipment origin is an “origin distance threshold” “*measured between the location of the wireless tracker device and a shipment origin location*,” as required by the proper claim construction.” *See* Pet. 23–26; Ex. 1003 ¶¶ 80–83. Although Petitioner asserts that Cova discloses measuring geofences using a set of coordinates, such as latitude and longitude, and measuring the distance traveled from an origin (*see* Pet. 25–28), Petitioner does not explain sufficiently how Cova’s geofence (mapped to the recited “origin distance threshold”) is measured between the tracker device

location and the origin. Petitioner's citations to Dr. Engels's testimony that a person of ordinary skill would have understood that Stevens's and Cova's geofences constitute an "origin distance threshold" is unsupported by a sufficient factual basis and, therefore, is entitled to little weight. *See* Ex. 1003 ¶¶ 81, 83; 37; C.F.R. § 41.65(a). Petitioner does not rely on the teachings of Dobson to address "origin distance threshold," recited in claim 1. *See* Pet. 15–16, 18–19, 32, 34–42.

Based on the record before us, Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Stevens, Cova, and Dobson teaches or suggests "a management module configured to regulate battery usage based on the location of the wireless tracker device by automatically reducing a frequency of location updates sent from the wireless tracker device *when the location of the wireless tracker device exceeds an origin distance threshold . . . measured between the location of the wireless tracker device and a shipment origin location* where the wireless tracker device and the associated shipment originated," as recited in claim 1 and properly construed. *See* Pet. 15–16, 18–19, 32, 34–42. Independent claims 13 and 25 each recite limitations substantially similar to the limitations of claim 1. *Compare* Ex. 1001, 17:31–64 (claim 1), *with* Ex. 1001, 18:58–19:23 (claim 13), *and* Ex. 1001, 20:17–53 (claim 25). Petitioner's arguments and evidence addressing independent claims 13 and 25 are substantially the same as the arguments and evidence presented addressing claim 1. *Compare* Pet. 15–42 (claim 1), *with* Pet. 56–59 (claim 13), *and* Pet. 62–65 (claim 25). For the same reasons as those addressing claim 1, Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Stevens, Cova, and Dobson teaches or suggests the limitations of claims 13 and 25 that are substantially identical to the previously addressed limitations of claim 1. Due to the dependency of claims 2–4 and 6–12 from claim 1, claims 14–16 and 18–24 from claim 13, and claims 26–28, and 31–41

from claim 25 (*see* Ex. 1001, 16:11–29, 16:56–57, 17:21–38, 18:25–42), and for the same reasons as those addressing claim 1, Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Stevens, Cova, and Dobson teaches or suggests all of the limitations of claims 2–4, 6–12, 14–16, 18–24, 26–28, and 31–41. Accordingly, there is not a reasonable likelihood that Petitioner would prevail in showing that claims 1–4, 6–16, 18–28, and 31–41 are unpatentable over Stevens, Cova, and Dobson.

III. CONCLUSION

For the foregoing reasons, we determine there is not a reasonable likelihood that Petitioner would prevail in showing at least one of the challenged claims of the '162 Patent is unpatentable.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), the Petition is denied, and no *inter partes* review is instituted.

IPR2022-00933

Patent 10,438,162 B2

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