

GEOTAB USA, INC. AND GEOTAB, INC.
(Petitioner)

V.

OMEGA PATENTS, LLC
(Patent Owner)

Inter Partes Review

Case No. IPR2023-00504 | U.S. Patent No. 8,032,278
Patent Owner's Demonstrative Exhibits

Hearing April 24, 2024



Overview

- Three Grounds of IPR
 - Ground 1- *Hunt* anticipation of Claims 1, 4-6, 8, 11-12, 18-19, 21
 - Ground 2-*Hunt* renders Claims 1, 4-6, 8, 11-12, 18-19, 21 obvious
 - Ground 3-*Flick885* + *Hunt* renders all claims obvious
- '278 Patent Withstood Numerous Challenges
- *Hunt*'s ASIC-based invention does not operate as required for the '278 Patent, rendering Grounds 1/2 lacking
- No basis to combine Flick885 with a GPS reference, where similar combinations have been routinely rejected by the USPTO

Trial and the '278 Patent-Round I

- *Omega Patents, LLC v. CalAmp Corp.*, 920 F.3d 1337, 1343 (Fed. Cir. 2019)

- Jury determined the '278 Patent was not invalid

5. Which of the following factors that tend to indicate nonobviousness, if any, has been established by the evidence with respect to the claimed invention (write the word "yes" in the blank below to any question that you answer "yes" to):

YES

Were accused products covered by the claim commercially successful due to the merits of the claimed invention rather than due to advertising, promotion, salesmanship, or features of the product other than those found in the claim?

X

Was there long felt need for a solution to the problem facing the inventors, which was satisfied by the claimed invention?

X

Did others try, but fail, to solve the problem solved by the claimed invention?

YES

Did others copy the claimed invention?

X

Did the claimed invention achieve unexpectedly superior results over the closest prior art?

X

Did others in the field praise the claimed invention or express surprise at the making of the claimed invention?

YES

Did others accept licenses under patents because of the merits of the claimed invention?

Trial and the '278 Patent-Round II

- Omega Patents, LLC v. CalAmp Corp., 13 F.4th 1361 (Fed. Cir. 2021)
- Jury determined the '278 Patent was infringed; 917,000+ units were sold

Total damages awarded: \$ 4,586,111

Number of accused products included in damages award: 917,223

5.B. Of the total number of accused products found to infringe and therefore included in the damage award (see question 5.A. above), how many accused products have been found to infringe each patent (for any patents found not infringed, please leave that line blank):

'876 patent: Ø

'885 patent: Ø

'727 patent: 1 unit

'278 patent: 917,222 unit

USPTO Review(s) of the '278 Patent

- *Ex Parte* Reexamination 90/013,587 (RX1)
 - The examiner reviewed the petition and evidence and confirmed the claims

ALL CLAIMS PATENTABLE

USPTO Review(s) of the '278 Patent

- *Ex Parte* Reexamination 90/013,851 (RX2)
 - The claims were rejected by the examiner, but the PTAB reversed, expressly relying on evidence of secondary considerations, and the claims of the '278 Patent were confirmed

ALL CLAIMS PATENTABLE

USPTO Review(s) of the '278 Patent

- *Ex Parte* Reexamination 90/014,309 (RX3)
 - The examiner reviewed the petition and evidence and confirmed the claims

ALL CLAIMS PATENTABLE

USPTO Review(s) of the '278 Patent

- *Ex Parte* Reexamination 90/014,419 (RX4)
 - The examiner considered this IPR, *Hunt* alone, and the combination of *Hunt* and *Flick885*, cited evidence of secondary considerations
 - The Examiner confirmed the patentability of claims of the '278 Patent

ALL CLAIMS PATENTABLE

USPTO Review(s) of the '278 Patent

- *Ex Parte* Reexamination 90/014,675 (RX5)
 - The claims were rejected by the examiner, but the Board reversed and the claims of the '278 Patent were confirmed

ALL CLAIMS PATENTABLE

Asserted Prior Art: U.S. Patent No. 6,957,133 (*Hunt*)

- Petitioner relies on *Hunt* for all grounds
- *Hunt* discloses GPS and a vehicle communication circuit integrated into an ASIC for interfacing vehicle data buses

POR, p. 3-4; EX1023, Col 2, Col. 5

Embodiments of the present invention provide a small-scale, wireless, internet-based system for monitoring and analyzing a vehicle's GPS and diagnostic data. Specifically, 25 embodiments provide a system that supports the above-mentioned functions using a wireless appliance based on an integrated, silicon-based architecture. The architecture features an application-specific integrated circuit ('ASIC') for communicating with multiple types of OBD-II systems. It 30

The data-generating portion 15 communicates with the 55 host vehicle through an electrical/mechanical interface 23 that connects to the vehicle's 16-cavity OBD-II diagnostic connector. The diagnostic connector, typically located underneath the vehicle's steering column, provides direct access to diagnostic data stored in memory in the vehicle's 60 ECU. The entire vehicle-communication circuit 25 is integrated into a single ASIC and manages communication through the electrical/mechanical interface 23 with separate modules 25a-25e for different vehicle buses (e.g., those featured in Ford, GM, Toyota). Each module 25a-25e is a 65 separate integrated circuit within the vehicle-communication circuit 25. FIGS. 5-7, described in detail

Ground 1: *Hunt* Fails to Disclose All Elements

- *Hunt* does not disclose a downloading interface for enabling data or a connector for a temporary connection thereto (claims 2, 3, 13)
- *Hunt* does not disclose device codes
- *Hunt*'s advantage is to use an ASIC (*Hunt*, 4:39-41, 4:41-46)

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

- The '278 Patent discloses a wireless version of the downloading interface as including a wireless receiver, interface circuitry or logic circuitry

15 In the embodiment as shown in FIG. 11, the downloading interface 116 is a category of wireless signal downloading interfaces that illustratively include a wireless receiver 114, such as for temporary connection to the downloading device 115. The wireless downloading interface 116 may communi-
20 cate with the downloading device 115 via any one or more of a number of wireless technologies, such as cellular, satellite, IR, Bluetooth or WiFi technologies for example, as will also be appreciated by those skilled in the art. Interface circuitry 132 is included in the wireless signal downloading interface 116 for controlling communication with the downloading
25 device 115. The interface circuitry 132 may be logic circuitry or other control circuitry along with switching components.

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

- The '278 Patent also describes a wired downloading interface that includes a connector for temporary connection, a mating connector, and interface circuitry

The downloading interface may also be in the form of a wired signal downloading interface 116" as shown in FIG. 13.

35 The wired signal downloading interface 116" comprises a connector 133a for temporary connection to a downloading device 115" with a mating connector 133b. Interface circuitry 132" is provided for controlling communication with the downloading device 115". The wired downloading interface

40 116" may connect directly to a downloading device 115", such as a laptop computer, via RS232/429 protocol, USB, FireWire, TCP/IP (Internet), or any other wired protocol as will be appreciated by those skilled in the art. The connector

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

- Petitioner argues that microprocessor 27 has firmware which can be downloaded
- Any data downloaded to the firmware of the microprocessor 27 is not enabling data
 - “enable[] the recited controller to use a particular vehicle device code form among plural such codes for different vehicles.” (Decision 26-27)
- Any downloaded firmware cannot change the functionality of the ASIC, nor can it change how the ASIC communicates as it relates to enabling data; instead, any downloaded firmware changes how data is communicated to the outside world

Ground 1: *Hunt's* ASIC Cannot Be Updated

- An ASIC's programming is fixed upon manufacture-
POSA would recognize it will not be changed thereafter
- Regardless of what circuit elements are contained in the ASIC, the programming is still fixed upon manufacture
 - Multiplexer
 - Communications Circuits
 - Microcontroller
- The mere mention of firmware cannot undo the fixed ASIC programming

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

- *Hunt* firmware is configured to recognize the wireless modem and to format outgoing vehicle diagnostic so that the wireless appliance can operate on different wireless networks throughout the world:

35 With firmware the microprocessor 27 formats the diagnostic and location-based data into separate packets and serially transfers these packets through a universal modem adaptor 35 to a wireless modem 31. Each formatted packet includes, e.g., a header that describes its destination and the
40 wireless modem's numerical identity (e.g., its 'phone number') and a payload that includes the data. The wireless modem 31 operates on a wireless network (e.g., CDMA, GSM, GPRS, Mobitex, ORBCOMM) and transmits the packets through an antenna 33 to the network. The antenna

The universal modem adaptor 35 provides power, mechanical support, and a serial interface to the wireless modem 31 through a multi-pin mechanical connector 37. The connector's pin configuration powers and supports a
55 variety of different modems that, in turn, can operate on different wireless networks. One modem (e.g. a Mobitex modem) can be easily replaced with another (e.g., a satellite modem) that has better wireless coverage within a particular region. The firmware running on the microprocessor 27 is
60 configured to recognize the wireless modem 31 attached to the universal modem adaptor 35 (using, e.g., the modem's electronic serial number) and format outgoing packets accordingly. In this way the wireless appliance can be easily configured to operate on different wireless networks
65 throughout the world.

POR, p. 29-30; PO Sur-Reply p. 5-6;
EX2010, ¶109; EX1023, Col. 6

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

Changes how data is
communicated to the outside
world

Firmware

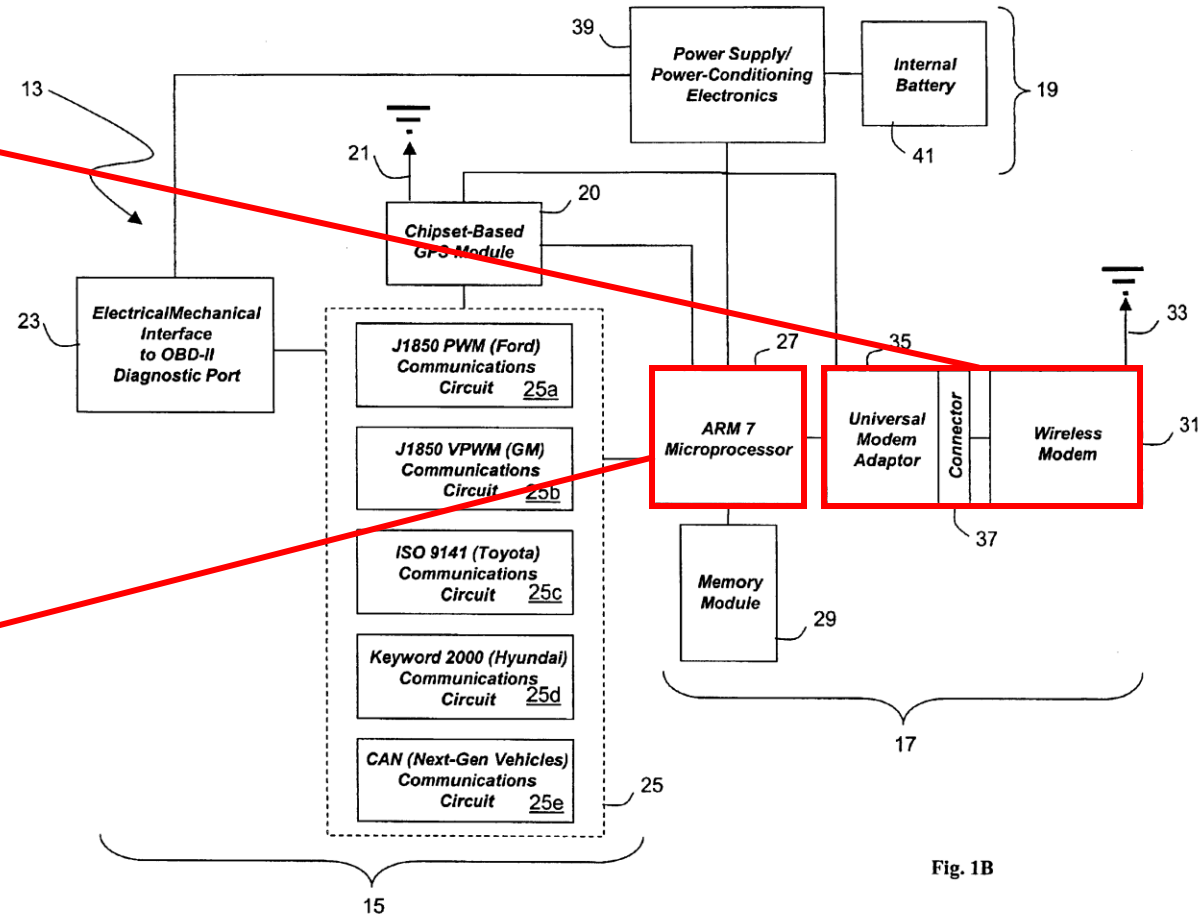


Fig. 1B

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

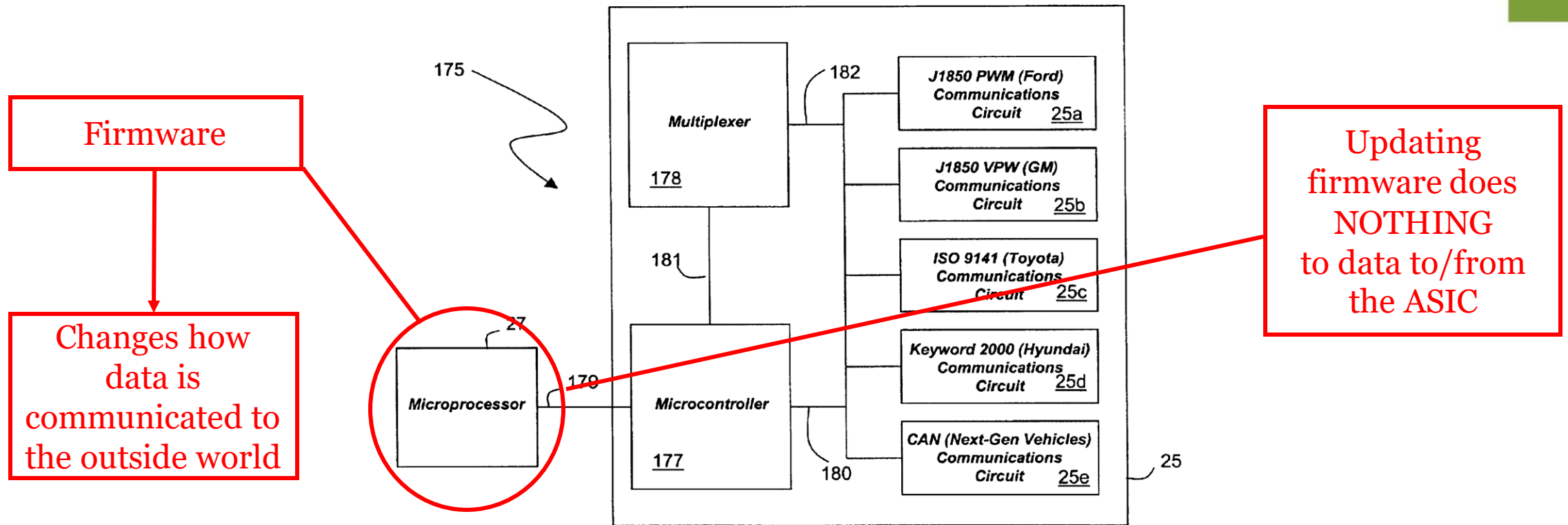


Fig. 5

Ground 1: *Hunt's* ASIC Benefits

- *Hunt* EXPRESSLY discloses why it uses an ASIC:
 - Reduced manufacturing costs
 - Increased reliability
- *Hunt* EXPRESSLY discloses why it does not use discrete circuit components:
 - Expensive
 - Time consuming to fabricate on a PCB
 - Fail over time due to heat and vibration

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

- Petitioner argues that microprocessor 27 downloads enabling data to microcontroller 177 in ASIC 25 over wired connection 179
- This is not downloading, nor downloading enabling data
- Petitioner relies on EX1051 for a definition of "download," but ignores the transfer "from a remote computer"

download *vb.* In communications, to transfer a copy of a file from a remote computer to the requesting computer by means of a modem or network.

Ground 1: *Hunt* Fails to Disclose A Downloading Interface As Claimed in the '278 Patent

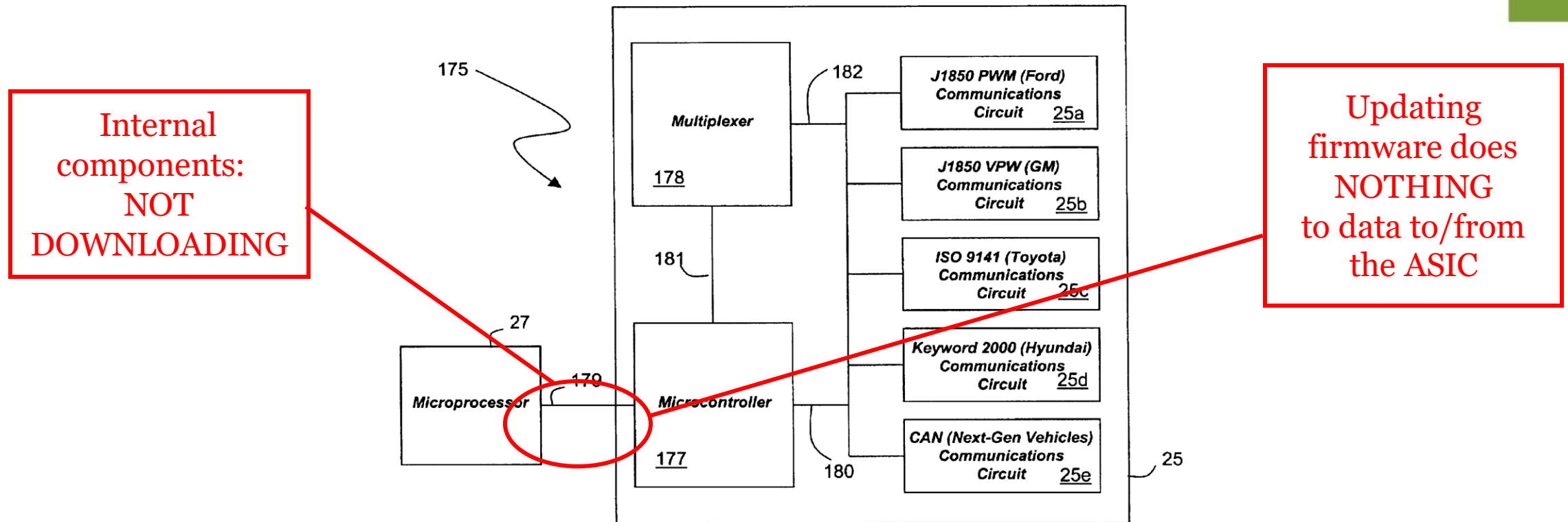
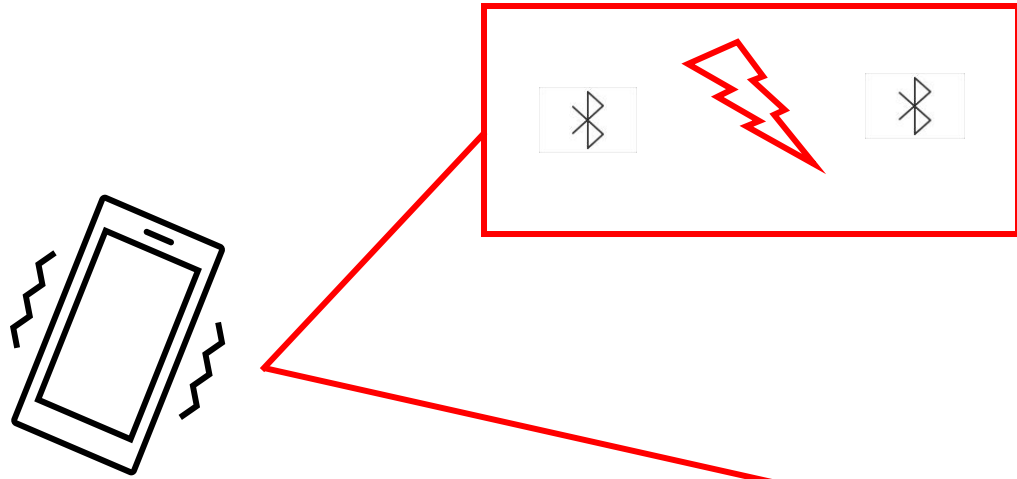
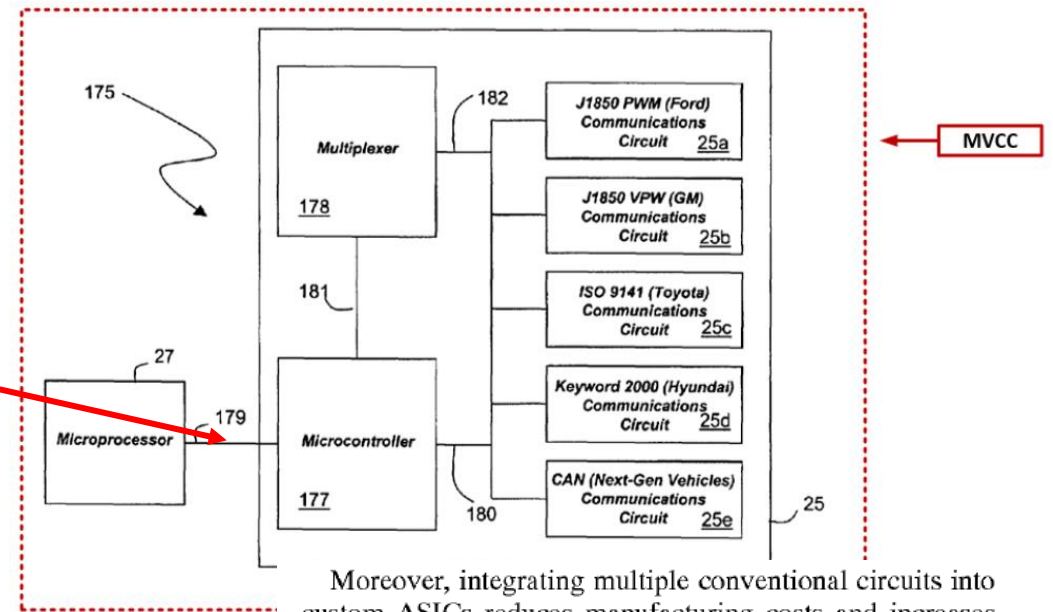


Fig. 5

Ground 1: A Cellphone Cannot Be the Downloading Interface



ILLOGICAL!

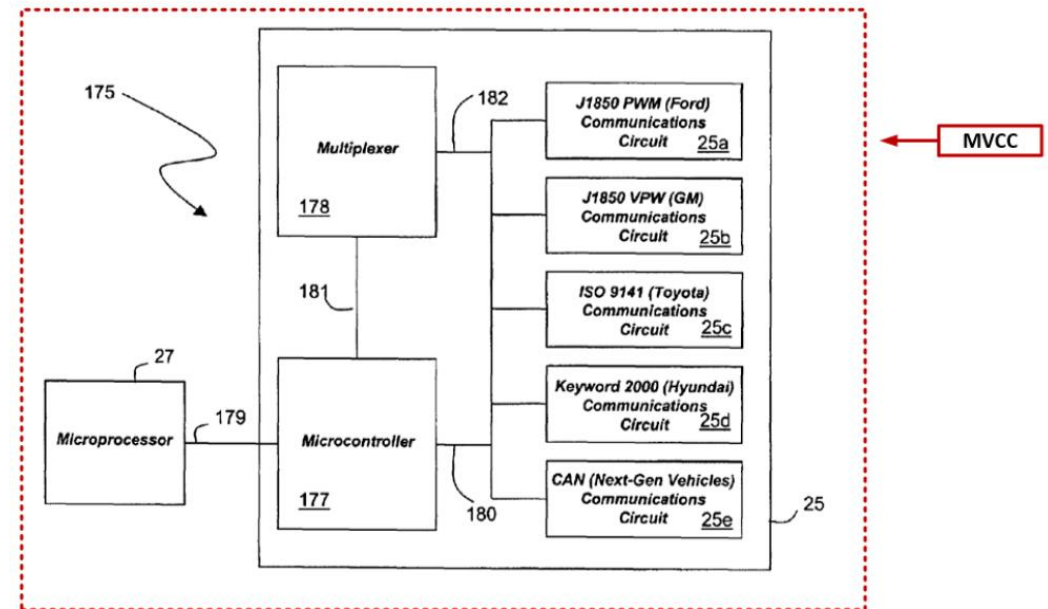


ments of the communication system, may be each integrated into a unique custom ASIC and housed on a single substrate. Likewise, the antennae for both the GPS and wireless transmitter may be integrated into the substrate. As such, the wireless appliance

Moreover, integrating multiple conventional circuits into custom ASICs reduces manufacturing costs and increases reliability of the appliance. Specifically, the ASICs replace conventional discrete circuit components (e.g., resistors and capacitors) that are expensive and time-consuming to fabricate on a printed circuit board, and that tend to fail over time due to heat and vibration. This ultimately increases the cost effectiveness and reliability of the wireless appliance.

Ground 1: A Cellphone Cannot Be the Downloading Interface

- Petitioner argues that a cellphone could be Hunt's download interface and that only the vehicle communication circuit (25) must be installed in the vehicle
- Contradicts Petitioner's own figures depicting the MVCC (which is in the vehicle):



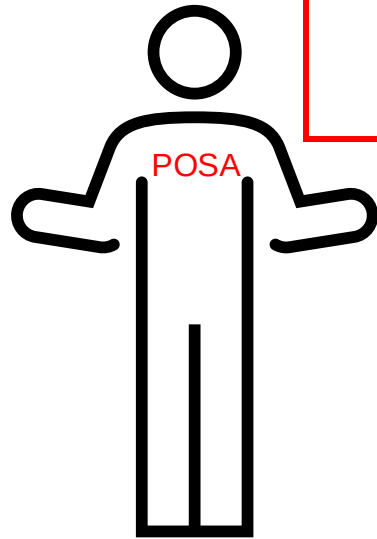
Ground 1: Boilerplate Cannot Save *Hunt*

- The *Hunt* boilerplate is inconsistent
- Petitioners improperly rely on the boilerplate in an attempt to broaden the scope of *Hunt*, but the disclosures cited are not enabling
- *Hunt* is replete with thousands of permutations leaving the POSA to guess what *Hunt* really discloses

Ground 1: Boilerplate Cannot Save *Hunt*

Moreover, the processes associated with some of the present embodiments may be executed by programmable equipment, such as computers. Software that may cause programmable equipment to execute the processes may be stored in any storage device, such as, for example, a computer system (non-volatile) memory, an optical disk, magnetic tape, or magnetic disk. Furthermore, some of the processes may be programmed when the computer system is manufactured or via a computer-readable medium at a later date. Such a medium may include any of the forms listed above with respect to storage devices and may further include, for example, a carrier wave modulated, or otherwise manipulated, to convey instructions that can be read, demodulated/decoded and executed by a computer.

It can be appreciated, for example, that some process aspects described herein may be performed, in certain embodiments, using instructions stored on a computer-readable medium or media that direct a computer system to perform the process aspects. A computer-readable medium may include, for example, program devices such as diskettes,



Thousands of
Unworkable Permutations

hydrocarbon emissions.

35 The foregoing description of the various embodiments of the present invention is provided to enable any person skilled in the art to practice the invention and to make and use the various embodiments of the invention in accordance with the principles presented herein as well.

For instance, in still other embodiments, the above-described system is used to locate vehicles or things other than cars and trucks, such as industrial equipment or shipping containers.

45 Further, some embodiments of the present invention may be implemented in part or in whole as a hard-wired circuit, as a circuit configuration fabricated into an application-specific integrated circuit, or as a firmware program loaded into non-volatile storage, or a software program loaded from 50 or into a data storage medium as machine-readable code. Such machine-readable code may include instructions executable by an array of logic elements, such as a micro-processor or other digital signal processing unit.

55 It will be apparent to one of ordinary skill in the art that some of the embodiments as described hereinabove may be implemented in many different embodiments of software, firmware, and hardware in the entities illustrated in the figures. The actual software code or specialized control hardware used to implement some of the present embodiments is not limiting of the present invention. Thus, the 60

Ground 1: *Hunt* Fails to Disclose Device Codes

- Even Petitioner's expert admits *Hunt* does not expressly disclose device codes
- Logically, any device codes in *Hunt* are fixed in the ASIC

Ground 1: *Hunt* Fails to Disclose Device Codes

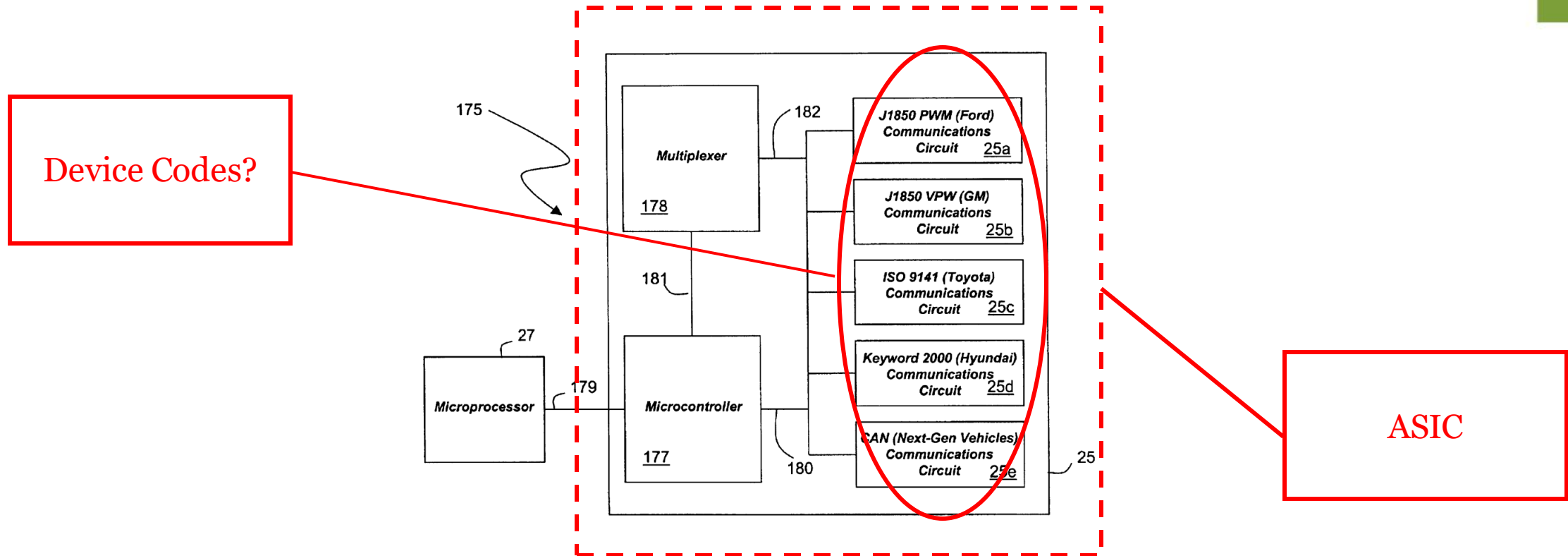


Fig. 5

Ground 1: *Hunt* Fails to Disclose Device Codes

- Cannot be any anticipation if device codes are not disclosed within the four corners of *Hunt*
- Enabling data relating to the device codes cannot be downloaded if a POSA is left to guess where the device codes are stored
- Device codes are likely in the ASIC and fixed, so downloading of enabling data relating to the device codes is illogical

Ground 2: Modifications to *Hunt* Based on Generic Boilerplate?

- Petitioner turns to obviousness for the final elements of claim 1, claiming "It would have been obvious to use any of these three implementations individually or together in any combination."

said multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for different vehicles; and
a downloading interface for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.

Ground 2: Modifications to *Hunt* Based on Generic Boilerplate?

- General language in *Hunt* cannot operate to contradict the specific disclosure
- Petitioner relies on generic boilerplate language to supply a wired interface:

netic tape, or magnetic disk. Furthermore, some of the processes may be programmed when the computer system is manufactured or via a computer-readable medium at a later date. Such a medium may include any of the forms listed above with respect to storage devices and may further include, for example, a carrier wave modulated, or otherwise manipulated, to convey instructions that can be read, demodulated/decoded and executed by a computer. 15

Ground 2: Modifications to *Hunt* Based on Generic Boilerplate?

- There is no relation between the *Hunt* boilerplate and enabling data
- There is no relation between the *Hunt* firmware and enabling data
- The ASIC is NOT modifiable and POSA would understand an ASIC would not be used if *Hunt* envisioned downloading updates for bus communication
- Any modifications would likely affect the modem functions
- Any modifications based upon the boilerplate involve improper hindsight

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Secondary consideration evidence cannot be ignored or discounted for Grounds 2/3
- Twice the PTAB has relied on extensive secondary consideration evidence in confirming validity of the '278 Patent

POR, p. 44; Ex Parte Flick, Appeal 2022-003758 (EX1017), p. 13; Ex Parte Application 90/014,419; PO Sur-reply, p. 12-17

“A key aspect of our finding in this regard is, as it was in a related appeal, (1) the jury's verdict in related litigation that there was a nexus between the evidence of secondary considerations of non-obviousness and the claimed invention, and (2) the Federal Circuit's affirming the district court's upholding the jury's infringement verdict. *See Omega Patents*, 13 F.4th at 1365 (affirming the judgment of infringement of the '278 patent's asserted claims).

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Jury found the CalAmp products infringe Omega's '278 patent, providing a presumed nexus

- Commercial success
- Copying
- Licenses

POR, p. 44; Ex Parte Flick, Appeal 2022-003758 (EX1017), p. 13; Ex Parte Application 90/014,419; PO Sur-Reply, p. 12-17

5. Which of the following factors that tend to indicate nonobviousness, if any, has been established by the evidence with respect to the claimed invention (write the word "yes" in the blank below to any question that you answer "yes" to):

- | | |
|------------|--|
| <u>YES</u> | Were accused products covered by the claim commercially successful due to the merits of the claimed invention rather than due to advertising, promotion, salesmanship, or features of the product other than those found in the claim? |
| <u>X</u> | Was there long felt need for a solution to the problem facing the inventors, which was satisfied by the claimed invention? |
| <u>X</u> | Did others try, but fail, to solve the problem solved by the claimed invention? |
| <u>YES</u> | Did others copy the claimed invention? |
| <u>X</u> | Did the claimed invention achieve unexpectedly superior results over the closest prior art? |
| <u>X</u> | Did others in the field praise the claimed invention or express surprise at the making of the claimed invention? |
| <u>YES</u> | Did others accept licenses under patents because of the merits of the claimed invention? |

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Commercial success
 - 917,222 units specifically infringed the '278 Patent in second CalAmp trial

Total damages awarded: \$ 4,586,111

Number of accused products included in damages award: 917,223

5.B. Of the total number of accused products found to infringe and therefore included in the damage award (see question 5.A. above), how many accused products have been found to infringe each patent (for any patents found not infringing, please leave that line blank):

'876 patent: Ø

'885 patent: Ø

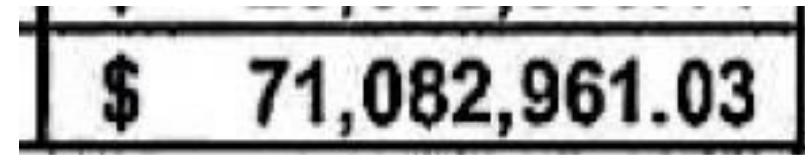
'727 patent: 1 unit

'278 patent: 917,222 unit

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Licensing

- Several Omega licenses included the '278 Patent, and Omega's license portfolio generated more than \$70MM overall



\$ 71,082,961.03

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- CalAmp developed the products that infringed the '278 patent through the combination of an OBDII product with "a value added GPS tracking and cellular communication product," just as claimed in the '278 patent

1.1 Purpose

This document defines the commercial and customer requirements for the Onboard Diagnostic OBD-3000 Plug-On OBDII product for a value added GPS tracking and cellular communication product. This product is designed to meet the specific requirements contained herein and agreed upon by CalAmp, with Beta customer opportunities already identified.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- CalAmp's infringing products recognized the need was for a combination of technologies, not discrete or unclaimed features already available separately

NEWS BULLETIN
FROM:

CalAmp
FOR RELEASE

CalAmp Targets Auto Insurance Market with New Location Messaging Unit

*Field trials demonstrate ability of LMU-3000 to deliver location
and operating data to assess vehicle use and driver behavior*

OXNARD, CA, September 26, 2011 – CalAmp Corp. (NASDAQ: CAMP), a leading provider of wireless products, services and solutions, today introduced a new location monitoring and messaging device designed specifically for commercial and consumer auto insurance applications, a market that represents more than 250 million registered vehicles in the United States alone.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Industry insiders referenced the belief there was a market need for devices with the '278 Patent technology

Q. Was there a particular market need that you identified leading up to the creation of the CRS for the LMU-3000?

A. The 3000 was driven by a general market need that we heard from a number of customers. The primary interest was coming from a need for a simple installation type of solution and the opportunity to enhance the capability of the product that we could offer with certain data items coming off of the vehicle bus.

PO Sur-Reply, p. 12-17; EX2014, 40; EX2006, 40:20-41:4

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- No design around options were available to achieve the advantages of the '278 Patented technology

Q. But you -- ultimately Calamp didn't implement whatever alternative designs you came up with in an effort to avoid the patents you reviewed?

A. To tell you the truth, I don't think we came up with any alternative designs.

Please look at 8032278. It is probably too new to have been part of our previous review. 1, 13, and 18 are the main claims. 13 may relate to how we program a unit at the factory so it may be harder to avoid. There is also the question of whether the patent should be able to claim the earlier priority dates as a continuation.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- Petitioner argues that CalAmp's infringing products “include significant unclaimed features...”
- No expert testimony in support — this contradicts the express description at the time it was developed:

1.1 Purpose

This document defines the commercial and customer requirements for the Onboard Diagnostic OBD-3000 Plug-On OBDII product for a value added GPS tracking and cellular communication product. This product is designed to meet the specific requirements contained herein and agreed upon by CalAmp, with Beta customer opportunities already identified.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- "[T]his court requires consideration of these objective indicia because they provide objective evidence of how the patented device is viewed in the marketplace, by those directly interested in the product." *Mintz v. Dietz & Watson, Inc.*, 679 F.3d 1372, 1378 (Fed. Cir. 2012) (internal citations omitted, underlining added)

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- In forming his opinions, Petitioner's expert did not consider the declaration of Omega's expert who articulated evidence of secondary considerations:

Q. And so you didn't -- and you just -- just to confirm, then, you didn't offer any opinions in response to opinions offered by Mr. Tregillis in your January 2024 declaration?

A. If the opinions provided by that person were in Exhibit 2014, then I did not consider the opinions that were provided in Exhibit 2014 in forming my opinions in this declaration.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- In forming his opinions, Petitioner's expert did not consider the specific evidence of commercial success of infringing products:

Q. And going back to your paragraph 14, in offering the opinion you had in paragraph 14, did you consider the commercial success of infringing products?

A. For the opinion that I formed in paragraph 14, I didn't feel it was necessary to consider that.

Ground 2: Petitioner Cannot Overcome Secondary Considerations

- In forming his opinions, Petitioner's expert did not consider the customer need or the lack of available options:

Q. And for the opinion in paragraph 14, did you consider evidence of customer need and limited value for products without the technology in the '278 patent?

MR. WICHMAN: Objection. Form.

THE WITNESS: For the opinion from paragraph 14, I did not consider that.

BY MR. SANTURRI:

Q. And when you offered the opinion in paragraph 14, did you consider lack of available alternatives to any infringing products?

A. For the opinion in paragraph 14, I didn't feel it was necessary to consider that.

PO Sur-Reply, p. 12; EX2025, 25:10-26:18, 82:5-19, 84:23-85:16

Ground 3: Asserted Prior Art - U.S. Patent No. 6,756,885 (*Flick885*)

- Petitioner relies on *Flick885* for Ground 3
- *Flick885* is described in the Background of '278 Patent
- *Flick885* discloses a multi-vehicle compatible control system for a vehicle with a data bus

30 munication with a downloading device. Additionally, U.S. Pat. No. 6,756,885, also assigned to Omega Patents, LLC, discloses a multi-vehicle control system whereby a multi-vehicle compatible controller stores a set of device codes for a given vehicle device for a plurality of different vehicles. Device codes are read from the data communications bus, and
35 a match between a read device code and the stored device codes is determined to provide compatibility with different vehicles.

Ground 3: *Flick885* Expressly Disclosed in the '278 Patent

- The Background described prior technology from the inventor: “Additionally, U.S. Pat. No. 6,756,885, also assigned to Omega Patents, LLC, discloses a multi-vehicle control system whereby a multi vehicle compatible controller stores a set of device codes for a given vehicle device for a plurality of different vehicles.” 2:19-37

1. A multi-vehicle compatible tracking unit for a vehicle comprising a vehicle data bus extending throughout the vehicle, the multi-vehicle compatible tracking unit comprising:

a vehicle position determining device;

a wireless communications device;

a multi-vehicle compatible controller for cooperating with said vehicle position determining device and said wireless communications device to send vehicle position information;

said multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for different vehicles; and

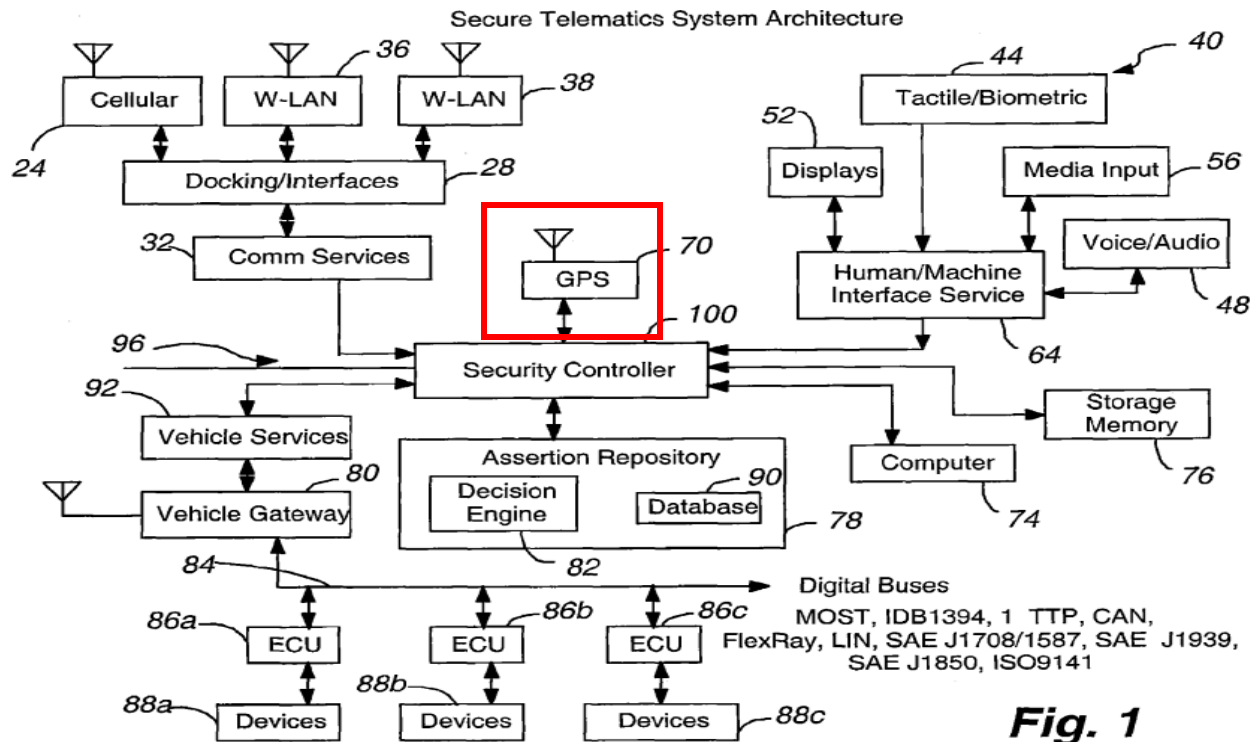
a downloading interface for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.

Ground 3: *Hunt* is Like Already Considered Art When Combined with *Flick885*

- Petitioner proposes combining GPS from *Hunt* with the *Flick885*
 - Numerous GPS references considered during prosecution and in USPTO challenges
 - U.S. Patent No. 7,366,892 to Spaur et al. (Ex-2009); U.S. Patent No. 5,515,043 to Berard (Ex-2012); U.S. Patent No. 6,628,233 to Knockeart (Ex-2013); U.S. Patent No. 6,611,740 to Lowrey (Ex-1059); and U.S. Patent No. 6,636,790 to Lightner (Ex-2001)

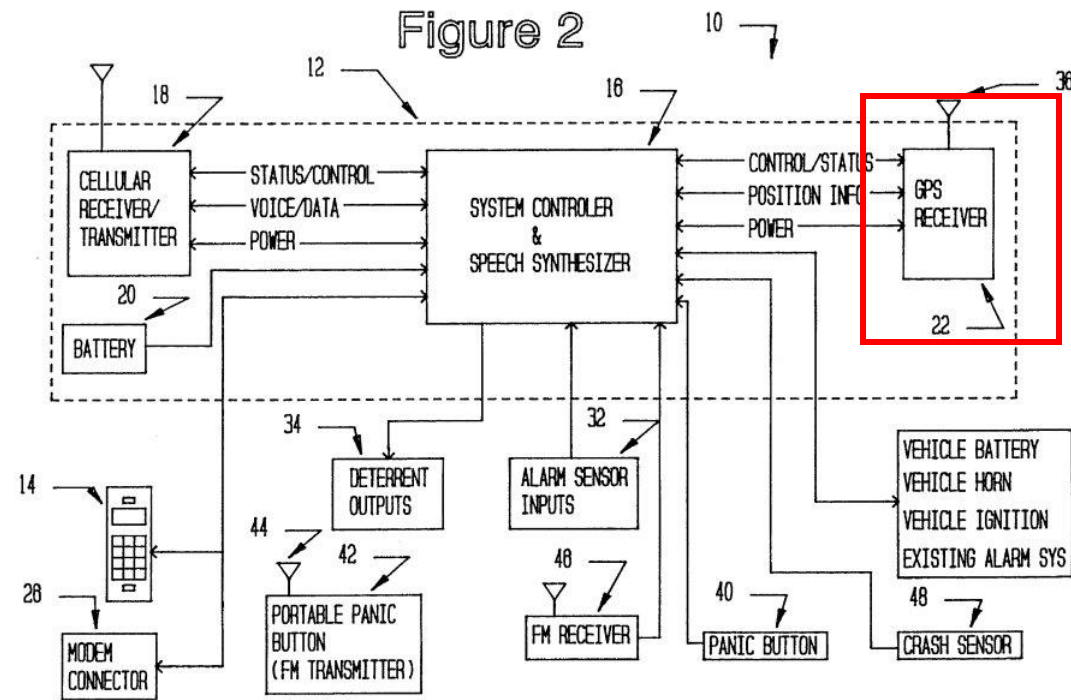
Ground 3: *Hunt* is Like Already Considered Art When Combined with *Flick885*

- U.S. Patent No. 7,366,892 to Spaur



Ground 3: *Hunt* is Like Already Considered Art When Combined with *Flick885*

- U.S. Patent No. 5,515,043 to Berard



Ground 3: *Hunt* is Like Already Considered Art When Combined with *Flick885*

- Petitioner fails to provide a technical rationale for combining GPS as required by *Dystar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1365 (Fed. Cir. 2006).
- *Hunt* is directed to the monitoring of a vehicle, particularly, for analyzing a vehicle's GPS and diagnostic data, but does not address ongoing compatibility with different vehicles because the protocol modules are in an ASIC.
- No evidence as to obtaining “any and all advantages” of *Hunt* as they relate to *Flick885*, and Petitioner only offers improper conclusory theories with no technical rationale