

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WIRELESSWERX IP LLC,
Patent Owner.

IPR2023-00850
Patent 8,315,203 B2

Before HUBERT C. LORIN, JOHN A. HUDALLA, and
JOHN D. HAMANN, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Petitioner requests authorization to file a preliminary reply to Patent Owner's Preliminary Response (Paper 6, "Prelim. Resp.") of five pages "to respond to Patent Owner's arguments and characterizations regarding the claim construction of 'preconfigured geographical zone.'" Ex. 3001;

Ex. 1001, 41:12. Petitioner indicates that Patent Owner opposes the request. *Id.*

After consideration of the record, we believe that it would be beneficial for the parties to further address the construction of the claim limitation “preconfigured geographical zone.”

Petitioner contends that the applied prior art teaches claim step 1[A] and attempts to show that the claim limitation “preconfigured geographical zone” is disclosed. Pet. 24–26 (citing, *inter alia*, Ex. 1005); Ex. 1001, 41:11–12 (1[A]).

Patent Owner responds that the applied prior art “define[s] a ‘geographical zone,’ not a ‘preconfigured geographical zone’ defined by a user as recited in the limitation 1[A].” Prelim. Resp. 18 (citing Ex. 1005). This raises, for the first time, an issue as to the construction of the claim limitation “preconfigured geographical zone.”

Given that the construction of “preconfigured geographical zone” was first raised as an issue in the Preliminary Response and that its construction may be an important factor in deciding whether to institute *inter partes* review, we determine good cause exists to support Petitioner’s request for a reply to Patent Owner’s Preliminary Response to address that issue. *See* 37 C.F.R. § 42.108(c).

Accordingly, Petitioner’s request for authorization to file a preliminary reply limited to addressing the construction of “preconfigured geographical zone” is *granted*. We also authorize Patent Owner to file a preliminary sur-reply limited to responding to Petitioner’s preliminary reply.

For the foregoing reasons, it is

ORDERED that Petitioner's request for authorization to file a 5-page preliminary reply to the Preliminary Response limited to addressing the construction of "preconfigured geographical zone" is *granted*, and that the preliminary reply shall be filed within 5 business days after the date of this ORDER;

FURTHER ORDERED that Patent Owner may file a preliminary sur-reply, limited to five pages, within five business days from the date the preliminary reply is filed; and,

FURTHER ORDERED that no new evidence or exhibits are permitted in connection with the respective preliminary reply and preliminary sur-reply.

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