

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 JOHN A. HUDALLA, JOHN D. HAMANN, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HAMANN, Administrative Patent Judge.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

In this *inter partes* review, instituted pursuant to 35 U.S.C. § 314 (2018), Google, LLC (“Petitioner”) challenges the patentability of claims 1– 30 (“the challenged claims”) of U.S. Patent No. 8,315,203 B2 (Ex. 1001, “the ’203 patent”), owned by Wirelesswerx IP LLC (“Patent Owner”). We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73 (2024). For the reasons discussed herein, we determine that Petitioner shows by a preponderance of the evidence that the challenged claims are unpatentable.

A. Procedural History

Petitioner filed a Petition requesting *inter partes* review of the challenged claims of the ’203 patent. Paper 1 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 6. With authorization, Petitioner filed a Preliminary Reply (Paper 8) addressing issues relating to claim construction. We instituted *inter partes* review of the challenged claims on the grounds raised in the Petition. Paper 9 (“Dec. on Inst.”), 39.

Following institution, Patent Owner filed a Response to the Petition. Paper 11 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response. Paper 14 (“Pet. Reply”).

An oral hearing was held on September 11, 2024. A transcript of the oral hearing is included in the record. Paper 23.

B. Real Parties-In-Interest

The parties identify themselves as the real parties-in-interest. Pet. 1; Paper 17, 2.

C. Related Matters

Petitioner identifies *WirelessWerx IP LLC v. Google LLC f/k/a Google Inc.*, Case No. 6-22-cv-01056 (W.D. Tex.) as a matter that may affect, or be affected by, a decision in this proceeding. Pet. 1. Patent Owner identifies *WirelessWerx IP LLC v Google, LLC*, Case No. 4:23-cv-01852, (N.D. Cal.) as a matter that may affect, or be affected by, a decision in this proceeding. Paper 17, 2.

D. The Challenged Patent

The '203 patent “relates generally to monitoring wireless devices and to messaging by wireless communication between wireless devices in a specific geographical location and remote centers.” Ex. 1001, 1:19–22. The '203 patent discloses “a system and method that allows a user to control and monitor individuals, vehicles and other movable entities by using geographical zones.” *Id.* at 3:21–23. The “zones can be pre-configured geographical zones,” and the “zones have a plurality of nodes” that “are preferably part of a mesh network or other suitable network configuration.” *Id.* at 3:24–25; 3:38–39. “The system allows for three-dimensional mapping according to the placement of nodes in a three-dimensional sense.” *Id.* at 3:32–34.

Using the system, “messages can be communicated with movable entities according to their location in the three-dimensional space, and the messages may be commercial or emergency messages.” *Id.* at 34–37. “The nodes preferably communicate with transponders or subscriber devices that can be a cell phone, Personal Digital Assistant (PDA) or similar device using the Bluetooth™ protocol.” *Id.* at 3:39–42. “The users can be a single user or multiple users in a group with whom there are message communications”

and “[t]he messages can be targeted to the one or multiple users.” *Id.* at 3:27–30.

The ’203 patent describes “[a] wireless communication device” that is “operable to detect a plurality of location nodes” and “periodically interrogates its environment and determines which location node is most practically near.” *Id.* at 6:47–50. “The wireless communication device then communicates to that location node, and requests that any additional data information relevant to the specific location associated with that location node be sent back to the wireless communication device.” *Id.* at 6:50–54.

Figure 1 of the ’203 patent is reproduced below.

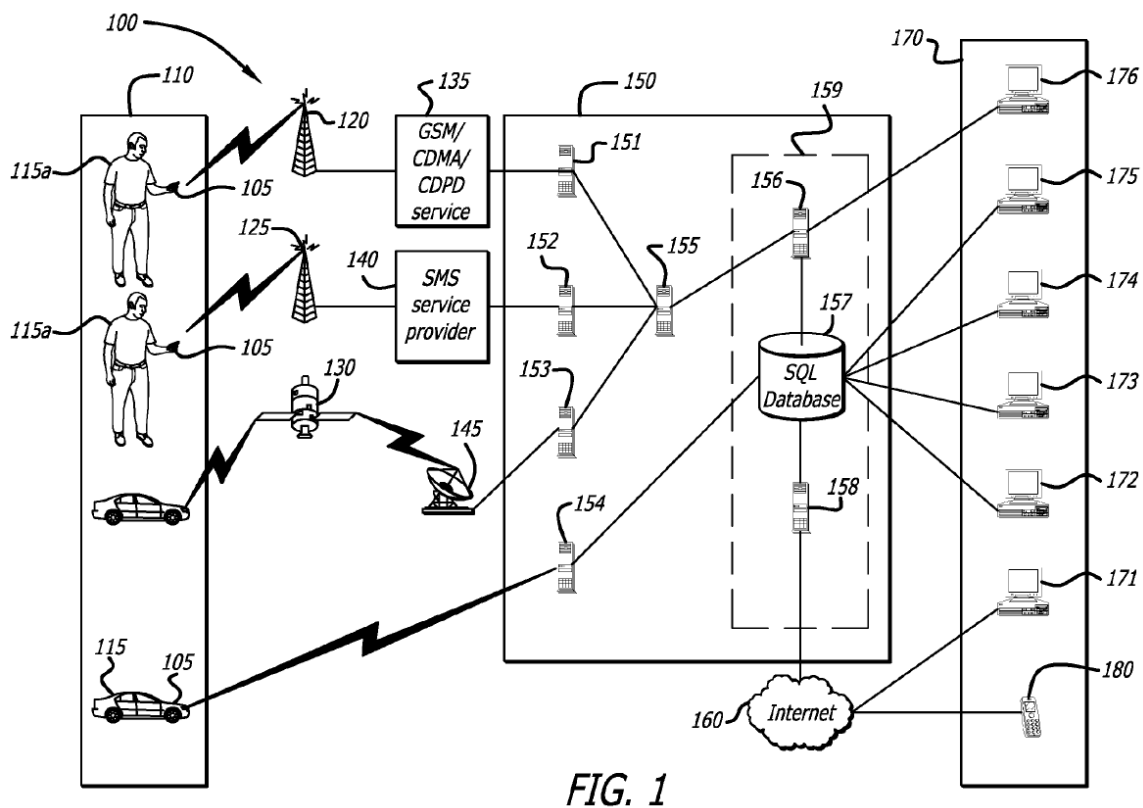


FIG. 1

Figure 1 “illustrates the high-level architecture of a computer system for controlling and monitoring movable entities including, but not limited to, vehicles and people.” *Id.* at 9:21–23. As illustrated, “[a] plurality of

vehicles 110 has at least one transponder or subscriber device 105 that can be tracked and allows the functionality to remotely control functionality of the vehicle 115 or an individual 115a.” *Id.* at 9:23–27. Each transponder or subscriber device 105 connects with a communication network, and “sends event information to the backend control system 150 and responds to commands sent to the transponder or subscriber device 105 by the backend control system 150 through the communications network.” *Id.* at 9:42–46. As illustrated, communications networks include “a cellular network including multiple cellular base stations 120 and service providers 135,” “a cellular network including multiple cellular base stations with SMS receivers 125 and service providers 140,” and “a satellite network including multiple satellite receivers and transmitters 130 and satellite ground stations 145.” *Id.* at 9:30–38. The ’203 patent also discloses that “transponder or subscriber device 105 receives radio signals from a GPS constellation satellite 130 allowing the transponder or subscriber device 105 to process positioning information.” *Id.* at 10:21–24.

Figure 19A is reproduced below.

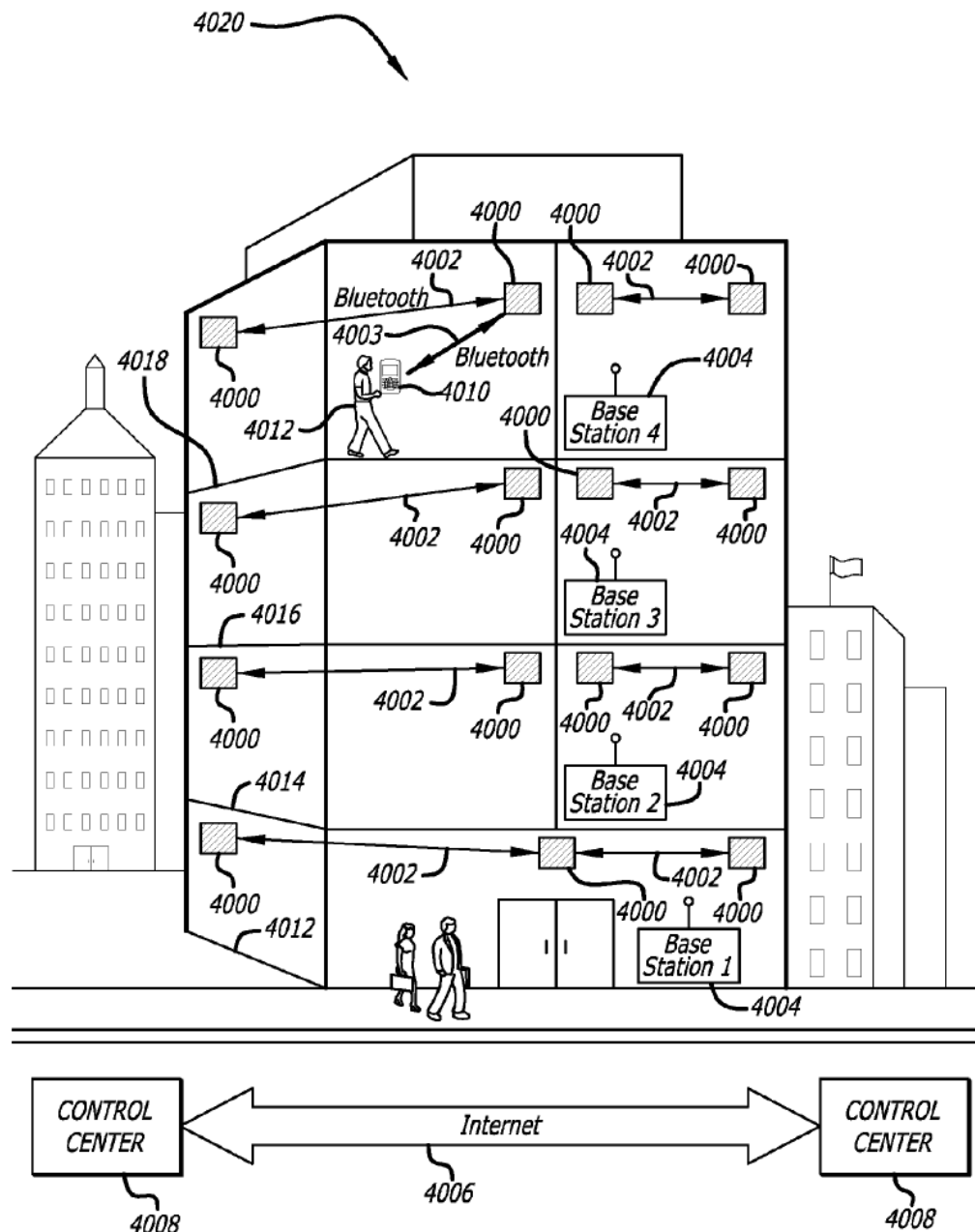


FIG. 19A

Figure 19A illustrates “an exemplary mesh network 4001 of nodes 4000 in communication with base stations 4004 and, in turn, in communication with control centers 4008.” *Id.* at 31:29–32. As illustrated, “[e]ach zone includes a plurality of spaced-apart nodes 4000, where the nodes 4000 are arranged in a multi-dimensional sense about the zone.” *Id.* at 31:57–59. Figure 19A

shows that “the nodes 4000 housed in the building 4020 are distributed in four separate mesh networks 4001.” *Id.* at 31:60–62. “Each mesh network 4001 is located in one of four specific zones,” namely “the first floor 4012, the second floor 4014, the third floor 4016, and the fourth floor 4018 of the building 4020.” *Id.* at 31:62–65. “The mapping of the geographical space is affected [sic] in a three-dimensional sense, selectively being defined by x, y and z axes or coordinates, which in some embodiments may correspond to latitude, longitude, and elevation.” *Id.* at 32:7–10.

The ’203 patent further discloses that “[i]n one or more embodiments, the nodes 4000 are enabled to communicate using Bluetooth™ protocol to effect communications between nodes 4000 and mobile devices 4010, which are each associated with at least one user.” *Id.* at 32:22–25. “When a mobile device 4010 determines its most practically near node 4000, the mobile device 4010 will download from that node 4000 the location information of that node 4000.” *Id.* at 33:9–12. “The mobile device 4010 can use this location information in order to generate and display a two- or three-dimensional map of the mobile device’s 4010 position within a geographical area and/or zone,” and “the node 4000 will transmit wirelessly via RF using Bluetooth™ protocol the location information of the mobile device 4010 to the node’s 4000 associated base station 4004, or to other nearby nodes 4000 within the node’s 4000 mesh network 4001.” *Id.* at 33:12–20. “The base station 4004 will, in turn, either communicate the location information of the mobile device 4010 via Wi-Fi to other base stations 4004, or communicate the location information of the mobile device 4010 via Internet, Wi-Fi bridging, and/or Ethernet to at least one control center 4008.” *Id.* at 33:20–25.

E. Illustrative Claims

Of the challenged claims, claims 1, 6, 29, and 30 are independent.

Claims 1 and 6 are illustrative of the challenged claims, and read as follows:

1. A method for developing a map for use by a user, the user being selectively individuals, vehicles, and other entities, comprising:

using a geographical zone, the zone selectively being a preconfigured geographical zone,

the zone including a plurality of spaced apart nodes, wherein the nodes are arranged in a multi-dimensional sense, the location of the plurality of nodes in the multidimensional sense being placed with a structure attached to the ground;

sending data communications between one or more of the nodes, one or more users, and one or more control stations; and

affecting multi-dimensional mapping according to the placement of the nodes and the communications between the nodes and the control stations, wherein the mapping is affected in a three-dimensional sense, selectively being a three-dimensional sense in the x, y, and z axes or coordinates and the structure is a building, the building having different elevational levels and there are nodes on different elevational levels whereby there are nodes at multiple different elevational levels, and wherein the system narrows the plurality of nodes for use by the user at a first elevational level to the most practically near node to the user, such that a node at another elevational level, even though physically closer to the user at the first elevational level is excluded as being a node the most practically near to that user, and a different node at the elevational level of the user is selected as the most practically near to that user.

Ex. 1001, 41:8–37.

6. A method of communicating data between at least one selected communication transponder and at least one selected mobile communication device comprising:

using a geographical zone, wherein the zone includes a plurality of spaced apart communication transponders; the transponders including a transmitter and receiver and wherein at

least one of the transponders permits communication with a mobile device of a user;

sending data communication between pluralities of the transponders in a network communication protocol with each other, applying the plurality of transponders in the network with each other to define the zone,

communicating between at least one transponder to the mobile user and between at least one transponder; the communication between the mobile device of the user and the least one transponder being effected by at least one of a bluetooth or a wi fi protocol thereby to determine the location of the user in the zone through such communication;

arranging the transponders at locations in the zone, and the respective locations of the plurality of transponders in the zone being placed within a building structure;

obtaining and analyzing data related to the location of the mobile user according to the placement of the transponders in the zone;

enabling selected mobile communication devices to be in communication with at least one selected communication transponder when the devices are within range of the selected transponder;

the mobile user receiving selection parameter data from multiple transponders, and utilizing the selection parameters, such that the system narrows the plurality of transponders to the most practically near transponder, such most practically near transponder not necessarily being the transponder physically closest to the mobile user;

associating respective users of respective mobile devices with a respective profile of the respective user of the respective mobile device;

sending a targeted message to a selected mobile device of a selected user from the selected communication transponder when the selected mobile device is in range; and

tailoring the targeted message to the profile of the user associated with the mobile device.

Id. at 41:65–42:41.

F. Instituted Grounds of Unpatentability

We instituted trial based on the following grounds of unpatentability, which are all the grounds of unpatentability raised in the Petition:

Claim(s) Challenged	35 U.S.C. § ¹	Reference(s)/Basis
1–5	103(a)	Wrappe, ² Belcea ³
6–30	103(a)	Wrappe, Belcea, Christopher ⁴
6–30	103(a)	Wrappe, Belcea, Kinnunen ⁵

Pet. 3–4, 19–79. Petitioner submits in support of its arguments the Declaration of Scott Andrews (Ex. 1002).

II. LEVEL OF ORDINARY SKILL IN THE ART

To determine whether an invention would have been obvious at the time it was made, we consider the level of ordinary skill in the pertinent art at the time of the invention. *Graham v. John Deere Co.*, 383 U.S. 1,

¹ The Leahy-Smith America Invents Act (“AIA”) included revisions to 35 U.S.C. § 103 that became effective on March 16, 2013. Because the application for the ’203 patent was filed before March 16, 2013, we apply the pre-AIA version of the statutory basis for unpatentability. In addition, Petitioner argues that the challenged claims “are entitled to a priority date no earlier than January 8, 2009” because they recite certain new subject matter. *See* Pet. 6–11. We find that Petitioner has met its burden of production on this issue in light of its priority arguments and unpatentability arguments. *See* Pet. 6–11, 19–75; *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378–79 (Fed. Cir. 2015) (discussing the burden of production). Patent Owner does not address these arguments from Petitioner or this priority issue otherwise. *See generally* PO Resp. Thus, we find that Patent Owner does not meet its burden of production on this priority issue. *See Dynamic Drinkware*, 800 F.3d at 1380. Accordingly, we accord the challenged claims a priority date of January 8, 2009.

² WO 2005/106523 A1, published Nov. 10, 2005 (Ex. 1005, “Wrappe”).

³ US 7,203,497 B2, issued Apr. 10, 2007 (Ex. 1006, “Belcea”).

⁴ US 2008/0042836 A1, published Feb. 21, 2008 (Ex. 1007, “Christopher”).

⁵ US 6,813,501 B2, issued Nov. 2, 2004 (Ex. 1009, “Kinnunen”).

17 (1966). In assessing the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC, Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (citing *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 962–63 (Fed. Cir. 1986)). “[O]ne or more factors may predominate.” *Id.*

In our Decision on Institution, we adopted the definition Petitioner proposes for one having ordinary skill in the art at the time of the invention of the ’203 patent. Dec. on Inst. 11. Namely, we found that one of ordinary skill in the art “would have had at least a bachelor’s degree in electrical engineering, computer engineering, computer science, or a related field, and at least two years of experience in research, design, development, and/or testing of GPS and/or positioning techniques, with additional education substituting for experience and vice versa.” *Id.* (citing Pet. 11 (citing Ex. 1002 ¶ 40)). Patent Owner states that it “adopt[s] Petitioner’s proffered level of ordinary skill in the art because it comports with the technology and claims of the ’203 Patent as well as the asserted prior art.” PO Resp. 8.

Because Petitioner’s definition of the level of skill in the art is consistent with the ’203 patent and the asserted prior art, we maintain it for purposes of this Final Written Decision. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC*, 57 F.3d at 1579; *In re Oelrich*, 579 F.2d 86, 91 (CCPA 1978).

III. CLAIM CONSTRUCTION

Because the Petition was filed after November 13, 2018, we apply the same claim construction standard that would be used in a civil action under 35 U.S.C. § 282(b), following the standard articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). 37 C.F.R. § 42.100(b); 83 Fed. Reg. 51,340, 51,340–41, 51,343 (Oct. 11, 2018). In applying such standard, claim terms are generally given their ordinary and customary meaning, as would be understood by a person of ordinary skill in the art, at the time of the invention and in the context of the entire patent disclosure. *Phillips*, 415 F.3d at 1312–13. “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17).

Patent Owner argues that “[t]he most practically near node” “does not have an ordinary meaning.” PO Resp. 6–7. Rather, it is defined in the Specification as “the node that is located at the closest accessible location to the movable entity,” according to Patent Owner. *Id.* at 7 (citing Ex. 1001, 6:55–67).

Petitioner argues that “there is no material difference between how Petitioner and Patent Owner interpret this term, and claim construction is therefore not necessary to resolve this dispute.” Pet. Reply 2. In particular, Petitioner argues that “[t]he construction that the Patent Owner applies is that ‘the most practically near node’ is the node that is closest to the movable entity while being on the same floor as the user.” *Id.* (citing PO

Resp. 14–15, 19–29). Petitioner argues that “[t]he Petition applies that same understanding, explaining that the combination of Wrappe and Belcea renders obvious identifying a node that is on the same floor as the user.” because “the system identifies a beacon ‘nearby’ on the same floor.” *Id.* (citing Pet. 38).

We agree with Patent Owner that the Specification states that “[t]he most practically near node is defined as the node that is located at the closest accessible location to the movable entity.” Ex. 1001, 6:55–57. We conclude that this definition provides the proper construction for this term, and we apply it below. No construction of other terms⁶ is needed to resolve the disputes between the parties. *See, e.g., Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’”).

IV. GENERAL PRINCIPLES OF LAW

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review

⁶ We authorized additional briefing from the parties concerning whether the terms “communication transponder”/“transponder” need to be construed. Paper 21, 3–4. In response, Petitioner filed an additional brief arguing that claims 6–30 unambiguously describe the features of these terms and no explicit construction was needed. Paper 22, 1–4. Patent Owner did not file an additional brief. On review of the full record, we conclude that “communication transponder” and “transponder” do not need further construction.

petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”). This burden of persuasion never shifts to Patent Owner except in limited circumstances not present here. *See Dynamic Drinkware*, 800 F.3d at 1378 (discussing the burden of proof in *inter partes* review).

A claim is unpatentable under 35 U.S.C. § 103(a) 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 of the invention to a person having ordinary skill in the art. *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 ordinary skill in the art; and (4) objective evidence of non-obviousness, if present.⁷ *See Graham*, 383 U.S. at 17–18. When evaluating a claim for obviousness, we also must “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

V. OBVIOUSNESS OVER WRAPPE AND BELCEA

Petitioner argues that the combination of Wrappe and Belcea renders claims 1–5 obvious. Pet. 3, 19–44. For the reasons that follow, we determine that Petitioner shows by a preponderance of the evidence that the combination of Wrappe and Belcea renders these claims obvious.

⁷ Patent Owner does not present arguments or evidence of such objective evidence of non-obviousness. *See generally* PO Resp.

A. Summary of Wrappe

Wrappe “relates to position determination systems, and more particularly to hybrid positioning using wireless communication signals and Satellite Positioning System (SPS) signals.” Ex. 1005 ¶ 1. For background, Wrappe describes several approaches that “perform trilateration based upon the use of timing information sent between each of several base stations and a mobile device, such as a cellular telephone.” *Id.* ¶ 2.

Wrappe discloses an embodiment wherein “microcell beacons” “are used to broadcast to mobile stations location information and/or identification information, which can be used to look up for the location information, to improve the precision of position solutions in a wide area position determination system (e.g., a GPS system, an AFLT system, or a hybrid system).” *Id.* ¶ 10. The “microcell beacons” are described as being “based on low cost, mass market electronics for wireless local area data communication (e.g., Bluetooth or WiFi).” *Id.* Figure 5 of Wrappe is reproduced below.

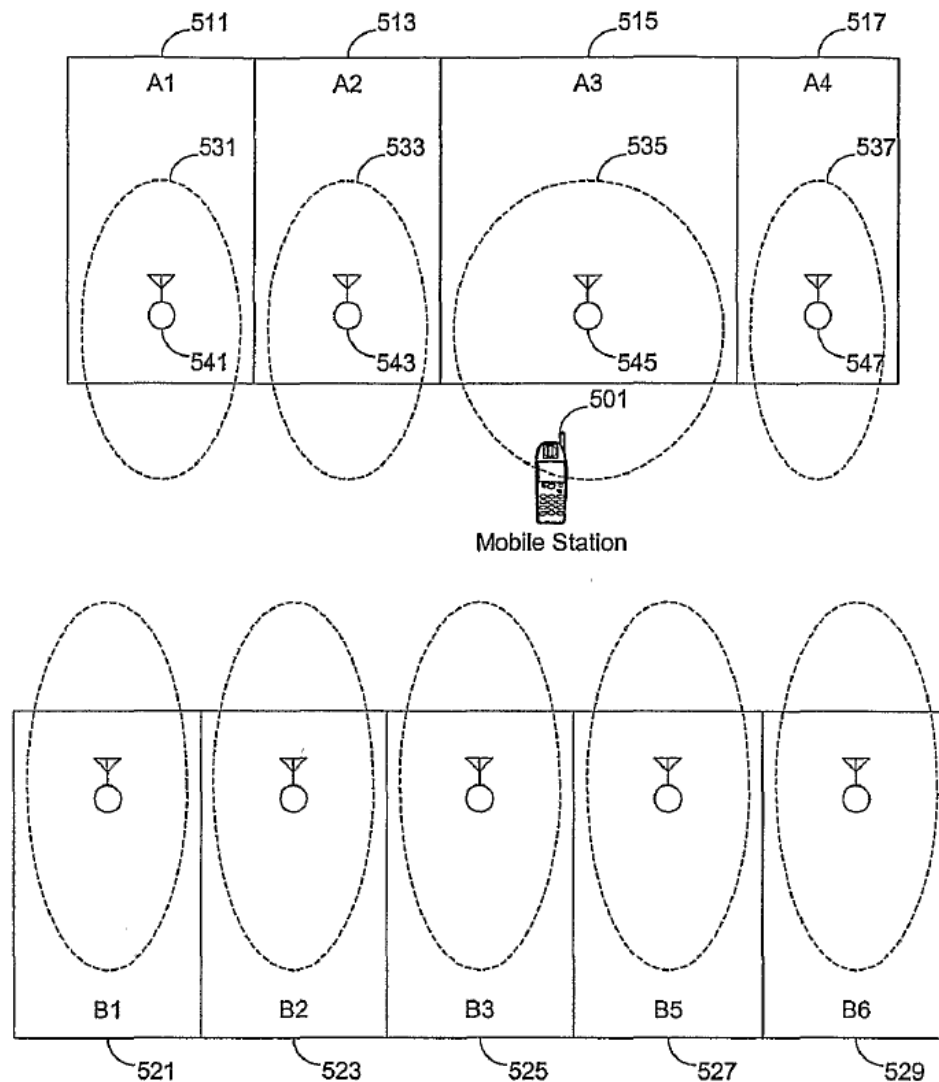


Figure 5 of Wrappe “shows one example scenario of using microcell beacons according to one embodiment of the present invention.” *Id.* ¶ 23. “In Figure 5, mobile station 501 is in an environment where the blockage of GPS signals is severe,” “[f]or example, there are a number of stores and shops (e.g., 511-517, 521-529) in a commercial complex.” *Id.* ¶ 46. Wrappe explains that “[w]hen a conventional hybrid position determination system is used, the position solution of the mobile station may not be precise enough to accurately determine which store the mobile station is in.” *Id.* To address that problem, Wrappe discloses that “microcell beacons are placed to aid the

position determination.” *Id.* “For example, the position information (e.g., altitude aiding information) broadcast at the microcell beacons are used to improve the accuracy of the position solution so that it can be reliably determined which of the stores (e.g., 511–517, 521–529) the mobile station is in.” *Id.*

B. Summary of Belcea

Belcea relates to “deploying a network of wireless devices which can provide data for accurately computing the position of mobile network members,” and more particularly, “to a system and method of deploying a network of wireless devices including Mobile Terminals, Wireless Routers and Controllers within a three dimensional deployment structure, such that communication, identification and position calculations can be achieved with high accuracy regardless of the building structure.” Ex. 1006, 1:24–33.

Figure 3 of Belcea is reproduced below.

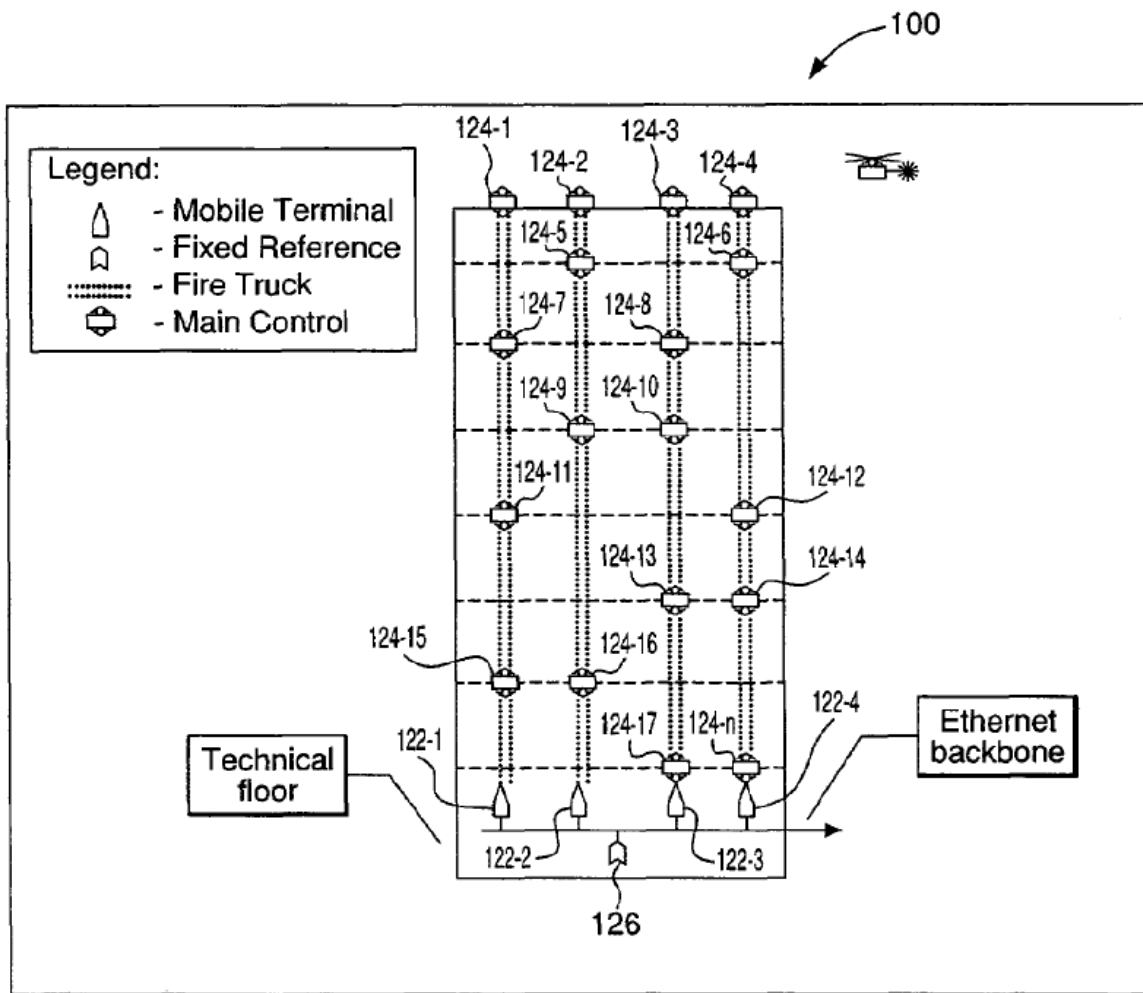


Figure 3 of Belcea “is a side view diagram of an example of a network deployed as vertical infrastructure.” *Id.* at 4:20–21. Belcea’s Figure 3 “shows a deployment of the ‘vertical’ infrastructure [...] in a high-rise building, and includes a number of Intelligent Access Points (IAP) 122-1 to 122-n, and a system of Vertical Routers (VR) 124-1 to 124-n, dispersed among a number of floors of an example building.” *Id.* at 6:6–11. Belcea discloses that “IAP 122 are wireless devices capable of communication through radio frequencies that have a network interface” and “[t]hrough that interface, the IAP are connected to a Local Control (LC) 126 that handles the information regarding the whole system.” *Id.* at 6:12–16.

C. Challenged Claim 1

1. Method for Developing a Map (Preamble)

Petitioner argues that Wrappe teaches “[a] method for developing a map for use by a user, the user being selectively individuals, vehicles, and other entities,” as recited in the preamble of claim 1. Pet. 21–24. More specifically, Petitioner argues that Wrappe “suggests using a map to determine position information of the mobile station in a store.” *Id.* at 23 (citing Ex. 1005 ¶¶ 46, 52). Wrappe discloses one or more beacon stations programmed to broadcast data identifying a site that can be received by a mobile station to improve the precision of the position solution of the mobile station. Ex. 1005 ¶ 52. “[W]hen a mobile station is identified to be entering (or exiting) the site, the commercial information (e.g., electronic coupon, a web page of advertisement) is automatically transmitted to the mobile station for display.” *Id.* We agree with Petitioner and find that Wrappe teaches that a map is used to determine position information of the mobile station in a site (e.g., a store). We also find persuasive Mr. Andrews’s testimony that one of ordinary skill in the art “would have understood that presenting the data in a map would be a typical way to provide such information to a user.” Ex. 1002 ¶ 130; Pet. 23.

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that Wrappe teaches “[a] method for developing a map for use by a user, the user being selectively individuals, vehicles, and other entities.” In light of our finding, we need not, and thus do not, reach whether claim 1’s preamble is limiting.

2. *Using a Geographical Zone*

Petitioner argues that Wrappe teaches “using a geographical zone, the zone selectively being a preconfigured geographical zone,” as recited in claim 1. Pet. 24–26. More specifically, Petitioner argues that Wrappe teaches spaced apart microcell beacons “‘which are placed to aid [in] position determination’ [and] ‘can provide information such as ... *zone identification information*,’ and are arranged about [a] zone.” Pet. 24 (quoting Ex. 1005 ¶¶ 45, 46; *citing id.* at Fig. 5).

In addition, Mr. Andrews testifies that one of ordinary skill in the art “would have thus understood from these teachings that Wrappe’s microcell beacons are positioned in a ‘geographical zone’ as claimed because the microcell beacons provide zone identification information (i.e., within that geographic region of the selected store).” Ex. 1002 ¶ 138. Mr. Andrews further explains that “the zone is ‘preconfigured’ because the beacons are placed in advance, and thus the positioning is configured before the system is put into use.” *Id.*

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that Wrappe teaches this limitation.

3. *Zone Including a Plurality of Spaced Apart Nodes*

Petitioner argues that Wrappe teaches “the zone including a plurality of spaced apart nodes, wherein the nodes are arranged in a multi-dimensional sense, the location of the plurality of nodes in the multidimensional sense being placed with a structure attached to the ground,” as recited in claim 1. Pet. 26–28. More specifically, Petitioner

argues that Wrappe “shows the node at position B1 is spaced apart from the node at A6 in two spatial dimensions—X (horizontal as looking at the figure) and Y (vertical as looking at the figure) direction—so the positioning of the beacons is multidimensional.” *Id.* at 26 (citing Ex. 1005, Fig. 5). Petitioner adds that “[a]n additional dimension is Wrappe’s ‘altitude,’ which corresponds to height, or ‘Z,’ dimension.” *Id.*

In addition, Mr. Andrews testifies that “Wrappe’s Fig. 5 ‘illustrates a situation where each store (e.g., 511–517) has only one microcell beacon station (e.g., 541–547).’” Ex. 1002 ¶ 142 (quoting Ex. 1005 ¶ 47; citing *id.* at Fig. 5); Pet. 26. One of ordinary skill in the art “would have understood that Wrappe’s microcell beacons [] are spaced apart because they are located in different stores, and the stores themselves are spaced apart, for example adjacent or across from to each other in Rows A and B (A1–A4 and B1–B6),” according to Mr. Andrews. Ex. 1002 ¶ 142.

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that Wrappe teaches this limitation.

4. *Sending Data Communications*

Petitioner argues that Wrappe teaches “sending data communications between one or more of the nodes, one or more users, and one or more control stations,” as recited in claim 1. Pet. 28–30. More specifically, Petitioner argues that Wrappe teaches “‘microcell beacons use short range data transmitters [] for local area data communication, such as Bluetooth or WiFi [to broadcast]’ where the ‘beacon station may receive data from a mobile station through a wireless local area data communication link.’” *Id.*

at 28 (quoting Ex. 1005 ¶¶ 35, 48). In addition, according to Mr. Andrews, “microcell beacons and the mobile station . . . correspond to the claimed ‘nodes’ and ‘users’ (i.e. the users of the ‘mobile station’). Ex. 1002 ¶ 150.

To help illustrate that Wrappe teaches sending data communications between “one or more control stations,” Petitioner annotates Wrappe’s Fig. 6, reproduced below. Pet. 29 (annotating Ex. 1005, Fig. 6).

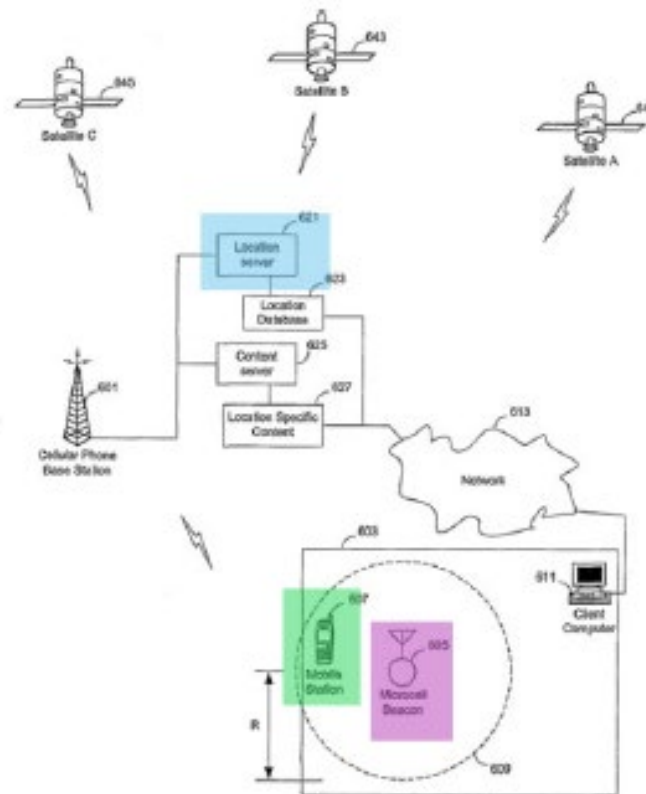


Fig. 6

Wrappe’s Figure 6 “illustrates a position determination system for the location of a handset” comprising a beacon 605 (purple), a location server 621 (blue), and a mobile station 607 (green). Ex. 1005 ¶ 24, Fig. 6.

According to Petitioner, “Wrappe’s ‘mobile station 607 [green] has the capability of communicating with location server 621 [blue] using a cellular

communication link between mobile station 607 [green] and cellular phone base station 601.” Pet. 28 (quoting Ex. 1005 ¶ 38). Petitioner argues that the “cellular base station is arranged to cover a geographical area and enable communications between mobile devices (i.e., users) and location servers (i.e., control stations) which provide location services and control operation, acting as the claimed control station.” *Id.* at 29 (citing Ex. 1002 ¶¶ 83–87, 151).

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that Wrappe teaches this limitation.

5. Affecting Multi-Dimensional Mapping

Petitioner argues that Wrappe teaches “affecting multi-dimensional mapping according to the placement of the nodes and the communications between the nodes and the control stations, wherein the mapping is affected in a three-dimensional sense, selectively being a three-dimensional sense in the x, y, and z axes or coordinates and the structure is a building, the building having different elevational levels, and” as recited in claim 1. Pet. 28–31. More specifically, Petitioner argues that Wrappe teaches a beacon and cellular base station that are capable of communicating with each other. *Id.* at 28–30.

In addition, Petitioner argues that Wrappe teaches that “during the installation of the microcell beacons, the placement and the signal transmission strength of the microcell beacons are adjusted so that the coverage of the dominant beacon signals substantially covers the store without substantially intruding into neighboring stores to cause

misidentification.” *Id.* at 30 (quoting Ex. 1005 ¶ 46). Wrappe also teaches that “more than one microcell beacon station can be used to create a desirable coverage, depending on the size of the store, GPS signal blockage conditions, radio signal blockage conditions, desirability of coverage, and others.” Ex. 1005 ¶ 47. Further, Mr. Andrews testifies that one of ordinary skill in the art “would have understood that the placement of the microcell beacons would have been used to affect multi-dimensional mapping.” Ex. 1002 ¶ 159.

In addition, Petitioner argues that Wrappe teaches that the beacons may broadcast “location information [that] may be the coordinates (e.g., longitude, latitude and altitude) [] or other location specific information (e.g., an identification number of an area).” Pet. 31 (quoting Ex. 1005 ¶ 10). “[T]he microcell beacon station can broadcast the altitude of a floor of a building where the microcell beacon station is installed’ and ‘may further broadcast its location coordinates.’” *Id.* (quoting Ex. 1005 ¶ 40). And Mr. Andrews explains that one of ordinary skill in the art would have understood that the mapping is affected in a three-dimensional sense “because of the placement of Wrappe’s microcell beacons which broadcast location information that correspond to x, y, and z axes or coordinates.” Ex. 1002 ¶ 160.

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that Wrappe teaches this limitation.

6. Nodes on Different Elevational Levels

Petitioner argues that Wrappe and Belcea each teach that “there are nodes on different elevational levels whereby there are nodes at multiple different elevational levels,” as recited in claim 1. Pet. 32–33. More specifically, Petitioner argues that “Wrappe’s beacon ‘can store and broadcast [for] altitude aiding’ such as ‘the altitude of a floor of a building where the microcell beacon station is installed.’” *Id.* at 28–29, 32 (quoting Ex. 1005 ¶¶ 40, 49).

As to Belcea, Petitioner relies on, *inter alia*, its annotated version of Belcea’s Figure 3, which is reproduced below.

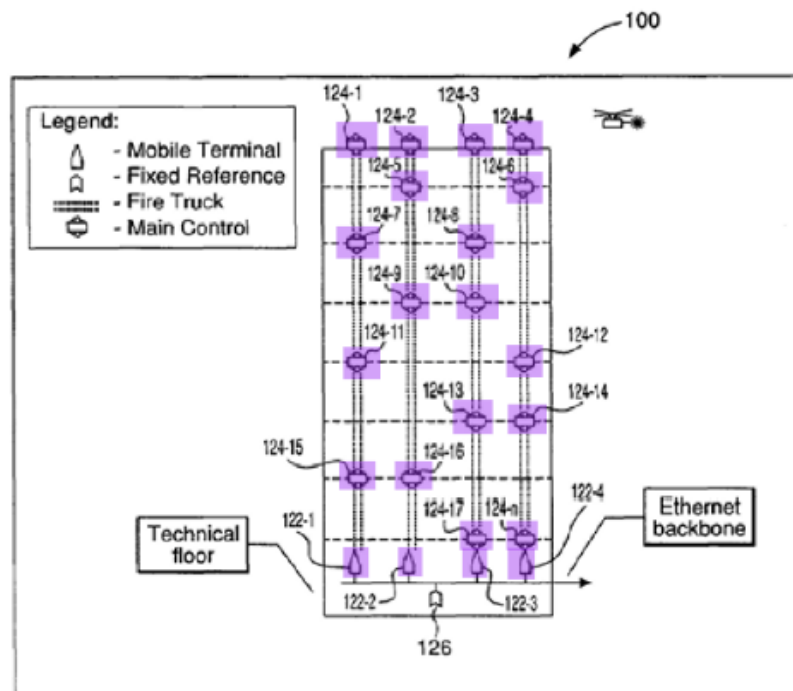


FIGURE 3

Figure 3 shows a high-rise building with Intelligent Access Points (IAP) 122-1 to 122-n [purple] and a system of Vertical Routers (VR) 124-1 to 124-n [purple] dispersed among a number of floors. Ex. 1006, 6:8–11.

According to Petitioner, Figure 3 shows “Intelligent Access Points (IAP) 122-1 to 122-n [purple], and a system of Vertical Routers (VR) 124-1 to 124-n [purple], dispersed among a number of floors of an example building.” Pet. 32 (quoting Ex. 1006, 6:8–11).

After reviewing Petitioner’s arguments and evidence, which are not addressed by Patent Owner (*see generally* PO Resp.), we determine that Petitioner demonstrates by a preponderance of the evidence that each of Wrappe and Belcea teaches this limitation.

7. System Narrows the Plurality of Nodes for Use

Claim 1 further recites “wherein the system narrows the plurality of nodes for use by the user at a first elevational level to the most practically near node to the user, such that a node at another elevational level, even though physically closer to the user at the first elevational level is excluded as being a node the most practically near to that user, and a different node at the elevational level of the user is selected as the most practically near to that user.” Ex. 1001, 41:30–37. We agree with Petitioner and find that the combination of Wrappe and Belcea teaches this limitation. Pet. 20–21, 34–39; Pet. Reply 3–6.

We agree with Petitioner and find that Wrappe teaches using microcell beacons (i.e., nodes) for a commercial complex having a number of stores and shops. Ex. 1005 ¶ 46, Fig. 5. More specifically, Wrappe teaches that “microcell beacons are placed to aid . . . position determination.” *Id.* ¶ 46. “For example, the beacon signals for store[s] 511–517 have coverage areas 531–537 respectively so that when mobile station[] 501 receives a signal beacon signal for a store . . . , the mobile station can identify the store from the beacon signal.” *Id.* ¶ 46, Fig. 5. We find

persuasive Mr. Andrews’s testimony that from these teachings one of ordinary skill in the art “would have understood Wrappe to teach the mobile station determining the closest microcell beacon in a store so the mobile station can receive a signal for a store.” Ex. 1002 ¶ 167.

In addition, Wrappe teaches that a microcell beacon “may broadcast an altitude of a location where the microcell beacon is located so that the altitude information can be used for altitude aiding” (e.g., a “microcell beacon station can broadcast the altitude of a floor of a building where the microcell beacon station is installed”). Ex. 1005 ¶ 40. We find persuasive Mr. Andrews testimony that one of ordinary skill in the art “would have understood that Wrappe teaches nodes on different floors of a building because broadcasting the altitude of the floor of a building would only be necessary if there were different floors and the nodes were on different floors.” Ex. 1002 ¶ 185 (citing Ex. 1005 ¶ 40). This testimony flows directly from the cited portion of Wrappe for the reason provided.

In addition, we find that Belcea teaches “a system and method for deploying a network of wireless devices, including [m]obile [t]erminals, [w]ireless [r]outers and [c]ontrollers, within a three dimensional deployment structure such that communication, identification and position calculations can be achieved regardless of building structure.” Ex. 1006, 3:28–33. As to the position calculations, Belcea teaches that “[t]he [m]obile [t]erminals can determine their respective locations using [known] algorithms.” *Id.* at 11:26–34 (incorporating by reference US 2004/0246926 A1, published Dec. 9, 2004 (Ex. 1008, “Belcea926”)); *see also Adv. Display Sys., Inc. v. Kent St. Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000) (“Incorporation by reference . . . makes clear that the material is effectively part of the host

document as if it were explicitly contained therein.”). For example, Belcea teaches that “the [m]obile [t]erminals can use Time of Flight (TOF) data and Received Signal Strength Indicator (RSSI) data and a scoring process to identify the correct floor on which they are located.” *Id.* at 11:34–38.

More specifically, Belcea926 teaches that a wireless floor indicating router (“FIR”) is present in a stairwell and by an elevator shaft at each floor in a building. Ex. 1008 ¶ 43. Belcea926 explains that because signals lose energy when passing through floors and walls, “a FIR . . . may not be able to communicate with a [device] that is not on the same floor as the FIR.” *Id.* In accordance with Belcea926’s teachings, “all FIRs deployed on the same floor are on [a] same line of [a] matrix, regardless [of] the position on the floor,” and that “filtered data can be compared for finding the floor where is located the FIR that provides to the targeted mobile device the smallest TOF and the best RSSI simultaneously.” *Id.* ¶¶ 47, 55. We find persuasive Mr. Andrews’s testimony that one of ordinary skill in the art “would have understood that Belcea teaches to first identify the nodes on a specific floor, disregard nodes on other floors, and then perform location determinations using only the nodes on the specific floor desired,” as this testimony is consistent with these teachings. *Compare* Ex. 1002 ¶¶ 169–171, *with* Ex. 1006, 11:26–38, *and* Ex. 1008 ¶¶ 43, 47, 55.

In addition, we find persuasive Mr. Andrews’s testimony that one of ordinary skill in the art “would have been motivated to implement these teachings [from Belcea and Belcea926] with Wrappe to ensure that the user is connected to a beacon from the store that they are in as opposed to a different store on the floor above or below the user.” Ex. 1002 ¶ 172. We also find persuasive Mr. Andrews’s testimony that “[d]ifferent stores on

different floors are less relevant to [a] user, because even though they may be nearby in the vertical sense (e.g. directly underneath the user on a different floor), if the user is not in the store, then they are less likely to be interested in messages from that store.” *Id.* This testimony is consistent with Wrappe and Belcea’s teachings of improving the precision of locating position. *See, e.g.*, Ex. 1005, code (57); Ex. 1006, code (57).

In sum, we agree with Petitioner and find that the combination of Wrappe and Belcea teaches that the system narrows the plurality of nodes for use by the user at a first elevational level (i.e., narrows to the nodes on a user’s floor, excluding nodes on other floors), and determines the closest node on that floor to the user (i.e., the node at the closest accessible location to the user).

We find unavailing Patent Owner’s discussion of an algorithm in the ’203 patent which Patent Owner asserts is used to obtain “the most practically near node.” PO Resp. 15–16. To the extent that Patent Owner is arguing that an algorithm is required by the limitation, Belcea⁹²⁶ teaches an algorithm embodied in “a flowchart showing an example of the floor scoring operations performed for identifying the locations of mobile terminals.” Ex. 1008 ¶ 23, Fig. 7. Moreover, Wrappe and Belcea, as combined by Petitioner and as discussed above, teaches steps to obtain the most practically near node (i.e., the closest node on the user’s floor). To the extent that Patent Owner is arguing that the specific algorithm of the ’203 patent is required by the limitation, we disagree. Simply put, Patent Owner provides no justification to import the ’203 patent’s specific algorithm, and we decline to do so. “It is long-settled that even though ‘claims must be read in light of the specification of which they are a part, it is improper to

read limitations from the written description into a claim.”” *Bradium Techs. LLC v. Iancu*, 923 F.3d 1032, 1049 (Fed. Cir. 2019) (quoting *Wenger Mfg., Inc. v. Coating Mach. Sys., Inc.*, 239 F.3d 1225, 1237 (Fed. Cir. 2001)).

We also find unavailing Patent Owner’s argument that “[i]t is apparent that the system of Wrappe does not narrow the plurality of nodes for use by the user, since mobile stations 501 only receives a signal beacon signal for a store at a time, there is no other nodes’ signals the mobile stations 501 receives.” PO Resp. 16. First, this argument is contrary to Wrappe’s teachings. For example, Wrappe teaches that “[t]he coverage areas of the microcell beacons for different stores may overlap with each other,” and that “[i]t is understood that in general more than one microcell beacon station can be used to create a desirable coverage, depending on the size of the store, GPS signal blockage conditions, radio signal blockage conditions, desirability of coverage, and others.” Ex. 1005 ¶¶ 46–47. Second, Petitioner relies on Wrappe and Belcea’s combined teachings, and Belcea926 also teaches having multiple nodes on a floor, and across floors. *See, e.g.*, Ex. 1008, ¶¶ 43, 47, 55, Fig. 7. Thus, Patent Owner’s argument is misfocused. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (“Non-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references”).

We also find unavailing Patent Owner’s argument that “[s]ince Time of Flight (TOF) is the measurement of time taken to travel a distance in order to determine distance, providing to the targeted mobile device the smallest TOF means the system of Belcea narrows the plurality of nodes for use by the user to ‘the most near node’ to the user, which is distinct from

“the most practically near node.” PO Resp. 18. As we discuss above, Belcea teaches to first identify the nodes on a specific floor, to disregard nodes on other floors, and then to perform location determinations using only the nodes on the specific floor desired. *See* Ex. 1006, 11:26–38; Ex. 1008 ¶¶ 43, 47, 55.

We also find unavailing Patent Owner’s argument that in Belcea926, “a user can only communicate with nodes located on the same floor of the user,” and thus, Belcea926 “need not remove nodes that located not the same floor of the user.” PO Resp. 20. Rather, Belcea926 teaches collecting data from nodes on different floors to compare and identify the floor of the user device. *See, e.g.,* Ex. 1008 ¶¶ 15, 47, 48, 50, 62; *see also id.* ¶ 43 (“Because the signals lose energy when passing through floors and walls, a FIR . . . *may not* be able to communicate with a firefighter that is not on the same floor as the FIR”) (emphasis added).

We also find unavailing Patent Owner’s argument that “Petitioner fails to undertake a Graham analysis.” PO Resp. 20–21. As we discuss above, Petitioner establishes that the combination of Wrappe and Belcea teaches all the limitations of claim 1, and that one of ordinary skill in the art would have been motivated to combine these references in the manner Petitioner does.

We also find unavailing Patent Owner’s reliance on *Apple, Inc. v. Contentguard Holdings, Inc.*, IPR2015-00355, Paper 9 at 9–10 (PTAB June 26, 2015). PO Resp. 12–13. Rather, we agree with Petitioner that *Contentguard* is inapposite “because that decision criticized the petitioner’s failure to explicitly state which prior art reference combinations formed the bases of the petition,” which is not the situation here. Pet. Reply 14;

Contentguard, Paper 9 at 9–11 & n.8 (“[I]t is difficult to understand the distinctions (if any) between the asserted grounds, because they are lumped together.”); Pet. 3–4.

In sum, we find by a preponderance of the evidence that the combination of Wrappe and Belcea teaches this limitation. Moreover, we find that Petitioner has provided sufficient articulated reasoning that one of ordinary skill in the art would have been motivated to combine Wrappe and Belcea’s teachings in the manner Petitioner does.

8. Summary for Claim 1

In summary, we determine that Petitioner shows by a preponderance of the evidence that claim 1 would have been obvious to one of ordinary skill in the art in view of the combination of Wrappe and Belcea.

D. Challenged Claims 2–5

Petitioner argues that the combination of Wrappe and Belcea teaches the limitations recited in claims 2–5. Pet. 39–44. These claims each depend directly from independent claim 1. Patent Owner does not separately address Petitioner’s arguments directed to these claims, and instead Patent Owner relies on its arguments for independent claim 1. PO Resp. 21. As we discuss above, we find these arguments unavailing. *See supra* Section V.C.

Based on the evidence and arguments of record, we find that Petitioner demonstrates by a preponderance of the evidence that the limitations of claims 2–5 are taught by the combination of Wrappe and Belcea, and that one of ordinary skill in the art would have been motivated to combine Wrappe and Belcea in the manner Petitioner does. Hence, we determine that claims 2–5 would have been obvious over the combination of Wrappe and Belcea.

VI. ALLEGED OBVIOUSNESS OVER WRAPPE, BELCEA, AND CHRISTOPHER

Petitioner argues that the combination of Wrappe, Belcea, and Christopher renders claims 6–30 obvious. Pet. 44–75. For the reasons that follow, we determine that Petitioner shows by a preponderance of the evidence that the combination of Wrappe, Belcea, and Christopher renders these claims obvious.

A. Challenged Claim 6

Claim 6 is an independent claim having similarities to independent claim 1, while being directed to “[a] method of communicating data between at least one selected communication transponder and at least one selected mobile communication device.” Ex. 1001, 41:65–67. Petitioner argues that the combination of Wrappe, Belcea, and Christopher teaches all of claim 6’s limitations and that one of ordinary skill in the art would have been motivated to combine these references in the manner Petitioner does. *See* Pet. 44–64. Patent Owner argues that the combination fails to teach two of claim 6’s limitations. *See* PO Resp. 21–26.

We have reviewed the parties’ arguments for claim 6 and we determine that Petitioner shows by a preponderance of the evidence that (i) the combination of Wrappe, Belcea, and Christopher teaches all of claim 6’s limitations, and (ii) one of ordinary skill in the art would have been motivated to combine Wrappe, Belcea, and Christopher’s teachings in the manner Petitioner does. We address arguments for the two disputed limitations below.

First, Patent Owner argues that the combination does not teach “the mobile user receiving selection parameter data from multiple transponders, and utilizing the selection parameters, such that the system narrows the

plurality of transponders to the most practically near transponder, such most practically near transponder not necessarily being the transponder physically closest to the mobile user,” as recited in claim 6. PO Resp. 24. In particular, Patent Owner argues that “the combination of Wrappe and Belcea does not teach the limitation ‘most practically near transponder, such most practically near transponder not necessarily being the transponder physically closest to the mobile user,’” for the same reasons Patent Owner advances for the related limitation of claim 1. *Id.* (citing PO Resp. 15–21). As we discuss above, however, we find these arguments from Patent Owner unavailing. *See supra* Section V.C.7 (finding these arguments unavailing). Rather, as we discuss above, we find Petitioner shows that Wrappe and Belcea teaches narrowing to the most practically near node/transponder. *See id.*

Second, Patent Owner argues that the combination does not teach “communicating between at least one transponder to the mobile user and between at least one transponder,” as recited in claim 6. PO Resp. 25–26. In particular, Patent Owner argues that Wrappe does not teach “communicating at least one transponder,” and “[i]n fact, microcell beacons do not communicate with each other.” *Id.* at 25. Patent Owner adds that because “each beacon signal is limited to the respective area of the stores, microcell beacons do not communicate with each other.” *Id.* at 26 (citing Ex. 1005 ¶ 46). We find this argument unavailing. Rather, we agree with Petitioner and find that Wrappe teaches that a group of multiple beacon stations can be interconnected to cover a larger zone. Ex. 1005 ¶ 46; Pet. 53–54, Pet. Reply 12–13; Ex. 1002 ¶¶ 119–120, 203. And we are persuaded by Mr. Andrews’s testimony that one of ordinary skill in the art would have implemented this teaching by having the beacons in communication with

each other in a network communication protocol. Ex. 1002 ¶ 221; Pet. 54; Pet. Reply 13. This testimony is consistent with Wrappe’s teaching of relaying data. *Compare id.*, with Ex. 1005 ¶¶ 35, 45, 48. Moreover, Belcea teaches a transponder architecture having horizontal routers on each floor and vertical routers sending information between floors. Ex. 1006, 6:17–6:67, 14:31–33 (claiming “a plurality of vertical routers vertically communicatively coupled to each other for providing communication between the multiple floors”), Fig. 4; Pet. Reply 13–14.

In sum, we determine that Petitioner shows by a preponderance of the evidence that claim 6 would have been obvious to one of ordinary skill in the art in view of the combination of Wrappe, Belcea, and Christopher.

B. Challenged Claims 7–30

Petitioner argues that the combination of Wrappe, Belcea, and Christopher teaches claims 7–30. Pet. 46–75. Claims 7–28 depend from independent claim 6, and claims 29 and 30 are additional independent claims. Patent Owner does not separately address Petitioner’s arguments directed to these dependent claims, and for claims 29 and 30 relies on its same arguments as for claim 6. PO Resp. 21–27. As we discuss above, we find these arguments unavailing. *See supra* Section VI.A (finding the combination of Wrappe, Belcea, and Christopher teaches the limitations of claim 6).

We have reviewed Petitioner’s showings for claims 7–30. Based on the evidence and arguments of record, we find that Petitioner demonstrates by a preponderance of the evidence that the limitations of claims 7–30 are taught by the combination of Wrappe, Belcea, and Christopher, and that one of ordinary skill in the art would have been motivated to combine these

references in the manner Petitioner does. Hence, we determine that Petitioner shows by a preponderance of the evidence that claims 7–30 would have been obvious to one of ordinary skill in the art over the combination of Wrappe, Belcea, and Christopher.

VII. ALLEGED OBVIOUSNESS OVER WRAPPE, BELCEA,
AND KINNUNEN

Petitioner argues that claims 6–30 are rendered obvious by the combination of Wrappe, Belcea, and Kinnunen. Pet. 75–79. Thus, this ground of unpatentability challenges claims which we already determine are unpatentable. *See supra* Section VI (determining Petitioner shows claims 6–30 are unpatentable). Under the circumstances of this case, analyzing an additional ground challenging the same claims, which we have determined to be unpatentable, would not be an efficient use of the Board’s time and resources. *See Bos. Sci. Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App’x 984, 990 (Fed. Cir. 2020) (“We agree that the Board need not address issues that are not necessary to the resolution of the proceeding.”). Accordingly, we do not reach this remaining ground. *Cf. In re Gleave*, 560 F.3d 1331, 1338 (Fed. Cir. 2009) (not reaching other grounds of unpatentability after affirming the anticipation ground); *see also Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (determining once a dispositive issue is decided, there is no need to decide other issues).

VIII. CONCLUSION⁸

Based on the full record, we determine that Petitioner shows by a preponderance of the evidence that claims (i) 1–5 would have been obvious in view of the combination of Wrappe and Belcea and (ii) 6–30 would have been obvious in view of the combination of Wrappe, Belcea, and Christopher.

Claim(s)	35 U.S.C. §	Reference(s) /Basis	Claim(s) Shown Unpatentable	Claims Not Shown Unpatentable
1–5	103(a)	Wrappe, Belcea	1–5	
6–30	103(a)	Wrappe, Belcea, Christopher	6–30	
6–30	103(a) ⁹	Wrappe, Belcea, Kinnunen		
Overall Outcome			1–30	

IX. ORDER

In consideration of the foregoing, it is hereby

ORDERED that, pursuant to 35 U.S.C. § 314(a), Petitioner has shown by a preponderance of the evidence that claims 1–30 of the '203 patent are unpatentable; and

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

⁹ Because we determine that claims 6–30 are unpatentable over another ground, we decline to address them for this ground.

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

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Patent 8,315,203 B2

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