

IPR2023-00918
Patent No. 10,621,620

Patent Owner's Demonstratives
September 4th, 2024



Overview

- 1) The Invention
- 2) Level of Ordinary Skill in the Art
- 3) Claim Construction
- 4) Unpatentability – Grounds 1-13
- 5) Patent Owner's Opposition to Petitioner's Motion to Exclude
- 6) Patent Owner's Motion To Exclude

Instituted Grounds

IPR2023-00918

Ground	Basis	Reference(s)	Claims
1	§102	Felt (aka Verizon)	28 & 29
2	§103	Felt, Kerr, and/or Geer	28 & 29
3	§103	Felt	1-6 & 11-27
4	§103	Felt and Muhire	1-6 & 11-27
5	§103	Felt alone or (Muhire and Keer)	1-6 & 11-27
6	§103	Felt, Kerr and/or Muhire, and Sehn	7-10
7	§103	Adharapurapu and Kerr	1 & 11-27

Petition at 1

Instituted Grounds Cont.

IPR2023-00918

Ground	Basis	Reference(s)	Claims
8	§103	Adharapurapu, Kerr, & Muhire	1 & 11-27
9	§103	Adharapurapu, Kerr, & Felt	1-6 & 11-27
10	§103	Adharapurapu, Kerr, Muhire, and Felt	1-6 & 11-27
11	§103	Adharapurapu, Kerr and/or Muhire, Muhire, and Felt	7-10
12	§102	Adharapurapu	1-6 & 11-27
13	§103	Adharapurapu, Kerr and/or Geer	7-10

Petition at 1

Comparison of Independent Claims 1 and 28

<u>Claim 1</u>	<u>Claim 28</u>
1[pre] A method comprising:	28[pre] A method comprising:
1(a) registering asset data, wherein registering the asset data comprises at least one of the following:	28(a) registering asset data, wherein registering the asset data comprises at least one of the following:
1(a)(i) registering a first geolocation associated with one of the following:	28(a)(i) registering a first geolocation associated with one of the following:
1(a)(i)(1) a physical asset, and	28(a)(i)(1) a physical asset, and
1(a)(i)(2) a virtual asset;	28(a)(i)(2) a virtual asset;
1(b) receiving media content to be associated with at least one registered asset, wherein the media content is configured to be operative with a content interaction layer and a consumer tracking layer to enable:	28(b) receiving media content to be associated with at least one registered asset;
1(b)(i) interacting with a consumer of the media content in conjunction with, at least in part, the media content, and	
1(b)(ii) tracking the consumer of the media content in conjunction with, at least in part, the media content;	
1(c) specifying a plurality of rules for selecting the media content to deliver to the consumer, wherein specifying the plurality of rules comprises specifying:	28(c): specifying a plurality of rules for delivering the media content, wherein specifying the plurality of rules comprises specifying:
1(c)(i) a first rule for delivering the media content, the first rule being associated with at least one element of profile data corresponding with the consumer, and	28(c)(i) a first delivery rule associated with at least one element of profile data corresponding with a recipient of the media content, and
1(c)(ii) a second rule for updating the media content, the second rule being associated with a second geolocation;	28(c)(ii) a second delivery rule associated with a second geolocation at which the recipient is tracked;

Ex. 1001, Claims 1, 13

Comparison of Independent Claims 1 and 28 (Cont.)

<u>Claim 1</u>	<u>Claim 28</u>
1(d) receiving an activation command for triggering a delivery of the media content, wherein receiving the activation command comprises at least one of the following:	28(d) receiving an indication that the recipient is proximate to the first geolocation, comparing the first delivery rule and the at least one element of profile data associated with the recipient;
1(d)(i) determining that a spatial trigger has occurred,	
1(d)(ii) determining that a time-based trigger has occurred, and	
1(d)(iii) determining that an event has occurred,	
1(e) comparing the first rule and the at least one element of profile data associated with the consumer in order to determine whether to deliver the media content to the consumer;	
1(f) delivering the media content to a device associated with the consumer when the first rule is met;	
1(g) tracking a location associated with the consumer further to the delivery of the media content;	28(e) tracking a location associated with the recipient in response to a matching comparison;
1(h) comparing the second rule and the location in order to determine whether to update the media content; and	28(f) comparing the second delivery rule and the location in order to determine whether the recipient is proximate to the second geolocation; and
1(i) updating the media content at the device associated with the consumer when the second rule is met.	Element 28(g) delivering, upon fulfillment of the first delivery rule and the second delivery rule, the media content to the recipient.

Ex. 1001, Claims 1, 28

Independent Claims 29

Claim 29

29[pre] A computer-readable medium comprising a set of instructions which when executed perform a method, the method comprising:

29(a) registering asset data, wherein registering the asset data comprises at least one of the following:

29(a)(i) registering a first geolocation associated with one of the following:

29(a)(i)(1) a physical asset, and

29(a)(i)(2) a virtual asset;

29(b) receiving media content to be associated with at least one registered asset;

29(c) specifying a plurality of rules for delivering the media content, wherein specifying the plurality of rules comprises specifying:

29(c)(i) a first delivery rule associated with a period of time, and

29(c)(ii) a second delivery rule associated with a second geolocation at which a recipient is tracked during the period of time;

29(d) receiving an indication that the recipient is proximate to the first geolocation;

29(e) tracking a location associated with the recipient in response to a matching comparison;

29(f) comparing the second delivery rule and the location in order to determine whether the recipient is proximate to the second geolocation; and

29(g) delivering, upon fulfillment of the first delivery rule and the second delivery rule, the media content to the recipient.

Dependent Claims

Claim 2

2. The method of claim 1, wherein registering the asset data comprises registering a mobile asset, the mobile asset being associated with location tracking technology.

Claim 3

3. The method of claim 2, further comprising:

3(a): tracking the mobile asset, and

3(b): updating a database with an up-to-date location data associated with the location tracking technology.

Claim 4

4. The method of claim 3, wherein tracking the mobile asset comprises accessing the database with the up-to-date location data and retrieving the up-to-date location data.

Claim 5

5. The method of claim 3, wherein tracking the mobile asset comprises communicating with the location tracking technology associated with the mobile asset.

Claim 6

6: The method of claim 2, wherein receiving the activation command for triggering the delivery of the media content comprises determining that the consumer is in a spatial proximity to an up-to-date location of the mobile asset.

Claim 7

7. The method of claim 1, wherein registering the asset data comprises registering a brand asset, wherein the brand asset is comprised of a digitization of at least one of the following:

7(a): a trade name,

7(b): a trade design,

7(c): a trade logo, and

7(d): a source-identifier associated with a brand.

Ex. 1001, Claims 2-7

Dependent Claims

Claim 8

8: The method of claim 7, further comprises:

8(a): receiving a multimedia content, and

8(b): processing the multimedia content to ascertain an object within the multimedia content that corresponds to the brand asset.

Claim 9

9: The method of claim 8, wherein receiving the activation command for triggering the delivery of the media content comprises ascertaining that the brand asset is present within the multimedia content.

Claim 10

10: The method of claim 8, wherein receiving the multimedia content comprises receiving the multimedia content comprising an image captured by the consumer.

Claim 11

11: The method of claim 1, wherein delivering the media content comprises delivering a plurality of content types, wherein each of the plurality of content types is configured to be delivered based on tailored delivery rules.

Claim 12

12: The method of claim 11, further comprising tailoring at least one of: a content type and a delivery rule to the at least one element of profile data associated with the consumer.

Claim 13

13: The method of claim 11, further comprising tailoring at least one of: a content type and a delivery rule to a characteristic of a device type associated with the consumer.

Ex. 1001, Claims 8-13

Dependent Claims

Claim 14

14: The method of claim 1, further comprising tracking at least one action associated with the consumer, wherein tracking the at least one action comprises communicating with the consumer tracking layer operated on at least one device associated with the consumer.

Claim 15

15: The method of claim 14, wherein tracking the at least one action comprises employing the consumer tracking layer to track at least one of the following:

15(a): location data,

15(b): sensor data,

15(c): telemetry data,

15(d): device usage data, and

15(e): a unique identifier.

Claim 16

16: The method of claim 15, further comprising compiling analytics based on the at least one action.

Claim 17

17: The method of claim 1, wherein delivering the media content comprises engaging a transmission module configured to transmit the media content when the consumer is within a physical proximity to the first geolocation.

Claim 18

18: The method of claim 1, wherein determining that the spatial trigger has occurred comprises:

18(a): receiving location data from the consumer tracking layer in operative communication with at least one device associated with the consumer.

Claim 19

19: The method of claim 18, further comprising, determining, based on the location data, that the recipient is in proximity to the first geolocation.

Dependent Claims

Claim 20

20: The method of claim 1, wherein determining that the time-based trigger has occurred comprises at least one of the following:

20(a): determining that a predefined time has been met,

20(b): receiving a manual triggering event, and

20(c): accessing schedule data from a data storage.

Claim 21

21: The method of claim 1, wherein determining that the time-based trigger has occurred comprises at least one of the following:

21(a): receiving a designation of a time, and

21(b): determining that the consumer is in a proximity to at least one of: the first geolocation and the second geolocation at the designated time. ,

Claim 22

22: The method of claim 1, further comprising specifying, for the media content, interactivity criteria.

Claim 23

23: The method of claim 1, further comprising receiving an indication that the consumer is moving at a particular path, towards the second geolocation and within a designated period of time.

Claim 24

24: The method of claim 22, wherein specifying the interactivity criteria comprises specifying:

24(a): a change in a physical location associated with the consumer,

24(b): a particular destination to which the consumer must navigate, and

24(c): a particular time period in which the consumer must fulfill the interactivity criteria.

Ex. 1001, Claims 20-24

Dependent Claims

Claim 25

25: The method of claim 22, wherein tracking the location associated with the consumer comprises tracking the location relative to the interactivity criteria.

Claim 26

26: The method of claim 25, further comprising tracking, via the consumer tracking layer, telemetry data.

Claim 27

27: The method of claim 24, wherein updating the media content comprises updating the media content upon a fulfillment of the interactivity criteria.

Ex. 1001, Claims 25-27

The Invention

The Invention

(12) United States Patent Pittman

(10) Patent No.: US 10,621,620 B2
(45) Date of Patent: Apr. 14, 2020

(54) PLATFORM FOR LOCATION AND TIME BASED ADVERTISING

(71) Applicant: BoardActive Corporation, Atlanta, GA
(US)

(72) Inventor: Douglas L. Pittman, Douglasville, GA
(US)

(73) Assignee: BoardActive Corporation, Atlanta, GA
(US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 88 days.

(21) Appl. No.: 15/950,019

(22) Filed: Apr. 10, 2018

(65) Prior Publication Data
US 2018/0300761 A1 Oct. 18, 2018

Related U.S. Application Data

(63) Continuation-in-part of application No. 15/483,790,
filed on Apr. 10, 2017, now Pat. No. 10,521,822.

(51) Int. Cl.
G06Q 30/02 (2012.01)
H04W 4/02 (2018.01)
(Continued)

(52) U.S. Cl.
CPC G06Q 30/0261 (2013.01); G06Q 30/0242
(2013.01); G06Q 30/0244 (2013.01);
(Continued)

(58) Field of Classification Search
CPC G06Q 30/0261; G06Q 30/0242; G06Q
30/0277; G06Q 30/0267; G06Q 30/0246;
(Continued)

(56)

U.S.

8,271,413 B2

8,417,258 B2

FORE

WO WO 2016/0

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PCT Search Report

Jun. 29, 2018.

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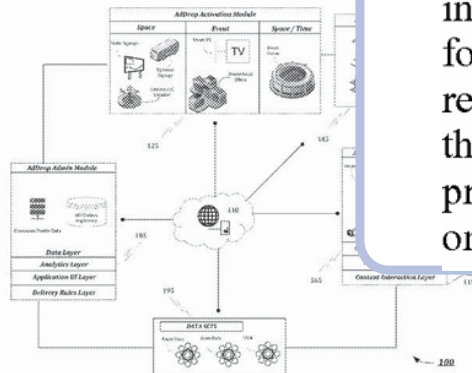
Primary Examiner

(74) Attorney, A

(57)

The present disclo-
sure, API, or SD
limited to: i) reg-
assets, brand as-
sociated a plat-
form content to
those assets (e.g.,
criteria, if applic-
AdDrop™ (e.g.,
files for receiv-
graphic/Propensi-
interactive AdDr-
time/place, with
engagement and
ment.

29



PLATFORM FOR LOCATION AND TIME BASED ADVERTISING

(57)

ABSTRACT

The present disclosure may provide a stand-alone applica-
tion, API, or SDK, configured to, for example, but not be
limited to: i) register digital assets, physical assets, virtual
assets, brand assets, media assets, and mobile assets asso-
ciated with a platform user; ii) associate content to be
delivered in response to an activation of those assets, includ-
ing interactivity criteria, if applicable; iii) specify triggers
for delivering the content and target consumer profiles for
receiving the content; and iv) transmit content for engaging
the consumer at the right time and/or place, with the targeted
profile, and v) track user engagement and provide analytics
on consumer engagement.

Ex. 1001, Cover; Institution Decision, 3-6

The Invention

(12) United States Patent Pittman

(10) Patent No.: US 10.621.620 B2
(45) Date of Patent:

(54) PLATFORM FOR LOCATION AND TIME BASED ADVERTISING

(71) Applicant: BoardActive Corporation, Atlanta, GA
(US)

(72) Inventor: Douglas L. Pittman, Douglasville, GA
(US)

(73) Assignee: BoardActive Corporation, Atlanta, GA
(US)

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(51) Int. CL
G06Q 30/02 (2012.01)
H04W 4/02 (2018.01)

(Continued)

(52) U.S. CL
CPC G06Q 30/0261 (2013.01); G06Q 30/0242
(2013.01); G06Q 30/0244 (2013.01);
(Continued)

(58) Field of Classification Search
CPC G06Q 30/0261; G06Q 30/0242; G06Q
30/0277; G06Q 30/0267; G06Q 30/0246;
(Continued)

(56) Referen

U.S. PATENT

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8,417,258 B2 4/2013
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FOREIGN PATE

WO WO 2016/043663

OTHER PU

PCT Search Report for Applica
Jun. 29, 2018.

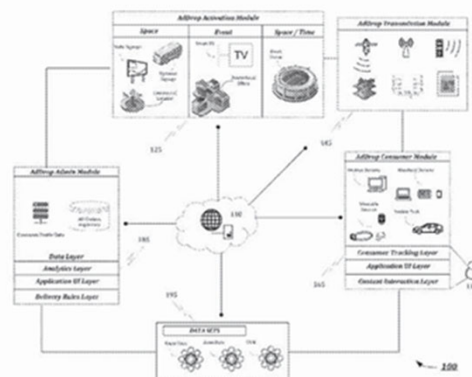
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Primary Examiner — Collec
(74) Attorney, Agent, or Fir

(57) ABST

The present disclosure may
tion, API, or SDK, configur
limited to: i) register digital
assets, brand assets, media a
ciated a platform Admin (e.g., an app/website); ii) asso-
ciate content to be delivered in response to an activation of
those assets (e.g., an AdDrop™), including interactivity
criteria, if applicable, iii) specify triggers for delivering the
AdDrop™ (e.g., space/time/event) and target consumer pro-
files for receiving the AdDrop™ (e.g., Gender/Demo-
graphic/Propensity/Interest/Behavior/Etc.), iv) transmit
interactive AdDrop™ for engaging the consumer at the right
time/place, with the targeted profile, and v) track user
engagement and provide analytics on consumer engage-
ment.

29 Claims, 26 Drawing Sheets



FIELD OF DISCLOSURE

The present disclosure generally relates to the field of advertising. More specifically, the present disclosure relates to an online platform for managing geolocation and time-based advertising and methods for managing and/or delivering location and time based advertisements.

Ex. 1001, 1:22-28

The Invention

The '620 patent, which is titled “Platform for Location and Time Based Advertising,” relates to “an online platform for managing geolocation and time-based advertising and methods for managing and/or delivering location and time based advertisements.” Ex. 1001, 1:1–2; 1:21–24. In one aspect, the '620 patent discloses “media assets” that may be used to trigger the delivery of advertising content. Id. at 8:56–59. Such media assets may include “physical assets” (e.g., billboards and commercial centers) and “virtual assets” (e.g., virtual events and television networks). Id. at 8:63–9:5, see also id. at 13:8–11 (“In some instances the geographic location does not need to correspond to a physical board and can be a purely digital signage (i.e. virtual signage).”)

DTI, 3

Person Having Ordinary Skill In The Art

Proposed Levels of Skill in the Art

<u>Party</u>	<u>Definition</u>
P.O.	Patent Owner accepts the Decision to Institute’s definition of a person of ordinary skill in the art (“POSITA”) as one who “would have had a Bachelor of Science Degree in Computer Science, Electrical Engineering, Computer Engineering or equivalent, and about two to three years of practical experience.” Exh. 1003 (Decision Granting Institution of IPR) (DTI) at 15. Also, “[a]dditional experience may substitute for specific education, or specific education may substitute for experience.” Id. at 15-16.
Petitioner	A person of ordinary skill in the art at the time of the alleged invention of the ‘620 Patent (“POSITA”) would have had a Bachelor of Science Degree in Computer Science, Electrical Engineering, Computer Engineering or equivalent, and about two to three years of practical experience. Additional experience may substitute for specific education, or specific education may substitute for experience. Ex. 1002, Declaration of Dr. Goldberg, Ph. D., (“DEC.”), ¶26.

Response, 2; Petition, 3

The Board's Preliminary POSITA Level

Trials@uspto.gov
571-272-7822

Paper 8
Entered: November 29, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE P

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BOAR

[F]or the purposes of this Decision, we adopt Petitioner's description of the relevant level of skill in the art, because it appears to be consistent with the level of skill reflected in the '620 patent and asserted prior art.

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DTI, 16

Before JAMES A. TARTAL, MICHAEL L. WOODS, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

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

Claim Construction

Consumer

[Petitioner did not propose any construction in Petitioner or Reply]

Patent Owner:

Patent Owner proposes that “consumer” be construed to mean “a user or person to whom an advertisement may be sent.”

Response, 11

Petitioner:

Petitioner states that it “believes that the constructions of terms can be appreciated from their overall discussion and application of prior art herein, and does not require express construction at this time.” Pet. 4.

DTI, 14

Ground 1: Invalidity in View of Felt [Verizon]

§102 - Claims 28 & 29

GROUND 1

Element 28(c)(ii)

Felt

Accordingly, at the present stage of this proceeding, Patent Owner's argument that Petitioner has not sufficiently shown that a "mobile unit 124" maps to the claimed "recipient of the media content" having corresponding "profile data," per claim 28, appears to have merit. See Prelim. Resp. 25 ("There is nothing in Verizon describing a second rule being employed at a second delivery location.")

DTI, 23; *see also* Response 18-19

GROUND 1

Element 28(f)

Felt

Petitioner argues that paragraphs 36, 42, 43 of Felt (Verizon) teach element 28(f): “comparing the second delivery rule and the location in order to determine whether the recipient is proximate to the second geolocation.” Pet. 12–13.

Yet, as discussed above, regarding element 28(c)(ii), it appears, at the present stage of this proceeding, that Petitioner has not adequately shown that Felt (Verizon) teaches the recited “second delivery rule” involving whether the “recipient” is at the “second geolocation.”

DTI, 24; *see also* Response, 20

GROUND 1

Element 28(g)

Felt

Petitioner argues that paragraphs 40–43, 47, 50, 53 of Felt (Verizon) teach element 28(g): “delivering, upon fulfillment of the first delivery rule and the second delivery rule, the media content to the recipient.”

However, as discussed above, in regard to elements 28(c)(ii) and 28(f), at the present stage of this proceeding, Patent Owner’s argument, to the effect that Petitioner has not adequately shown that Felt (Verizon) teaches the recited “second delivery rule,” appears to have merit.

DTI, 25; *see also* Response, 20

GROUND 1

Element 29(c)(ii) and 29(f)

Felt

The Board has indicated that Petitioner has failed to establish that Felt teaches element 28(f) as it relies on element 28(c)(ii) and that Patent Owner's arguments appear to have merit. DTI, p.24-25. For the same reasons, Petitioner has failed to meet its burden in showing that elements 29(c)(ii) and 29(f) are taught by Felt. Claim 29 is not anticipated by Felt.

Response, 21-22

Ground 2-6: Felt and Other References

Felt Kerr and/or Geer

Ground 2

Felt Kerr and/or Geer

Patent Owner's argument that Petitioner has not adequately shown that Felt (Verizon) teaches the recited "second delivery rule" is not resolved by Petitioner's contentions based on the teachings of Kerr or Geer.

DTI, 25

"[W]e understand Patent Owner to dispute whether Geer's teachings teach or suggest any of the identified limitations of the claims of the '620 patent. Patent Owner's argument appears to have merit, as the features for which Petitioner cites Geer — "responsiveness" and "increased precision" in tracking (see Pet. 15) — are not recited in the claims."

DTI, 27

Felt & Thaper

Motivation to Combine

Ground 3 (Thaper applied to claim 3 &7)

Felt & Thaper

Thaper is not asserted by Petitioner to satisfy any of the missing limitations from Felt found in claim 1.

DTI, *see also* Response 26

Petitioner's reliance upon Thaper (Cellco) (see Pet. 26 27), regarding dependent claims 3 and 4, does not appear, at the present stage of the proceeding, to overcome the shortcomings of Felt (Verizon) raised by Patent Owner and addressed herein, regarding base claim 1.

DTI, 29-30

Felt & Thaper

Motivation to Combine

Ground 3 – Element 1(h)

Felt & Thaper

“comparing the second rule and the location in order to determine whether to update the media content” (element 1(h)). See Ex. 1001, 38:1–3, 38:17–20. As in Petitioner’s analysis of the similar limitation of claim 28 (see Pet. 10), Petitioner again relies upon Felt (Verizon)’s disclosure of location tracking for mobile units 124 — vehicles that display advertising content. See *id.* at 23–25 (citing Ex. 1004 ¶¶ 36, 42, 43, 47). In a manner similar to our discussion, above (regarding Ground 1), Petitioner’s mapping of the “consumer” to Felt (Verizon)’s mobile units 124 appears to conflict with the requirement of claim 1 of “profile data corresponding with the consumer” (element 1(c)(i)), because the Petition does not appear to identify any disclosure of Felt (Verizon)’s mobile units 124 corresponding to “profile data corresponding with the consumer.”

DTI, 27-28

Felt and Muhire

Ground 4

Felt and Muhire

The Petition does not rely on Muhire for claim elements 1(c)(ii) and 1(h)...even if Muhire could be combined with Felt, the combination would fail to teach all elements of claim independent claim 1, along with all the claims that depend from independent claim 1, and the at issue claims not obvious in view of the combined references

Response, 27

Felt, Muhire, and Kerr

Ground 5 Independent Claim 1

Felt, Muhire, and Kerr

Petitioner fails to cite any references that satisfy the missing limitations from Felt found in claim 1. The Petition does not rely on Muhire or Kerr for claim elements 1(c)(ii) and 1(h). Therefore, even if Muhire and/or Kerr could be combined with Felt, the combination would fail to teach all elements of independent claim 1, along with all the claims that depend from, and the claims asserted in Ground V are not obvious in view of the combined references.

Response, 28

Felt, Kerr (or also Muhire), Sehn

Ground 6

Independent Claim 7-10

Felt, Kerr (or also Muhire), Sehn

The Petition does not rely Muhire, Kerr, or Sehn for claim elements 1(c)(ii) and 1(h). Therefore, even if these references could be combined with Felt, the combination would fail to teach all elements of independent claim 1 along with all the claims that depend from claim 1.

Response, 29

Ground 7: Adharapurapu (Alcatel) and Kerr

Claims 1 & 11-27

Adharapurapu and Felt Element 1(c)(ii) Not Taught

Ground 6

Adharapurapu & Kerr

“A second rule is not associated with a second geolocation in Adharapurapu. Rather, Adharapurapu teaches to send information for both restaurants R1 and R2 with the original determination of direction of travel. By contrast, a second geolocation is not used to update media content is updated. Hence, the second rule of claim limitation 1(c)(ii) is not satisfied.”

Response, 31

“Petitioner admits that “a consumer is HEADING to the second geolocation,” i.e. direction that is being used and not the claimed second geolocation. Additionally, annotated FIG.3 on page 47 of the petition is annotated with an arrow drawn by the Petitioner that mistakenly shows direction “HEADING” to a location, rather than the actual “geolocation,” as required by claim element 1(c)(ii). ”

Response 31-32

Adharapurapu and Felt Element 1(h) - Not Taught

Ground 6

Adharapurapu & Kerr

“Adharapurapu fails to teach claim element 1(h) as it relies on prior missing element 1(c)(ii).”

Response, 32

Ground 8: Adharapurapu, Kerr, Muhire

Claims 1, 11-27

Adharapurapu, Kerr, Muhire

Ground 8

Adharapurapu, Kerr, Muhire

“Ground VIII fails because Petitioner does not rely on Kerr or Muhire to satisfy the limitations from claim 1 that are missing in Adharapurapu.”

Response, 34

Ground 9: Adharapurapu, Kerr, Felt

Claims 1-6 & 11-27

Adharapurapu, Kerr, Felt

Ground 9

Claims 1-6 & 11-27

Adharapurapu, Kerr, Felt

“Ground IX fails because Petitioner does not rely on Kerr or Felt to satisfy the limitations from claim 1 that are missing in Adharapurapu ... the combination would fail to teach or suggest all elements of independent claim 1 along with all the claims that depend from claim 1”

Response, 35

Ground 10: Adharapurapu, Kerr, Muhire, Felt

Claims 1-6 & 11-27

Adharapurapu, Kerr, Muhire, Felt

Ground 10

Claims 1-6 & 11-27

Adharapurapu, Kerr, Muhire, Felt

“Ground X fails because Petitioner does not rely on Kerr, Muhir, and/or Felt to satisfy the limitations from claim 1 that are missing in Adharapurapu ... the combination would fail to teach or suggest all elements of independent claim 1 along with all the claims that depend from claim 1”

Response, 36

Ground 11: Adharapurapu, Kerr (or also Muhire, Felt, Sehn

Claims 7-10

Adharapurapu, Kerr (or also Muhire), Felt, Sehn

Ground 11
Claims 7-10

Adharapurapu, Kerr, (or
also Muhire), Felt, Sehn

“Ground XI fails because Petitioner does not rely on Kerr, Muhir, Felt, and/or Sehn to satisfy the limitations from claim 1 that are missing in Adharapurapu...the combination would fail to teach or suggest all elements of dependent claims 7-10”

Response, 37

Ground 12: Adharapurapu - Anticipation

Claims 28, 29

Adharapurapu - Anticipation

Ground 12

Claims 28

Adharapurapu

“The Board has indicated that Petitioner has failed to establish that Felt teaches element 28(f) as it relies on element 28(c)(ii) and that Patent Owner’s arguments appear to have merit. DTI, p.24-25. For the same reasons, Petitioner has failed to meet its burden in showing that elements 29(c)(ii) and 29(f) are taught by Felt. Claim 29 is not anticipated by Felt ”

Response, 21-22

“Adharapurapu fails to teach claim element 28(c)(ii) for same reason as element 1(c).”

Response, 31

Adharapurapu - Anticipation

Ground 12
Claims 28

Adharapurapu

“The Board has indicated that Petitioner has failed to establish that Felt teaches element 28(f) as it relies on element 28(c)(ii) and that Patent Owner’s arguments appear to have merit. DTI, p.24-25. For the same reasons, Petitioner has failed to meet its burden in showing that elements 29(c)(ii) and 29(f) are taught by Felt. Claim 29 is not anticipated by Felt ”

Response, 21-22

“Adharapurapu fails to teach claim element 28(f) as it relies on the element of 28(c)(ii).”

Response, 32

Adharapurapu - Anticipation

Ground 12
Claims 29

Adharapurapu,

“The Board has indicated that Petitioner has failed to establish that Felt teaches element 28(f) as it relies on element 28(c)(ii) and that Patent Owner’s arguments appear to have merit. DTI, p.24-25. For the same reasons, Petitioner has failed to meet its burden in showing that elements 29(c)(ii) and 29(f) are taught by Felt. Claim 29 is not anticipated by Felt ”

Response, 21-22

“Adharapurapu fails to teach claim element 29(c)(ii).”

Response, 32

Ground 13: Adharapurapu and Kerr and/or Geer

Claims 28, 29

Adharapurapu, Kerr and/or Geer

Ground 13 Claims 28 & 29

Adharapurapu, Kerr,
and/or Geer

“Ground XIII fails because the cited references do not teach or suggest all limitations of the claim limitations at issue. Specifically, the combination fails to teach elements 28(c)(ii), 28(f), 29(c)(ii), 29(f) of independent claims 28 and 29. Neither Kerr nor Geer are relied upon by Petitioner to satisfy the missing limitations of claims 28 and 29. ”

Response, 38

Patent Owner's Motion To Exclude

Motion to Exclude Exhibit 1002

Exhibit 1002 (Declaration of Dr. Goldberg):

- Dr. Goldberg improperly discusses the “Patents in suit” (plural) despite only one patent being at issue.
- Dr. Goldberg excluded the fact that he considered the “underlying lawsuit” in forming his opinion, despite submitting a sworn statement of the documents relied upon. (Exh. 1002, p.9).

Petitioner’s Reply (Paper 20) attempts to cure Dr. Goldberg’s declaration by making multiple misrepresentations:

- There was no “underlying lawsuit” when the Petition was filed. (Paper 20, p.1)

End of Demonstrative