

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.
Petitioner

v.

EAGLE VIEW TECHNOLOGIES, INC.
Patent Owner

IPR2024-00716

U.S. Patent 10,671,648

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I. Introduction	4
II. The Petition is Deficient.....	5
A. The Petition does not address any claim limitation “with particularity.”	5
B. The Petition’s use of the Shahabi Declaration to present substantive arguments violates the Board’s rules against improper incorporation by reference.	16
C. The Petition does not address the time history limitation of [12.a.4] and [12.c].	20
D. The Petition’s analysis of the remaining claims is deficient for the same reasons.	24
III. Conclusion.....	26
IV. Certificate of Word Count.....	26

Claim 12¹

- [12.pre] A system, comprising:
- [12.a.1] an integrated centralized property database stored on computer-readable storage media,
 - [12.a.2] the integrated centralized property database including a plurality of data items,
 - [12.a.3] each of the plurality of data items being associated with one or more geographic location identifiers indicating a particular geographic point on earth, and
 - [12.a.4] at least a portion of the plurality of data items further being associated with one or more time identifiers including one or more time or time periods, indicative of a time history of an associated data item regarding the associated geographic point on earth;
 - [12.b] at least one computer processor communicatively coupled with the integrated centralized property database, the at least one computer processor configured to:
 - [12.c] receive, from a user computer system, a query of a geographic location and time information indicative of the time history of an associated data item regarding the associated geographic point on earth;
 - [12.d] retrieve, from the integrated centralized property database, data items having associated geographic location identifiers matching the received geographic location and having associated time identifiers matching the received time information; and
 - [12.e] provide the retrieved data items to the user computer system via a graphical user interface.

¹ This claim listing matches the claim listing provided by the Petition, *see* Petition, 95, but additionally splits limitation [12.a] into four sub-limitations: [12.a.1]-[12.a.4].

I. INTRODUCTION

The Board should deny institution of the Petition for *Inter Partes* Review (“Petition”) challenging claims 1-2, 4-6, 9-13, and 15 of U.S. Patent No. 10,671,648 (“the ’648 patent”) (EX1001). The Petition is deficient because it (1) does not show with particularity why the asserted prior art allegedly teaches the claim limitations, (2) improperly incorporates analysis from Dr. Shahabi’s Declaration that is not contained in the Petition, and (3) does not address all the limitations of the challenged claims.

First, the Petition is unclear because it does not show with particularity why the prior art allegedly teaches the limitations of the challenged claims. IPR petitions must identify each ground of unpatentability “with particularity” and must include “a detailed explanation” of where each element of the claim is allegedly found in the asserted prior art. The Petition is essentially a 65-page claim chart of bare quotations from the prior art without explanation, context, or, in many places, even citations. Far from the “detailed explanation” required, the Petition offers nearly no explanation at all.

Second, the Petition is improper. To compensate for the lack of explanation in the Petition, Petitioner repeatedly relies on the Declaration of Dr. Shahabi to present its substantive arguments. Citations to the Shahabi Declaration are scattered throughout the Petition’s claim chart. However, the Federal Circuit and Board have

consistently held that using an expert declaration to present substantive arguments that are missing in the corresponding brief violates the rule against incorporation by reference set forth in 37 C.F.R. § 42.6(a)(3). The Shahabi Declaration, which is over 70,000 words and more than 300 pages (excluding Dr. Shahabi's CV), is also used to circumvent the 14,000-word limit for IPR petitions. The Petition is merely a shell of citations entirely dependent on the improper incorporation of the Shahabi Declaration for any substantive analysis.

Third, the Petition is incomplete. Even including the arguments improperly presented only in the Shahabi Declaration, Petitioner does not address the claim language “indicative of a time history” of limitations [12.a.4] and [12.c].

For all of these reasons, the Board should deny institution.

II. THE PETITION IS DEFICIENT.

A. The Petition does not address any claim limitation “with particularity.”

An IPR petition must “identif[y], in writing and with particularity, each claim challenged” and “the grounds for the challenge to each claim.” 35 U.S.C. § 312(a)(3). To meet this requirement, “[t]he petition must specify where **each element** of the claim is found in the prior art patents or printed publications relied upon.” 37 C.F.R. § 42.104(b)(4) (emphasis added).

The petition must include “a detailed explanation of the significance of the evidence,” 37 C.F.R. § 42.22(a)(2), including “where each element of the claim is

found in the prior art patents or printed publications relied upon.” *Id.* at § 42.104(b)(4). This requirement is “of the utmost importance.” *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016). “[L]ack of clarity” in a petition enables petitioners “to deviate from the arguments initially presented in the Petition in a manner that may prejudice” patent owners. *ADT LLC v. Vivint, Inc.*, IPR2022-00642, Paper 7 at 14 (P.T.A.B. Oct. 4, 2022) (citing *Wasica Fin. GmbH v. Cont’l Auto. Sys. Inc.*, 853 F.3d 1272, 1286 (Fed. Cir. 2017)). Accordingly, “[t]he IPR petition...must provide an understandable explanation...of the patentability challenges” and, given “the expedited nature of IPRs,” the petitioner is not permitted to backfill or supplement shortcomings in the petition after the fact. *Corephotonics, Ltd. v. Apple Inc.*, 84 F.4th 990, 1001-02 (Fed. Cir. 2023). “While the Board’s requirements are strict ones, they are requirements of which petitioners are aware when they seek to institute an IPR.” *Intelligent Bio-Systems*, 821 F.3d at 1369. The Petition here falls well short of these requirements.

The Petition uses 65 pages of claim charts to address the challenged claims of the ’648 patent. Petition, 27-91 (claim charts). The Petition addresses each claim element with a single, multi-page sentence. It repeats the claim language in bold, separated by “e.g.” parentheticals that list a series of quotations from Harris without any explanation why the cited portions allegedly teach a particular claim limitation. These “e.g.” parentheticals also lack citations. *See, e.g.*, Petition, 27-91 (claim

charts). The screenshot below shows an example of this format for limitation [12.a.1].

Claim 12	Prior Art	
stored on computer-readable storage media, the integrated centralized property database including a plurality of data items, each of the plurality of data items being associated with one or more geographic location identifiers	Harris discloses an integrated centralized property database (e.g., “geo-temporal data may be obtained from potentially multiple disparate data sources and... is received and indexed in a data repository”; “data repository 111 may operate on one or more computing nodes of a cluster of computing nodes”; “a data processing system comprises a data repository 111”; “database” that “store[s]” “geo-temporal data”; “data stored in data repository... may be stored as key-value pairs”) stored on computer-readable storage media (e.g., “indexes may be stored on disk and cached in memory on demand”; “storage media... that store data”; Fig.5 (“computer system” upon which system “implemented,” including storage media including, e.g., “Main Memory” 506, “Storage Device” 510)), the integrated centralized property database including a plurality of data items (e.g., multiple items of geo-temporal data “associated with a geospatial component and a temporal component” (such as “crime reports received within a particular city,” “cell phone call records,” or “data objects	claim language “e.g.” parenthetical without citations or explanation claim language “e.g.” parenthetical without citations or explanation

Petition, 31.

As shown above, the Petition first addresses “an integrated centralized property database” by repeating the claim language in bold: “**Harris discloses an integrated centralized property database.**” Petition, 31 (addressing limitation [12.a.1]). The entirety of the Petition’s analysis for this claim language is included in the following “e.g.” parenthetical. That parenthetical lists a string of quotations from Harris without any explanation as to how the quotations allegedly teach the claim limitation and does not include any citations. *See* Petition, 31. In the example above, the parenthetical lists “geo-temporal data,” “disparate data sources,” “a data repository,” “a data processing system,” and a “database” without any context. The

Petition never asserts whether all of these features (“geo-temporal data,” “disparate data sources,” “a data repository,” “a data processing system,” and a “database”) individually or collectively teach the claimed “integrated centralized property database.” Furthermore, the Petition does not explain how any of these features, which generically describe data storage, meet the claim requirements of being “integrated” or “centralized.”

This format continues for the remaining limitations [12.a.2]-[12.a.4] shown below, as well as throughout the Petition's claim charts.

Claim 12	Prior Art	
indicating a particular geographic point on earth, and at least a portion of the plurality of data items further being associated with one or more time identifiers including one or more time or time periods, indicative of a time history of an associated data item regarding the associated geographic point on earth;	pertaining to a particular geographical area around the user's home") are received, "stored in a data repository," and "indexed"; system "facilitat[es]... searches of large and dynamic data sets that include geo-temporal data," "receiving" or "retrieving input data... from a source" and "consum[ing] that] input data... and stor[ing] the data in the data repository"; Fig.1 (data from "Data Source(s)" 101 stored in "Data Repository" 111)), each of the plurality of data items being associated with one or more geographic location identifiers indicating a particular geographic point on earth (e.g., "cell phone call records... each associated with data values reflecting a particular geographic location"; "numeric values representing a longitude and latitude corresponding to a geographic location"; the "geo-temporal data... includes... a geospatial component"; "data that includes one or more values representing a geospatial component"; "geo-temporal input data is received that is associated with a geospatial component," such as "crime reports received within a particular city... includ[ing] values representing a longitude and latitude corresponding to the geographical location of the incident"), and at least a portion of the plurality of data items further being associated with one or more time identifiers including one or more time or time periods indicative of a time history of an associated data item regarding the associated geographic point on earth (e.g., the "geo-temporal data... includes both a geospatial component and a temporal component"; "data that includes one or more values representing a geospatial component and one or more values representing a temporal component"; "geo-temporal input data is received that is associated with a geospatial component and a temporal component" such as "a time value indicating an approximate time the incident in the crime reported occurred"; "geospatial component may comprise one or more stored data values indicating a geographic location and the temporal component may comprise one or more values indicating a point in time or range of time"; "data objects associated with particular geographic regions and that are associated with temporal components with particular year time spans and/or particular hour time spans"; "all activities within a single city	claim language "e.g." parenthetical without citations or explanation claim language "e.g." parenthetical without citations or explanation

Petition, 32.

As shown above, no citations are provided in the "e.g." parenthetical. Instead, all citations pertaining to all of limitation [12.a] (limitations [12.a.1]-[12.a.4]) are lumped together in a single, multi-page string citation (screenshot below) listing

presumably the same quotations but in no discernible order, and, again, without any explanation of relevance.

Claim 12	Prior Art
	block within the past five years to all activities within an entire city within the past five hours"). <i>E.g.</i>, EX1003, ¶¶96-125, 134; EX1004, Abstract ("analyzing data object collections that include geo-temporal data.... Geo-temporal input data is indexed"; "geo-temporal queries..."), 1:6-8, 1:13-20, 1:21-37 ("crime reports... include values representing a longitude and latitude corresponding to the geographical location of the incident"), 1:38-50 ("time value indicating an approximate time the incident in the crime report occurred."), 2:1-3 ("facilitating... searches of... data sets that include geo-temporal data"), 2:24-25, 2:50-67 ("indexing and searching geo-temporal data stored in a data repository. Geo-temporal data generally refers to data that includes both a geospatial component and a temporal component... may comprise one or more stored data values indicating a geographic location and the temporal component... indicating a point in time or range of time.... [I]ndexes may be stored on disk and cached in memory...."), 3:1-11 ("geo-temporal data... from potentially multiple disparate data sources and... is received and indexed in a data repository based on a geospatial component...."), 4:7-17, 4:19-33 ("Geo-temporal data... include[s] both a geospatial component and a temporal component," <i>e.g.</i>, "cell phone call records... each associated with data values reflecting a particular geographic location"), 4:34-43 ("data stored in a database"), 4:44-59 ("all activities within a single city block within the past five years to all activities within an entire city within the past five hours."), 4:60-5:8, 5:9-24 ("data processing system comprises a data repository 111"), 5:26-35 ("data repository 111 may operate on one or more computing nodes..."; "data stored in data repository 111 may be stored as key-value pairs"), 5:51-58 ("consume input data 102 and store the data in the data repository 111"), 5:59-6:6 ("geo-temporal data" refers to any input data that includes one or more values representing a geospatial component and one or more values representing a temporal component."), 6:7-10 ("receiving input data 102 from a data source or retrieving input data 102 from a data source 101"), 7:32-36 ("numeric values representing a longitude and latitude corresponding to a geographic location."), 7:47-59 ("input data is received that is associated

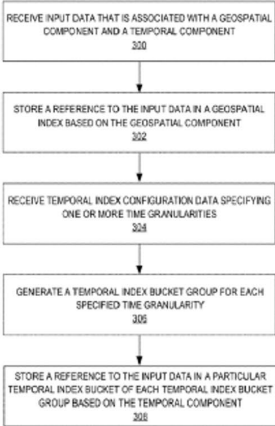
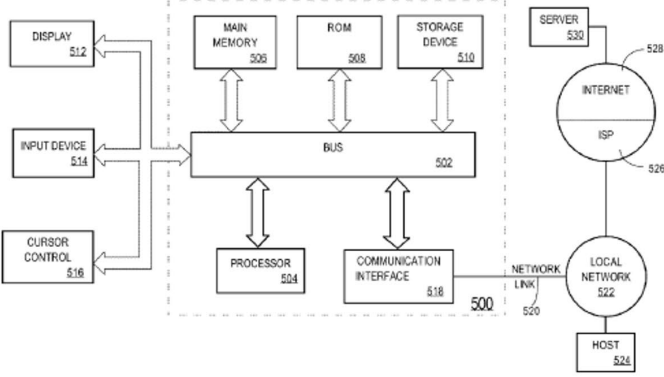
string
citation

Petition, 33.

Claim 12	Prior Art
	with a geospatial component and a temporal component”), 7:60-8:8, 8:9-35, 8:36-57 (“data objects associated with particular geographic regions... associated with temporal components within particular year time spans and/or particular hour time spans), 8:58-9:4, 9:47-64 (“data objects pertaining to a particular geographical area...”), 12:12-27, 12:28-41 (“storage media... non-transitory media...”), Fig.1 (“Data Source(s)” 101 and “Importer” 109; “Data Repository” 111): FIG. 1 Fig.3:

continued
 string
 citation

Petition, 34.

Claim 12	Prior Art
	FIG. 3  Fig. 5 (e.g., storage media such as “Main Memory” 506, “Storage Device” 510): FIG. 5 

continued
string
citation

Petition, 35.

Because the “e.g.” parentheticals do not include *any citations* for the included quotes, the reader is required to sift through the reference to see if the quote is present in the reference or even relates to the claim feature at issue. Petitioner has not provided any context for the quoted portions in the “e.g.” parentheticals. If the phrase happens to appear more than once in the reference, then the reader must attempt to determine which instance(s) Petitioner may have been referring to, as the context of

a quote can be important to understanding the associated meaning. Not only does the lack of citations in the “e.g.” parentheticals put the burden on the reader to identify what portion(s) of the reference Petitioner may be relying upon, it also appears to be an attempt to circumvent the 14,000-word count limit. The Petition used all but fifteen of the available words. The decision to not include citations for the quotes included in the “e.g.” parentheticals throughout the Petition appears to have been a key aspect of keeping the Petition under the word limit.

This form of argument—without explanation or citations—continues for the next 65 pages. Multiple Board panels have denied institution of IPR petitions for using this same structure of blind quotations without explanations of the prior art. For example, the Board denied institution where the “[p]etitioner’s claim chart...span[ned] twenty-two pages and consist[ed] of block quotes from the prior art references” that were “unaccompanied by requisite explanation of how the cited portions teach or disclose the claim limitations or of their significance to the analysis.” *VIZIO, Inc. v. Nichia Corp.*, IPR2017-00552, Paper 9 at 17 (P.T.A.B. July 7, 2017). Similarly, the Board rejected a petition that “provide[d] no explanation of *how* it interprets the quoted or cited statements.” *Shenzhen Jimuyida Tech. Co., Ltd. v. Artec Europe S.A.R.L.*, IPR2023-01148, Paper 6 at 19 (P.T.A.B. Jan. 16, 2024) (emphasis in original). In *Shenzhen*, the Board explained that “this approach places an undue burden on the Board to sift through the information presented by Petitioner

and attempt to discern correspondence and differences between the claimed subject matter and the teachings of the prior art.” *Id.*

The Board again rejected a petition that included a similar list of “recitations of disclosure from the prior art, without context or further analysis.” *Sinjimoru v. Geneze Innovation Inc.*, IPR2021-00493, Paper 8 at 12 (P.T.A.B. July 28, 2021). The Board “decline[d] to abandon [its] role as adjudicator, or step into the role of advocate, to scour the record to discover whether the Petition, in fact, advances evidence sufficient to support institution of review.” *Id.* at 22.

In each of these cases, the petition did not include “a detailed explanation of the significance of the evidence.” 37 C.F.R. § 42.22(a)(2). The Petition here has the same fatal deficiencies. The Petition provides, at best, a list of bare, unexplained quotations. That is not “a detailed explanation.” It is no explanation at all. Instead, Petitioner seems to have pulled every passage that may be vaguely connected with some aspect of the claim limitations and aggregated it into an enormous list. This is precisely the type of “underdeveloped” argument in petitions that should be rejected. *Wasica*, 853 F.3d at 1285 (affirming Board’s rejection of argument that was “insufficiently precise and underdeveloped”). “In an IPR, 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). Petitioner has failed to meet that burden. It is not incumbent on the Board or

Patent Owner to work out the details of Petitioner's challenge based on unexplained portions of prior art references cited by Petitioner.

Because the Petition has not presented its patentability challenge "with particularity," or any degree of clarity at all, it falls well short of the Board's rules for providing a "detailed explanation" of "where each element of the claim is found in the prior art," as required by 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4). Like the above-identified petitions similarly rejected by the Board for lacking particularity, the Board should deny institution of this Petition due to its repeated lack of clarity or explanation in the Petition.

Instituting review of this Petition—which lacks particularity and does not comply with the Board's rules of practice—would also prejudice Patent Owner by requiring Patent Owner to defend against unpatentability challenges that cannot be ascertained due to the Petition's lack of particularity. This "lack of clarity" enables a Petitioner "to deviate from the arguments initially presented in the Petition in a manner that may prejudice" Patent Owner. *ADT*, IPR2022-00642 at 14. This concern is exacerbated here where Petitioner's repeated use of bare, unexplained quotations provides a myriad of possible paths that requires Patent Owner and the Board to choose their own adventure to arrive at the challenged claims. This "is not the Board's role, nor is it fair to Patent Owner to have to defend against such ill-defined and multifarious challenges." *Playtika Ltd. v. Nexrd Corp.*, IPR2021-00952,

Paper 14 at 14 (P.T.A.B. November 6, 2021) citing to *Microsoft Corp. v. FG SRC, LLC*, 860 F. App'x 708, 713 (Fed. Cir. 2021) (non-precedential) ("It is not the Board's job to cobble together assertions from different sections of a petition or citations of various exhibits in order to infer every possible permutation of a petitioner's arguments. Arguments in a petition must be made with particularity, not opacity...."). Accordingly, the Board should deny institution.

B. The Petition's use of the Shahabi Declaration to present substantive arguments violates the Board's rules against improper incorporation by reference.

In addition to the fact that the Petition lacks the required particularity for the Board and Patent Owner to understand Petitioner's challenges, the Petition is also deficient because it violates the Board's rules against improper incorporation by reference. The Board's rules provide that "[a]rguments must not be incorporated by reference from one document into another document." 37 C.F.R. § 42.6(a)(3).

To the extent Petitioner argues that the explanations comparing the prior art to the claim limitations missing from the Petition are included in the cited portions of the Declaration of Dr. Shahabi (EX1003), this form of using a witness declaration to present substantive analysis in place of the Petition violates the Board's rules as well as Federal Circuit and Board precedence.

The Petition scatters various citations to the Shahabi Declaration throughout its lengthy claim chart. Excluding Dr. Shahabi's CV, the Shahabi Declaration is a

lengthy 71,911-word, 330-page document. Petitioner uses the Shahabi Declaration to present its substantive legal arguments that are missing from the Petition. The Petition functions as a list of citations that reference the Shahabi Declaration as the primary document.

For example, the Petition uses the single “e.g.” parenthetical discussed above, *see supra* § II.A., to address the “integrated centralized property database” language of limitation [12.a.1] ***without any explanation*** of the relevance of the evidence. The Shahabi Declaration uses paragraphs 98-108 with reference to the claim chart in Appendix C—together over 8 pages—to address the same claim language.

This approach of using an expert's declaration to raise substantive arguments that are entirely missing from the petition violates the Board's rules against improper incorporation by reference. 37 C.F.R. § 42.6(a)(3). Petitioner's use of Dr. Shahabi's Declaration in place of arguments and analysis in the Petition is a clear attempt to bypass the petition word-limit. Given the stark inadequacies of the Petition, the only way to understand Petitioner's proposed unpatentability challenges is to wade through the 70,000+ words of the Shahabi Declaration, which dwarfs the 14,000 words granted to petitioners. *See* 37 C.F.R. § 42.24(a)(1)(i).

The Federal Circuit and the Board have both held that similar uses of declarations to present substantive arguments in place of IPR briefs violate Rule 42.6(a)(3).

In *Cisco Systems, Inc. v. C-Cation Tech., LLC*, the Board denied institution where a petition similarly used citations to an expert declaration to present its substantive arguments. See IPR2014-00454, Paper 12 at 7-10 (P.T.A.B. August 29, 2014). The Board explained that such citations “to other claim charts in another document...amounts to incorporation by reference.” *Id.* at 9. The petition in *C-Cation* relied on a 250-page expert declaration to present its arguments, which the Board found “amount[ed] to a self-help increase in the length of the brief and [was] a pointless imposition on the court’s time.” *Id.* at 10.

Similarly, in *General Access Solutions, Ltd. v. Sprint Spectrum L.P.*, the Federal Circuit held that a patent owner’s response brief “fail[ed] to explain” the substantive argument “with any specificity.” 811 F. App’x 654, 658 (Fed. Cir. 2020) (non-precedential). Rather, “[t]o identify [the patent owner’s] substantive arguments, the Board was forced to turn to a declaration...and further to delve into a twenty-nine-page claim chart attached as an exhibit.” *Id.* Even though the patent owner’s briefing “fell under the page limits,” the Federal Circuit held that its reliance on a supporting declaration was a “voluntary decision to violate a procedural rule.” *Id.* Doing so “force[d]” the Board to “play archeologist with the record” and “search for arguments that might have been made outside of the parties’ briefing.” *Id.* at 657 (quoting *DeSilva v. DiLeonardi*, 181 F.3d 865, 866-67 (7th Cir.1999)). Petitioner’s decision to do the same here is an identical violation of Rule 42.6(a)(3), but also far

exceeds the 14,000 page-limit for IPR petitions.

In *Boston Scientific Neuromodulation Corp. v. Nevro Corp.*, the Federal Circuit similarly held that a patent owner's "reliance on" an exhibit for its substantive arguments that were entirely missing from its brief was "clearly an attempt to incorporate arguments by reference" and a violation of 42.6(a)(3). 813 F. App'x 572, 583 (Fed. Cir. 2020) (non-precedential).

In *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd*, the Board found that a petitioner's reply that "relie[d] extensively on in-depth explanations and supporting documentary evidence presented in Dr. Branchaud's Reply Declaration" but did not include such explanations itself "d[id] not comply with 37 C.F.R. § 42.6(a)(3)." IPR2013-00517, Paper 87 at 16 (P.T.A.B. Feb. 11, 2015) (quoted but not relied on in *Intelligent Bio-Systems*, 821 F.3d at 1366).

Further, the Federal Circuit recently affirmed a Board's decision to reject evidence presented only in an expert declaration and incorporated by reference into its brief "in violation of Rule 42.6(a)(3)." *Parus Holdings, Inc. v. Google LLC*, 70 F.4th 1365, 1369 (Fed. Cir. 2023). There, the Federal Circuit explained that "[t]he burden of production cannot be met simply by throwing mountains of evidence at the Board without explanation or identification of the relevant portions of that evidence." *Id.* at 1371.

Similarly, the Petition here presents a claim chart that is essentially devoid of

any substantive argument or explanation. The only detailed, claim-by-claim explanation of the relevant evidence is found in the Shahabi Declaration. Just as in the cases above, this tactic is a violation of Rule 42.6(a)(3) regarding incorporation by reference and is being used to improperly avoid the 14,000-word limit for IPR petitions. The Board should also decline to institute this IPR due to these deficiencies.

C. The Petition does not address the time history limitation of [12.a.4] and [12.c].

Limitation [12.a.4] recites “at least a portion of the plurality of data items further being associated with one or more time identifiers including one or more time or time periods, indicative of a time history of an associated data item regarding the associated geographic point on earth.” For brevity, Patent Owner refers to the latter portion of limitation [12.a.4]—“indicative of a time history of an associated data item regarding the associated geographic point on earth”—as “the time history limitation.”

Limitation [12.c] relating to “a query” recites substantially similar language to the time history limitation: “indicative of the time history of an associated data item regarding the associated geographic point on earth.”

The Petition does not address the time history limitation and does not explain how any time identifiers in Harris are “indicative of a time history” or how the time information of a query in Harris is “indicative of the time history.”

At limitation [12.a.4], the Petition lists the following quotations from Harris

as allegedly mapping to some time-related features:

- “a temporal component.” Petition, 32-33; EX1004, 1:6-8, 1:38-50, 4:19-33, 7:47-59.
- “one or more values representing a temporal component.” Petition, 32; EX1004, 5:59-6:6.
- “a time value indicating an approximate time the incident in the crime reported occurred.” Petition, 32; EX1004, 1:38-50.
- “the temporal component may comprise one or more values indicating a point in time or range of time.” Petition, 32; EX1004, 2:50-67.
- “temporal components with particular year time spans and/or particular hour time spans.” Petition, 32; EX1004, 8:36-57.
- “within the past five years.” Petition, 33; EX1004, 4:44-59.
- “within the past five hours.” Petition, 33; EX1004, 4:44-59.

While each of these passages generally refers to time-related data, the Petition never explains how any of these features are “indicative of a time history.” The Petition’s analysis of the time history limitation of [12.a.4] is shown below. Consistent with the lack of explanation throughout the claim chart (*see supra* § II.A), here Petitioner again lists a series of quotations without any explanation or context.

regarding the associated geographic point on earth;	corresponding to the geographical location of the incident”), and at least a portion of the plurality of data items further being associated with one or more time identifiers including one or more time or time periods indicative of a time history of an associated data item regarding the associated geographic point on earth (e.g., the “geo-temporal data... includes both a geospatial component and a temporal component”; “data that includes one or more values representing a geospatial component and one or more values representing a temporal component”; “geo-temporal input data is received that is associated with a geospatial component and a temporal component” such as “a time value indicating an approximate time the incident in the crime reported occurred”; “geospatial component may comprise one or more stored data values indicating a geographic location and the temporal component may comprise one or more values indicating a point in time or range of time”; “data objects associated with particular geographic regions and that are associated with temporal components with particular year time spans and/or particular hour time spans”; “all activities within a single city
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32

IPR2024-00716
U.S. Patent 10,671,648

Claim 12	Prior Art
	block within the past five years to all activities within an entire city within the past five hours”). E.g., EX1003, ¶¶96-125, 134; EX1004 Abstract (“analyzing data object collections that

Petition, 32-33.

A screenshot of the Petition’s analysis of the time history limitation of [12.c] reveals a similar lack of explanation.

	INTERFACE" 518, "INPUT DEVICE" 514, etc.)), a query of a geographic location ⁸ and time information indicative of
	⋮
Claim 12	Prior Art
	the time history of an associated data item regarding the geographic point on earth ⁹ (e.g., "data analyst... specif[ies] geo-temporal queries that include both [a] geospatial component and a temporal component"; "a query that includes a geospatial component and a temporal component"; "Graphical user interface 200 includes interface components that allow a user to specify both a geospatial bounding area and a time value or range of time values as geospatial and temporal search parameters, respectively"; "Information... may be requested in geo-temporal queries that specify one or more
	⋮
Claim 12	Prior Art
	geospatial search parameters corresponding to geographical areas of interest and one or more temporal search parameters corresponding to points in time or time ranges of interest" such as "a request for all activities within a single city block within the past five years [or] all activities within an entire city within the past five hours"; "search for data objects associated with particular geographic regions"; "geo-temporal queries that specify one or more geospatial search parameters corresponding to geographical areas of interest"). E.g., EX1003, ¶¶146-147, 151-170; EX1004, Abstract ("data analyst

limitation
[12.c] analysis

Petition, 41-44.

As described above, the Petition improperly relies on the Shahabi Declaration to present its substantive arguments. *See supra* § II.B. But for the time history limitation, there is no specific citation to the Shahabi Declaration. Rather, the Petition at page 33 references paragraphs 96-125 and 134 of the Shahabi Declaration for the entire limitation [12.a] as a whole.

And even sifting through these 25 pages of the Shahabi Declaration for some explanation relevant to the time history limitation is of no avail. Although the Shahabi Declaration specifically identifies the time history limitation as the feature

that overcame the examiner's rejection leading to a notice of allowance during prosecution, *see* EX1003, ¶38, when addressing limitation [12.a.4], the only references to the time history limitation include:

- a quotation of the '648 patent specification describing a “full time history,” EX1003, ¶100, and
- two separate reproductions of the same language from the claim chart in the Petition, *see* EX1003, ¶¶97, 114.

Nothing in the Petition or the improperly incorporated Shahabi Declaration explain how any of Harris's time-related features disclose either “one or more time or time periods, **indicative of a time history**” (limitation [12.a.4]), or “time information **indicative of the time history**” (limitation [12.c]).

D. The Petition's analysis of the remaining claims is deficient for the same reasons.

The Petition first presents its analysis for claim 12. *See* Petition, 27-54. For independent claims 1 and 9, the Petition mainly cross-references the claim chart for claim 12. *See, e.g.*, Petition, 55-61 (claim 9), Petition, 83-87 (claim 1). To the extent additional limitations of claim 9 and claim 1 are addressed, the Petition uses the same “e.g.” parentheticals listing quotations from the prior art without any explanation of relevance, as shown in the screenshot below regarding limitation [9.b] as an example.

[9.b]: a memory coupled to the processor; and	Harris discloses or renders obvious this limitation. (Grounds 1-4): Harris discloses a memory coupled to the processor (<i>e.g.</i>, “Bus 502 carries the data to main memory 506, from which processor 504 retrieves and executes the instructions”; “main memory... or other dynamic storage device, coupled to [the] bus... for storing information and instructions to be executed by [the] processor”; “Main Memory” coupled to “Processor” (<i>see</i> cl.12.b) via “Bus” (Fig.5); <i>see</i> cl.12.a). <i>E.g.</i>, EX1003, ¶¶272-276; EX1004, 11:24-48 (“main memory... or other dynamic storage device, coupled to bus 502 for storing information and instructions to be executed by processor”), 12:50-65 (“Bus 502 carries the data to main memory	“e.g.” parenthetical without citations or explanation citation to Shahabi Declaration
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Petition, 55.

The Petition then similarly relies on the Shahabi Declaration to present its argument. The Petition takes the same approach for any differing limitations of claim 1. *See, e.g.*, Petition, 83-87. This structure does not adequately present any challenge with particularity, *see supra* § II.A, and violates the rules against incorporation by reference, *see supra* § II.B.

At limitation [9.e] regarding the time history limitation, the Petition does not present any additional evidence or explanation, but only references the claim chart at limitation [12.c]. *See* Petition, 59. At limitation [1.a], also regarding the time history limitation, the Petition similarly only references the claim chart at limitation [12.a]. This analysis is therefore deficient for the same reasons described above. *See supra* § II.C.

Accordingly, the Petition's challenge to independent claims 1 and 9 is likewise deficient for the same reasons as its challenge to independent claim 12.

III. CONCLUSION

The Board should deny institution of the Petition for the reasons presented above.

Respectfully submitted,

Dated: July 11, 2024
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IV. CERTIFICATE OF WORD COUNT

Under 37 C.F.R. § 42.24(b)(1), the undersigned attorney for the Patent Owner declares that the argument section of this Patent Owner's Preliminary Response (Sections I-III) has 3,614 words, according to the word count tool in Microsoft Word™.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Eagle View Technologies, Inc., § Patent Owner's Preliminary Response
Patent Owner §
 § U.S. Patent No. 10,671,648
 §

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on
Petitioners' counsel as detailed below.

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