

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

Case No. IPR2025-00366
U.S. Patent No. 11,234,117 (Claims 15-41)

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	2
III. ARGUMENT.....	4
A. Grounds 1-6 Of The Petition Are Weak on the Merits and Fail To Establish Obviousness of Any Claim	4
1. Grounds 1 and 3 of the Petition Fail to Establish Obviousness of the Limitation “Providing Said Login and Said Password to a Remote Server for Use in Determining Whether to Allow Access of Location Information for Said One of Said Plurality of Wireless Telephones Associated to Said Selected One of Said Plurality of Users, Said Determining Including Identifying a User of Said Wireless Telephone Using Said Login, Determining Said Password Is Associated with Said Login” in Claim 15 and Its Dependent Claims	4
2. Grounds 1 and 3-6 of the Petition Fail to Establish Obviousness of the Limitation “Assigning Location Access Rights to Said One of Said Plurality of Wireless Telephones Associated with Said Selected One of Said Plurality of Users for Obtaining Said Location of Said Wireless Telephone” in Claim 15 and Its Dependent Claims	6
3. Grounds 2, 3, 5, and 6 of the Petition Fail to Establish Obviousness of the Limitation “Location Access Rights of Said Wireless Telephone from Said Second Wireless Telephone” in Claim 29 and Its Dependent Claims	21
IV. CONCLUSION.....	30

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>AT&T Services, Inc. v. ASUS Technology Licensing Inc.</i> , IPR2024-01142, Paper 14 (PTAB Jan. 27, 2025)	20, 29
<i>Exxon Chem. Patents v. Lubrizol Corp.</i> , 64 F.3d 1553 (Fed. Cir. 1995)	8, 9
<i>In re Enhanced Sec. Research, LLC</i> , 739 F.3d 1347 (Fed. Cir. 2014)	17, 25
<i>In re Wesslau</i> , 353 F.2d 238 (CCPA 1965)	17, 25
<i>InTouch Techs., Inc. v. VGO Commc'ns, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)	17
<i>Kaken Pharm. Co. v. Iancu</i> , 952 F.3d 1346 (Fed. Cir. 2020)	11
<i>Samsung Display Co., Ltd v. Pictiva Displays International Ltd.</i> , IPR2024-00855, Paper 12 (PTAB Nov. 13, 2024)	20, 29
<i>Samsung Electronics Co. Ltd. v. California Institute of Technology</i> , IPR2023-00130, Paper 10 (PTAB May 4, 2023)	20, 29
<i>Verizon Servs. Corp. v. Vonage Holdings Corp.</i> , 503 F.3d 1295 (Fed. Cir. 2007)	11
<i>VLSI Tech. LLC v. Intel Corp.</i> , 53 F.4th 646 (Fed. Cir. 2022)	9
Federal Statutes	
35 U.S.C. § 314(a)	1

TABLE OF EXHIBITS

Exhibit	Description
2001	<i>Samsung Launches SmartThings Find, a New Way to Quickly and Easily Located Your Galaxy Devices</i> , https://news.samsung.com/global/samsung-launches-smarththings-find-a-new-way-to-quickly-and-easily-locate-your-galaxy-devices (October 30, 2020)
2002	<i>Samsung SmartThings Find</i> , https://smarththingsfind.samsung.com/login (accessed January 24, 2024)
2003	Acting Director’s Stewart’s March 26, 2025 Memorandum titled “Interim Processes for PTAB Workload Management”
2004	USPTO Memorandum “Guidance on USPTO’s rescission of ‘Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation’” March 24, 2025.
2005	<i>Mullen Industries LLC v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:24-CV-00049-JRG, Order Denying Motion to Transfer, Dkt. 90 (E.D. Tex. Mar. 25, 2025)
2006	Reserved
2007	<i>Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings With Parallel District Court Litigation</i> , Vidal, June 21, 2022

Exhibit	Description
2008	<i>Mullen Industries LLC v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:24-CV-00049-JRG, Order Denying Motion to Stay, Dkt. 71 (E.D. Tex. Jan. 23, 2025)
2009	<i>MyPort, Inc. v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:22-CV-00114-JRG, Order, Dkt. 73 (E.D. Tex. June 13, 2023)
2010	<i>Solas OLED Ltd. v. Samsung Display Co., Ltd.</i> , Case No. 2:19-CV-00152-JRG, 2020 U.S. Dist. LEXIS 125973 (E.D. Tex. July 17, 2020)
2011	<i>Oyster Optics, LLC, v. Infinera Corp.</i> , Case No. 2:19-CV-00257-JRG, Order, Order, Dkt. 87 (E.D. Tex. July 17, 2020)
2012	Docket Navigator, Time to Milestones for Judge Gilstrap (E.D. Tex.) in Patent Cases for the Last 5 Years
2013	<i>Mullen Industries LLC v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:24-CV-00049-JRG, Complaint, Dkt. 1 (E.D. Tex. Jan. 26, 2024)
2014	<i>Mullen Industries LLC v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:24-CV-00049-JRG (E.D. Tex.), Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s Amended Invalidity Contentions
2015	Excerpted Transcript of the Deposition of David Williams, IPR2023-00096, July 26, 2023.
2016	Excerpt from <i>Mullen Industries LLC v. Samsung Elecs. Co., Ltd.</i> , Case No. 2:24-CV-00049-JRG (E.D. Tex.), Non-Party Google LLC’s Objections and Responses to Mullen’s Document Subpoena

Exhibit	Description
2017	USPTO Director's Brief in <i>Apple Inc. v. Vidal</i> , No. 5:20-cv-06128-EJD (N.D. Cal. Sept. 21, 2023)
2018	USPTO Director's Brief in <i>Apple Inc. v. Vidal</i> , No. 2024-1864 (Fed. Cir. Oct. 16, 2024)
2019	Plaintiff-Appellants Brief in <i>Apple Inc. v. Vidal</i> , No. 2024-1864 (Fed. Cir. Aug. 5, 2024) (with Appx. containing <i>Apple Inc. v. Vidal</i> , No. 5:20-cv-06128-EJD, Order Denying Plaintiffs' Renewed Motion for Summary Judgment; Granting Defendant's Motion for Summary Judgment (N.D. Cal. Mar. 31, 2024))
2020	<i>Samsung Display Co., Ltd. v. Pictiva Displays Int'l Ltd.</i> , IPR2024-00855, Paper 13, Director Review Decision (PTAB Jan. 10, 2025)
2021	Centripetal - Public Comment on Advanced Notice of Proposed Rulemaking (ANPRM) Regarding Discretionary Institution Practices
2022	Stanwood - Public Comment on Advanced Notice of Proposed Rulemaking (ANPRM) Regarding Discretionary Institution Practices
2023	Pharmaceutical Research and Manufacturers of America (PhRMA) - Public Comment on Advanced Notice of Proposed Rulemaking (ANPRM) Regarding Discretionary Institution Practices
2024	Alliance of U.S. Startups and Inventors for Jobs (USIJ) - Public Comment on Advanced Notice of Proposed Rulemaking (ANPRM) Regarding Discretionary Institution Practices

Exhibit	Description
2025	American Intellectual Property Law Association (AIPLA) - Public Comment on Advanced Notice of Proposed Rulemaking (ANPRM) Regarding Discretionary Institution Practices
2026	Reserved
2027	Reserved
2028	U.S. Patent No. 9,204,283 Prosecution History Excerpt, September 23, 2014 Notice of Allowance

Patent Owner Mullen Industries LLC (“Patent Owner” or “Mullen”) submits this Preliminary Response to the Petition for *inter partes* review IPR2025-00366 (“Petition”) of U.S. Patent No. 11,234,117 (the “’117 Patent”) filed by Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Google LLC’s (“Petitioners”).

I. INTRODUCTION

The Board should deny institution of the Petition under 35 U.S.C. § 314(a) because the Petition fails establish invalidity of any challenged claim based on the multiple asserted references for any Ground. As described in detail below, the Petition fails to establish the presence of multiple claim limitations applicable to each of the Grounds of the Petition. For example, Grounds 1 and 3 of the Petition fail to anticipate or render obvious the limitation “providing said login and said password to a remote server for use in determining whether to allow access of location information for said one of said plurality of wireless telephones associated to said selected one of said plurality of users, said determining including identifying a user of said wireless telephone using said login, determining said password is associated with said login” in Claim 15. ’117 Patent, Claim 15. Further, Grounds 1 and 3-6 of the Petition fail to anticipate or render obvious the limitation “assigning location access rights to said one of said plurality of wireless telephones associated with said selected one of said plurality of users for obtaining said location of said

wireless telephone” in Claim 15. ’117 Patent, Claim 15. Further, Grounds 2, 3, 5, and 6 of the Petition fail to establish obviousness of the limitation “location access rights of said wireless telephone from said second wireless telephone” in Claim 29. ’117 Patent, Claim 29.

The Petition attempts to cure deficiencies in the cited references with excessive reliance on conclusory expert testimony. As explained herein, these claimed features are indeed Patent Owner’s innovative improvements that improve system security and are in no way taught or suggested by the cited art. As addressed in full in Patent Owner’s Discretionary Denial Briefing, the imminent trial in the underlying district court litigation will resolve the invalidity disputes at issue in this Petition, and therefore institution of this Petition is a waste of valuable PTAB resources. Paper 13. These considerations, in addition to the weakness of Petitioners’ unpatentability challenges, and excessive reliance on expert testimony, warrant denying institution of the Petition.

II. BACKGROUND

Jeffrey Mullen is an independent inventor who has invented prolifically across a wide array of technologies since the early 2000s, including, for example, wireless and cellular communications systems and devices, security improvements regarding the same, augmented reality and virtual reality devices, and autonomous defense systems. Mr. Mullen is the inventor of the ’117 Patent and the sole member and

founder of the Patent Owner Mullen Industries LLC. Patent Owner filed the underlying district court case more than a year ago in January 2024 to seek remedies for the Samsung Petitioners' unlawful use of Mr. Mullen's patented technologies, including but not limited to the inventions claimed in the '117 Patent.

Mr. Mullen disclosed in U.S. Application No. 11/834,674 and its corresponding U.S. Provisional Application No. 60/367,967 his innovation of wireless telephones capable of having their location determined and security measures for the same. The claimed wireless telephones are capable of, *inter alia*, having their location determined, displaying options for changing access rights, receiving a login and password for use in determining whether to allow access of location information, providing location information and/or location access rights for other specific devices, changing permissions or location access rights for other specific devices, and receiving location-based event notifications—all of this more than 18 years *before* Samsung released its Samsung SmartThings Find technology containing the same features. EX2001; EX2002.

III. ARGUMENT

A. Grounds 1-6 Of The Petition Are Weak on the Merits and Fail To Establish Obviousness of Any Claim

1. Grounds 1 and 3 of the Petition Fail to Establish Obviousness of the Limitation “Providing Said Login and Said Password to a Remote Server for Use in Determining Whether to Allow Access of Location Information for Said One of Said Plurality of Wireless Telephones Associated to Said Selected One of Said Plurality of Users, Said Determining Including Identifying a User of Said Wireless Telephone Using Said Login, Determining Said Password Is Associated with Said Login” in Claim 15 and Its Dependent Claims

The Board should decline to institute any Grounds of the Petition that rely on Sheha with respect to Claim 15 and its dependent claims because the references fail to teach or suggest this limitation.

This limitation requires that, before providing the user of the first wireless telephone with access to the location of the user selected from the plurality of users, the user of the first wireless telephone must be identified based on login and password information (“*identifying a user of said wireless telephone using said login [and] determining said password is associated with said login*”). EX1001, Claim 15. Sheha does not teach this limitation, nor does the Petition demonstrate otherwise.

The Petition alleges that Sheha “determine[s] whether the target device has authorized the requesting device to *access its location information.*” Pet., 13-14 (emphasis in original). This is not what Sheha discloses. The authentication and

authorization protocols of Sheha are used to verify user identity and that a user is signed into the ODAS:

- “Once the user has logged on to the personal computer via **authentication and authorization** procedures, any call that originates or is destined to their telephone number can identify the position of the other landline telephone number, based on predetermined privacy settings associated with the other landline telephone number.” EX1005, 4:35-40 (emphasis added).
- “The remote user that is logged on to a wireless or landline position-enabled computing device is verified by the networked server’s **authentication and authorization** protocol procedures.” *Id.*, 5:25-28 (emphasis added).
- “When the ODAS 3 is notified from the telephone network 2 that a telephone call is being established, the ODAS 3 correlates both the origin and destination telephone users’ identifications to verify if the user is signed-on to the ODAS 3 using **authentication and authorization** protocols. These **authentication and authorization** protocols establish that a user is genuine and verify the level of authority each user is granted, such as for differentiating services provided by the ODAS 3.” *Id.*, 8:42-50 (emphasis added).
- “Once the ODAS 3 has been notified of all the appropriate information, the system verifies, by using **authorization and authentication protocols**, if the user of both the originating and destination telephone numbers are signed-on to the system.” *Id.*, 9:61-66 (emphasis added).
- “In another embodiment, users can define a group of specific users that have access to this information. This is also accomplished by utilizing a group database and **authorization and authentication protocols** to identify users that are permitted to access this information.” *Id.*, 11:63-12:1 (emphasis added).

- “In another embodiment, using the **authorization and authentication protocols** a user can request the position of a mobile device, similarly to requesting the position of a landline device.” *Id.*, 12:4-7 (emphasis added).

Thus, Sheha does not teach that authentication and authorization procedures are used to “determine whether the target device has authorized the requesting device to obtain its location.”

Device users in Sheha *never* provide access rights to another specific individual user as required by the claims. Sheha does not disclose allocating location access rights between individual users. Sheha instead describes a user being able to implement “privacy settings” on his device to control when and to what extent his device will convey position information to one or more other devices. EX1005, 4:35-40, 4:62-5:2, 5:3-11, 5:37-45, 10:17-20, 10:47-50, 11:3-8, 12:1-4. Sheha does not describe discerning between position requests based on user identity.

For at least these reasons, the Petition fails to establish that Petitioner is reasonably likely to demonstrate that Claim 15 is unpatentable based on Sheha.

2. Grounds 1 and 3-6 of the Petition Fail to Establish Obviousness of the Limitation “Assigning Location Access Rights to Said One of Said Plurality of Wireless Telephones Associated with Said Selected One of Said Plurality of Users for Obtaining Said Location of Said Wireless Telephone” in Claim 15 and Its Dependent Claims

The Board should decline to institute Grounds 1 and 3-6 because the cited references fail to teach or suggest this limitation of Claim 15.

The Petition's arguments are based on a fundamental misreading of the claim language. Properly construed, the limitation requires the claimed location access rights be provided both (i) by the specific wireless telephone recited in each claim and (ii) to the specific device recited in the claim (one of said plurality of wireless telephones associated with said selected one of said plurality of users).

Petitioners in effect erroneously seek to rewrite this term in Claim 15 to read: ~~assigning location access rights to~~ a policy that may result in allowing said one of said plurality of wireless telephones associated with said selected one of said plurality of users ~~for obtaining~~ to obtain said location of said wireless telephone.” Then, and only then based on Petitioners’ improper rewriting of the language of Claim 15, Petitioners incorrectly argue that Sheha or Randall teaches or suggests this claim limitation. This rewriting of the claim language includes two key errors of claim construction.

First, the Petition repeatedly ignores (by ascribing no meaning to and failing to substantively address in the Petition) the portion of this term that expressly requires the “location access rights” to be provided by the specific device recited in the claim (*e.g.*, in Claim 15, the *same* “wireless telephone” recited in the claim preamble and has a positioning system for determining its location). The plain language of the claim is clear that the “location access rights” must be provided by that specific device recited in the claim. These words must be given meaning and

cannot be ignored. *Phillips*, 415 F.3d at 1314); *Exxon Chem. Patents v. Lubrizol Corp.*, 64 F.3d 1553, 1557 (Fed. Cir. 1995). This should end the inquiry. It conclusively establishes that the device specified in the claim (“said wireless telephone”) must provide the “location access rights”, and the Board should reject Petitioners’ attempt to read this limitation out of the claim.

Indeed, this is a significant omission, including because requiring the same device that has its location determined to provide the permission to access that device’s location information enhances system security. EX1001, 1:44-54 (“One object of the present invention is to provide a *security feature* which allows a user to limit and/or deny location access to a particular user. ... In this manner, *a cell phone user may give access, through his or her cell phone*, to a friend so that the friend can locate him or her”) (emphasis added).

Second, the Petition repeatedly points to group policies that purportedly give access to location information to a group. But a group policy is not an assignment of “location access rights” to a specific device as recited in the claims. The plain language of the claim again makes clear that the “assign[ment] [of] location access rights” is provided to specific individual “wireless telephones” where each of the plurality of wireless telephones is “associated with said selected one of said plurality of users.” The plain and customary meaning of these ordinary words is readily apparent—rights to access the location is provided that is intended to be received or

used by or aimed at a recipient—and the claim language expressly identifies that recipient, *i.e.*, the wireless telephone associated with the selected one user of said plurality of users. *Phillips*, 415 F.3d at 1314 (where ordinary meaning of the claim is readily apparent, claim construction “involves little more than the application of the widely accepted meaning of commonly understood words”).

By contrast, to interpret these claims as merely setting a policy that applies to a group, however that group is defined and may change, would improperly strip the claims of their actual words and their common meaning. *See VLSI Tech. LLC v. Intel Corp.*, 53 F.4th 646, 655-656 (Fed. Cir. 2022); *Exxon Chem. Patents*, 64 F.3d at 1557. Group policies create a security risk of erroneously allowing or disallowing access to location information, and Paper Owner’s disclosed and claimed innovations improve system security and address that very issue. EX1001, 1:44-46. Notwithstanding that group policies and the claimed invention are very different concepts, the Petition conflates the two and, fatally to its invalidity allegations, uses them “interchangeably.” Pet., 14.

More specifically, when a policy is set that allows a group to access position or location information, which is how the references cited in Petitioners’ Grounds purport to operate, it does not mean that any device has access to the location information. The uncertainty that devices “may” be given access (as Petitioners effectively rewrite the claims to recite) is different than the certainty of devices that

“are” provided access (as the ’117 Patent actually claims). *See* Pet., 20. The group may also be an empty set and the group’s members may change over time such that location access rights are not assigned “to” any device but rather are generic to a group, however such group is defined and however that definition may change over time.

Illustrating this, a group policy remains unchanged when a member is added to the group, which creates risk of erroneously allowing access to location information to the member when, for example, a user forgets that the group is allowed to access location information when adding the member to the group. Likewise, a group policy remains unchanged when a member is removed from the group, which creates risk of erroneously disallowing that member’s access to location information when, for example, a user forgets when removing a member from the group that it was the member’s inclusion in the group that permitted the member to access the location information. Still another example, if a group permission is changed that results in allowing or disallowing access to location information to members of the group, it shows that the group is the construct that is, or is not, assigned location access rights and not the group members themselves whose potential access to location information depends on whether they remain members of the group.

The difference relative to Claim 15 is significant, including in terms of system security. The '117 Patent expressly recognizes this difference when it explicitly states that “[o]ne object of the present invention is to provide a security feature which allows a user to limit and/or deny location access to a particular user.” EX1001, 1:44-46. Indeed, the claimed invention eliminates the risk of erroneously allowing access to location information to unwanted recipients, or conversely disallowing access to location information to recipients that are desired to have access.

The specification supports Patent Owner’s construction and understanding of Claim 15. *See Kaken Pharm. Co. v. Iancu*, 952 F.3d 1346, 1352 (Fed. Cir. 2020) (“A patent’s statement of the described invention’s purpose informs the proper construction”)); *Verizon Servs. Corp. v. Vonage Holdings Corp.*, 503 F.3d 1295, 1308 (Fed. Cir. 2007) (“When a patent ... describes the features of the ‘present invention’ as a whole, this description limits the scope of the invention.”). It consistently describes the invention as a user selecting, via a user’s device (*i.e.*, the same device that is capable of having its location determined), another specific user for receiving permission. EX1001, 1:39-54. This, too, is exactly what the '117 Patent discloses in connection with Figure 9. *Id.*, Figure 9, 9:10-15. Further, the '117 Patent repeatedly refers to the benefits of assigning rights to a specific user, which underscores that these words must be given that specific meaning in the claims. EX1001 at 1:58-59 (“Phil may grant Bill access”), 1:66-2:2 (location “can be

accessed by a particular user”), 3:9-11 (“location rights for a specific user may be given to a different user only by that specific user”); 4:56-65 (“for the requesting user”), 9:16-20 (“assigning location rights to a user”), 11:64-12:2 (“finding if any access rights were assigned to the requestor’s identity”).

Further, the prosecution history of the related U.S. Patent No. 9,204,283 (“’283 patent”) also supports Patent Owner’s construction. Claim 1 of the ’283 patent similarly contains an “assign[ing] location access rights” limitation. In a Notice of Allowability, the Examiner made an Examiner’s Amendment for the specific purpose of adding the claim requirements for a wireless device to provide “location access rights” “to” another wireless device, and stated that these “amended independent claims ... possess a unique combination of limitations that is not sufficiently taught or suggested by the prior art.” EX2028, 6-9. Thus, this coupling of each grant of location access rights or a permission to a specific device demonstrates that the Examiner, too, interpreted the claims to require each such grant of location access rights or permission to be for a specified device as recited in the claim, and the applicant agreed to the examiner’s amendment. *Id.* This likewise supports Patent Owner’s position that the claims should be construed to require that the ’117 Patent’s claimed location access rights or permission must be provided to a specified device as recited in the claim, because Patent Owner’s construction is

consistent with the manner in which these claim terms were construed during prosecution. *Phillips*, 415 F.3d at 1317.

Turning to Petitioners' arguments, for Grounds 1 and 3 Petitioners rely on Sheha as allegedly teaching or suggesting these claim limitations. Pet., 20. For Grounds 4-6, Petitioners rely on Randall as allegedly teaching or suggesting these claim limitations. Pet., 60.

First addressing Sheha (Grounds 2 and 3), the Petition vaguely alleges that “[c]onfiguring a device’s *privacy permissions* can include ‘defin[ing] *a group* of specific users that have access” to the device’s location.” Pet., 13 (citing Sheha, 11:55-12:7) (emphasis added). This does not disclose or suggest the claimed features that the same device that has its location determined is capable of providing location access rights to another specific device to access that device’s location information. Indeed, Sheha does not disclose or suggest these claim limitations nor the corresponding security advantages that the ’117 Patent discloses these features provide.

Sheha refers to a mobile device that stores privacy settings or filters that limit or restrict when the mobile device sends out position information, including “while receiving and/or sending calls,” “for an instance” or “for a given period of time”:

- In one embodiment, if a mobile device user specifies a telephone number of another position-enabled mobile device, the system would query the remote mobile

device and verify its **privacy setting**. EX1005, 4:62-66 (emphasis added).

- In another embodiment, each device has **privacy settings** that allow the device to prevent or limit other calling devices from obtaining position information. *Id.*, 5:38-41 (emphasis added).
- The mobile device location information can be provided only, due to **privacy settings**, if the user configured the mobile device **18a** to allow position information to while calls are received. In another embodiment, the **privacy configuration** also includes settings such as the option to never send position information, or to send position information **while receiving and/or sending calls**, and whether the transfer of position information should be allowed only **for an instance or for a given period of time**. This provides the user the opt-in capability for position information transfer. *Id.*, 10:17-26 (emphasis added).

Sending or receiving position information in Sheha is thus contingent **not** upon what access rights a mobile device has provided for another device but instead upon what privacy filters the mobile device has implemented for all incoming location requests. *Id.* The very nature of these filters in Sheha make them indiscriminate as to the identity of any requesting mobile device. *Id.* The privacy settings are *not* location access rights, are *not* provided by the mobile device, and are *not* for another specified device as recited in Claim 15. *Id.* Every disclosure in Sheha is consistent in this regard. *E.g.*, EX1005, 4:35-42, 5:3-20, 5:21-46, 10:44-50, 11:3-9, 12:1-4. In addition, Sheha's privacy settings reside on a mobile device itself, and thus are fundamentally different than the '117 Patent's claimed invention

for the additional reason that they are not stored on a “remote system” as required by Claim 15.

Here, Petitioners retained the *same* declarant that was retained by the prior petitioner in IPR proceedings involving the '117 Patent before such prior proceedings were terminated due to settlement. And, notwithstanding Petitioners' present arguments and transparent attempt to change their declarant's prior testimony, Petitioners' declarant *did* concede at his deposition in the prior proceedings that the privacy settings on Sheha's mobile device are ***not*** for a specified device and instead are general settings that apply to any location request that is received:

Q. Oh, Okay. So let me see if I'm understanding what you just said. Are you saying that there's a privacy setting with respect to a specific individual?

A. ***Sheha doesn't discuss that level of privacy, I don't believe. I think it's more at the group level.***

EX2015, 17:6-12.

Q. And this relates to assigning location access rights limitation of claim one. In that first sentence, you say: “Sheha allows user to establish which other users and devices may access their location information.” Correct?

A. Correct.

Q. This is not on an individual basis; correct?

....

A. *If I understand your question, I think that's accurate. The privacy settings, as well as the group database settings, are not individual by individual*

Id., 114:12-25.

Aside from Sheha's privacy settings, Petitioners also rely on Sheha's reference to a "group" database and "defin[ing] a group of specific users that have access." Pet., 13-15 (§VI.D.1.g ([15G])), 20 (citing §VI.D.1.g ([15G])). However, Sheha's disclosures regarding "groups" are irrelevant for two reasons. *First*, Sheha only refers to the use of "groups" in the context of "landline-to-landline" requests (not mobile-to-mobile requests), whereas instead Claim 15 of the '117 Patent expressly refers to wireless telephones:

A mobile or landline device can also request position information of another mobile or landline device by only specifying a telephone number, without having to initiate a telephone call. ***For a landline-to-landline position request***, the specified telephone number is correlated to its position information using telephone information from a known database or sets of databases. In one embodiment, the online database that contains this information only includes users that do not have unlisted telephone numbers. In another embodiment, ***users can define a group of specific users that have access to this information. This is also accomplished by utilizing a group database*** and authorization and authentication protocols to identify users that are permitted to access this information. When a mobile device's position information is requested, the system, based on privacy settings, responds with the appropriate position information to the requesting user's device. In another embodiment, using the authorization and authentication protocols a user can

request the position of a mobile device, similarly to requesting the position of a landline device.

EX1005, 11:55-12:7 (emphasis added). *Second*, a group policy is not an assignment of “location access rights” to a specific device as recited in the claims. This distinction is immensely important. The ’117 Patent’s claimed invention of a mobile device assigning “location access rights” to a specific device eliminates security risk and advantageously improves system security.

The Board should also reject Petitioners’ hindsight attempt to reinterpret Sheha as teaching or suggesting something more. Pet., 15-16 (§VI.D.1.g ([15G])), 20 (citing §VI.D.1.g ([15G])). That the security advantages provided by the ’117 Patent’s claimed inventions are only disclosed by the ’117 Patent, and not the cited references, should not be taken lightly. *In re Wesslau*, 353 F.2d 238, 241 (CCPA 1965) (holding that there is an enduring admonition against impermissibly “pick[ing] and choos[ing]” from a reference “only so much ... as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to” a POSITA); *In re Enhanced Sec. Research, LLC*, 739 F.3d 1347, 1355 (Fed. Cir. 2014) (holding it impermissible to “stitch together an obviousness finding ... without considering the references as a whole”); *see also e.g., InTouch Techs., Inc. v. VGO Commc’ns, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014) (concluding that expert “succumbed to hindsight bias in her obviousness

analysis” by focusing on what “one of ordinary skill in the art could” allegedly have done instead of what “they would have been motivated to do”).

Turning to Randall (Grounds 4-6), the Petition likewise falls well short of demonstrating that Randall teaches or suggests these claim limitations. It alleges that “Bob could promote Alice to an i-Group that Bob has specified as having access to Bob’s GPS location, thus using Bob’s device to assign location access rights to Alice’s device whose number is in Bob’s contacts.” Pet., 61. However, Randall does not disclose or suggest the ’117 Patent’s claimed features that the same device that is capable of having its location determined is capable of providing location access rights for another *specific device* to access the location information, nor does Randall disclose or suggest the corresponding the security advantages that the ’117 Patent teaches these features provide.

Randall refers to a remote database that can store information regarding multiple individuals and can also “define which entities can read different fields” in the database. Randall, [0047]. However, the Petition, and Randall, are completely silent as to how those “defin[itions of] which entities can read different fields” are established. Randall does not teach or suggest that such definitions are provided by the same wireless telephone that is capable of having its location determined, which is a distinct security advantage disclosed and claimed by the ’117 Patent. See EX1001, 1:44-54 (“One object of the present invention is to provide a *security*

feature which allows a user to limit and/or deny location access to a particular user.

... In this manner, *a cell phone user may give access, through his or her cell phone*, to a friend so that the friend can locate him or her”). This alone is fatal to Petitioners’ Ground based on Randall.

Randall also does not teach or suggest providing “assigning location access rights” to another wireless telephone as claimed in Claim 15. The Petition acknowledges that Randall’s system assigns access rights to groups, called “i-Groups.” Pet., 60-61. This is so even when the group is intended, at least initially, to have only one individual member. *Id.*, 57 (§IX.B.1.g ([15G]) citing Randall’s “i-Group” for “partner”) which the Petition acknowledges is accessible to “users whom [Alice] has assigned to the ‘i-Group’ called ‘partner’” even if Alice only initially assigns “Bob” to that group), 60 (citing (§IX.B.1.g ([15G]) of the Petition). But as discussed, granting access rights to a group does not teach or suggest “assigning location access rights” to a wireless telephone as claimed in Claim 15. A group may be an empty set, and even if at one point in time the group has only one individual member (like Petitioners argue), the group’s members may change over time such that the policy is not for any device but rather generic to a group, however such group is defined and however that definition may change over time. Accordingly, reliance on a group policy for the grant of access rights does not disclose or suggest, and is very different than, what is claimed by the ’117 Patent and imposes risk of

erroneously allowing or disallowing access to location information. *Id.*; *Cf.* EX1001, 1:44-46 (“One object of the present invention is to provide ***a security feature which allows a user to limit and/or deny location access to a particular user.***”) (emphasis added).

Petitioners’ fundamental misreading of these claim limitations, and corresponding erroneous mapping of these claim limitations to the cited references, demonstrates that the Petition fails to demonstrate invalidity of this claim limitation, let alone a “compelling case” of purported invalidity.

Accordingly, the Board should find that the Petition has failed to demonstrate invalidity of these claim limitations, and thus should decline to institute any Grounds of the Petition with respect to Claim 15 or any of its dependent claims. *See, e.g., Samsung Elecs.*, IPR2023-00130, Paper 10 at 26 (exercising discretion to deny institution because “we agree that Petitioner’s showing is less than compelling, as it rests tenuously upon apparent logical leaps”); *Samsung Display*, IPR2024-00855, Paper 12 at 13 (denying institution “because a genuinely-disputed issue surrounds the correct [claim] construction That genuine dispute, in turn, casts doubt upon whether Petitioner ‘is highly likely’ to prevail in showing that the [claim] limitation would have been obvious”); *AT&T Services, Inc. v. ASUS Technology Licensing Inc.*, IPR2024-01142, Paper 14 at 27 (PTAB Jan. 27, 2025) (denying institution because “Patent Owner has identified a plausible understanding of the meaning of

the claims ... and potential dispositive inadequacies in Petitioner’s approach to accounting for features of those claims”).

3. Grounds 2, 3, 5, and 6 of the Petition Fail to Establish Obviousness of the Limitation “Location Access Rights of Said Wireless Telephone from Said Second Wireless Telephone” in Claim 29 and Its Dependent Claims

The Board should also decline to institute Grounds 2, 3, 5, and 6 because the cited references fail to teach or suggest these claim limitations.

The Petition’s arguments for this limitation are again based on Petitioners’ fundamental misreading of the claim language. Similar to Claim 15, *see supra* Section III.C.1, properly construed, this limitation of claim 29 requires the claimed location access rights be provided both (i) by the specific wireless telephone recited in the claim (“said second wireless telephone”) and (ii) to the specific device recited in the claim (“said wireless telephone”).

For its part, Petitioners in effect erroneously seek to rewrite this term in Claim 29 to read: “~~location access rights of~~ a policy that may result in allowing said wireless telephone to access location information about ~~from~~ said second wireless telephone.” *Id.* Then, and only then on the basis of Petitioners’ improper rewriting of the language of Claim 29, Petitioners incorrectly argue that Sheha or Randall teaches or suggests these claim limitations. Like their analysis for Claim 15,

Petitioners' rewriting of the claim language suffers from two key errors of claim construction.

First, the Petition repeatedly ignores (by ascribing no meaning to and failing to substantively address in the Petition) the portion of this term that expressly requires the "location access rights" to be provided "**from**" the specific device recited in the claim ("said second wireless telephone") to another specific device recited in the claim ("said wireless telephone"). The plain language of the claim is clear that the "location access rights" must be provided by the specific device recited in the claim, and that device has its location determined. EX1001, Claim 29 ("selecting a location-based event that is based, at least in part, **on a location of a second wireless telephone** ... receiving a location-based event notification corresponding to said selected location-based event as a result of, at least in part, location access rights ... **from said second wireless telephone**"). These words must be given meaning and cannot be ignored. *Phillips*, 415 F.3d at 1314. This conclusively establishes that the second wireless telephone must provide the "location access rights", and the Board should reject Petitioners' attempt to read this limitation out of the claim. Like Petitioners' error in their analysis of Claim 15, this is a significant error because requiring the same device that has its location determined to provide the location access rights to access that device's location information enhances system security. EX1001, 1:44-54.

Second, the Petition repeatedly points to group policies that purportedly give access to location information to indeterminate and fluctuating members of a group. However, as discussed *supra* at Section III.C.1, a group policy is not a grant of “location access rights” that “from” a specific device as recited in the claims. Just as for Claim 15, the meaning of the plain language of Claim 29 is readily apparent: rights to access the location is provided that is intended to be received or used by or aimed at a recipient—and the claim language expressly identifies that recipient, *i.e.*, “said wireless telephone.” *See Phillips*, 415 F.3d at 1314. As discussed above, *supra* Section III.C.1, to interpret these claims as merely setting a policy that applies to a group, however that group is defined and may change, would improperly strip the claims of their actual words and their common meaning. Group policies create a security risk of erroneously allowing or disallowing access to location information, and, as shown in the specification and figures, Patent Owner’s disclosed and claimed innovations improve system security and address that very issue. *See supra* Section III.C.1.

Turning to Petitioners’ arguments, for Grounds 2 and 3 Petitioners rely on Sheha as allegedly teaching or suggesting this limitation and, in the alternative, a combination of Sheha and Degnbol. Pet., 2, 34. For Grounds 5 and 6, Petitioners rely on Randall as allegedly teaching or suggesting this limitation and, in the alternative, a combination of Randall and De-Vries. Pet., 2, 73-74.

First addressing Sheha (Grounds 2 and 3), the Petition first asserts that Sheha’s “ODAS determines whether the target device has given the requesting device *location access rights*.” Pet., 34. But Sheha does not disclose determining whether a specific target device has been granted location access rights by another specific device as claimed. The Petition tacitly concedes this point when it vaguely alleges that “any ‘users can define *a group* of specific users that have access to this [location] information’ as part of configuring *privacy permissions*.” Pet., 13-15 (§VI.D.1.g ([15G]) quoting Sheha 11:55-12:7) (emphasis added), 20 (citing §VI.D.1 and Sheha 11:55-12:7)). But this does not disclose or suggest the claimed features that the “location access rights” are provided “*from*” the specific device recited in the claim (“said second wireless telephone”) to another specific device recited in the claim (“said wireless telephone”). Indeed, Sheha does not disclose or suggest these claim limitations nor the corresponding security advantages that the ’117 Patent discloses these features provide.

As discussed *supra* at Section III.C.1, Sheha refers to a mobile device that stores privacy settings or filters that limit or restrict when the mobile device sends out position information, including “while receiving and/or sending calls,” “for an instance” or “for a given period of time.” *See supra* at Section III.C.1 (quoting EX1005, 4:62-66, 5:37-41, 10:17-26). As confirmed by Petitioner’s declarant in a previous proceeding, sending or receiving position information in Sheha is thus

contingent *not* upon what access rights a mobile device has provided to another device but instead upon what privacy filters the mobile device has implemented for all incoming location requests. *Id.*; *see also supra* Section III.C.1.

Aside from Sheha's privacy settings, Petitioners also rely on Sheha's reference to a "group" database and "defin[ing] a group of specific users that have access." Pet., 13-15 (§VI.D.1.g ([15G])), 34 (citing §VI.D.1 (Claim 15)). However, as discussed *supra* in Section III.C.1., Sheha's disclosures regarding "groups" are irrelevant because it only refers to the use of "groups" in the context of "landline-to-landline" requests (not the claimed wireless devices) and a group policy is not "location access rights" provided "to" a specific device to access location information as recited in the claims. *See supra* Section III.C.1. These distinctions are important. The '117 Patent's claimed invention of a mobile device providing "location access rights" "to" another specific wireless device eliminates security risk and advantageously improves system security. *Id.*

The Board should also reject Petitioners' hindsight attempt to reinterpret Sheha as teaching or suggesting something more. Pet., 15 (§VI.D.1.g ([15G])), 34 (citing §VI.D.1 (Claim 15)). That the security advantages provided by the '117 Patent's claimed inventions are only disclosed by the '117 Patent, and not the cited references, should not be taken lightly. *See supra* Section III.C.1; *In re Wesslau*, 353 F.2d at 241; *In re Enhanced Sec. Research*, 739 F.3d at 1355.

In addition, the Board should reject Petitioners reliance, in the alternative, on a combination of Sheha with Degnbol. Pet., 34-35. First, like Sheha, Degnbol fails to teach or suggest that “location access rights” are provided “*from*” a “second wireless telephone” as claimed in Claim 29. Degnbol instead states that determining who is part of a user’s “Buddy List” is “carried out via other channels, for example through a web-based interface or by calling a customer service representative at a call-center.” EX1035 at 5:28-31. Second, Degnbol also does not teach or suggest “location access rights” are “*of*” a specific device. Rather, like Sheha, Degnbol instead states that any permissions are based on a user’s “group[ing] Buddies into different categories, i.e., ‘Friends’, ‘Relatives’, and sub-categories such as ‘Bowling Friends’, ‘Friends from work’, ‘Best Friends’, etc.” *Id.*, 10:5-11. Again, a group policy is not “*location access rights*” “*of*” a specific device to access location information as recited in the claim. Moreover, the Petition’s reliance on “preferences” is incorrect and misleading. Pet., 34. Degnbol’s preferences relate to notifications that the user wishes to receive about others—it does not disclose or suggest that location access rights to information about a user’s own location are provided by the user’s device to another specific device.

Turning next to Randall (Grounds 5 and 6), the Petition likewise falls well short of demonstrating that Randall teaches or suggests these claim limitations. It alleges that “Randall’s system provides a *location-based event notification* on Bob’s

device” Pet., 56-57 (citing Randall, [0264]). However, Randall does not disclose or suggest the ’117 Patent’s claimed features that the “location access rights” are provided by the specific device recited in the claim, and that device has its location determined. EX1001, Claim 29 (“selecting a location-based event that is based, at least in part, *on a location of a second wireless telephone* ... receiving a location-based event notification corresponding to said selected location-based event as a result of, at least in part, location access rights ... *from said second wireless telephone*). Nor does Randall disclose or suggest the corresponding the security advantages that the ’117 Patent teaches these features provide.

As discussed *supra* Section III.C.1, Randall refers to a remote database that can store information regarding multiple individuals and can also “define which entities can read different fields” in the database, but is completely silent as to how those “defin[itions of] which entities can read different fields” are established. Randall, [0047]. Randall does not teach or suggest that such definitions are provided by the same mobile device that is capable of having its location determined, which is a distinct security advantage disclosed and claimed by the ’117 Patent. *See supra* at Sections III.C.1; EX1001, 1:44-54. This alone is fatal to all of Petitioners’ Grounds involving Randall.

Randall also does not teach or suggest providing “location access rights” “of” another device to access location information as claimed in Claim 29. As discussed

supra at Section III.C.1, the Petition acknowledges that Randall’s system assigns access rights to groups, called “i-Groups.” But, as discussed with respect to Sheha, granting access rights to a group does not teach or suggest providing “location access rights” “of” a wireless device as claimed in Claim 29. *See also supra* at Section III.C.1 (explaining that Randall’s use of i-Groups injects ambiguity and uncertainty, and risk of improper disclosure, all of which are inconsistent with the disclosed and claimed inventions of the ’117 Patent). This misreading is fatal to all of Petitioners’ Grounds based on Randall.

The Board should also reject Petitioners reliance, in the alternative, on a combination of Randall with De-Vries. Pet., 73-74. First, like Randall, De-Vries fails to teach or suggest that “location access rights” are provided “*from*” a “second wireless telephone” as claimed in Claim 29. Rather, De-Vries merely states that a “user can set rules” but does not disclose or suggest how such rules may be set. EX1013 at 2:63. Second, De-Vries also does not teach or suggest “location access rights” are “*of*” a specific device. Rather, like Randall, De-Vries instead states that any permissions are based on a user’s grouping of others into “buddy lists,” which can be further segregated “into separate subsets, such as subsets of family, friends, business contacts, co-workers, etc.” *Id.*, 2:43, 3:5-8. And, De-Vries states that any permissions are provided on a group policy basis: “a social mode where ... as to anyone on their buddy list ... the user is visible,” “a business mode in which ... the

user is visible to only their business contacts and co-workers,” and “a private mode in which the user is visible only to a select subset” *Id.*, 3:22-30. Again, a group policy is not “*location access rights*” “*of*” a specific device to access location information as recited in the claim.

Petitioners’ fundamental misreading of these claim limitations, and corresponding erroneous mapping of these claim limitations to the cited references, demonstrates that the Petition fails to demonstrate a “reasonable likelihood” of establishing invalidity of this claim limitation, let alone a “compelling case” of purported invalidity.

Accordingly, the Board should find that the Petition has failed to demonstrate invalidity of these claim limitations by a “reasonable likelihood,” much less a sufficiently strong case of purported invalidity to overcome the factors strongly supporting discretionary denial, and thus should decline to institute Grounds 1-6. *See, e.g., Samsung Elecs.*, IPR2023-00130, Paper 10 at 26 (exercising discretion to deny institution because “Petitioner’s showing is less than compelling, as it rests tenuously upon apparent logical leaps”); *Samsung Display Co.*, IPR2024-00855, Paper 12 at 13 (exercising discretion to deny institution because “a genuinely-disputed issue surrounds the correct [claim] construction That genuine dispute, in turn, casts doubt upon whether Petitioner ‘is highly likely’ to prevail in showing that the [claim] limitation would have been obvious”); *AT&T Services*, IPR2024-

01142, Paper 14 at 27 (exercising discretion to deny institution because “Patent Owner has identified a plausible understanding of the meaning of the claims ... and potential dispositive inadequacies in Petitioner’s approach to accounting for features of those claims Petitioner’s proposed grounds cannot be said to rise to the level of a ‘compelling’ meritorious challenge”).

* * *

The Petition’s excessive reliance on conclusory expert testimony further demonstrates the weakness of the merits of Petitioners’ unpatentability challenges. *See generally* Pet. (citing “Williams-Decl.” over 200 times); *see also, e.g.*, Pet., 7-22 (citing “Williams-Decl.” after nearly every sentence in its Ground 1, Claim 15 analysis). Petitioners’ pervasive attempts to buttress weak obviousness combinations with unsupported expert testimony also provides another basis for discretionary denial. *See* EX2003, 2.

IV. CONCLUSION

For any or all of the above-described reasons, Patent Owner respectfully requests that the Board deny institution.

Dated: May 14, 2025

Respectfully submitted,

/Peter F. Snell/

Peter F. Snell (Reg. No. 52,235)
Brad M. Scheller (Reg. No. 61,022)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
919 Third Avenue
New York, New York 10022
Telephone: 212-935-3000
Facsimile: 212-983-3115
E-mails: PFSnell@mintz.com;
BMScheller@mintz.com

CERTIFICATE OF WORD COUNT

The undersigned certifies that the portions of the above-captioned PATENT OWNER'S PRELIMINARY RESPONSE specified in 37 C.F.R. § 42.24 have 7,052 words, in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b)(1). This word count was prepared by the word-processing program used to prepare this paper (Microsoft Word).

Dated: May 14, 2025

/Peter F. Snell/

Peter F. Snell (Reg. No. 52,235)

CERTIFICATE OF SERVICE

I certify that a copy of this PATENT OWNER'S PRELIMINARY RESPONSE is being served by electronic mail on the following counsel of record:

Lead Counsel

Elisabeth H. Hunt
(Reg. No. 67,336)
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206
Telephone: (617) 646-8443
Facsimile: (617) 646-8646
elisabeth.hunt@wolfgreenfield.com

Backup Counsel

Gregory S. Nieberg
(Reg. No. 57,063)
WOLF, GREENFIELD & SACKS, P.C.
605 Third Avenue
25th Floor,
New York, NY 10158
Telephone: (212) 849-3338
Facsimile: (212) 697-7890
gregory.nieberg@wolfgreenfield.com
Michael S. Parsons
(Reg. No. 58,767)
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206
Telephone: (617) 646-8942
Facsimile: (617) 646-8646
michael.parsons@wolfgreenfield.com
Daniel D. Smith
(Reg. No. 71,278)
WOLF, GREENFIELD & SACKS, P.C.
Telephone: (617) 646-8038
dan.smith@wolfgreenfield.com
Andrew R. Varrenti
(Reg. No. 78,555)
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206
Telephone: (617) 646-8314
Facsimile: (617) 646-8646
andrew.varrenti@wolfgreenfield.com

Counsel for Google LLC

Benjamin Haber
(Reg. No. 67,129)
O'MELVENY & MYERS LLP
400 South Hope Street, 19th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
bhaber@omm.com

William M. Fink
(Reg. No. 72,332)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
tfink@omm.com

Patric M. Reinbold
(Reg. No. 79,178)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5165
Facsimile: (202) 383-5414
preinbold@omm.com

Caitlin Hogan
(Reg. No. 61,515)
O'MELVENY & MYERS LLP
1301 Avenue of the Americas,
Suite 1700
New York, NY 10019
Telephone: (212) 326-4481
Facsimile: (212) 326-2061
chogan@omm.com

Counsel for Samsung Petitioners

Dated: May 14, 2025

/Peter F. Snell/

Peter F. Snell (Reg. No. 52,235)