

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

GAMBA GROUP HOLDINGS LLC,
Patent Owner.

Case IPR2026-00156
Patent 9,772,193

PATENT OWNER'S PRELIMINARY RESPONSE
35 U.S.C. § 313, and 37 C.F.R. § 42.107(a)

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EXHIBIT LIST

Ex.	Description
2001	Order (ECF No. 71), <i>AICP v. TSMC</i> , No. 2:25-CV-00324-JRG (E.D. Tex. Aug. 29, 2025)
2002	Order (ECF No. 53), <i>Telcom v. Samsung</i> , No. 2:24-CV-691-JRG (E.D. Tex. Aug. 27, 2025)
2003	Order (ECF No. 52), <i>Keyless Licensing v. Samsung</i> , No. 2:24-CV-00464-JRG (E.D. Tex. May 30, 2025)
2004	First Amended Docket Control Order (ECF No. 21), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. July 31, 2025)
2005	Order (ECF No. 73), <i>MyPort v. Samsung</i> , No. 2:22-cv-00114-JRG (E.D. Tex. June 13, 2023)
2006	U.S. Court Statistics for the 12-month period ending Dec. 31, 2025
2007	Samsung's Invalidity Contentions (cover pleading), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. Oct. 13, 2025)
2008	Exhibit C-01 to Samsung's Invalidity Contentions
2009	Exhibit C-07 to Samsung's Invalidity Contentions
2010	Google-Samsung Mobile Application Distribution Agreement (Android) (2011)
2011	Joint Trial Exhibit List (ECF No. 888), <i>United States v. Google</i> , No. 1:20-cv-03010-APM (D.D.C. Apr. 19, 2024)
2012	Redacted copy of Google-Samsung Revenue Share Agreement RSA (2020) (https://www.justice.gov/d9/2023-11/418307.pdf)
2013	L. Irwin, <i>Google paid \$8 billion to make its apps default on Samsung phones</i> , The Hill (Nov. 14, 2023) (https://thehill.com/policy/technology/4309219-google-paid-8-billion-to-make-its-apps-default-on-samsung-phones/)
2014	Complaint (ECF No. 1), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. Apr. 25, 2025)
2015	Ex. F to Complaint (ECF No. 1-6), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. Apr. 25, 2025)
2016	U.S. Patent No. 11,983,712 (issued May 14, 2024 from U.S. Appln. No. 17/023,029)
2017	Office Action, U.S. Appln. No. 17/023,029 (mailed June 27, 2022)
2018	U.S. Patent No. 9,911,133 (issued Mar. 6, 2018 from U.S. Appln. No. 13/436,925)
2019	Office Action, U.S. Appln. No. 14/802,016 (mailed Apr. 19, 2017)

Ex.	Description
2020	First Amended Complaint (ECF No. 32), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. Oct. 2, 2025)
2021	Ex. F to First Amended Complaint (ECF No. 32-6), <i>Gamba v. Samsung</i> , No. 2:25-cv-00438-JRG (E.D. Tex. Oct. 2, 2025)
2022	U.S. Appln. Pub. No. US 2017/0016975 A1 (U.S. Appln. No. 14/802,016, published Jan. 19, 2017)
2023	Supplemental Information Disclosure Statement, U.S. Appln. No. 13/436,925 (filed Sept. 30, 2016)
2024	Apr. 3, 2006 Specification, Application No. 11/396,843

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a), Gamba Group Holdings LLC (“Patent Owner”) submits this Preliminary Response to the Petition for *Inter Partes* Review (“IPR”) of Claims 12, 13, and 15-18 (the “Challenged Claims”) of U.S. Patent No. 9,772,193 (“the ’193 Patent”), filed by Google LLC (“Petitioner”). Paper 2 (“Petition”) at 6-7.

I. INTRODUCTION

A. Summary

The Board should deny institution of an IPR because Petitioner fails to meet its burden to show a reasonable likelihood it would prevail with respect to at least one Challenged Claim. Fundamental to Petitioner’s burden is the statutory requirement to clearly present claim construction in support of the grounds. The Petition “must identify... [h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3); *see also* Trial Practice Guide (available at <https://www.uspto.gov/patents/ptab/trial-practice-guide#step1>) (requiring the parties to “focus on concise, well-organized, easy to follow arguments supported by readily identifiable evidence of record”).

Here, however, the Petition is fundamentally flawed as it fails to properly address claim construction because it:

- presents inconsistent claim construction positions for the same term between claims;

- repeatedly mischaracterizes the scope of the Challenged Claims; and
- repeatedly mischaracterizes the scope of the '193 Patent disclosure supporting the claims.

These failures impact each ground asserted by Petitioner for each Challenged Claim.

In addition, Petitioner presents irrelevant arguments about priority applications and sufficiency of disclosure even though the Petition does not challenge the '193 Patent's effective priority date and does not—and cannot—assert that the Challenged Claims are unpatentable under 35 U.S.C. § 112.

B. Prior Art and Asserted Grounds

Petitioner asserts that each of the Challenged Claims is unpatentable based on the following grounds:

Ground	Challenged Claims	Basis/Reference(s)
1	12, 13, 15-18	Anticipation in view of Baese (Ex. 1003)
2	12, 13, 15-18	Obviousness in view of Baese (Ex. 1003)
3	12, 13, 15-18	Anticipation in view of Phillips (Ex. 1004)
4	12, 13, 15-18	Obviousness in view of Phillips (Ex. 1004)
5	12, 13, 15-18	Obviousness in view of Phillips (Ex. 1004) and Soliman (Ex. 1005)

Because the Petition is fundamentally flawed in that it fails to properly address claim

construction, and these failures apply to each Ground and all Challenged Claims, PO does not address the additional deficiencies in Petitioner's arguments that the grounds teach the Challenged Claims. PO will address these deficiencies in detail if the Petition is instituted.

C. The '193 Patent

The '193 Patent, titled "Vehicle Beacon and Method of Use," was issued by the U.S. Patent and Trademark Office on September 26, 2017. Ex.1001 (face).

The '193 Patent describes systems for providing vehicle location and navigation services, including a "Return to Parking (RTP)" feature, "a navigation solution to guide the user to the location of the parking space where his/her car is parked" using a Bluetooth enabled device. *Id.* at 6:28-8:51, 9:43-54, 11:32-38, 12:56-58; *see also* Ex. 2024 at 18, 27 (Apr. 3, 2006 Specification, Application No. 11/396,843).

The '193 Patent's navigation system was "designed with the capability to utilize existing technology so the navigation system can be deployed as a stand-alone system or in tandem with existing systems." Ex. 1001 at 34:21-24; *see also* Ex. 2024 at 14 ("our system method bridge the gap between GPS navigation and the existing system and allow to a complete solution."), 19, 29 (explaining how the Bluetooth system can overlay a GPS system or be independent of GPS). For example, the invention "[p]rovides direct communication between the area (waypoints) and the

user (the beacon navigation application and/or the Global Positioning System (GPS)).” Ex. 1001 at 34:36-38.

The ’193 Patent describes “yet another application, provided as a Global Positioning System (GPS) add-on, referred to as Navigation 1113 [in Fig. 10.]” *Id.* at 70:30-35. In that embodiment, “the series of RF tags or beacons 102 can be used to determine a location of a receiving device, such as the cellular telephone 101 or another mobile device, and can additionally be used to obtain and provide navigation[,]” which “is particularly beneficial in areas where the Global Positioning System (GPS) is ineffective, such as within an indoor environment.” *Id.*; *see also* Ex. 2024 at 27.

II. PETITIONER HAS NOT DEMONSTRATED A REASONABLE LIKELIHOOD OF PREVAILING ON ANY UNPATENTABILITY GROUND FOR ANY CHALLENGED CLAIM

In challenging the patentability of the Challenged Claims, Petitioner asserts two anticipation grounds and three obviousness grounds. Petition at 7. As demonstrated below, the Petition takes inconsistent claim construction positions that are also legally wrong, and as such fails to establish a reasonable likelihood that Petitioner will prevail on any asserted ground. Thus, an IPR of the ’193 Patent should not be instituted.

A. Relevant Legal Principles

“In an *inter partes* review, the burden of persuasion is on the petitioner to

prove ‘unpatentability by a preponderance of the evidence,’ and that burden never shifts to the patentee.” *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (internal citation omitted; quoting 35 U.S.C. § 316(e)). “Failure to prove the matter as required by the applicable standard means that the party with the burden of persuasion loses on that point — thus, if the fact trier of the issue is left uncertain, the party with the burden loses.” *Id.* (quotation marks and citation omitted).

“[T]he 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, 1363-64 (Fed. Cir. 2016).¹ “Simply stating that [a reference] discloses [a claim element] does not satisfy [the petitioner’s] burden.” *Harmonic*, 815 F.3d at 1363-64. Rather, the petitioner bears the “burden to explain to the Board *how* [prior art references] rendered the challenged claims unpatentable. *Id.* at 1363 (emphasis added). Consistent with Petitioner’s burden, an IPR petition “may be considered only if— ... the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim...” 35 U.S.C. § 312(a).

¹ Unless otherwise stated, all emphasis is added.

In addressing this burden, “parties requesting *inter partes* review should ... [‘]focus on concise, well organized, easy-to-follow arguments supported by readily identifiable evidence of record.” *Cisco Sys., Inc. v. C-Cation Tech, LLC*, IPR2014-00454, Paper 12, at 11 (P.T.A.B. Aug. 29, 2014) (quoting Office Patent Trial Practice Guide, 77 Fed. Reg. 48,612, 48,763 (Aug. 14, 2012)).

Fundamental to setting forth grounds for invalidity is claim construction. In this regard, “the petition must set forth ... How the challenged claim is to be construed[,] ... [h]ow the construed claim is unpatentable under the statutory grounds” 37 C.F.R. § 42.104.

For a validity analysis, the prior art must be compared to the claims as properly construed. *See, e.g., Genetics Inst., LLC v. Novartis Vaccines & Diagnostics, Inc.*, 655 F.3d 1291, 1302 (Fed. Cir. 2011) (“Anticipation and obviousness require the court to compare the properly construed claims to the available prior art.” (quoting *Oakley, Inc. v. Sunglass Hut Int’l*, 316 F.3d 1331, 1339 (Fed. Cir. 2003))).

B. The Petition Mischaracterizes the Challenged Claims and Presents Inadequate, Inconsistent Claim Construction Positions

While Petitioner pays lip service to the requirement to construe the Challenged Claims by asserting that “no claim terms require a formal construction for evaluation of this petition” (Petition at 20), Petitioner proceeds not only to inconsistently characterize the scope of the Challenged Claims, but also to patently misconstrue

them. More specifically, Petitioner (and its expert) make two errors that require denial. *First*, Petitioner assigns two different constructions to the term “registering.” *Second*, Petitioner reads into independent Claim 12 a limitation of Claim 15 in violation of the explicit language of the claims. These errors apply to all asserted Grounds of all Challenged Claims, as the other claims depend from Claim 12.

As such, Petitioner fails to satisfy the requirement of 37 C.F.R. § 42.104(b)(3) to explain “[h]ow the challenged claim is to be construed” and fails to provide any “concise, well organized, easy-to-follow arguments supported by readily identifiable evidence of record.” *See, e.g., Cisco Sys.*, IPR2014-00454, Paper 12, at 11 (P.T.A.B. Aug. 29, 2014) (quoting Office Patent Trial Practice Guide, 77 Fed. Reg. 48,612, 48,763 (Aug. 14, 2012)).

1. Petitioner’s constructions of “registering” are inconsistent

Although Petitioner asserts that “no claim terms require a formal construction for evaluation of this petition” (Petition, 20), Petitioner applies at least **two different, inconsistent constructions of the term “registering,”** which appears in Claims 12 and 15. As a result, the Petition fails to identify “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3).

Claim 12 uses the term “register” in element 12(c): “registering an exact parking space location of the vehicle on the mobile device using information provided by the Bluetooth transceiver.” In the context of this claim element,

Petitioner defines “registering” as “storing.” In connection with Baese (Ex.1003), the Petition provides:

Fig. 2 shows that after vehicle 1 determines its location (step 21), it sends that location to the mobile radio terminal 2 (step 22), **where it is stored (the claimed “registering”)**. The location must be **stored (“registered”)** because the mobile radio terminal 2 sends that position data to a service center in step 24.

Petition at 43 (citations omitted).

In connection with Phillips (Ex. 1004) and limitation 12(c), the Petition similarly provides “The exact parking space location is then **stored (‘registered’)** in the terminal’s memory.” *Id.* at 64 (citations omitted). But Petitioner’s definition of “register” as “storing” in Claim 12 is inconsistent with its construction of registering in connection with Claim 15.

Petitioner uses a different construction of “register” in connection with Claim 15. Claim 15 recites the method of Claim 12 “further comprising a step of: employing a Global Positioning System (GPS) to register the location of the exact parking space location of the vehicle.” Petitioner argues that (i) Baese teaches the limitation of Claim 15 because “Vehicle 1’s position may be **determined** in whole or in part by GPS” (Petition at 48-49); and (ii) Phillips teaches this limitation because “the system uses GPS to **determine** the location of the vehicle 110” (Petition at 85). Petitioner makes no attempt at reconciling its two constructions of the term

“registering” – “storing” in Claim 12 and “determining” in Claim 15. Petition at 48-49 (applying Baese), 85-87 (applying Phillips).

Petitioner’s expert parrots the same inconsistent claim constructions. For Claim 12, he explicitly equates “registering” with “storing” (Ex. 1006, ¶¶116 (in connection with Baese), 167 (in connection with Phillips)), and for Claim 15, he inconsistently equates “registering” with “determining” (*id.*, ¶134 (in connection with Baese), ¶191 (in connection with Phillips), ¶203 (incorporating with regard to Ground 5)).

As Baese is relied on for Grounds 1 and 2 and Phillips is relied on for Grounds 3 through 5, this claim construction inconsistency permeates all five Grounds. *See* Petition at 7. Petitioner incorporates its primary arguments regarding Baese and Phillips into each Ground. *See id.* at 51 (incorporating prior arguments for purposes of Ground 2, Baese obviousness), 88 (incorporating prior arguments for purposes of Ground 4, Phillips obviousness), 89 (incorporating prior arguments for purposes of Ground 5, Phillips-Soliman obviousness). In addition, Petitioner’s erroneous and inconsistent claim constructions impact all Challenged Claims as Claim 12 is the independent claim from which the others depend.

For this reason alone (and in conjunction with the further claim construction

issues discussed below), Petitioner has failed to satisfy its burden.²

2. Petitioner’s construction ignores explicit claim language to limit the claims to a “single embodiment of using GPS by itself”

Additionally, Petitioner asserts that “claim 12’s literal scope must include **the single embodiment of using GPS by itself** to determine the exact parking space location of the vehicle,” because, according to Petitioner, dependent “Claim 15 requires GPS to determine the vehicle’s location.” Petition at 9. Petitioner’s expert parrots this faulty logic. EX1006 at ¶43 (“Simple logic therefore dictates that claim 12 must include the single embodiment of using GPS by itself to determine the exact parking space location of the vehicle.”).

As such, the Petitioner and its expert contend that (i) the claims cover only a “single embodiment” (ii) of “using GPS by itself”. As addressed below, they also allege (iii) that the specification only describes not using GPS. Each of these is wrong and fatally infect the Petition such that it should be denied.

First, Claim 12 does not even mention GPS:

12. A method of utilizing a Bluetooth transceiver for conveying desired information, the method comprising steps of:

² Also in connection with Limitation 12(c), Petitioner fails to provide any claim construction for what it means to register “using information provided by the Bluetooth transceiver.”

employing the Bluetooth transceiver integrated within a vehicle, the Bluetooth transceiver configured to transmit a Bluetooth signal detectable by a Bluetooth circuit of a mobile device located within a communication range of the respective Bluetooth transceiver;

registering an exact parking space location of the vehicle on the mobile device using information provided by the Bluetooth transceiver; and

subsequently using the mobile device to provide navigation to the parking space location where the vehicle is parked.

Ex. 1001 at 74:20-33. Contrary to the Petition, Claim 12’s “literal scope,” therefore, does not require GPS. *Cf.* Petition at 9.

Second, Petitioner erroneously reads into Claim 12 the Claim 15 reference to GPS. *See* Petition at 9. Contrary to Petitioner’s rationale, however, Claim 15 does not modify a Claim 12 limitation to require a GPS-only embodiment. Rather, Claim 15 adds a new limitation to Claim 12. Petitioner fails to acknowledge that Claim 12 is a “comprising” claim. It is black letter law that the “comprising” transition allows for the claimed method to cover additional elements. *See, e.g., Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501 (Fed. Cir. 1997) (“‘Comprising’ is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim.”).

Consistent with the Claim 12 transition, Claim 15 expressly recites: “The method as recited in claim 12, **further comprising** a step of: employing a Global Positioning System (GPS) to register the location of the exact parking space location

of the vehicle.” Ex. 1001 at 74:49-53 (emphasis added). Petitioner simply fails to acknowledge that Claim 12 is a “comprising” claim and ignores the “further comprising” language of Claim 15. *See David Netzer Consulting Eng’r LLC v. Shell Oil Co.*, 824 F.3d 989, 996 (Fed. Cir. 2016) (holding that the elements following “further comprising” in a claim demonstrates that the limitation was not part of the preceding limitations); *see also Celgene Corp. v. Hetero Labs Ltd.*, No. CV-17-3387, 2020 WL 3249117, at *12 (D.N.J. June 16, 2020) (applying the holding of *David Netzer* to show that limitations following a “further comprising” transition in a dependent claim added distinct elements from the independent claim); *cf. Philips N. Am. LLC v. Garmin Int’l, Inc.*, No. 2:19-CV-06301, 2020 WL 13558945, at *12-13 (C.D. Cal. Aug. 28, 2020), *aff’d*, No. 2022-2255, 2024 WL 3824807 (Fed. Cir. Aug. 15, 2024) (finding that dependent claim including “further comprises a GPS receiver” supports the conclusion that the claim from which it depends does not require a system absent a GPS receivers); *see also generally Askeladden L.L.C. v. LLC*, No. IPR2018-00746, 2018 WL 4090631 (P.T.A.B. Aug. 27, 2018) (treating multiple dependent claims’ use of “further comprising” from the claims they depend as distinct limitations from the prior claims).

Petitioner’s assertion that the “literal scope” of Claims 12 and 15 covers a single, GPS-only embodiment (Petition at 9) and Petitioner’s expert’s mimicry that “[s]imple logic therefore dictates that claim 12 must include the single embodiment

of using GPS by itself...” (Ex. 1006, ¶43) is simply wrong. Claim 15’s “further comprising” an additional limitation that employs GPS to register the vehicle parking location cannot be used to read out the limitations in Claim 12’s “registering” step. *See, generally*, 35 U.S.C. § 112(d).

To be clear, that Petitioner’s expert reiterates the erroneous position does not save it. Because “extrinsic evidence cannot alter any claim meaning discernible from intrinsic evidence,” Petitioner’s expert’s claim construction opinions can be disregarded. *CR Bard, Inc. v. US Surgical Corp.*, 388 F.3d 858, 862 (Fed. Cir. 2004); *see also ParkerVision, Inc. v. Qualcomm Inc.*, 116 F.4th 1345, 1357 (Fed. Cir. 2024) (“Extrinsic evidence, including expert . . . testimony . . . is ‘less significant than the intrinsic record in determining the legally operative meaning of claim language.’” (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005) (internal quotation marks omitted))). Also, expert testimony that is “conclusory, unsupported and unspecific” cannot substitute for proof. *TQ Delta v. Cisco*, 942 F.3d 1352, 1358-60, 1362-63 (Fed. Cir. 2019).

This faulty logic permeates into other parts of the Petition. For example, Petitioner’s repeated description of the ’193 Patent’s claims as “GPS-based RTP claims” (Petition at 18-19) is an unsupported mischaracterization.

As such, despite asserting that “no claim terms require a formal construction for evaluation of this petition” and that they were “appl[ying] the ordinary and

customary meaning for all claim terms” (Petition at 20; Ex. 1006 at ¶ 26), Petitioner and its expert are assigning a construction (albeit, inconsistently and erroneously) to the Challenged Claims.

Petitioner provides no support—and, indeed, there is none—for its position that the claims are directed to a “single embodiment” of “using GPS by itself.”

In light of Petitioner’s incorrect assertions, faulty logic and internal contradictions regarding claim construction, the Petition fails to present a reasonable claim construction and fails to comply with the requirement to “[p]rovide a statement” identifying “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b). The Board should deny institution on this basis alone. *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00966, Paper 12 at 8 (P.T.A.B. Dec. 13, 2024).

C. The Petition Mischaracterizes the Specification

Petitioner also repeatedly mischaracterizes the disclosure of the ’193 Patent in connection with mischaracterizing the scope of the claims and in trying to color this IPR with its baseless “shenanigans” argument. Contrary to Petitioner’s “shenanigans” argument, the specification does not “completely contradict the claimed embodiment.” Petition at 1, 10, 18. As an initial matter, as shown above, Petitioner mischaracterizes what the “claimed embodiment” is. *See, supra*, § II.B. Even setting that aside, the ’193 Patent specification does not, as Petitioner argues,

only describe not using GPS.

1. The Specification Expressly Contemplates—and Does Not Exclude—the Use of GPS

Petitioner attempts to support its argument by relying on statements in the specification that address certain limitations of GPS (Petition at 11-17), but none of those statements excludes the use of GPS. For example, the specification's statements that the invention provides navigation "without the need for" GPS (*see id.* at 13-14) simply indicate that GPS is not required. They do not foreclose the use of GPS.

Indeed, the specification discloses embodiments that *can* incorporate GPS, stating, *e.g.*:

- "From the outset, the navigation system was ... designed with the capability to utilize existing technology so the navigation system can be deployed as a stand-alone system **or in tandem with existing systems.**" (Ex. 1001 at 34:21-24 (emphasis added));
- "In all, the unique disclosed method can be summarized as follows: Provides direct communication between the area (waypoints) and the user (the beacon navigation application **and/or the Global Positioning System (GPS).**)" (*id.* at 34:36-38 (emphasis added)); and

- “In yet another application, **provided as a Global Positioning System (GPS) add-on**, referred to as Navigation 1113 [in Fig. 10], the series of RF tags or beacons 102 can be used to determine a location of a receiving device, such as the cellular telephone 101 or another mobile device, and can additionally be used to obtain and provide navigation. This is particularly beneficial in areas where the Global Positioning System (GPS) is ineffective, such as within an indoor environment.” (*id.* at 70:30-35 (emphasis added)).

Here, again, Petitioner takes an inconsistent position. On the one hand, Petitioner relies on GPS add-on systems as part of the general knowledge of a POSITA and as the basis for Baese’s teachings. *See, e.g.*, Petition at 20. On the other hand, Petitioner simultaneously asserts that the ’193 Patent excludes such systems. The ’193 Patent’s specification expressly contemplates GPS used in conjunction with other systems, which is precisely the configuration Petitioner attributes to Baese. Petitioner’s attempt to narrow the ’193 Patent’s disclosure only when convenient should be rejected.

2. Petitioner Has Not Argued Disclaimer, Nor Is There Any

Furthermore, while Petitioner suggests disclaimer, it does not argue it. In any event, there is no disclaimer. “To disavow claim scope, the specification must contain expressions of manifest exclusion or restriction, representing a clear

disavowal of claim scope.” *IQRIS Techs. LLC v. Point Blank Enters., Inc.*, 130 F.4th 998, 1004 (Fed. Cir. 2025) (quotation marks and citations omitted). “The standard for disavowal is exacting, requiring clear and unequivocal evidence that the claimed invention includes or does not include a particular feature.” *IQRIS*, 130 F.4th at 1005; *see also Thorner v. Sony Computer Entm’t Am. LLC*, 669 F.3d 1362, 1366 (Fed. Cir. 2012).

None of the ’193 Patent’s disclosures about GPS clearly and unequivocally evidence a disclaimer. As demonstrated by the claims themselves and the specification, the use of GPS was expressly contemplated by the inventor. *See supra*. To the extent the use of GPS is a non-preferred embodiment, that is irrelevant, as claim scope is not limited to preferred embodiments. *Kara Tech. Inc. v. Stamps.com Inc.*, 582 F.3d 1341, 1348 (Fed. Cir. 2009) (“The patentee is entitled to the full scope of his claims, and we will not limit him to his preferred embodiment or import a limitation from the specification into the claims.”); *Interactive Gift Exp., Inc. v. Compuserve Inc.*, 256 F.3d 1323, 1343 (Fed. Cir. 2001) (claims covered “non-preferred embodiments” that specification described as “impractical and uneconomical”).

There are no “shenanigans” by Patent Owner. The ’193 Patent specification does not exclude the use of GPS and actually acknowledges its use, including the disclosed beacon technology as an add-on to GPS.

3. Petitioner's Arguments About the Specification Are Irrelevant to the Asserted Grounds

Petitioner's flawed argument about the purported lack of disclosure in the '193 Patent or the '583 Patent about using GPS is also irrelevant to the Petitioner's asserted Grounds.

First, the Petition does not—and, by law, cannot—assert any unpatentability grounds based on 35 U.S.C. § 112. *See* 35 U.S.C. § 311(b).

Second, the Petition does not challenge the priority date of any of the Challenged Claims, nor do the asserted grounds depend on any references whose prior art status depends on the effective filing date. Baese (Ex. 1003) published in 2002, Phillips (Ex. 1004) published in 2003, and Soliman (Ex. 1005) issued in 2000—all of which are more than one year prior to the '193 Patent's claimed priority date.

Third, Petitioner's assertion that the applicant for the '193 Patent “prevented the Office from performing a thorough, accurate, date-based examination” (Petition at 19) ignores that the Examiner was clearly aware of and considered earlier applications in the '193 Patent family. *See, e.g.*, Ex. 1001 p. 2 (references cited in the '193 Patent include one published application that later issued and three patents in the same family as the '193 Patent); Ex. 1013 at 30 (acknowledging Examiner's consideration of U.S. Patent Nos. 8,896,485, 9,204,251, and 9,538,332).

Petitioner doubles down on its baseless allegations in its Opposition to PO's Discretionary Denial brief, accusing PO of deceiving the Patent Office by adding new matter to its divisional applications. This accusation has no bearing on the Grounds asserted and, in any event, Petitioner identifies no evidence of any impact on the examination of the '193 Patent. The prior art underlying the Grounds predates the earliest priority date of the '193 Patent, making Petitioner's theory irrelevant on its face. Petitioner also asserts that PO misrepresented the '193 Patent's priority claim, yet again fails to show how any clerical mistake caused harm or influenced the allowance of the claims.

PO will address these assertions in full if a reply to its DD brief is permitted.

D. The Petition Mischaracterizes the State of the Art

Petitioner mischaracterizes the state of the art by wrongly implying that the use of Bluetooth in one manner necessarily teaches or suggests all uses of Bluetooth or the claimed invention. *Intervet Inc. v. Boehringer Ingelheim Vetmedica, Inc.*, IPR2018-01788, Paper 9 at 8-9 (P.T.A.B. Apr. 16, 2019) (holding the Board's rules do not require the Board to accept any unsupported characterization of the prior art, citing 37 C.F.R. § 42.22(a)(2)).

For example, Petitioner argues that "helping someone locate a parked car using Bluetooth communication between the car and a mobile phone was envisioned as an early application of Bluetooth" citing to Exhibit 1015. Petition at 9 (citing Ex.

1015 at 41; Ex. 1). The cited portion of Exhibit 1015, however, discusses a Bluetooth transmission from “vehicle to a receiver in the garage” to “note[] the time of entry and enter[] that information into its database.” That is not the claimed invention, which requires, among other things, registering the vehicle’s parking location “*on the mobile device* using information provided by the Bluetooth transceiver[.]” Ex. 1001 at claim 12. *See, e.g., Intervet Inc.*, IPR2018-01788, Paper 9 at 8-9 (holding that a violation of the rules requiring petition to contain a “full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence ... pervades every ground of unpatentability raised in the Petition, and warrants denial of review on that basis alone”).

The Petition also suggests that Ex. 1010 discloses the use of Bluetooth to determine vehicle location (Petition at 9), but this reference never even mentions Bluetooth.

E. The Petition Fails to Provide an Adequate Basis to Combine Phillips And Soliman

In Ground 5, Petitioner relies on Phillips as disclosing all limitations of the Challenged Claims except for one: determining the “exact parking space location of the vehicle,” which it argues is disclosed by Soliman. Petition at 89.

To establish that a combination of prior art references renders a claimed invention obvious, the petitioner must show that a POSITA at the time the invention was made would have (1) been motivated to combine the teachings of the prior art

references and (2) had a reasonable expectation of success in making such combination. *See, e.g., Samsung Elecs. Co. v. Elm 3DS Innovations, LLC*, 925 F.3d 1373, 1380-81 (Fed. Cir. 2019) (holding that a patent challenger must show both a motivation to combine and a reasonable expectation of success; affirming Board’s finding of lack of reasonable expectation of success despite that the references were in the “same technological field”); *Eli Lilly & Co v. Teva Pharm. Int’l GmbH*, 8 F.4th 1331, 1344 (Fed. Cir. 2021) (“[W]e must first emphasize the clear distinction in our case law between a patent challenger's burden to prove that a skilled artisan would have been motivated to combine prior art references and the additional requirement that the patent challenger also prove that the skilled artisan would have had a reasonable expectation of successfully achieving the claimed invention from the combination.”); *see also Procter & Gamble Co. v. Teva Pharm. USA, Inc.*, 566 F.3d 989, 994 (Fed. Cir. 2009) (“A party seeking to invalidate a patent based on obviousness must demonstrate ‘by clear and convincing evidence that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.’” (quoting *Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1361 (Fed. Cir. 2007))). It is Petitioner’s burden to demonstrate **both** a motivation to combine **and** a reasonable expectation of success. *See In re Magnum Oil Tools Int’l Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016). Mere conclusory

statements are insufficient. *Id.* at 1380.

As the purported motivation to combine Phillips and Soliman, Petitioner relies primarily on paragraph 43 of Phillips, which Petitioner argues “both cites Soliman and incorporates it by reference.” Petitioner argues this citation and incorporation by reference “would lead a POSA to use Soliman’s method for determining the location of the vehicle.” *Id.*

Paragraph 43 of Phillips, however, identifies Soliman as one of *five different patents* that Petitioner alleges incorporates Soliman by reference:

[0043] Furthermore, various aspects of the present disclosure may be configured to allow the position of a mobile unit to identified using a minimum number of GPS satellites. It is contemplated that any GPS-based location system known in the art may be used in the present disclosure, such as gpsOne. Further methods useful in the present disclosure include *U.S. Pat. Nos. 6,081,229, 6,166,685, and 6,188,354 Bl to Soliman, et al.; 6,134,483 to Vayanos et al.; and 6,058,338 to Agashe et al.*, all assigned to the assignee of the present disclosure and incorporated by reference as through fully set forth herein.

Ex. 1004 at ¶ 43. This is insufficient. Even if a POSITA were motivated to look at paragraph 43 of Phillips to modify its disclosure, Petitioner and its expert fail to explain how or why a POSITA would have been motivated to modify Phillips specifically with Soliman, as opposed to any of the other four patents identified in paragraph 43. *See KSR Int’l Co. v. Teleflex Inc.*, 550 US 398, 418 (2007) (holding that to make a showing of obviousness requires some rational underpinning to combine the prior art elements as claimed to support the conclusion of obviousness);

see also Interconnect Plan. Corp. v. Feil, 774 F.2d 1132, 1143 (Fed. Cir. 1985) (“When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.”).

Petitioner’s and its expert’s assertions about having a reasonable expectation of success in combining Phillips and Soliman are merely conclusory and thus should be disregarded. *Id.* All that is said is that “Soloman would be readily usable in Phillips and is amply described” and “assigned to a common assignee.” Petition at 90; Ex. 1006 at ¶ 206.

F. Petitioner’s Relationship With Samsung

Although Petitioner is not a named defendant in the EDTX Litigation and Samsung is not identified as a real party in interest (“RPI”) in this Petition, as explained in PO’s Discretionary Denial brief, the two companies have a longstanding and structured business relationship governing the distribution and operation of Google’s Android applications and services on the accused Samsung devices, including Android Auto, which is included in PO’s infringement read against the accused Samsung devices. Paper 6 at 17-19; *see also* Ex. 2010-2013 (agreements between Petitioner and Samsung); Ex. 2020 at Count III; Ex. 2021.

In addition, new evidence recently produced by Samsung in the EDTX Litigation (after PO filed its Discretionary Denial brief) further suggests that

Samsung may, in fact, be an RPI in this IPR. These materials shed additional light on the nature and extent of Samsung's relationship with Petitioner and Samsung's potential stake in the outcome of this proceeding.

This relationship creates aligned legal and economic interests in the outcome of both the EDTX Litigation and this IPR. Under Federal Circuit and PTAB precedent, such alignment—particularly where one party stands to benefit directly from the invalidation of the challenged patent—is relevant to determining whether an unnamed entity should be treated as an RPI or privy. *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351 (Fed. Cir. 2018) (“AIT”) (RPI inquiry turns on whether the non-named party is a “clear beneficiary” or has a “preexisting, established relationship” with the petitioner). The PTAB has repeatedly applied this framework to find RPIs where aligned interests and coordinated activities exist. *See, e.g., Ventex Co. v. Columbia Sportswear N. Am., Inc.*, IPR2017-00651, Paper 148 at 7-11 (P.T.A.B. Jan. 24, 2019) (precedential) (finding RPI where petitioner had a close commercial relationship and shared litigation interests with a third party); *SharkNinja Operating LLC v. iRobot Corp.*, IPR2020-00734, Paper 11 at 18-20 (P.T.A.B. Oct. 6, 2020) (precedential) (emphasizing that the Board must consider whether a non-named party is a “clear beneficiary” of the petition).

At present, however, the new evidence is designated “Confidential – Attorneys’ Eyes Only” under the protective order in the EDTX Litigation. PO has

requested that Samsung permit their use in this IPR, but Samsung has not yet responded. Until Samsung provides consent or the designation is modified, PO is constrained in its ability to present this evidence to the Board to prove that Samsung is a real party in interest.

G. Reservation of Rights

In addition to the foregoing fundamental flaws in the Petition, PO disputes that Petitioner's grounds teach the Challenged Claims. PO will address these deficiencies in detail if the Petition is instituted.

III. CONCLUSION

In light of the deficiencies identified above, Petitioner fails to show that it has a reasonable likelihood of prevailing on any of the proposed grounds, and the Board should deny institution of an IPR proceeding.

Date: April 6, 2026

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), the undersigned hereby certifies that the foregoing Patent Owner's Preliminary Response to Petition for *Inter Partes* Review contains 5,495 words using the word count feature of Microsoft Word.

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2026, I caused a true and correct copy of the foregoing Patent Owner's Preliminary Response to be served via electronic mail upon the following attorneys of record for the Petitioner:

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