

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K-40 ELECTRONICS, LLC,
Petitioner,

v.

ESCORT, INC.,
Patent Owner.

Case IPR2013-00203
Patent 7,999,721 B2

Before GLENN J. PERRY, THOMAS L. GIANNETTI, and
TRENTON A. WARD, *Administrative Patent Judges*.

WARD, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a); 37 C.F.R. § 42.73

I. INTRODUCTION

A. Background

K-40 Electronics, LLC (“Petitioner”) filed a Petition for *inter partes* review of claims 1-10 of U.S. Patent No. 7,999,721 B2 (“the ’721 patent”). Paper 1 (“Pet.”). Escort, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 5 (“Prelim. Resp.”). Pursuant to 35 U.S.C. § 314, we instituted *inter partes* review, on August 29, 2013, as to claims 1-10 of the ’721 patent (“challenged claims”). Paper 6 (“Dec.”).

After institution of *inter partes* review, Patent Owner filed a Response (Paper 12, “PO Resp.”) and Petitioner filed a Reply (Paper 18, “Pet. Reply”). Oral hearing was held on June 17, 2014. The hearing transcript has been entered in the record as Paper 44 (“Tr.”). The hearing included live oral testimony from the named inventor of the ’721 patent, Steven K. Orr. Tr. 5:10–41:11.

The Board has jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, we determine that Petitioner has shown by a preponderance of the evidence that claims 1-10 of the ’721 patent are unpatentable.

B. Related Proceeding

In addition to this Petition, we instituted *inter partes* review on October 11, 2013 based on Petitioner’s challenges to the patentability of certain claims of Patent Owner’s U.S. Patent No. 6,670,905 (IPR2013-00240).

C. The ’721 Patent

The ’721 patent (Ex. 1001) is titled “Radar Detector with Navigational Function” and generally relates to a Global Positioning System (“GPS”)-enabled radar detector designed to process radar sources dynamically based on previously-

stored geographically referenced information. Ex. 1001, Abstr. The patent explains that in the spectrum allocated by the Federal Communications Commission for police radar systems, there are increasing numbers of signals generated by other applications. Ex. 1001, col. 2, ll. 12-22. “As a result, radar detectors are increasingly generating false alarms, effectively ‘crying wolf,’ reducing the significance of warnings from radar detectors.” *Id.* at col. 2, ll. 19-22. The patent describes a radar detector that includes technology for determining the location of the detector, and comparing this location to the location of known false alarm sources so as to vary the alarm provided by the radar detector in response to false alarm sources. *Id.* at col. 4, ll. 21-39. Figure 1 of ’721 patent is reproduced below:

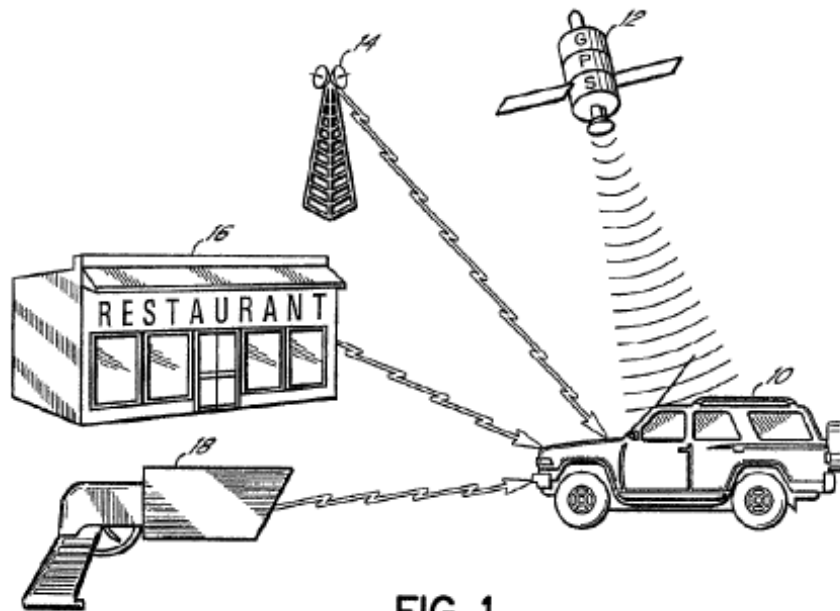


FIG. 1

'721 patent, Figure 1

As shown above in Figure 1, the '721 patent describes that vehicle 10 can be equipped with a radar detector having a GPS receiver enabled to identify its present coordinates so as to distinguish between police radar gun 18 and a false alarm radar signal from a stationary source at restaurant 16. *Id.* at col. 8, ll. 28-45. Furthermore, the patent describes that in “location lockout” mode, the GPS-enabled radar detector can access a database and suppress all audible warnings of radar signals at a particular location associated with a known source of spurious police radar signals. *Id.* at col. 15, ll. 9-16.

Claims 1 and 2 illustrate the claimed subject matter and are reproduced below:

1. A navigation and police activity warning device comprising:

a receiver section receiving signals generated in the context of law enforcement activity,

a warning section responding to the receiver section and providing a warning if a received signal correlates to a law enforcement signal, the warning produced by the warning section varying in relation to a vehicle location derived from a position determining circuit,

a navigational system providing a graphical display and navigational functions, the display including a display of navigational information including a map and stored geographic locations on said map for which the device stores data that is used by said warning section in varying the warning produced in response to a law enforcement signal.

2. A police warning receiver comprising:

a receiver section adapted to receive electromagnetic signals indicative of police activity;

an alert section responsive to the receiver section and adapted to provide an alert if a received electromagnetic signal correlates to a police signal;

a position determining circuit generating a location signal; and

storage for information associated with geographic locations.

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C. §§ 102 and/or 103 on the following specific grounds:

Reference(s)	Basis	Claims challenged
US 6,233,589 (Ex. 1002) (“Hoffberg”)	§ 102	1-10
US 6,204,798 (Ex. 1003) (“Fleming, III”)	§ 102	2-8 and 10
Fleming, III and Hoffberg	§ 103	2-10

Pet. 19-45. We instituted *inter partes* review on all grounds on all challenged claims. Dec. 14.

D. Claim Construction

Consistent with the statute and the legislative history of the AIA, the Board will interpret claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012); 37 C.F.R.

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