

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner,

v.

UNWIRED PLANET, LLC,  
Patent Owner.

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Case IPR2014-00036  
Patent 7,024,205 B1

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Before MICHAEL W. KIM, JENNIFER S. BISK, and  
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

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

I. INTRODUCTION

On October 8, 2013, Google Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–6 (“the challenged claims”) of U.S. Patent No. 7,024,205 B1 (Ex. 1001, “the ’205 Patent”). On April 8, 2014, we instituted trial for all the challenged claims of the ’205

IPR2014-00036  
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Patent on certain of the grounds of unpatentability, under 35 U.S.C. § 103, that were alleged in the Petition. Paper 12 (“Decision to Institute” or “Inst. Dec.”).

After institution of trial, Patent Owner, Unwired Planet, LLC (“Patent Owner”) filed a Patent Owner Response (Paper 23, “PO Resp.”). Petitioner filed a Reply to the Patent Owner Response (Paper 25, “Pet. Reply”).

A consolidated oral hearing for CBM2014-00004, CBM2014-00005, CBM2014-00006, IPR2014-00027, IPR2014-00036, and IPR2014-00037, each involving the same Petitioner and the same Patent Owner, was held on January 13, 2015. The transcript of the consolidated hearing has been entered into the record. Paper 31 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 328(a) and 37 C.F.R. § 42.73.

Petitioner has shown by a preponderance of the evidence that claims 1–6 of the ’205 Patent are unpatentable.

#### A. *The ’205 Patent*

The ’205 Patent relates to subscriber delivered, location-based services. Ex. 1001, 1:14. The ’205 Patent states that location-based service systems have been implemented or proposed for wireless networks. *Id.* at 1:28–30. According to the ’205 Patent, these systems generally involve determining location information for a wireless transceiver and processing the location information to provide an output desired for a particular application. *Id.* at 1:30–33. The ’205 Patent indicates that location-based services can be expanded by receiving a service request from subscriber equipment and delivering to the subscriber equipment information based, at least in part, on a location of the subscriber equipment. *Id.* at 1:59–67. The

'205 Patent provides exemplary requests for services: \*TRAFFIC, \*HOTEL, \*TOW, \*PIZZA, and \*ATM. *Id.* at 2:32–35. The '205 Patent also states that location-based services can be enhanced by personalizing the services provided by processing a request based, at least in part, on stored information regarding a subscriber. *Id.* at 2:9–14. Subscriber information may include account numbers, credit card numbers, other financial information, lodging preferences, price limitations, and discount programs. *Id.* at 2:14–19.

### B. *Related Matters*

Petitioner states that the '205 Patent has been asserted against Petitioner in the following district court case: *Unwired Planet, LLC v. Google, Inc.*, No. 3:12-cv-504 (D. Nev.). Pet. 1, 59. Additionally, Petitioner filed another petition in CBM2014-00005, which seeks covered business method patent review of the '205 Patent. A Final Written Decision in CBM2014-00005 is entered concurrently with this decision.

Furthermore, U.S. Patent No. 7,203,752 (“the '752 patent”) and U.S. Patent No. 7,463,151 (“the '151 patent”) are involved in the same district court proceeding identified above, and also concern location-based mobile service technology. The '752 patent and the '151 patent are not, however, in the same patent family as the '205 Patent. Petitioner has requested Office review of the '752 patent (Case Nos. CBM2014-00006 and IPR2014-00037) and the '151 patent (Case Nos. CBM2014-00004 and IPR2014-00027).

*C. Illustrative Claim*

Of the challenged claims, only claim 1 is independent. Claims 2–6 each depend directly from claim 1. Claim 1 is reproduced below:

1. A method for providing location based services in a wireless network comprising the steps of:
  - receiving, on a network platform in communication with a subscriber using a mobile unit via an air interface, a service request requesting service provider information regarding said location based services, said service request including service type information identifying a type of service for which said service provider information is requested;
  - obtaining, on said network platform, location information regarding a location of said mobile unit determined using a network assisted location finding technology, said technology being operative to provide location information regarding said mobile unit based at least in part on a position of the mobile unit in relation to a known location of a stationary ground based network structure;
  - identifying, on said network platform, first and second service providers and associated first and second service provider information based upon said service type information and said determined location of said mobile unit wherein said first service provider is farther from said mobile unit than said second service provider;
  - accessing stored subscriber independent prioritization information, separate from said service type information, relating to a prioritization for presenting service provider information to a subscriber, said stored prioritization information establishing a basis independent of proximity and independent of any subscriber preferences for prioritizing said first and second service provider information;
  - based upon said stored prioritization information, prioritizing said first and second service provider information, wherein said first location information is assigned a higher priority than said second location information; and
  - outputting both said first and second service information on said mobile unit based upon said step of prioritizing.

*D. The Prior Art Relied Supporting Alleged Unpatentability*

Google relies on the following references:

Reference	Patent No.	Publication Date/ Issued Date	Exhibit No.
Remy	EP 0647076	Publication Date: Apr. 5, 1995	Ex. 1005 <sup>1</sup>
Hopkins	WO 97/22066	Publication Date: June 19, 1997	Ex. 1006
Brohoff	US 6,108,533	Issued Date: Aug. 22, 2000	Ex. 1013

Wilbert O. Galitz, *The Essential Guide to User Interface Design-An Introduction to GUI Design Principles and Techniques*, 120–21, John Wiley & Sons, Inc. (1997) (“Galitz,” Ex. 1007).

Laura Rich, *IQ News: New Search Engine Allows Sites To Pay Their Way To Top*, <http://www.adweek.com> (Feb. 23, 1998) (“Rich,” Ex. 1008).

*E. The Pending Grounds of Unpatentability*

The following chart summarizes Petitioner’s pending patentability challenges.

Reference	Basis	Claims Challenged
Brohoff and Galitz	§ 103	1–3, 5, and 6
Brohoff, Galitz, and Rich	§ 103	4
Remy and Hopkins	§ 103	1–6

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<sup>1</sup> Remy is a French language publication. Petitioner submitted both the French language publication, as well as an English language translation of Remy, as a single exhibit, Exhibit 1005. All citations herein are to the English language translation.

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