

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GEOTAB INC. and TV MANAGEMENT, INC., d/b/a GPS NORTH  
AMERICA

*Petitioners,*

v.

PERDIEMCO LLC,

*Patent Owner*

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Case IPR2016-01063  
U.S. Patent No. 8,717,166

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**PATENT OWNER'S MOTION TO TERMINATE FOR FAILURE TO  
LIST SKYBITZ INC. AS A REAL PARTY IN INTEREST**

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**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Exhibit Description</b>
2003	Excerpts from the deposition of Todd Lewis (8/4/16)
2004	“SkyBitz, a Telular Company, Enters Agreement to Acquire Reltima and GPS North America,” Press Release (6/23/15)
2005	“SkyBitz Local Fleets: About Us” webpage, <i>available at</i> <a href="http://www.skybitz.com/local-fleets/about-us/overview">http://www.skybitz.com/local-fleets/about-us/overview</a>
2006	Telular Corporation “Portfolio” webpage, <i>available at</i> <a href="http://www.telular.com/#Portfolio">http://www.telular.com/#Portfolio</a>
2007	Email chain between PerDiem counsel Alan Whitehurst, PerDiem counsel Kevin Chu, and GPSNA counsel Michael Femal, dated 9.27.16 through 10.4.16
2008	Email chain between PerDiem counsel Alan Whitehurst and GPSNA counsel Michael Femal, dated 9.15.16 and 9.26.16

## I. INTRODUCTION

Pursuant to 35 U.S.C. § 312(a)(2), 37 C.F.R. § 42.8(b)(1), and 37 C.F.R. §42.72, Patent Owner PerdiemCo LLC (“PerDiem”) respectfully requests that this IPR proceeding be terminated for failure to list a real party in interest. The Board provided authorization for PerDiem to file this motion to terminate in an email dated October 19, 2016.

Specifically, this proceeding should be terminated because the evidence clearly shows that an undisclosed company — SkyBitz Inc. — is a real party in interest for Petitioner TV Management, Inc. d/b/a GPS North America (“GPSNA”). Indeed, Todd Lewis — the former CEO of GPSNA and current Vice President of SkyBitz — made clear in recent deposition testimony that GPSNA has been wholly subsumed within SkyBitz and does not exist anymore as a defined corporate entity.<sup>1</sup> Thus, SkyBitz easily

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<sup>1</sup> Mr. Lewis’ testimony was designated confidential in the co-pending litigation where it was given. PerDiem did not receive GPSNA’s consent to de-designate this testimony until October 4, 2016 (Ex. 2007), which was well after the September 7 due date for PerDiem’s Preliminary Response in this proceeding. Thus, PerDiem could not have effectively raised the real-party-in-interest issue in its Preliminary Response. PerDiem instead sought (and received) the Board’s authorization to raise the issue via this Motion to Terminate. Given that the Board authorized PerDiem to raise the real-party-in-interest issue via this Motion, Petitioners cannot argue that this Motion is somehow tardy or improper just because PerDiem did not raise the real-party-in-interest issue in its Preliminary Response.

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