

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GEOTAB INC., AND
TV MANAGEMENT, INC., D/B/A GPS NORTH AMERICA,
Petitioners,

v.

PERDIEMCO LLC,
Patent Owner.

Case IPR2016-01063
Patent 8,717,166 B2

Before WILLIAM V. SAINDON, CARL M. DeFRANCO, and
AMBER L. HAGY, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioners¹ request an *inter partes* review of claims 1–10, 13–16, and 19–25 of U.S. Patent No. 8,717,166 B2 (Ex. 1001, “the ’166 patent”). Paper 5 (“Pet.”). Patent Owner filed a Preliminary Response to the Petition. Paper 14 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” *See also* 37 C.F.R. § 42.4(a). Upon consideration of the Petition and Patent Owner’s Preliminary Response, we institute an *inter partes* review on all challenged claims of the ’166 patent.

Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far. This is not a final decision as to the patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record as fully developed during trial.

A. Related Matters

Petitioners represent that the ’166 patent has been asserted in the following cases in the Eastern District of Texas: *PerdiemCo LLC v. Geotab Inc. et al*, Case No. 2:15-cv-00726; *PerdiemCo, LLC. v. Industrack LLC*, Case No. 2:15-cv-00727; *PerdiemCo, LLC. v. Omnivations II, LLC D/B/A Fleetronix*, Case No. 2:15-cv-00729; *PerdiemCo, LLC. v. Teletrac, Inc. et*

¹ On August 15, 2016, Petitioners Teletrac Inc. and Navman Wireless North America, Ltd., moved to terminate the proceedings with respect to themselves only. Paper 11. The Board granted that motion on August 24, 2016, leaving as Petitioners Geotab Inc. and TV Management, Inc., d/b/a GPS North America. Paper 13.

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al; Case No. 2:15-cv-00730; *Perdiem Co LLC v. GPS Logic, LLC*; Case No. 2:15-cv-01216; *PerdiemCo LLC v. TV Management, Inc. d/b/a GPS North America*, Case No. 2:15-cv-01217; *PerdiemCo, LLC. v. thingtech LLC*, Case No. 2:15-cv-01218; *PerdiemCo, LLC. v. LiveViewGPS, Inc.*, Case No. 2:15-cv-01219. Pet. 2.

Patent Owner represents that the '166 patent “was formerly the subject of co-pending litigation” in *PerdiemCo, LLC v. Industrack LLC, et al.*, Case No. 2:15-cv-727-JRG-RSP (E.D. Tex.) and *PerdiemCo, LLC v. GPSLogic, LLC et al.*, No. 2:15-cv-16616-JRG-RSP (E.D. Tex.),² but states that “[Patent Owner] is not currently pursuing any of the '166 claims in those co-pending litigations.” Prelim. Resp. 1.

Petitioners have also filed petitions challenging Patent Owner’s U.S. patent nos. 8,223,012 (IPR2016-01061); 8,493,207 (IPR2016-01062); 9,003,499 (IPR2016-01064); and 9,071,931 (IPR2016-01278).

Petitioners also identify pending U.S. patent application nos.14/629,343 and 14/629,347 as related to the '166 patent. Pet. 3.

B. The '166 Patent (Ex. 1001)

The '166 patent describes a system that conveys information related to an object to one or more users in an “information-sharing environment.” Ex. 1001 at 2:6–7, 5:36–47. According to the '166 patent, various technologies (such as Global Positioning Systems (“GPS”)) may be used to track the location of objects. *Id.* at 6:18–20. The objects tracked may be people (such as a child), vehicles (such as a semi truck or a car), or other

² Patent Owner includes an apparent typographical error in identifying this matter; the correct cause number is 2:15-cv-01216. Pet. 2.

objects or animals (such as a crate or a dog). *Id.* at 6:33–36; *see also* Fig. 1. The objects may be tracked relative to “user-defined zones.” *Id.* at 2:6–14. The system also monitors “events,” which are, for example, instances when a tracked object enters or exits a zone. *Id.* at 2:8–12.

An “information-sharing environment” (ISE) as described in the ’166 patent may include a family or group of friends or it may be larger (e.g., a company). *Id.* at 5:36–42. Multiple ISEs may co-exist within a larger ISE. *Id.* at 5:42–47. An administrator with privileges may configure an ISE by specifying authorized users and giving these authorized users their own privileges. *Id.* at 5:48–51. Various levels of administrator privileges may exist. *Id.* at 5:60–63. Each ISE may be administered to manage conveyance of information among computing devices based on “user identification codes” and/or “group codes.” *Id.* at 6:7–9, 7:55–60. Such codes “may be managed by a control station or may be established based on unique user identification,” and can be associated with “one or more groups, and one or more information access privilege classifications, etc.” *Id.* at 7:11–17. Based on these codes, conveyance of specified object location information may be limited to specified users. *Id.* at 7:55–8:3.

The ’166 patent describes an example scenario in which a mother desires to track her teenage daughter’s activities for the day by tracking the location of the daughter’s car relative to several defined zones. *Id.* at 9:23–67. The mother sets up events so that, when her daughter’s car enters or leaves each defined zone, the mother will receive an alert (such as an email). *Id.* at 9:49–57. The mother may also enable the location information for her daughter’s tracked car to be conveyed to one or more other specified users,

such as the girl's father, without them having knowledge of an access code.
Id. at 11:1–9, 15–24.

C. Challenged Claims

Petitioners challenge claims 1–10, 13–16, and 19–25, of which claims 1, 5, 19, 21, 22, and 25 are independent. Challenged claim 1 is reproduced below.³

1. [a] A method for conveying information related to locations of a plurality of mobile devices of users in a plurality of user groups, comprising:

[b] creating a plurality of information-sharing environments over a network of computing devices comprising interfaces for configuring the plurality of information-sharing environments for users based on varying levels of administrative privileges, [c] wherein the plurality of information-sharing environments comprise a first information-sharing environment and a plurality of second information-sharing environments, [d] said plurality of second information-sharing environments comprising a plurality of independently configurable location information sharing environments created within the first information sharing environment;

[e] configuring the first information-sharing environment based on a first level of administrative privilege to associate one or more users that use the plurality of location information sharing environment with each one of the plurality of user groups;

[f] configuring each one the plurality of location information-sharing environments for each user group independent of one another based on at least one second level of administrative privilege by specifying one or more levels of location information access privilege for at least one authorized user in each user group; and

³ For expediency, Petitioners and Patent Owner both break claim 1 into limitations 1(a)-1(g). We adopt that format herein for ease of reference.

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