

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TV MANAGEMENT, INC., D/B/A GPS NORTH AMERICA,  
Petitioner,

v.

PERDIEMCO LLC,  
Patent Owner.

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Case IPR2016-01064  
Patent 9,003,499 B2

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

HAGY, *Administrative Patent Judge*.

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

## I. INTRODUCTION

PerdiemCo LLC (“Patent Owner”) is the owner of U.S. Patent No. 9,003,499 B2 (Ex. 1001, “the ’499 patent”). TV Management, Inc., d/b/a GPS North America (“Petitioner”)<sup>1</sup> requested an *inter partes* review of claims 1, 3–6, 8, 11, 12, and 16–20 of the ’499 patent. Paper 5 (“Pet.”). We instituted *inter partes* review of all of the challenged claims (Paper 20, “Inst. Dec.”) because Petitioner demonstrated a “reasonable likelihood” of prevailing on those claims. 35 U.S.C. § 314(a).

After institution, Patent Owner filed a Patent Owner Response (Paper 28, “PO Resp.”), and Petitioner followed with a Reply (Paper 37, “Reply”). Each party had an opportunity to present its case in a hearing conducted on September 12, 2017, a transcript of which is in the record. Paper 48 (“Tr.”).<sup>2</sup>

We have jurisdiction over these proceedings under 35 U.S.C. § 6. After considering the evidence and arguments of the parties, we determine that Petitioner has proved by a preponderance of the evidence that the subject matter of claims 1, 3–6, 8, 11, 12, and 16–20 of the ’499 patent is unpatentable. *See* 35 U.S.C. § 316(e). We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a).

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<sup>1</sup> On August 15, 2016, prior to institution, 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. Paper 13. After institution, Petitioner Geotab Inc. and Patent Owner jointly moved to terminate the proceedings as to Geotab Inc. only, Paper 24, and the Board granted that motion on December 29, 2016, leaving as sole petitioner TV Management, Inc., d/b/a GPS North America, Paper 26.

<sup>2</sup> An oral hearing in related Cases IPR2016-01061 and IPR2016-01278 occurred on the same day, with similar issues presented and argued.

## II. BACKGROUND

### *A. Related Matters*

The '499 patent is part of a family of patents that share a common specification and claim priority through a continuation chain to U.S. Patent No. 7,525,425, which in turn claims priority to a provisional application filed on December 23, 2005. Other patents in this family include U.S. Patent Nos. 8,149,113; 8,223,012; 8,493,207; 8,717,166; 9,071,931; 9,119,033; 9,319,471; 9,485,314; 9,621,661; and 9,680,941.

In addition to *inter partes* review of the '499 patent, the Board has instituted the following *inter partes* reviews (“IPRs”) directed to certain claims of the following patents within this patent family:

1. IPR2016-01061 (the '012 patent);
2. IPR2016-01062 (the '207 patent);
3. IPR2016-01063 (the '166 patent);
4. IPR2016-01278 (the '931 patent);
5. IPR2017-00968 (the '314 patent);
6. IPR2017-00969 (the '113 patent);
7. IPR2017-00973 (the '471 patent);
8. IPR2017-01007 (the '033 patent); and
9. IPR2017-01269 (the '661 patent).

Subsequent to institution, two of those IPRs were terminated in an adverse judgment in view of Patent Owner’s disclaimer of all challenged claims.

IPR2016-01062 (Paper 29); IPR2016-01063 (Paper 30).

The '499 patent, along with the '207, '012, '166, and '931 patents, was asserted in the following cases in the Eastern District of Texas, all of which have been terminated: *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 Flectronix*, Case No. 2:15-cv-00729; *PerdiemCo, LLC. v. Teletrac, Inc. et 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.

The '499 patent, along with the '012, '931, '471, '113, '033, and '314 patents, is currently the subject of a co-pending lawsuit in the Eastern District of Texas, which was filed after institution of the present proceeding and after termination of the above-referenced cases: *PerdiemCo LLC v. Telular Corp. et al.*, 2-16-cv-01408. The district court case is currently stayed pending resolution of this IPR proceeding and the related IPR proceedings.

#### *B. The '499 Patent (Ex. 1001)*

The '499 patent describes a system that conveys information related to an object to one or more users in “information-sharing environments.” Ex. 1001, 1:61–62, 5:27–38. According to the '499 patent, various technologies (such as Global Positioning Systems (“GPS”)) may be used to track the location of objects. *Id.* at 6:9–11. The objects tracked may be people (such as a child), vehicles (such as a semi-truck or a car), or other objects or animals (such as a crate or a dog). *Id.* at 6:24–27; *see also id.* at Fig. 1. The objects may be tracked relative to “user-defined zones.” *Id.* at

1:62–2:8, 5:10–14. The system also monitors “event[s],” which are, for example, instances when a tracked object enters or exits a zone. *Id.* at 1:64–2:3.

An “information-sharing environment,” as described in the ’499 patent, may include a family or group of friends or it may be larger (e.g., a company). *Id.* at 5:27–38. Multiple information-sharing environments may co-exist within a larger information-sharing environment. *Id.* at 5:33–35. Administrative functions may be performed within a group as, for example, a “family can set up its own information-sharing environment.” *Id.* at 5:62–65. An administrator with privileges may configure an information-sharing environment by specifying authorized users and giving these authorized users their own privileges. *Id.* at 5:39–42. Various levels of administrator privileges may exist. *Id.* at 5:51–54.

Each information-sharing environment may be administered to manage conveyance of information among computing devices based on “user identification codes” and/or “group codes.” *Id.* at 5:65–67, 7:45–50. Such codes “may be managed by a control station or may be established based on user unique user identification,” and can be associated with “one or more groups, and one or more information access privilege classifications, etc.” *Id.* at 7:2–7. Based on these codes, conveyance of specified object location information may be limited to specified users. *Id.* at 7:45–67. Each user may be associated with a level of access, thereby limiting who may receive the location information. *Id.* at 2:45–3:3, 6:64–7:60.

In one exemplary scenario, a mother can track the location of an object (her daughter’s car) by equipping it with a tracking beacon and assigning it an identification code. *Id.* at 9:12–56. The mother may then use

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