UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERDIEMCO, LLC *Plaintiff*,	§	
	§	Case No. 2:15-cv-01216-JRG Lead Case
vs.	§	
GPS LOGIC, LLC, et al, *Defendants*.	§	

DEFENDANT TV MANAGEMENT, INC. d/b/a GPS NORTH AMERICA'S MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO 35 U.S.C. § 112 ¶¶ 1 AND 2

PerDiem Ex. 2010
Telular Corporation v.
PerdiemCo LLC
Case IPR2017-00969

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2. Requirement under 35 U.S.C. § 112, ¶ 2 that the Claims Point Out and Distinctly Claim the Subject Matter which the Inventor Regards as the Alleged Invention 13

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A. The Asserted Claims Are Not Described in the Patent Specification, and Thus Fail to Satisfy the Written Description Requirement of 35 U.S.C. § 112 ¶ 1. 14

1. The common specification of the Asserted Patents, as well as the prosecution history of the Asserted Patents, unequivocally establish that the inventor required user defined zones and user defined events to be essential claim elements. 14

a. The inventor clearly indicates in the specification and prosecution history that user defined zones and user defined events are "required" elements of the alleged invention. 15

b. The particular embodiments and applications of the alleged invention further evidence that user defined zones and user defined events are "essential" or "critical" elements to the purported invention. 16

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c. The original claims in the prosecution history further evidence that user defined zones and user defined events are "essential" or "critical" elements to the purported invention. 19

2. The Asserted Claims do not include the "required" user defined zone and user defined event elements, and are thus invalid under the written description requirement as being broader than the specification disclosure 20

B. The Asserted Claims Do Not Claim The Subject Matter Which The Inventor Regards as the Alleged Invention, and Thus Fail to Satisfy the Conditions of 35 U.S.C. § 112 ¶ 2. 24

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