

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONITOR TECHNOLOGIES, INC.,
Petitioner,

v.

CENTRAK, INC.,
Patent Owner.

Case IPR2018-00740
Patent 9,622,030 B1

Before JUSTIN T. ARBES, PATRICK M. BOUCHER, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

Petitioner Sonitor Technologies, Inc. (“Sonitor”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–14 and 21–33¹ of U.S. Patent No. 9,622,030 B1 (Ex. 1001, “the ’030 patent”) pursuant to 35 U.S.C. § 311(a). Patent Owner Centrak, Inc. (“Centrak”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”) pursuant to 35 U.S.C. § 313.

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.4(a). After considering the evidence and arguments presented in the Petition and Preliminary Response, we conclude that the information presented does not show there is a reasonable likelihood that Sonitor would prevail in establishing the unpatentability of any challenged claim of the ’030 patent.

Therefore, for the following reasons, we decline to institute an *inter partes* review of claims 1–14 and 21–33 of the ’030 patent.

¹ Centrak represents that a statutory disclaimer has been filed for claims 15–20, 34, and 35. Prelim. Resp. 1. A terminal disclaimer was, in fact, entered on June 26, 2018. Ex. 3001. Pursuant to 37 C.F.R. § 42.107(e), “[n]o *inter partes* review will be instituted based on disclaimed claims.” We also note that a Certificate of Correction was entered on September 11, 2018, correcting an error in now-disclaimed claim 20.

A. The '030 Patent²

The '030 patent generally relates to “real-time location” (“RTL”) systems for determining the location and identity of portable devices (e.g., tags that may be attached to people or equipment), using signals sent between the devices and fixed base stations. Ex. 1001, Abstract.

The Background of the Invention (Ex. 1001, 1:24–62) explains that RTL systems using radio frequency (“RF”) and infrared (“IR”) transmitters were known in the prior art but that the prior art systems have various drawbacks. Conventional tag-based IR transmitters, for example, require a line-of-sight connection with IR receivers, making them prone to lack of reception if the line of sight is blocked and limiting their reliability. Ex. 1001, 1:30–42. Also, because the receivers are “open” at all times, they are generally hard-wired for power and connectivity, increasing the installation complexity and cost. *Id.* at 1:42–45. An alternative arrangement employs transmitters with substantially higher transmission power in the base stations and receivers in the tags; this helps with reliability, but not with the need for hard-wiring. *Id.* at 1:46–51. The high burst repetition rates from the transmitters, however, can result in interference with, for example, television remote controls in hospital rooms, whereas systems that transmit relatively infrequently in order to avoid causing interference are problematic because they need to search continuously for IR signals with an open IR receiver and thereby drain battery power in the tags. *Id.* at 1:52–62.

² Case IPR2014-01219 involved the same parties, but a different patent, U.S. Patent No. 8,604,909 B1, which is in the same family as the '030 patent. *See* Pet. 71. Institution was denied in that case.

The '030 patent acknowledges that there were known RTL systems with base stations that transmitted IR signals (i.e., IR base stations) with their respective base station ID (“BS-ID”) to portable devices (tags) that are equipped with IR receivers. Ex. 1001, 2:60–63. The base stations are typically located in different physical open spaces to avoid “dead zones” that may be generated by overlapping signals because the timing of the signal transmissions from the base stations are not coordinated. *Id.* at 3:36–40. Because this configuration typically relies on base stations that are connected to a power source, the base stations transmit at a much higher power to improve reception reliability. *Id.* at 3:3–9. These base stations also typically transmit a BS-ID continually (or almost continually) and, therefore, the portable device has no indication of when the transmissions occur and must be able to receive the signals at any time. *Id.* at 3:10–15. Once the portable device receives a BS-ID transmitted by a base station, “the portable device transmits both the device ID and the received BS-ID to a reception device, for example, by radio frequency (RF) or IR transmission.” *Id.* at 2:63–66. From the information received from the portable device, the location of the device may be determined based on the known location of the respective base station associated with the BS-ID received. *Id.* at 2:66–3:3.

The invention of the '030 patent seeks to improve the performance of the known RTL systems by transmitting timing synchronization information (“TSI”) to “provide a unified time of origin” to coordinate the transmission of the various signals transmitted during operation. Ex. 1001, 3:53–60. “After a predefined period of time from the unified time of origin, the IR base stations may transmit their corresponding BS-IDs.” *Id.* at 3:61–63. In addition, “[t]he portable device may open communication to receive the BS-

ID after the same predetermined period of time from the unified time of origin.” *Id.* at 3:63–65. By coordinating the base stations and the portable devices to a unified time of origin, the ’030 patent contends power consumption by the portable device may be reduced because it can be in sleep mode when it is not in a state of transmission or reception. *Id.* at 3:67–4:4.

B. Illustrative Claim

Claim 1 of the ’030 patent is illustrative of the claimed invention and it is reproduced below with emphasis added to highlight the limitations Centrak contends distinguish the claimed invention from the prior art.

1. A system comprising:

a server;

one or more portable devices, each portable device having a respective portable device ID;

one or more ultrasonic base stations;

a plurality of RF base stations coupled to a backbone network, *at least a first RF base station of the plurality of RF base stations configured to transmit timing synchronization information (TSI) to the one or more ultrasonic base stations*, wherein:

one ultrasonic base station of the one or more ultrasonic base stations is configured to receive the TSI and to transmit an ultrasonic signal including an ultrasonic base station ID at a time determined from the received TSI, the ultrasonic base station ID being associated with a location of the one ultrasonic base station;

the portable device is configured: 1) to detect the ultrasonic base station ID from the received ultrasonic signal, 2) to store the ultrasonic base station ID as a digital value, and 3) to transmit an RF output signal including the ultrasonic base station ID and the portable device ID to a second RF base station of the plurality of RF base stations:

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