

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KEEP TRUCKIN, INC.,
Petitioner,

v.

INNOVATIVE GLOBAL SYSTEMS, LLC,
Patent Owner.

IPR2020-00692
Patent 8,032,277 B2

Before JUSTIN T. ARBES, JOHN F. HORVATH, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. *Background and Summary*

Petitioner Keep Truckin, Inc. filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–13 of U.S. Patent No. 8,032,277 B2 (Ex. 1001, “the ’277 patent”) pursuant to 35 U.S.C.

§ 311(a). On August 19, 2020, we instituted an *inter partes* review as to all challenged claims on all grounds of unpatentability asserted in the Petition. Paper 7 (“Decision on Institution” or “Dec. on Inst.”). Patent Owner Innovative Global Systems, LLC subsequently filed a Patent Owner Response (Paper 17, “PO Resp.”), Petitioner filed a Reply (Paper 22, “Reply”), and Patent Owner filed a Sur-Reply (Paper 26, “Sur-Reply”). An oral hearing was held on April 22, 2021, and a transcript of the hearing is included in the record (Paper 28, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–13 are unpatentable.

B. Related Matters

The parties indicate that the ’277 patent is the subject of the following pending district court case: *Innovative Global Systems, LLC v. Keep Truckin, Inc.*, Case No. 19-cv-00641-MN (D. Del.). See Paper 14, 2; Paper 23, 1. Petitioner also filed a petition challenging claims of related U.S. Patent No. 10,157,384 B2 in Case IPR2020-00694. A final written decision was entered in Case IPR2020-00694 on July 21, 2021.

C. The ’277 Patent

The ’277 patent discloses devices and methods for “logging and reporting driver activity and vehicle operation.” Ex. 1001, code (57). Operators of commercial motor vehicles (CMVs) are required to comply with “rules governing the safe operation of . . . vehicles,” including hours of service (HOS) regulations designed to reduce “driver fatigue and sleep

disorder related incidents on the nation’s highways.” *Id.* at col. 1, ll. 11–26. The ’277 patent states that it incorporates by reference federal regulations defined in 49 C.F.R. Parts 395 and 390.5, which “prohibit drivers from operating or being forced to operate their vehicles more than a specified amount of time between mandatory off-duty periods” and require logging of activities to ensure compliance. *Id.* at col. 1, ll. 27–38, 52–54. According to the ’277 patent, “[t]he cost of compliance with these reporting requirements is extraordinarily burdensome” and expensive when using a paper log. *Id.* at col. 1, ll. 55–62. The ’277 patent seeks to solve this issue using a mechanical device in the vehicle. *Id.* at col. 1, l. 66–col. 6, l. 17.

Figure 1 of the ’277 patent is reproduced below.

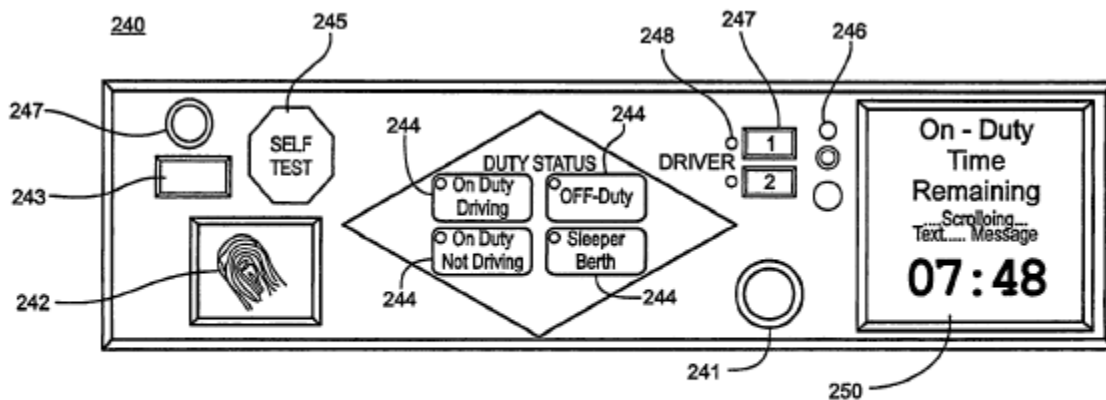


FIG. 1

Figure 1 depicts front panel 240 of on-board recorder 200, which has “various inputs and outputs for interfacing with” the vehicle driver, a host server, or a device operated by legal authorities; sensors within the vehicle (e.g., a vehicle odometer); a data bus of the vehicle; and a global navigation satellite system (e.g., the Global Positioning System (GPS)). *Id.* at col. 6, ll. 49–56. On-board recorder 200 obtains, via various interfaces, “mileage from the vehicle mileage sensing system,” “mileage, engine use, miles

driven, time and date” from the vehicle engine control module (ECM), and vehicle location, date, and time from a global navigation satellite system.

Id. at col. 7, ll. 28–35.

On-board recorder 200 also includes duty status buttons 244 for inputting the driver’s current duty status. *Id.* at col. 6, l. 56–col. 7, l. 3. The ’277 patent lists four possible duty statuses: “driving-on duty, not driving-on duty, off duty, and sleeper berth.” *Id.* at col. 8, ll. 44–45. A duty status change can be recorded manually when the driver presses one of duty status buttons 244 or automatically when certain information is received by on-board recorder 200. *Id.* at col. 8, ll. 45–50. For example, on-board recorder 200 can log a change to driving-on duty status “when the vehicle starts to move, as determined by the ECM indicating engine use, i.e., that the vehicle has been started, and by the vehicle mileage sensing system or ECM indicating motion,” or a change to off duty status when the driver logs out from on-board recorder 200. *Id.* at col. 9, ll. 9–30. On-board recorder 200 uses raw data collected over time to create an HOS log. *Id.* at col. 8, ll. 51–54.

Figure 5 of the '277 patent is reproduced below.

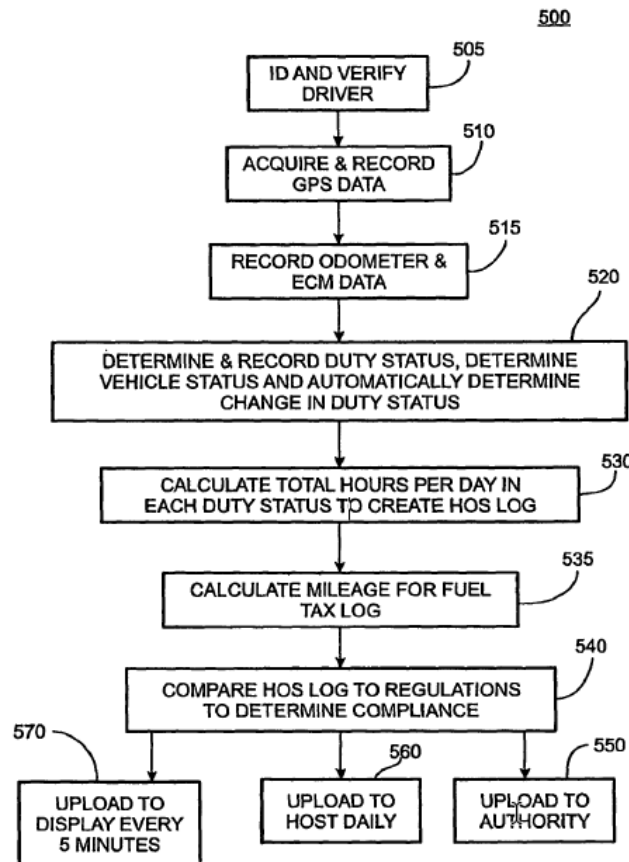


FIG. 5

Figure 5 depicts an exemplary method for “logging and reporting driver and vehicle operating data.” *Id.* at col. 6, ll. 32–33. The on-board recorder identifies the driver at step 505 (e.g., via input to biometric reading device 242 shown in Figure 1 above), receives and records GPS, mileage, and ECM data at steps 510 and 515, determines and records duty status changes (via manual input or automatically) at step 520, “calculat[es] total hours per day in each duty status to create an HOS log” at step 530, and compares the HOS log to HOS regulations to determine compliance with such regulations at step 540. *Id.* at col. 10, ll. 39–55. The '277 patent discloses that

[i]n creating the HOS log, recorder 200 continuously calculates the time the driver has been in each duty status over the course

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