

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KEEP TRUCKIN, INC.,  
Petitioner,

v.

INNOVATIVE GLOBAL SYSTEMS, LLC,  
Patent Owner.

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IPR2020-00694  
Patent 10,157,384 B2

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

LANEY, *Administrative Patent Judge*.

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

## I. INTRODUCTION

This is a Final Written Decision in an *inter partes* review challenging the patentability of claims 1–11 and 14–20 (“Challenged Claims”) of U.S. Patent No. 10,157,384 B2 (Ex. 1001, “the ’384 patent”). We have jurisdiction under 35 U.S.C. § 6 and enter this Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons set forth below, we determine that Petitioner has shown, by a preponderance of the evidence, that claims 1–11 and 14–20 are unpatentable. *See* 35 U.S.C. § 316(e).

## II. BACKGROUND

### A. Procedural History

Keep Truckin, Inc. (“Petitioner”) filed a petition for *inter partes* review under 35 U.S.C. § 311. Paper 2 (“Pet.”). Petitioner supported its Petition with the Declaration of Scott Andrews. Ex. 1003.

Innovative Global Systems, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6. And pursuant to 35 U.S.C. § 314, in view of the record at that time, we instituted an *inter partes* review of all Challenged Claims on all grounds presented in the Petition:

Claim(s) Challenged	35 U.S.C. §	References
1–6, 10, 11, 14–20	103(a) <sup>1</sup>	Skeen, <sup>2</sup> Warkentin, <sup>3</sup> Transportation Regulations <sup>4</sup>

<sup>1</sup> The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103, effective March 16, 2013.

Because the ’384 patent claims priority to an application that has an effective filing date before this date (*see* Ex. 1001, code (63) (claiming priority to an application with an effective filing date of August 15, 2005); *see also* Pet. 14; PO Resp. 3), the pre-AIA version of § 103 applies.

<sup>2</sup> Skeen, US 6,832,141 B2, iss. Dec. 14, 2004 (Ex. 1009).

<sup>3</sup> Warkentin, US 2002/0035421 A1, pub. Mar. 21, 2002 (Ex. 1010).

<sup>4</sup> Transportation Regulations, Title 49 of the Code of Federal Regulations, Sections 390–396 (Oct. 1, 2003) (Ex. 1008).

Claim(s) Challenged	35 U.S.C. §	References
8	103(a)	Skeen, Warkentin, Transportation Regulations, Murphy <sup>5</sup>
7, 9	103(a)	Skeen, Warkentin, Transportation Regulations, Berenz <sup>6</sup>

Paper 7 (“Institution Decision” or “Inst. Dec.”).

After institution, Patent Owner filed a Response, Paper 16 (“PO Resp.”), supported with the Declarations of Andrew D. Smith (Ex. 2006), William T. Brown (Ex. 2007), and Alan C. Lesesky (Ex. 2009). Petitioner filed a Reply, Paper 24 (“Reply”), supported with an additional Declaration of Mr. Andrews (Ex. 1034). Finally, Patent Owner filed a Sur-reply. Paper 27 (“Sur-reply”).

An oral hearing was held on April 22, 2021. A copy of the transcript is included in the record. Paper 32 (“Tr.”).

#### *B. Real Parties in Interest*

Petitioner identifies Keep Truckin, Inc. as the real party-in-interest. Pet. 1. Patent Owner identifies Innovative Global Systems, LLC as the real party-in-interest. Paper 5, 2.

#### *C. Related Matters*

The parties agree there are several proceedings related to this matter. Pet. 2; Paper 5, 2. Petitioner was served with a complaint, which is captioned *Innovative Global Systems, LLC v. Keep Truckin, Inc.*, Civil Case No. 0:19-cv-00641-MN (D. Del.), that alleges infringement of the ’384 patent. Pet. 2. The ’384 patent was asserted also against Samsara Networks, Inc. in a separate district court action captioned *Innovative Global Systems,*

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<sup>5</sup> Murphy, US 6,225,890 B1, iss. May 1, 2001 (Ex. 1007).

<sup>6</sup> Berenz, US 6,724,920 B1, iss. Apr. 20, 2004 (Ex. 1011).

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*LLC v. Samsara Networks, Inc.*, Civil Case No. 0:19-cv-01708-MN (D. Del.). *Id.* Finally, another related proceeding is the concurrently filed petition in *Keep Truckin, Inc. v. Innovative Global Systems, LLC*, IPR2020-00692, which challenges several claims of related U.S. Patent No. 8,032,277 B2. *Id.*

*D. The '384 patent (Ex. 1001)*

The '384 patent describes a system “for logging and reporting driver activity and vehicle operation.” Ex. 1001, 1:8–10. In particular, it describes a system that includes an electronic logging system with an onboard recorder connected to a vehicle’s data bus, which continuously monitors, obtains, and calculates the vehicle’s operation data. *Id.* at 11:4–17. This operational data includes mileage, engine use, time the vehicle’s engine is turned off, the vehicle’s speed, and the engine’s run time while the vehicle is on but not moving. *Id.* at 11:52–62, 12:61–13:9, 13:36–59. The system includes a transmitter, which sends vehicle operation data from the recorder to a portable handheld communications device. *Id.* at 16:54–17:5, 18:12–19.

The '384 patent describes using data processing software to generate a hours of service (“HOS”) log. *Id.* at 13:60–14:3. This log is generated from the vehicle operational data obtained from the onboard recorder that is continuously connected to the vehicle’s data bus, and records the vehicle operator’s duty status, such as whether the operator is on or off duty and whether an on-duty operator is driving or not driving. *Id.* at 13:1–24. In creating the log, a recorder “continuously calculates the time the driver has been in each duty status over the course of a day.” *Id.* at 13:17–19.

Additionally, the log includes the total hours on duty for seven days, total hours on duty for eight days, and the driver’s changes in duty status, as well as the time the duty status changes occurred. *Id.* at 13:19–14:3. The log can

be used to determine whether a driver was in compliance with hours of service regulations. *Id.* at 13:10–13. “By continuously emitting a signal indicating the compliance status of the driver, [the system] provides a way whereby authorized federal, state or local officials can immediately check the status of a driver’s hours of service.” *Id.* at 14:42–45.

*E. Illustrative Claims*

Of the Challenged Claims, claims 1 and 14 are independent. Claims 2–11 depend from claim 1; claims 15–20 depend from claim 14. Claim 1, reproduced below,<sup>7</sup> illustrates the subject matter of the challenged claims:

1. [1 preamble] An onboard electronic system for logging and reporting driver activity and operation data of a vehicle, said system comprising:
  - [1a] an onboard recorder adapted for continuously connecting to a data bus of the vehicle to continuously monitor, obtain and calculate vehicle operation data comprising mileage data, engine use data, time the engine is turned off, speed of the vehicle, and time the engine remains on while the vehicle is not moving, and said onboard recorder comprising a processor, a transmitter, and a memory device for recording and storing said vehicle operation data;
  - [1b] said transmitter adapted for transmitting said vehicle operation data from said onboard recorder to a portable handheld communication device;
  - [1c] data processing software operable on the handheld communications device comprising a processor and a display, said data processing software utilized to generate a hours of service log using said vehicle operation data continuously monitored, obtained and calculated from the data bus of the vehicle, and to present the hours of service log in a grid form on the display, the hours of service log comprising a driver’s total hours driven today, total hours on duty today, total miles driven

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<sup>7</sup> Annotation to the elements has been added to be consistent with the labeling used by Petitioner. *See* Pet. 8–9.

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