

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARBYNE, INC.,
Petitioner

v.

TRITECH SOFTWARE SYSTEMS,
Patent Owner

Case IPR2025-00959
Patent No. RE50,016

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	2
A. The '016 Patent	3
III. LEVEL OF ORDINARY SKILL IN THE ART	4
IV. CLAIM CONSTRUCTION	5
V. APPLICABLE LEGAL STANDARDS.....	5
VI. THE PETITION FAILS TO ESTABLISH A REASONABLE LIKELIHOOD OF <i>PRIMA FACIE</i> CASE OF OBVIOUSNESS.....	7
A. Ground 1: Brooks and SARLOC	7
1. The Petition Fails to Establish a Deficiency in Brooks that Would Have Motivated the Proposed Combination.....	9
a. Petitioner relies on a misreading of Brooks.	10
b. The Petition fails to identify deficiencies in Brooks that would prompt a POSITA to search out other references.....	10
c. There is nothing in Brooks suggesting a “need for improvement” in how GPS location is obtained.	13
d. The proposed combination does not provide any advantages over the teachings in Brooks.....	15
2. The Petition Fails to Demonstrate <i>How</i> a POSITA Would Implement the Proposed Combination.	16
B. Ground 2: Salafia and Marr.....	18
1. The Petition Fails to Establish a Deficiency in Salafia that Would Have Motivated the Proposed Combination.....	19

2. The Petition Fails to Demonstrate *How* a POSITA Would
Implement the Proposed Combination.23

C. Ground 3: Brooks, SARLOC, and Salafia.26

VII. CONCLUSION.....26

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012)	6, 26
<i>Apple Inc. v. Uniloc Luxembourg S.A.</i> , IPR2018-00420, Paper 7 (PTAB Aug. 6, 2018).....	5
<i>Apple Inc. v. Voip-Pal.com, Inc.</i> , IPR2016-01198, Paper 53 (PTAB Nov. 20, 2017).....	14, 22
<i>Ariosa Diagnostics v. Verinata Health, Inc.</i> , 805 F.3d 1359 (Fed. Cir. 2015)	6
<i>KSR Int'l Co. v. Teleflex, Inc.</i> , 550 U.S. 398 (2007).....	9, 19
<i>In re Magnum Oil Tools Int'l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016)	6
<i>Pers. Web Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017)	17
<i>Samsung Elecs. Co. v. Dynamics Inc.</i> , IPR2020-00499, Paper 63 (PTAB Aug. 10, 2021).....	15, 23
<i>Samsung Electronics Co., Ltd. v. Almondnet, Inc.</i> , IPR2022-01260, Paper 10 (PTAB Feb. 7, 2023).....	11, 12, 13, 21
<i>Securus Techs., Inc. v. Global Tel*Link Corp.</i> , 701 F. App'x 971 (Fed. Cir. 2017)	24, 25
<i>Trivascular, Inc. v. Samuels</i> , 812 F.3d 1056 (Fed. Cir. 2016)	23
<i>Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.</i> , 200 F.3d 795 (Fed. Cir. 1999)	5
<i>Wasica Fin. GMBH v. Cont'l Auto. Sys.</i> , 853 F.3d 1272 (Fed. Cir. 2017)	6

Regulations

37 C.F.R. § 42.1086

I. INTRODUCTION

Patent Owner submits this Preliminary Response to the Petition for *Inter Partes* Review of U.S. Patent No. RE50,016 filed by Petitioner Carbyne, Inc. In addition to the grounds for discretionary denial set forth in Patent Owner’s Request for Discretionary Denial (Paper 5), the Board should deny institution because Petitioners have not established a reasonable likelihood that they will prevail on any of the three grounds.

All challenged claims require a “first outgoing textual message includes a uniform resource locator (URL) link to the web resources,” which are “configured to: (i) query wireless mobile devices for location information; and (ii) share, responsive to receipt of location information, received location information with the presentation module,” to be presented “through the user interface.” To satisfy these requirements, the Petition relies on combining Brooks and SARLOC (Ground 1), Salafia and Marr (Ground 2), or Brooks, SARLOC, and Salafia (Ground 3).

The Petition fails to articulate a non-conclusory rationale for why a POSITA would be motivated to combine the references in Grounds 1-3. For instance, the Petition lacks any explanation *why* a POSITA would view primary references Brooks or Salafia as deficient in a way that would have motivated a POSITA to search out other references for improvements—let alone a specific deficiency that supports combining them with SARLOC or Marr. Nor does the Petition attempt to explain *how*

a POSITA would accomplish the combinations in a way that would achieve the claimed invention. For at least these reasons, and as discussed further below, the Board should deny institution as to any claim of the '016 patent.

II. BACKGROUND

Petitioner Carbyne, Inc. (“Petitioner”) challenges claims 1, 5-9, 13-17, and 25-27 of U.S. Reissued Patent RE50,016 (“the '016 patent”), of which claims 1 and 9 are the only independent claims. The Petition structures its three asserted grounds for unpatentability as follows:

- Ground 1: Alleged obviousness of 1, 5-9, and 13-16 over Brooks and SARLOC.
- Ground 2: Alleged obviousness of 1, 5-9, 13-17, and 25-27 over Salafia and Marr.
- Ground 3: Alleged obviousness of 1, 5-9, 13-17, and 25-27 over Brooks, SARLOC, and Salafia.

See Pet. at 6. All challenged dependent claims across the three grounds depend from either independent claim 1 or independent claim 9. This Preliminary Response addresses only certain of the Petition’s arguments concerning claims 1 and 9, which the Petition treats identically for purposes of the arguments raised in this Response. Because the Petition does not show that the prior art discloses or renders obvious at least one limitation of each of claims 1 and 9, the Petition does not demonstrate that it has a reasonable likelihood of prevailing on at least one of the challenged claims.

A. The '016 Patent

The '016 patent discloses that its claimed invention relates generally to systems and methods for obtaining an emergency caller's location using a URL link to web resources that query the caller's mobile device and presents the location information to the emergency operators.

Independent claim 1, which is exemplary for purposes of this Response, recites as follows:

1(p) A system configured to provide, to emergency operators, communication through textual messages, the system comprising:

(1) one or more processors configured to execute computer program modules, the computer program modules comprising:

(2) a call reception module configured to receive incoming emergency voice calls being placed to an emergency call center through an emergency communications network from wireless mobile devices, the incoming emergency voice calls including a first voice call placed from a first wireless mobile device;

(3) an outgoing message module configured to generate outgoing textual messages for transmission to wireless mobile devices from which incoming emergency voice calls are received such that a first outgoing textual message is generated for transmission to the first wireless mobile device based on the first voice call;

(4) a transmission module configured to transmit the outgoing textual messages to the appropriate wireless mobile devices through a second communications network that is different than the emergency communications network such that the first outgoing textual message is transmitted to the first wireless mobile device through the second communications network;

(5) a presentation module configured to present incoming emergency voice calls to emergency operators through a user interface, wherein the user interface includes a set of user-selectable options, and wherein the presentation module is further configured to receive user input from emergency operators to select one or more of the set of user-selectable options; and

(6) a web-hosting module configured to host web resources configured to: (i) query wireless mobile devices for location information; and (ii) share, responsive to receipt of location information, received location information with the presentation module;

(7) wherein the first outgoing textual message includes a uniform resource locator (URL) link to the web resources; and

(8) wherein the presentation module is further configured to present shared queried location information to emergency operators through the user interface.

Ex. 1001 at claim 1. Independent claim 9 of the '016 patent is a *Beauregard* claim with similar limitations as claim 1. *See id.* at claims 1 and 9.

III. LEVEL OF ORDINARY SKILL IN THE ART

The Petition proposes that a person of ordinary skill in the art in the field of the '016 patent “would have had a degree in computer science or computer engineering, along with 2 years of professional experience working with telecommunications systems, or an equivalent level of skill, knowledge, and experience. This POSITA would have been aware of and generally knowledgeable about the standard features and functionality of emergency calling, geolocation, and text messaging systems.”

Pet. at 15. For purposes of this Preliminary Response, Patent Owner does not challenge that definition.

IV. CLAIM CONSTRUCTION

The Federal Circuit has held that “only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.” *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). This principle applies equally to IPR proceedings. *See, e.g., Apple Inc. v. Uniloc Luxembourg S.A.*, IPR2018-00420, Paper 7 at 8 (PTAB Aug. 6, 2018). Petitioners state, for this IPR proceeding, that they accept “Patent Owner’s representation during reissue that the ’016 patent claim limitations requiring a ‘call reception module,’ ‘presentation module,’ ‘outgoing message module,’ and ‘transmission module’ are not means-plus-function limitations and instead require only ‘computer program modules that are executed by processors, rather than a generic description for software or hardware.’” Pet. at 14. Patent Owner agrees that, for the purposes of this Response, no further construction is necessary, and the terms can be afforded their plain and ordinary meaning. Patent Owner reserves its right to subsequently identify terms requiring construction in the event this IPR is instituted.

V. APPLICABLE LEGAL STANDARDS

The petitioner has the burden to “demonstrate that there is a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable.”

37 C.F.R. § 42.108. A petition challenging a claim on grounds of obviousness must sufficiently explain (1) “how specific references could be combined,” (2) “which combination(s) of elements in specific references would yield a predictable result,” and (3) “how any specific combination would operate or read on” the claims. *ActiveVideo Networks, Inc. v. Verizon Commc’ns, Inc.*, 694 F.3d 1312, 1327-28 (Fed. Cir. 2012).

Moreover, a petitioner may not rely on the Board to, and the Board cannot, substitute its own reasoning to remedy the deficiencies in a petition. *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016) (rejecting the Board’s reliance on obviousness arguments that “could have been included” in the petition but were not, and holding that the Board may not “raise, address, and decide unpatentability theories never presented by the petitioner and not supported by the record evidence”); *Ariosa Diagnostics v. Verinata Health, Inc.*, 805 F.3d 1359, 1367 (Fed. Cir. 2015) (holding that “a challenge can fail even if different evidence and arguments might have led to success”). Nor may the petitioner remedy the deficiencies in a reply brief. *Wasica Fin. GMBH v. Cont’l Auto. Sys.*, 853 F.3d 1272, 1286 (Fed. Cir. 2017) (“Rather than explaining how its original petition was correct, Continental’s subsequent arguments amount to an entirely new theory of prima facie obviousness absent from the petition. Shifting arguments in this fashion is foreclosed by statute, our precedent, and Board guidelines.”) (internal citations omitted).

**VI. THE PETITION FAILS TO ESTABLISH A REASONABLE
LIKELIHOOD OF *PRIMA FACIE* CASE OF OBVIOUSNESS.**

The Petition challenges independent claims 1 and 9 of the '016 patent. As noted above, the limitations of claim 1 parallel those of claim 9; claim 1 is a system claim and claim 9 is a *Beauregard* claim. For both claims 1 and 9, Limitations (6) – (8) require, *inter alia*, that a “first outgoing textual message includes a uniform resource locator (URL) link to the web resources,” which are “configured to: (i) query wireless mobile devices for location information; and (ii) share, responsive to receipt of location information, received location information with the presentation module,” to be presented “through the user interface.”¹

A. Ground 1: Brooks and SARLOC

With regard to Ground 1, Petitioner asserts that “Brook’s system uses messaging to obtain a caller’s GPS location,” but then alleges that Brooks—its primary reference—“does not detail exactly how this occurs.” Pet. at 37. To fill this acknowledged gap in Brooks, Petitioner relies exclusively on SARLOC, asserting that a “POSITA would . . . have been motivated to employ the method of obtaining phone

¹ The Petition does not provide independent analysis for claim 9 over what they provide for claim 1. Thus, the arguments in this Preliminary Response apply equally to the Petition’s theories with respect to both claims 1 and 9.

locations (and updating rescue personnel) discussed in the SARLOC article with Brooks.” *Id.* at 37-38 (“SARLOC provides this missing information.”).

Petitioner points to SARLOC for its teaching of “an ‘SMS message’ with a ‘URL . . . is sent’ to the caller” who “then ‘browse[s] to the SARLOC web page’ referenced by the URL,” which then “request[s] the phones location.” *Id.* at 32. Petitioner explains that once this location is obtained in SARLOC, it is “pass[ed] . . . to a web based database” where it can be “retrieved from a web page showing the tabular data,” or “displayed in a user interface along with a map.” *Id.* at 32-33. Petitioner argues that “SARLOC exemplifies how an emergency call system like that taught in Brooks would have been understood to employ text messaging to determine a caller’s location.” *Id.* at 32. This is because, allegedly, “Brooks’ emergency management system already employs text messaging to communicate and specifically contemplates using the messaging system to query the user for the user’s location,” and SARLOC merely “provides an example of one type of text message such a system can transmit: a message with a link that collects phone location.” *Id.* at 39.

The Petition’s combination of Brooks’ system with SARLOC’s teaching of a “message with a link that collects phone location” fails because it is unsupported by any articulated, non-conclusory reasoning or rational underpinning. *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). The Petition’s argument relies on the supposition that a POSITA would discern a supposed deficiency in Brooks as to how

user location information is collected and provided to an emergency dispatcher. But the Petition cites nothing referring to “missing information” in Brooks related to how a mobile devices location is obtained that would be recognized by a POSITA. The Petition further fails to show that the system resulting from the combination with SARLOC would have, on net, any beneficial or desirable advantages over Brooks’ original configurations. And the Petition never shows how a POSITA, starting with Brooks’ system, would implement SARLOC’s method of obtaining a phone’s location using a URL into Brooks’ text messaging system. For each of those reasons, discussed in turn in the subsections following, the Petition fails.

1. The Petition Fails to Establish a Deficiency in Brooks that Would Have Motivated the Proposed Combination.

The Petitioner sets forth three purported motivations to combine the teachings of SARLOC with the systems of Brooks: (1) that “Brooks does not detail exactly how” a caller’s GPS location is obtained, and that “SARLOC provides this missing information” (Pet. at 37-38); (2) that “Brooks’ system would be simplified” by including the teachings of SARLOC (*id.* at 39); and (3) that “[n]o special purpose software would be needed,” as “the system [in SARLOC] employs existing database functionality to relay collected location information to emergency service providers.” *Id.* at 38-39. Each of these purported motivations fails.

a. Petitioner relies on a misreading of Brooks.

Each of Petitioner’s purported motivations to combine Brooks with SARLOC are predicated on the fallacy that “Brooks’ system *uses messaging to obtain a caller’s GPS location.*” Pet. at 37 (emphasis added). Yet, there is no disclosure in Brooks of a system that uses messaging to obtain a caller’s GPS location. As explained in Brooks, “[i]f location information is available, the dispatcher may begin with that information,” meaning, that if the phone has already provided its location, e.g., “indicat[ing] the user is in a house,” then the dispatcher may “*then* use the messaging system to determine the *precise location in* the house.” Exhibit 1005 at [0023]. (emphases added). Thus, the disclosures in Brooks actually teach away from relying on a mobile device’s location information (e.g., GPS or triangulation), and instead stresses the need for location information beyond GPS. A POSITA would understand that the dispatcher in Brooks is communicating directly with the caller via text messaging to gain a better understanding of precisely where the caller is in the house not to requestion GPS location information in the first instance.

b. The Petition fails to identify deficiencies in Brooks that would prompt a POSITA to search out other references.

Regarding Petitioner’s purported motivations to combine Brooks with SARLOC, Petitioner first alleges that, because “Brooks does not detail exactly how” a caller’s GPS location is obtained, a POSITA would “have been motivated to employ

the method of obtaining phone locations . . . discussed in the SARLOC article with Brooks.” Pet. at 37. This theory fails, however, because Petitioner does not provide any evidence that a POSITA would have believed Brooks to lack any important details (or contain any other deficiency) regarding how a mobile device’s location is obtained. Indeed, to the contrary, Brooks provides multiple examples of how a mobile device’s location can be obtained by dispatchers. *See* Exhibit 1005 at [0023] (“Determination of the position of a mobile station 106 may be accomplished in a variety of manners known in the art, such as *global positioning, triangulation, etc. and will not be discussed herein.*”) (emphases added). Because Brooks describes obtaining the mobile device’s GPS location, there would have been no reason for a POSITA to consider other teachings for obtaining the GPS location of a mobile device.

The defect in the Petition here is similar to what the Board observed in the Final Written Decision in *Samsung Electronics Co., Ltd. v. Almondnet, Inc.*, IPR2022-01260, Paper 10 at 15 (PTAB Feb. 7, 2023) (“*Almondnet*”). In *Almondnet*, the Board found the petition had “fail[ed] to provide any evidence that a POSITA would have believed [primary reference] Philyaw to lack any important detail (or contain any other deficiency)’ . . . that would prompt a person of ordinary skill in the art to look to other references.” *Id.* at 14. Primary reference Philyaw disclosed a method of tracking a computer user’s online activity using software that creates a digital ID “for tracking the user’s efforts and interests as he or she visits various websites.” *Id.* Philyaw

expressly taught that “*after the user has exited the vendor web site . . . search information [i.e. partial profile] can be logged and transmitted back to the [database].*” *Id.* at 14-15. IPR petitioner reasoned that, because Philyaw did not expressly “limit (or provide further details) as to how or why a user would exit the vendor website,” a POSITA would have been motivated to “configure *Philyaw*’s system/process to implement . . . modifications . . . to provide more versatility.” *Id.* at 13. The Board disagreed, finding “Petitioner’s articulated reasoning lack[ed] rational underpinning because it [was] based on the incorrect premise that Philyaw d[id] not address what happens when a user exits a website.” *Id.* at 15 (“Because Philyaw describes what happens when a user exits a vendor website, there is no reason for a person of ordinary skill in the art to have considered teachings regarding website exits.”).

Like in *Almondnet*, the Petition fails to explain why a POSITA would recognize that Brooks has any deficiency as to how a mobile device’s position information is obtained. Petitioner alleges that “Brooks does not detail exactly how this occurs,” but this is factually incorrect. Brooks teaches that “the position of a mobile [device]” may be determined using “a variety of manners known in the art, such as global positioning, triangulation, etc.” Ex. 1005 at [0023]. As in *Almondnet*, Brooks does not “limit” how a mobile device’s location may be obtained, but without identifying any deficiencies in the disclosed methods “known in the art,” a POSITA would not be “prompt[ed] . . . to look to other references.” *Almondnet*, IPR2022-01260, Paper 10 at

14. Therefore, the Petition’s reasoning lacks a rational underpinning because it is based on the incorrect premise that Brooks does not address how a mobile device’s location is obtained.

c. There is nothing in Brooks suggesting a “need for improvement” in how GPS location is obtained.

The Petition’s second theory—that “Brooks’ system would be simplified” by including the teachings of SARLOC—is also unsupported. *See* Pet. at 39. As explained above, a skilled artisan would have understood from Brooks that methods of obtaining the location of a device were “known in the art,” and would not have viewed Brooks’ teachings as deficient such that the POSITA would have need to search out other references for supposed improvements to what was “known in the art.” And Petitioner’s third theory—that “[n]o special purpose software would be needed”—is a red herring, as the Petition fails to identify anything in Brooks that suggests special software is needed or is otherwise burdensome.

In *Apple Inc. v. Voip-Pal.com, Inc.*, IPR2016-01198, Paper 53 (PTAB Nov. 20, 2017) (“*Voip-Pal*”), the Board found that the Petition failed to provide “underlying evidentiary support for the proposition that one of ordinary skill in the art would have regarded [primary reference] Chu ’684’s teachings as deficient.” *Id.* at 19. In *Voip-Pal*, petitioner admitted that the primary reference taught “all the infrastructure” needed for a VOIP system, but argued that the system could be *modified* to be more “intuitive” and “user-friendly.” *Id.* at 18-19. The Board, however, found nothing in the primary

reference that “would have suggested deficiency and a need for improvement” leading to the proposed modification, so Petitioner’s theory was “incongruent with the content of [the] reference.” *Id.* at 19.

Likewise, here, Petitioner alleges that “Brooks’ system would be simplified,” “straight-forward,” and “user-friendly” by employing the methods of SARLOC, but fails to show that Brooks suggests *a deficiency and a need for improvement* in the known methods for obtaining a device’s location. Pet. at 39. Nor could Petitioner identify a deficiency or need for improvement in Brooks that would necessitate the implementation of the methods disclosed in SARLOC. As explained above, Brooks is directed to text message conversations between callers and emergency responders, and has no inclination for improving methods of obtaining a mobile device’s location. Indeed, Petitioner’s bald allegations are synonymous with the arguments for “intuitive” and “user-friendly” modifications in *Voip-Pal*, which the Board rejected for failing to show a “deficiency and need for improvement” in the primary reference. Because Brooks expressly teaches that location can be obtained from the mobile device using “manners known in the art, such as global positioning, triangulation, etc.” (Ex. 1005 at [0023]), Petitioner cannot show a “deficiency and need for improvement” that would prompt a POSITA to look to other references such as SARLOC for improvements to Brooks’ system.

d. The proposed combination does not provide any advantages over the teachings in Brooks.

Petitioner further fails to explain why the proposed combination of Brooks and SARLOC would be seen as preferable to or offer advantages over what Brooks already teaches. *See, e.g., Samsung Elecs. Co. v. Dynamics Inc.*, IPR2020-00499, Paper 63 at 34 (PTAB Aug. 10, 2021) (finding the Petitioner failed to “explain why altering either [reference] would improve the functionality over what is expressly disclosed in each reference,” or “explain with how the combination of teachings would be more commercially convenient for [the] users over what is disclosed originally in each reference.”).

As far as articulating a purported benefit of the proposed combination, the Petitioner merely states that “Brooks’ system would be simplified; callers would be provided with a straight-forward, user-friendly way to relay location to emergency dispatchers: the caller would simply click on a provided link.” Pet. at 39. Indeed, the opposite is true; the methods disclosed in SARLOC would impede, not simplify Brooks—which is directed to *emergency* call response. Brooks discloses that a mobile device’s “position information,” including “global positioning,” can be directly “obtained from the mobile station,” Ex. 1005 at [0023], whereas obtaining the GPS location in SARLOC would require the emergency caller to first click a link to a website, allow the browser access to request the phone’s location, and then “pass [the location] on to a web based database,” which can “then be retrieved” by emergency

personnel. Ex. 1006 at 2. Therefore, Petitioner’s theory that “Brooks’ system would be simplified,” fails, as SARLOC introduces multiple additional steps to obtain GPS location information that is already provided in Brooks’ system.

2. The Petition Fails to Demonstrate *How* a POSITA Would Implement the Proposed Combination.

Petitioner’s hindsight-infected approach to obviousness is further evidenced by the Petition’s lack of details for *how* a POSITA, starting with Brooks, would implement the teachings of SARLOC to obtain a mobile device’s GPS location. Beyond the vague assertion that “Brooks’ system would be simplified” (Pet. at 39), the Petition asserts only that “callers would be provided with a straight-forward, user-friendly way to relay location information to emergency dispatchers: the caller would simply click on a provided link.” *Id.* Petitioner’s assertion assumes without support that it would have been “straight-forward” to implement the methods disclosed in SARLOC, without actually explaining *how* a POSITA at the time of the invention would supposedly have implemented the URL link to query the mobile device’s location information to achieve the claimed invention (or explain why a POSITA would have a reasonable expectation of success). *See Pers. Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 994 (Fed. Cir. 2017) (vacating Board’s finding of obviousness where the decision “nowhere clearly explained, or cited evidence showing, *how* the combination of the two references was supposed to work”—“a prerequisite” to a finding of motivation to combine and reasonable expectation of success.”).

Petitioner’s third argument—that “[n]o special purpose software would be needed”—is further evidence that Petitioner glossed over any attempt at understanding how the two references could be combined to achieve the claimed invention. Pet. at 38-39. Indeed, SARLOC does require “special purpose software.” As Petitioner explains, the obtained location information in SARLOC is “pass[ed] to a web database,” and “displayed graphically in a user-interface on a map.” *Id.* at 18. However, the map referenced by Petitioner is MRMap, “*a Windows™ application developed using C++*,” that “*receives positional data in latitude/longitude format from a base station radio via a serial port on a PC*,” and then “*convert[s]*” the *location information into “OSGB36 format.”* Ex. 1006 at 2 (emphases added). This is described further in Exhibit 2006 (“SARLOC II”), published approximately a month prior to Petitioner’s Ex. 1006 (“SARLOC”). SARLOC II further describes the challenges of using the SARLOC system, explaining that “the reported location” would be displayed in the “next release of MRMAP,” requiring an identifier that “needs to be one of the team’s spare radio IDs taken from mrmapi.ini.” Ex. 2006 at 1. SARLOC II further states that “different software frameworks” were still being looked at for the system to “work on all mobile phone.” *Id.* at 2. Given the difficulties and limitations identified by SARLOC II, a POSITA would not have a “straight-forward, user-friendly way to relay location information to emergency dispatchers,” and

without an explanation for how exactly a POSITA would combine these references, there can be no finding of motivation or reasonable expectation of success.

B. Ground 2: Salafia and Marr

With regard to Ground 2, Petitioner asserts that Salafia teaches “‘GPS information’ may be ‘obtained from the cell phone,’” (Pet. at 51), but, according to Petitioner, does not “‘specifically explain how.” *Id.* at 53. Petitioner relies on Marr to fill this alleged gap.

The Petition points to the teaching in Marr of a system for “responding to requests for a roadside service technician” (*id.* at 53-54), where a “customer . . . initiate[s] a service request by phone,” and an “‘SMS or other text message’ is generated with a ‘customized URL to enable a GPS signal to be collected from the device.’” *Id.* at 54. The Petition alleges that “[u]pon accessing the URL, the web server receives a website request for the unique URL . . . which prompts the website to request GPS data from the client device.” *Id.* at 55.

The Petition alleges that “a POSITA would have considered it obvious and would have been motivated to apply Marr’s teachings to Salafia.” *Id.* at 67. And because Salafia’s system references “text messages,” “URLs,” and “web hosting capabilities,” a POSITA would have understood that the “call handler” disclosed in Salafia “would be able to select to send an outgoing message requesting the device to provide GPS position information” that “would include a URL like that taught by

Marr.” *Id.* at 55-56. This is because, allegedly, “a POSITA would have recognized that Salafia’s system is not only able to request and collect . . . GPS position information discussed in Marr, but already possesses the components required to do so.” *Id.* at 69.

The Petition’s combination of Salafia’s system with Marr’s method for obtaining a mobile device’s GPS location fails because it is unsupported by any articulated, non-conclusory reasoning or rational underpinning. *KSR*, 550 U.S. at 418. As with Ground 1, the Petitioner’s arguments for Ground 2 rely on the specious conclusion that a POSITA would review Salafia and discern a supposed deficiency as to how user location information is collected and provided to an emergency call handler. The Petition, however, fails to provide any evidence that a POSITA would identify a deficiency and need for improvement in the way Salafia collects a mobile device’s location information. The Petition further fails to show that the system resulting from the combination with Marr would have any beneficial or desirable advantages over Salafia’s disclosed methods of obtaining a mobile device’s location. Lastly, Petitioner does not provide any explanation for *how* or *why* a POSITA would implement Marr’s method of obtaining GPS location into Salafia’s system. For each of these reasons, discussed in turn in the subsections following, the Petition fails.

1. The Petition Fails to Establish a Deficiency in Salafia that Would Have Motivated the Proposed Combination.

The Petitioner provides two purported motivations for combining the teachings of Marr with the systems of Salafia: (1) that “Salafia’s system is meant to obtain GPS

information from caller cell phones,” but “does not explain how this occurs” (Pet. at 67); and (2) that “Marr’s approach . . . would have improved Salafia.” *Id.* at 68. As discussed below, each of these purported motivations fail.

Petitioner first alleges that, because “Salafia does not explain how” to “obtain GPS information from caller cell phones,” a POSITA “would have considered other references discussing this required functionality,” and “would have recognized Marr to be one such reference.” *Id.* at 67-68. This theory fails because Petitioner does not provide any evidence that a POSITA would have believed Salafia to lack any important detail (or contain any other deficiency) regarding how cell phone location was obtained. Indeed, the Petition itself states that “Salafia identifies various ways . . . location information can be obtained.” *Id.* at 51.

- “Upon receipt of an incoming emergency call, ‘[t]extual information about the call may appear on the terminal,’” including “location data forwarded to the PSAP 212 by the cellular network.” Pet. at 48 (Ex. 1007, [0061]).
- “The interface’s ‘main window 502 . . . display[s] details of an in-process call between the call handler [sic] 104 and the caller 102’ including the ‘caller[s] . . . location.’” Pet. at 49 (Ex. 1007, [0078]).
- “a call handler working in a PSAP will receive textual information, displayed on a computer terminal, regarding the probable location of a caller.” Pet. at 51 (Ex. 1007, [0005]).
- “One way to do so is ‘from triangulation signals transmitted by the cell phone.’” Pet. at 51 (Ex. 1007, [0005]).
- “Alternatively, ‘[g]lobal Positioning System (GPS) location data may also be available if the caller is using a cell phone with GPS capabilities.’” Pet. at 51 (Ex. 1007, [0005]).

- “‘GPS information’ may be ‘obtained from the cell phone’ and then displayed on the ‘call handler workstation 202.’” Pet. at 51 (Ex. 1007, [0061]).
- “‘PSAP 212’ provides the ‘call handler 104’ with a ‘visual display of data associated with the call displayed on the terminal 206 . . .’ that includes the ‘approximate location of the caller 102.’” Pet. at 52 (Ex. 1007, [0066]).

Because Salafia expressly identifies several ways that a mobile device’s location can be obtained, a POSITA would not have believed Salafia “to lack any important detail (or contain any other deficiency)’ . . . that would prompt a person of ordinary skill in the art to look to other references.” *Almondnet*, IPR2022-01260, Paper 10 at 15. Therefore, the Petition’s reasoning lacks a rational underpinning because it is based on the incorrect premise that Salafia does not address how a mobile device’s location is obtained. *See id.* (“Because Philyaw describes what happens when a user exits a vendor website, there is no reason for a person of ordinary skill in the art to have considered teachings regarding website exits.”).

Petitioner’s second theory—that “Marr’s approach . . . would have improved Salafia”—likewise fails, as the Petition does not provide any evidence in Salafia that suggests a “deficiency and a need for improvement,” that would lead a POSITA to search out other references for alleged improvements. *See Voip-Pal*, IPR2016-01198, Paper 53 at 19 (finding nothing in the primary reference that “would have suggested deficiency and a need for improvement” leading to the proposed modification). Nor would Marr’s methods improve Salafia. First, Salafia teaches away from relying on

GPS location from a mobile device and is instead directed to “systems and methods . . . to enable the efficient transfer of visual information between a caller and a call handler.” Ex. 1007, [0014]. For instance, Salafia identifies that GPS location data may be available “if the caller is using a cell phone with GPS capabilities,” but notes that “GPS systems may be unreliable.” *Id.*, [0005]. Salafia suggests that it “may then be beneficial for the caller to transfer visual information regarding the emergency to the call handler,” so that “the call handler may gain a better understanding of the emergency situation.” *Id.*, [0010]. So, Salafia’s system would not be improved, as Petitioner asserts, by the methods of Marr because Salafia teaches alternative methods for providing location information to emergency call handlers—visual information.

Second, all but one of the purported benefits of the proposed combination listed in the Petition are based entirely on the capabilities of GPS—which is already used by Salafia’s systems. Pet. at 67-68. And the remaining “benefit” is the misleading assertion that “using text messages with URLs to obtain information is particularly useful ‘whenever a customer is not particularly technologically savvy.’” *Id.* Salafia discloses a system where “GPS information” may be automatically “obtained from the cell phone” and “displayed on the ‘call handler workstation 202’” without user intervention. Ex. 1007, [0061]. Incorporating the methods of Marr would, in fact, require *additional steps*, making it more difficult for a customer that is “not particularly technologically savvy.” Indeed, Salafia discloses *multiple ways* to obtain

a mobile device's GPS location information directly from the mobile device without the additional steps required by the methods of Marr. *See Samsung Elecs.*, IPR2020-00499, Paper 63 at 34 (finding the Petitioner failed to “explain why altering either [reference] would improve the functionality over what is expressly disclosed in each reference.”).

2. The Petition Fails to Demonstrate *How* a POSITA Would Implement the Proposed Combination.

The Petition fails to provide any specific or rational basis as to *how* or *why* a POSITA would combine Salafia's system with the teachings of Marr to reach the claimed invention. *See Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1066 (Fed. Cir. 2016) (“[T]he Board must still be careful not to allow hindsight reconstruction of references . . . without any explanation as to how or why the references would be combined to produce the claimed invention.” (citing *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1368 (Fed. Cir. 2012))).

Petitioner broadly alleges that, because “Salafia and Marr have similar purposes, operation, and functionality,” a POSITA would have been led to “identify and consider Marr when implementing Salafia.” Pet. at 68-69. And based on these similarities, a POSITA would have recognized that Salafia's system “is not only able to request and collect the same type of GPS position information discussed in Marr, but already possesses the components required to do so.” *Id.* at 69. Petitioner's conclusory reasoning is impermissible. In *Securus Techs., Inc. v. Global Tel*Link Corp.*, the

Federal Circuit held that the Board correctly found that the proposed rationale to combine the asserted art was “simply too conclusory.” 701 F. App’x 971, 976 (Fed. Cir. 2017). In its petition, Securus “asserted, without more, that because [the references] were drawn from the same general field of art, the skilled artisan would have turned to them to solve the problems identified” in the challenged patent. *Id.* at 976-77 (citing *Microsoft Corp. v. English, LLC*, 662 F. App’x 981, 990 (Fed. Cir. 2016)). The Federal Circuit agreed with the Board, that the “broad characterization” of the references “as both falling within the same alleged field” of technology, “without more, is not enough for Securus to meet its burden of presenting a sufficient rationale to support an obviousness conclusion.” *Id.* (“Such short-cut logic would lead to the conclusion that any and all combinations of elements known in this broad field would automatically be obvious, without the need for any further analysis.”). “The Board, therefore, properly rejected Securus’ assertion of obviousness.” *Id.* at 977.

Here, Petitioner makes the same mistake as in *Securus*, alleging that a POSITA would have a motivation to combine the references merely because they are—in what Petitioner believes—the “same alleged field.” For instance, Petitioner claims that because both references “teach dispatcher systems” that “receive incoming calls reporting emergency events” and use “textual communications with callers,” a POSITA would have “identif[ied] and consider[ed] Marr when implementing Salafia.” Pet. at 68-69. Petitioner further alleges that “[a] POSITA would . . . have had more

than a reasonable expectation of success,” because Salafia already “allows for . . . messages with URLs—to callers to obtain information” and “web hosting capabilities.” *Id.* at 69. But, as detailed in Section VI(B)(1), Salafia is directed to emergency response systems for sending visual information over text, and not for using “messages with URLs” to obtain caller information, and Marr teaches methods for managing service requests. And the Petition provides no details on how or why a POSITA would implement the substantially different teachings of Marr to improve Salafia’s system directed to exchanging visual information with a caller (not obtaining a caller’s GPS location).

Petitioner’s expert offers no further substantive analysis on alleged motivation to combine and simply restates what is in the Petition, concluding that “Marr’s approach—as *opposed to some other method to obtain phone location, like . . . pinpointing a location from a transmitted picture*—would have improved Salafia.” Ex. 1004 at 339. But, again, Salafia is not directed to “obtaining phone location,” and is, instead, directed to the very method that Marr would supplant: “pinpointing a location from a transmitted picture.” Thus, Petitioner’s expert’s testimony is insufficient because it “fails to explain why a person of ordinary skill in the art would have combined elements from specific references *in the way the claimed invention does*,” *ActiveVideo Networks*, 694 F.3d at 1328.

C. Ground 3: Brooks, SARLOC, and Salafia.

Ground 3 relies on a combination of references from Grounds 1 and 2, specifically, Brooks, SARLOC, and Salafia. As explained in CentralSquare’s Request for Discretionary Denial (Paper 5), Brooks is cumulative of Salafia, and Petitioner relies on Brooks and Salafia for the same limitations. As detailed above in Section VI, Petitioner has failed to identify a deficiency or a need for improvement in either Salafia or Brooks that would motivate a POSITA to search out further references for alleged improvements, especially the substantially different teachings of SARLOC. For these reasons, Ground 3 fails as well.

VII. CONCLUSION

For at least the foregoing reasons—and the grounds for discretionary denial set forth in Patent Owner’s Request for Discretionary Denial (Paper 5)—the Board should deny institution as to each of the three requested grounds.

Dated: September 15, 2025

By: /Lionel M. Lavenue/
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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(c)(1), the undersigned hereby certifies that the foregoing PATENT OWNER'S PRELIMINARY RESPONSE contains 6,276 words, excluding the parts exempted under 37 C.F.R. § 42.24(c), as measured by the word-processing system used to prepare this paper.

Dated: September 15, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Preliminary Response** was served on September 15, 2025, via email directed to counsel of record for Petitioner at the following:

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