

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NavBlazer, LLC,
Patent Owner.

IPR2021-00502
Patent 9,075,136 B1

Before KEVIN F. TURNER, GARTH D. BAER, and AARON W. MOORE,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, Google LLC, filed a Petition requesting *inter partes* review of claims 23, 24, 35–44, 48, and 51–54 of U.S. Patent No 9,075,136 B1 (Ex. 1001, “the ’136 patent”). Paper 1 (“Pet.”). Patent Owner, NavBlazer, LLC did not file a preliminary response. 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. § 42.108. For the reasons discussed below, we deny the Petition and do not institute *inter partes* review.

A. RELATED MATTERS

The parties identify the following district court litigations involving the ’136 patent, all of which, according to the parties, have been voluntarily dismissed with prejudice: *NavBlazer, LLC v. Hyundai Motor America*, 2:20-cv-00072 (E.D. Tx.); *NavBlazer, LLC v. TomTom North America, Inc.*, 6:20-cv-00112 (W.D. Tx.); *NavBlazer, LLC v. Motorola Mobility LLC*, 6:20-cv-00100 (W.D. Tx.); *NavBlazer, LLC v. LG Electronics, Inc.*, 6:20-cv-00095 (W.D. Tx.); *NavBlazer, LLC v. Samsung Electronics Co., Ltd.*, 6:20-cv-00089 (W.D. Tx.); and *NavBlazer, LLC v. Apple Inc.*, 6:20-cv-00085 (W.D. Tx.). *See* Pet. 55; Paper 5, 2.

B. THE ’136 PATENT

The ’136 patent is directed to providing information to a vehicle user, including road and traffic conditions, as well as other useful information. Ex. 1001, 1:14–19. Figure 2 of the ’136 patent is reproduced below.

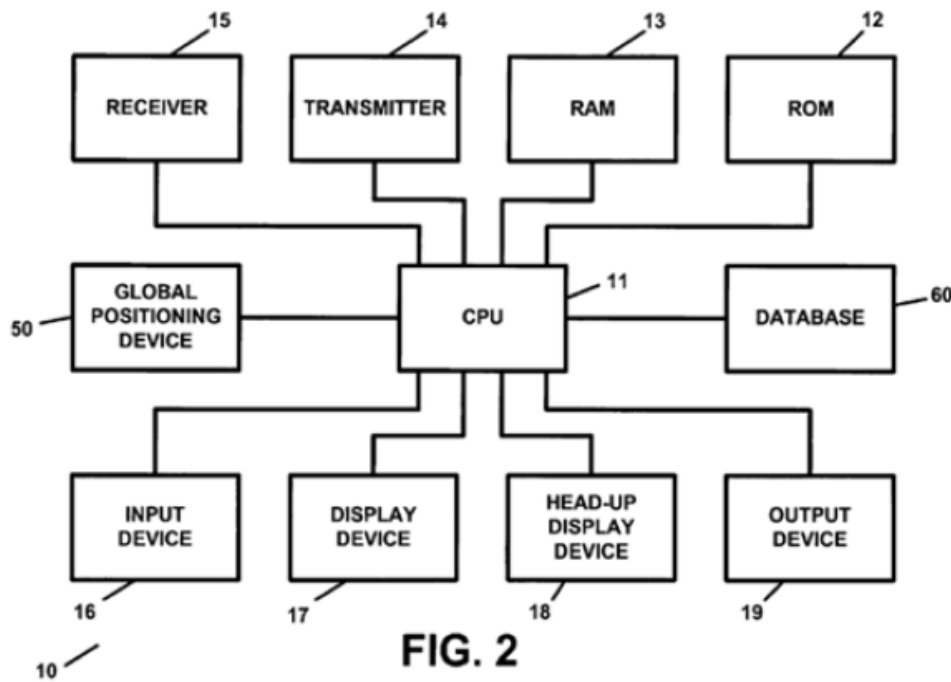


Figure 2, shown above, depicts a vehicle computer 10 and its components.
Id. at 6:24–25, 8:60–67.

C. ILLUSTRATIVE CLAIM

Petitioner challenges claims 23, 24, 35–44, 48, and 51–54 of the '136 patent. Of the challenged claims, claims 23 and 48 are independent.

Claim 23 is illustrative and reproduced below:

23. An apparatus, comprising:

a receiver, wherein the receiver receives a request for information regarding a travel route to a destination to which the vehicle can travel on at least one of a road, a roadway, a highway, a parkway, and an expressway, wherein the request for information is transmitted to the receiver from a communication device located at the vehicle, wherein the request for information contains information regarding a location of the vehicle and the destination;

a processing device, wherein the processing device processes the request for information, wherein the processing device identifies a first travel route on which the vehicle can travel to

the destination, and further wherein the processing device generates a first message containing information regarding the first travel route; and

a transmitter, wherein the transmitter transmits the first message to the communication device,

wherein the apparatus automatically detects a departure of the vehicle from the first travel route, and further wherein the apparatus identifies a second travel route on which the vehicle can travel to the destination in response to the detected departure of the vehicle from the first travel route, wherein the apparatus generates a second message containing information regarding the second travel route, and further wherein the apparatus transmits the second message to the communication device.

Ex. 1001, 24:52–25:12.

D. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner asserts the following grounds of unpatentability. Pet. 2.

Petitioner submits the Declaration of Michael Braasch (Ex. 1003) in support of its arguments.

Claims Challenged	35 U.S.C. §¹	References/Basis
23, 24, 35–44, 48, 51–54	103	Behr ² , Schreder ³
23, 24, 35–44, 48, 51–54	103	Behr, Schreder, Hanchett ⁴

¹ The Leahy-Smith America Invents Act (“AIA”) amended 35 U.S.C. § 103. *See* Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011). As the application that issued as the ’136 patent was filed before the effective date of the relevant amendments, the pre-AIA version of § 103 applies.

² US 5,808,566, Sep. 15, 1998 (Ex. 1004, “Behr”).

³ US 5,504,482, Apr. 2, 1996 (Ex. 1005, “Schreder”).

⁴ US 5,396,429, Mar. 7, 1995 (Ex. 1008, “Hanchett”).

II. DISCUSSION

A. LEVEL OF SKILL IN THE ART

Petitioner contends a person of ordinary skill in the art at the time of the alleged invention of the '136 patent (a "POSITA") would have had

at least a Bachelor's Degree in an Engineering discipline such as Electrical or Computer Engineering, or a Bachelor's Degree in Computer Science or equivalent degree, and at least two years of relevant experience in the research, design, development and/or testing of navigation systems, embedded systems or the equivalent, with additional education substituting for experience and *vice versa*.

Id. at 4 (citing Ex. 1003 ¶¶ 35–36). For purposes of this decision, we adopt Petitioner's articulation of the level of ordinary skill in the art, which is supported by Dr. Braasch's testimony and appears commensurate with the level of ordinary skill as reflected in the asserted prior art and the '136 patent.

B. CLAIM CONSTRUCTION

We find no claim terms require express construction for us to determine whether or not to institute *inter partes* review. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’”) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

C. UNPATENTABILITY ANALYSIS

1. Obviousness over Behr and Schreder

Petitioner asserts that claims 23, 24, 35–44, 48, and 51–54 would have been obvious over Behr and Schreder. Pet. 15–51. Based on the current record, and as explained below, we find Petitioner has not shown a

reasonable likelihood that it would prevail in its challenge to claims 23, 24, 35–44, 48, and 51–54.

a. Summary of Behr (Ex. 1004)

Behr, titled “Electronic Navigation System and Method” describes “providing route guidance and other information from a base unit to a remote unit in response to a request from the remote unit.” Ex. 1004, code (57). According to Behr, “Requested route guidance information is calculated at the base unit in response to the query, using a large up-to-date database located at the base unit. . . . The response is then transmitted from the base unit to the remote unit for display.” *Id.*

b. Summary of Schreder (Ex. 1005)

Schreder describes an automobile that is “equipped with an inertial measuring unit, an RF GPS satellite navigation unit and a local area digitized street map system for precise electronic positioning and route guidance.” Ex. 1005, code (57). Schreder’s automobile includes “RF receivers to monitor updated traffic condition information for dynamic rerouting guidance.” *Id.*

c. “detect[ing] a departure of the vehicle from the first travel route, and . . . identifi[ing] a second travel route”

Independent claim 23 recites “wherein the apparatus automatically detects a departure of the vehicle from the first travel route, and further wherein the apparatus identifies a second travel route on which the vehicle can travel to the destination in response to the detected departure of the vehicle from the first travel route.” Claim 48, the only other challenged independent claim, has parallel language requiring the system to detect route departure and generate a second travel route in response. According to Petitioner, the claimed departure detection and rerouting would have been

obvious over the combination of Behr and Schreder. Pet. 25. Specifically, Petitioner explains, “[i]t would have been obvious to the [POSITA] to provide the dynamic rerouting functionality of *Schreder* within the base unit 12 of *Behr*, such that when the base unit 12 detects that a mobile unit has varied from the specified route, a new route would be identified by the base unit 12.” *Id.* at 27.

Petitioner offers the following rationale to explain why it would have been obvious to include Schreder’s dynamic rerouting feature in Behr’s navigation system:

Behr and *Schreder* are both directed to similar navigation systems. But a difference between *Behr* and *Schreder* is that the navigation system in *Behr* is located within a centralized base unit 12 (*see Behr* at 7:20-23 and Fig. 1), while the route planning processor in *Schreder* is included in a navigation system within the vehicle (*see Schreder* at Fig. 1). *Behr* teaches, however, that guidance systems that are self-contained within a vehicle, such as the system disclosed in *Schreder*, suffered from “many drawbacks,” including the need for large data storage capabilities onboard the vehicle. *See Behr* at 1:56-63. *Behr*’s solution to the “drawbacks” of self-contained vehicle guidance systems was to move the navigation processing and data storage systems into a centralized base unit, and transmit “route guidance and other information” from the base unit to remote units. *See id.* at 3:5-11. *Behr* teaches that, in this way, “the amount of information available at a remote unit can be expanded by providing the remote unit with information from the base unit.” *Id.* at 3:8-10. Therefore, based on the teachings of *Behr*, the [POSITA] would have been motivated to move the processing operations of *Schreder*’s route planning processor 70 into the centralized base unit 12 of *Behr*.

Id. at 27–28.

We disagree with Petitioner that reducing vehicle-side processing and data storage justifies modifying Behr’s navigation system to include

Schreder's dynamic rerouting feature. Petitioner's proffered rationale justifies *where* a skilled artisan would have located Schreder's rerouting functionality—in Behr's central system—but does not address *why* a skilled artisan would have added that functionality to Behr in the first place. Given this deficiency, we find that Petitioner has not produced the required “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Therefore, on this record, Petitioner has not shown a reasonable likelihood that it would prevail in establishing independent claims 23 or 48 (or claims 24, 35–44, and 51–54, which depend from those claims) would have been obvious over Behr and Schreder.

2. *Obviousness over Behr, Schreder, and Hanchett*

Petitioner asserts that claims 23, 24, 35–44, 48, and 51–54 would have been obvious over Behr, Schreder, and Hanchett. Pet. 15–51. Petitioner's alternative inclusion of Hanchett in its prior art combination does not remedy its insufficient rationale for combining Behr and Schreder. *See id.* at 52. Therefore, on this record, Petitioner has not shown a reasonable likelihood that it would prevail in establishing claims 23, 24, 35–44, 48, and 51–54 would have been obvious over Behr, Schreder, and Hanchett.

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing claims 23, 24, 35–44, 48, and 51–54 are unpatentable. We therefore do not institute an *inter partes* review of claims 23, 24, 35–44, 48, and 51–54.

IV. ORDER

Accordingly, it is:

ORDERED that the Petition is denied as to the challenged claims of the '136 patent; and

FURTHER ORDERED that no *inter partes* review is instituted.

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