UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

SAFE DRIVING TECHNOLOGIES LLC,
Patent Owner.

U.S. Patent No. 10,532,709 to Naboulsi

Case No.: IPR2021-01353

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE TO PETITION

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List of Exhibits

Exhibit No.	Description	Identifier
1001	U.S. Patent No. 10,532,709	'709 Patent
1002	U.S. Patent No. 10,532,709 File History	'709 Patent FH
1003	Declaration of Scott Andrews	Andrews Decl.
1004	Curriculum Vitae of Scott Andrews	
1005	*Safe Driving Technologies LLC v. Ford Motor Company*, No. 21-cv-64-MN, Ford's First Interrogatories (No. 1) served April 28, 2021	
1006	*Safe Driving Technologies LLC v. Ford Motor Company*, No. 21-cv-64-MN, Safe Driving Response to Interrogatory No. 1	
1007	https://timeandnavigation.si.edu/multimedia-asset/magellan-nav-1000-gps-receiver-1988 (accessed 11/19/2017)	
1008	TravTek Global Evaluation and Executive Summary (Publication No. FHWA-RD-96-031 March 1996)	TravTek1
1009	TravTek System Architecture Evaluation (Publication No. FHWA-RD-94-141 July 1995)	TravTek2
1010	TravTek Evaluation Orlando Test Network Study (Publication No. FHWA-RD-95-162 January 1996)	TravTek3
1011	U.S. Patent No. 5,923,294	Bacelon
1012	U.S. Patent No. 5,808,566	Behr
1013	Vehicle Location and Navigation Systems by Yilin Zhao, ©1997	Zhao
1014	Computer Networks, 3rd Ed., by Andrew S. Tanenbaum, ©1996, Prentice Hall, ISBN 0-13-394248-1	Tanenbaum
1015	Automotive Electronics Handbook, by Ronald Jurgen	Jurgen
1016	U.S. Patent No. 3,906,166	Cooper

Exhibit No.	Description	Identifier
1017	An Introduction to GSM by Redl, Weber, and Oliphant, ©1995Artech House, ISBN 0-890067-785-6	An Introduction to GSM
1018	GSM and Personal Communications Handbook, by Redl, Weber, and Oliphant, ©1998 Artech House, ISBN 0-89006-957-3	GSM and Personal Communications Handbook
1019	"History of Pagers and Beepers." ThoughtCo, Jan. 31, 2021, thoughtco.com/history-of-pagers-and-beepers-1992315	History of Pagers and Beepers
1020	Post Office Code Standardisation Advisory Group	
1021	Map Design: An On-the-Road Evaluation of the Time to Read Electronic Navigation Displays By Christopher Nowakowski and Paul Green, Report Date June 1998	UMTRI Report 98-4
1022	Map Design: An On-the-Road Evaluation of the Time to Read Electronic Navigation Displays By Christopher Nowakowski and Paul Green, Report Date June 1998	UMTRI Report 98-20
1023	U.S. Patent No. 6,612,682	Andrews
1024	Japanese Patent H10-232992	Nojima
1025	U.S. Patent No. 6,574,531	Tan
1026	U.S. Patent No. 7,711,355	Krueger
1027	U.S. Patent No. 7,484,008	Gelvin
1028	*Safe Driving Technologies LLC v. Ford Motor Company*, No. 21-cv-64-MN, D.I. 21, Scheduling Order	
1029	U.S. Patent Publication No. 2002/0070852	Trauner
1030	U.S. Patent No. 9,047,170	‘170 Patent
1031	*Intentionally Left Blank*	
1032	*Intentionally Left Blank*	
1033	60/336,293 Provisional Patent Application	‘293 provisional
1034	60/390,877 Provisional Patent Application	‘877 provisional

Exhibit No.	Description	Identifier
1035	*Huvepharma EOOD v. Associated British Foods, PLC*, Civil Action No. 18-129-RGA, 2019 U.S. Dist. LEXIS 139034, at *2-3 (D. Del. August 12, 2019 and *Ethicon LLC v. Intuitive Surgical, Inc.*, No. 17-871-LPS, 2019 U.S. Dist. LEXIS 45452, at *2 (D. Del. Mar. 20, 2019)	
1036	*Safe Driving Technologies LLC v. Ford Motor Company*, No. 21-cv-64-MN, Signed Stipulation to Modify Scheduling Order (DI 50) dated Aug. 26, 2021	
1037	*Safe Driving Technologies LLC v. Ford Motor Company*, No. 21-cv-64-MN, SDT Notice of Service of Initial Claim Charts (DI 41) dated July 12, 2021	

I. Introduction

SDT has not filed a Patent Owner's response under 37 C.F.R. § 42.120. According to the Scheduling Order, this response was due May 5, 2022. (Paper 10 at 12).[1] Accordingly, SDT has waived all arguments presented in its preliminary response. *See* Paper 10 at 10 ("Patent Owner is cautioned that any arguments not raised in response may be deemed waived.") *See also, In re NuVasive*, 842 F.3d 1376, 1380-81 (Fed. Cir. 2016) ("NuVasive waived its public accessibility arguments before the PTAB and may not raise them on appeal. NuVasive challenged the public accessibility of the prior art references during the preliminary proceedings of the inter partes review . . . but failed to challenge public accessibility during the trial phase."). Because SDT has not filed a Patent Owner Response, or a supporting declaration, SDT has waived all arguments to Ford's Petition and the Board's rationale in granting institution of IPR2021-01353.

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[1] Pursuant to the Scheduling Order, SDT "must arrange a conference call with the parties and the Board." (Paper 10 at 10; *see also, Patent Trial and Appeal Board Consolidated Trial Practice Guide* at p. 66 (Nov. 2019).) No such conference call has been arranged to date, but Ford is available for a call when convenient for the Board and SDT.

II. Argument

The Board has found a reasonable likelihood that claims 1–7 and 14–16 are unpatentable. (Paper 9 at 42.) SDT did not submit any evidence or argument in contradiction to the Board's findings in the Institution Decision and has waived all previous arguments. SDT has not submitted any expert testimony, and therefore the Declaration of Mr. Andrews stands unrebutted. SDT has not raised any material issues to be resolved at trial and all challenged claims are unpatentable for the reasons stated in Ford's Petition and the Institution Decision issued by the Board.

Ford would like to address a point raised by the Board in the Institution Decision. Regarding Ground 3, in its Preliminary Response, SDT argued that Tan failed to disclose the claimed "third mode of operation." (Paper 6 at 42–44.) The Board found SDT's Preliminary Response to be unpersuasive, but stated that "[a]t best, Patent Owner's argument presents an issue of fact to be resolved at trial." (Paper 9 at 34.) By not filing a Patent Owner's response, SDT has waived these previous arguments. Moreover, SDT's Preliminary Response was merely attorney argument. (Paper 9 at 34.) Mr. Andrews' expert declaration clearly demonstrates that Tan discloses the claimed three modes of operation. (Ex. 1003, ¶¶ 374–379.) This evidence is unrebutted by SDT and therefore requires no further resolution.

III. Conclusion

For the unrebutted reasons set forth in Ford's Petition, the Declaration of Scott Andrews, and this Reply, the challenged claims of the '709 Patent are unpatentable in view of the cited prior art.

Respectfully submitted,

Dated: July 28, 2022

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Certificate of Service

The undersigned hereby certifies that on July 28, 2022, a complete and entire copy of **PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE TO PETITION**, was served via electronic mail to pattman2@gmail.com and skaliko@yklaw.us which provides service to the following counsel of record:

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Certificate of Compliance Pursuant to 37 C.F.R. § 42.24

This paper complies with the type-volume limitation of 37 C.F.R. § 42.24. The paper contains 470 words, excluding the parts of the paper exempted by §42.24(a).

This paper also complies with the typeface requirements of 37 C.F.R. § 42.6(a)(ii) and the type style requirements of § 42.6(a)(iii)&(iv).

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