

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,  
Patent Owners

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IPR2017-00184  
PATENT 7,069,293

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**PATENT OWNER PRELIMINARY RESPONSE TO PETITION  
PURSUANT TO 37 C.F.R. § 42.107(a)**

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**Table of Exhibits for Patent Owner Preliminary Response to Petition**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
Ex. 2001	Vervante website selling IBM ITSO's WorkSpace On-Demand Handbook, published December 17, 1997
Ex. 2002	U.S. Copyright Office website "Publication"
Ex. 2003	IBM Actual Publication Dates - Latest Redbooks (published January 8, 1997 through March 20, 2000)
Ex. 2004	IBM Redbooks Webpages for: <ul style="list-style-type: none"><li>• NetFinity V5.0 Database Support</li><li>• AS/400 TCP/IP Autoconfiguration: DNS and DHCP Support</li><li>• Business Intelligence Certification Guide</li><li>• Migrating IBM Netfinity Servers to Microsoft Windows 2000</li><li>• Lotus Domino for S/390 Release 5: Problem Determination Guide</li></ul>
Ex. 2005	Copyright Registration Records for: <ul style="list-style-type: none"><li>• NetFinity V5.0 Database Support</li><li>• AS/400 TCP/IP Autoconfiguration: DNS and DHCP Support</li><li>• Business Intelligence Certification Guide</li><li>• Migrating IBM Netfinity Servers to Microsoft Windows 2000</li><li>• Lotus Domino for S/390 Release 5: Problem Determination Guide</li></ul>
Ex. 2006	Excerpt of first four pages of: <ul style="list-style-type: none"><li>• NetFinity V5.0 Database Support</li><li>• AS/400 TCP/IP Autoconfiguration: DNS and DHCP Support</li><li>• Business Intelligence Certification Guide</li><li>• Migrating IBM Netfinity Servers to Microsoft Windows 2000</li><li>• Lotus Domino for S/390 Release 5: Problem Determination Guide</li></ul>

## I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a), Uniloc Luxembourg S.A. (“Patent Owner”) submits this Preliminary Response to the Petition for *Inter Partes* Review (“the Petition”) of U.S. Patent No. 7,069,293 (“the '293 Patent”) filed by Unified Patents, Inc. (“Petitioner”).

The Board should deny the Petition in its entirety because of procedural and substantive defects. First, the Petition has several instances of both horizontal and vertical redundancy. Second, the Petition commits three-part error in relying on a secondary reference that (1) has a publication date within the one-year grace period and therefore is not qualified as prior art under pre-AIA 35 U.S.C. § 102(b); (2) is offered as a horizontally redundant reference with respect to the primary reference; and (3) was considered by the Examiner during prosecution and is cumulative under 35 U.S.C. § 325(d). Third, the Petition relies on faulty claim constructions that Petitioner fails to even apply. Finally, due in part to the faulty claim constructions, the Petition fails to “specify where each element of the claim is found in the prior art patents or printed publications relied upon.” 37 C.F.R. § 42.104(b)(4).

In view of the reasons presented herein, the Petition should be denied in its entirety as failing to meet the threshold burden of proving there is a reasonable likelihood that at least one challenged claim is unpatentable.<sup>1</sup>

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<sup>1</sup> Should the Board institute proceedings in this matter, Patent Owner does not

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