

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner

IPR2017-00221, -00222, -00225
PATENTS 7,535,890, 8,243,723, PATENT 8,995,433

**PATENT OWNER'S MOTION FOR OBSERVATION
ON CROSS- EXAMINATION OF LEONARD FORYS**

Pursuant to the Scheduling Order (Paper 10 in IPR2017-00221)¹ and the parties Notice of Joint Stipulation to Modify Due Dates 4 and 5 (Paper 20 in IPR2017-00221),² Patent Owner Uniloc Luxembourg S.A. (“Uniloc”) moves the Board to observe the following passages in the cross-examination of Dr. Leonard Forys. Petitioner Apple, Inc, (“Petitioner”) submitted a declaration by Dr. Forys (Exhibit 1029) with its Reply, and Uniloc cross-examined Dr. Forys on December 9, 2017. The complete transcript of the cross-examination is submitted herewith as Exhibit 2004.

1. In Exhibit 2004, on page 14, lines 8 to 20, Dr. Forys testified that a Local Area Network or “LAN” is a specific type of network at least in that it “serves a geographically small area --- a building, perhaps a college campus – and uses certain kinds of protocols that are useful in small geographical areas, such as things like Ethernet, for example; and uses routers and bridges and different pieces of technology to make them either wireless or wired, as the case may be.” In addition, in Exhibit 2004, on page 17, lines 4 to 5, Dr. Forys equated the term “local network” (as claimed in U.S. Patent No. 7,535,890 or “the ’890 patent”) to

¹ The Board’s Order re. Oral Hearing (Paper 24 in IPR2017-00221) consolidated the following matters for purposes of Oral Argument: IPR2017-00221, IPR2017-00222, and IPR2017-00225.

² The parties filed identical Joint Stipulations in related matters IPR2017-00222 and IPR2017-00225, which have been consolidated with IPR2017-00221 for purposes of Oral Argument.

a LAN having “certain topologies and certain connections and certain protocols” (*See also id.* p. 15, lines 4 to 7) Notably, Dr. Forys previously testified that “[t]he variations among the independent claims [of the ’890 patent] are mostly related to *different types* of networks connecting the client, server(s), and recipient(s).” (Ex. 1003 in IPR2017-00221 at ¶56, emphasis added.) This testimony is relevant at least to Petitioner’s argument (*e.g.*, at pages 1 through 3 of its Reply in IPR2017-00221) that the qualifier “local” in the claim term “local network” does not refer to a specific *type* of network. It is relevant at least because it undermines Petitioner’s claim interpretation and supports the conclusion that not all types of networks match Dr. Forys’ description of a LAN.

2. In Exhibit 2004, on page 40, line 21 to page 42, line 10, Dr. Forys testified that Figure 5 of the ’890 patent illustrates IP network 204 and IP network 102 as “separate networks” and further testified that IP network 102 is “external” to IP network 204. This is relevant at least to (1) Petitioner’s claim interpretation (restated at page 1 of its Reply in IPR2017-00221, Paper 17) that “external network” means “a network that is outside another network” and to (2) Petitioner’s argument at page 2 of its same Reply that that the ’890 patent does not describe an external network with reference to Figure 5, or any other figure. It is relevant at least because Dr. Forys’ testimony confirms that the ’890 patent (and hence all the challenged patents) illustrates and describes an “external network” as claimed,

at least under Petitioner's claim interpretation.

3. In Exhibit 2004, on page 81, lines 5 to 11, Dr. Fors testified that cited reference U.S. Patent No. 7,123,695 ("*Malik*") describes at col. 4, lines 51 to 53 an embodiment where the VIM server 330 delivers messages between clients. This is relevant at least to Petitioner's argument at page 10 of its Reply in IPR2017-00221 that in that same embodiment of *Malik* the VIM server 330 is uninvolved in message delivery. It is relevant at least because Dr. Fors' testimony undermines Petitioner's interpretation of that same passage, as sets forth in Petitioner's Reply in IPR2017-00221 at page 10.

Date: January 15, 2018

Respectfully submitted,

By: /s/ Brett A. Mangrum

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), we certify that foregoing PATENT OWNER'S MOTION FOR OBSERVATION ON CROSS-EXAMINATION OF LEONARD FORYS was served via electronic mail on January 15, 2018 on the following counsel for Petitioner:

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