

Apple Inc. et al.

v.

Uniloc Luxembourg S.A.

Case IPR2017-00221 (Patent 7,353,890)

Case IPR2017-00222 (Patent 8,243,723)

Case IPR2017-00225 (Patent 8,995,433)

Hearing Before Jennifer S. Bisk,
Miram L. Quinn, and
Charles J. Bourdreau

February 8, 2018

IPR2017-0221, '890 Claim Construction: “local network” and “external network”

14. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a client connected to a **local** network, the client selecting one or more **external** recipients connected to an **external** network outside the local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the **local** network and the **external** network; and

a server connected to the **external** network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the **external** network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

IPR2017-0221, '890 Claim Construction: "local network" and "external network"

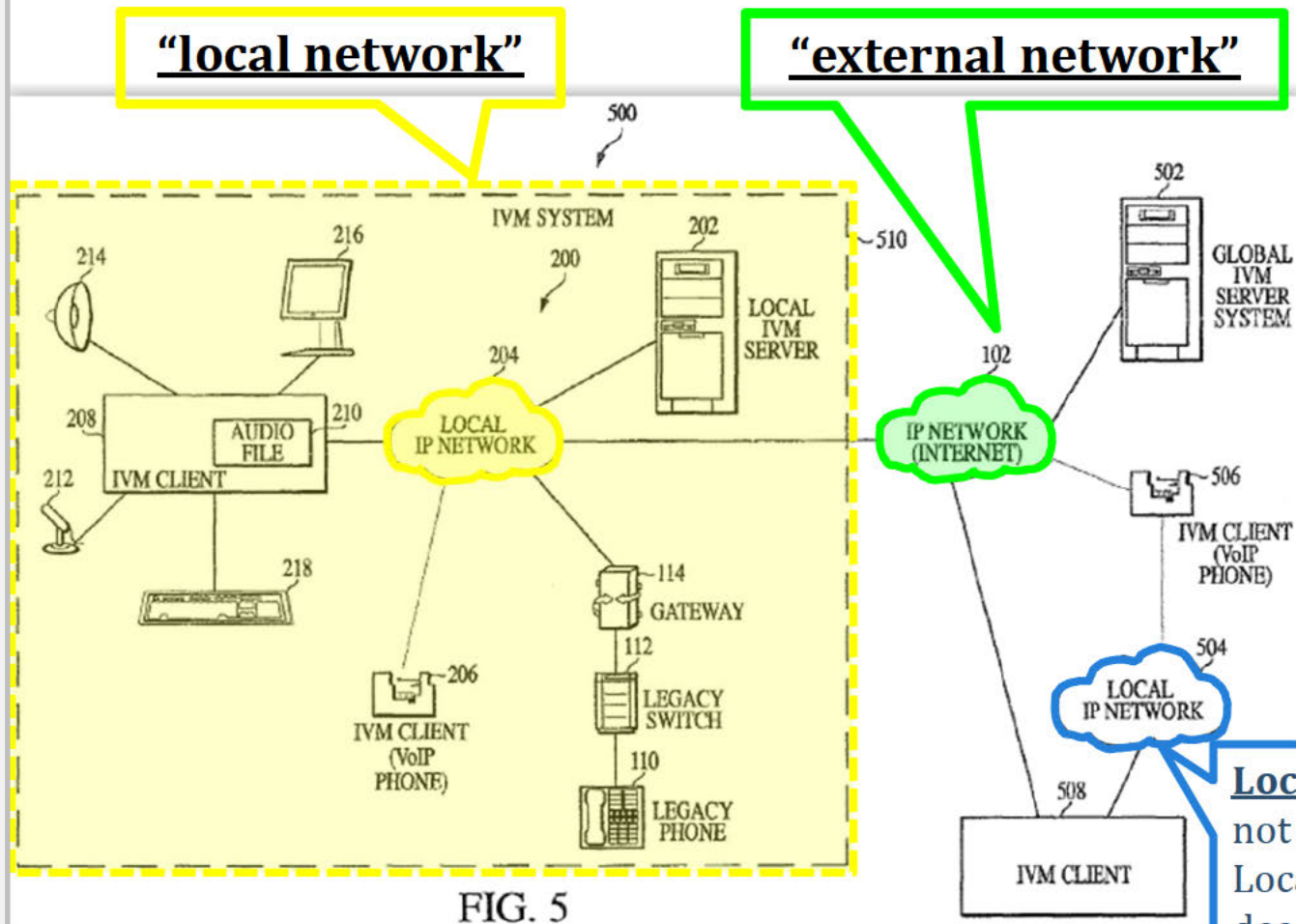


FIG. 5

Apple's Ex. 1001 in IPR2017-00221, '890 patent at Fig. 5
(See Uniloc's Ex. 2001 ¶¶ 23-26 and Response at 9-10).

IPR2017-0221, '890 Claim Construction: “local network” and “external network”

“local network” and “external network” refer to different types of network:

- ✓ The Petition concedes (at page 6) that claim terms “local” and “external” refer to the type of network:

The other independent claims recite substantially similar limitations. The differences among the independent claims mostly relate to various types of network(s) connecting the client, server(s), and recipient(s). Based on these differences, the six independent claims can be categorized into three groups. (Forys Dec., ¶56.)

- ✓ Petitioner’s declarant repeated the same nearly verbatim:

The variations among the independent claims are mostly related to different types of networks connecting the client, server(s), and recipient(s). Based on these variations, the six independent claims can be categorized into three groups.

IPR2017-0221, Apple’s Ex. 1003 at ¶56.

- ✓ The Internet cannot be considered a “local network” but rather is only a type of “external network.” Pet. 39; Response at 9-10.

IPR2017-0221, '890 Claim Construction: “local network” and “external network”

- ✓ Uniloc’s expert, Mr. Easttom, agreed that the expressly-distinct qualifiers “local” and “external” refer to the **type** of network:

23. In my opinion, a POSA would understand from the context of the claim language as a whole, when read in light of the rest of '890 patent specification, that the recited “local network” and “external network” are distinguishable from one another and that the words “local” and “external” refer to distinct types of networks. See, e.g., Ex. 1001 25:25-26. I note that Dr. Forys appears to agree with me on this point. Ex. 1003 ¶56; Ex. 2002 35:19-36:2.

IPR2017-0221,
Uniloc’s Ex. 2001 at ¶23.

25. This plain reading of the claim language is also confirmed by the fact that in certain independent claims the sending “client” is connected to a “local network” (e.g., Claim 8) and in other independent claims the sending “client” is connected, instead, to an “external network” (e.g., Claim 28). A POSA would understand from this explicit claim differentiation the terms “local network” and “external network” invoke distinct connotations in the art concerning the type of network used.

IPR2017-0221,
Uniloc’s Ex. 2001 at ¶25.

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