

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBISOFT, INC. AND SQUARE ENIX, INC.,
Petitioner

v.

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

IPR2017-1315
PATENT 6,510,466

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

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Exhibit Table for Patent Owner Preliminary Response to Petition

<u>Exhibit</u>	<u>Description</u>
Ex. 2001	Declaration of Dr. Val DiEuliis

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. 6,510,466 (“the '466 Patent”) filed by Ubisoft, Inc. and Square Enix, Inc. (“Petitioner”).

The Board should deny the Petition in its entirety for at least three overarching reasons, each one involving reversible legal error injected by the Petition. First, the Petition relies on claim constructions it has since unequivocally repudiated in arguments made before the district court. Second, Petitioner improperly attempts to combine disparate teachings of a cited reference and in a manner inconsistent with those expressly distinguished teachings. Third, the alleged flaw in the cited art that ostensibly prompted the proposed modifications had not been recognized in the art itself. Thus, there would have been no reason to modify as proposed, regardless whether such modifications could have been done.

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.

II. OVERVIEW OF THE '466 PATENT

The '466 Patent is titled “Methods, Systems and Computer Program Products for Distribution of Application Programs to a Target Station on a Network.” EX1001

at [54]. The '466 Patent issued from U.S. Patent Application No. 09/211,528, filed December 14, 1998. The '466 Patent issued on January 21, 2003, after five years of thorough prosecution, and was originally assigned to the International Business Machines Corporation (“IBM”). EX1001 at [45], [73].

The '466 Patent relates to centrally managing the provision of application programs within a heterogeneous computer network environment. EX1001, 1:21-23; 3:24-36; 5:37-6:9. An application program (or simply “application”) is software written to perform a particular function for a user and is distinguishable from, for example, the operating system of a particular device, system-level software designed to operate the network, etc.

As of 1998, designers of heterogeneous computer networks for large enterprises were confronted with various problems including, for example, users who login at different times from different client devices on the network—i.e., a *roaming* user. Around that same timeframe, computer network designers were also confronted with the problems of efficiently distributing and updating applications throughout the enterprise network, while maintaining consistency among roaming users as to both application updates and the application of preferences.

The '466 teaches innovative solutions to those problems, among others. As disclosed in the '466 Patent, for example, the IBM inventors had reduced to practice various embodiments that enable a roaming user to access the user’s authorized

applications from any client on the network, while consistently providing the user's own selected preferences for those applications and maintaining application updates in a manner transparent to the user. In certain embodiments, application programs are provided on an as-needed basis and specifically-adapted to the specific client the user happens to be accessing at the time. EX1001, 11:4-8.

Claims 1, 15, and 16 are the independent claims of the '466 Patent. For the convenience of the Board, independent Claim 15 is reproduced below:

15. An application program management system for managing application programs on a network including a server and a client comprising:

- [a] means for installing a plurality of programs at the server;
- [b] means for receiving at the server a login request from a user at the client;
- [c] means for establishing a user desktop interface at the client associated with the user responsive to the login request from the user, the desktop interface including a plurality of display regions associated with a set of the plurality of applications programs installed at the server for which the user is authorized; and
- [d] means for receiving at the server a selection of one of the plurality of application programs from the user desktop interface; and
- [e] means for providing an instance of the selected one of the plurality of application programs to the client for execution responsive to the selection.

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