

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., WHATSAPP INC.,
Petitioner

v.

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

IPR2017-01523
PATENT 7,535,890

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

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List of Exhibits

Exhibit No.	Description
2001	Declaration of Dr. Val DiEuliis

I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a), Uniloc USA, Inc. and Uniloc Luxembourg S.A. (“Patent Owner”) submit this Preliminary Response to the Petition for *Inter Partes* Review (“the Petition”) of U.S. Patent No. 7,535,890 (“the ’890 Patent”) filed by FACEBOOK, INC. and WHATSAPP INC. (“Petitioner”).

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. As a general overview, the Petition asserts a single-reference obviousness challenge against all but three challenged claims; the Petition adds additional references in proposed combinations for the other three challenged claims. The Petition fails to provide a prima facie case of obviousness for the single-reference and combination challenges. Additionally, Petitioner offers no analysis for expanding the single reference for obviousness purposes, and ignores the plain language of its own references in an attempt to impermissibly combine those references. Such an approach invites reversible error and should be rejected outright.

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