

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.

Petitioner

v.

UNILOC LUXEMBOURG, S.A.

Patent Owner

IPR2017-01802

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 William C. Easttom II
2002	Invalidity Contentions Submitted on December 16, 2016 in the underlying consolidated case of <i>Uniloc USA, Inc. v. Samsung Electronic America's, Inc.</i> , Case No. 2:16-cv-642
2003	U.S. Pat. App. Pub. No 2004/0128356 (<i>Bernstein</i>)
2004	U.S. Pat. App. Pub. No. 2007/0112925 (<i>Malik II</i>)

I. INTRODUCTION

Uniloc Luxembourg S.A. (“Patent Owner”) pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a), submits this Preliminary Response to the Petition for *Inter Partes* Review (“the Petition” or “Pet. at __”) of United States Pat. No. 7,535,890 (EX1001; “the ’890 Patent”) filed by SAMSUNG ELECTRONICS AMERICA, INC. (“Petitioner”).

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). Rather, Petitioner uses the claim language as a blue-print to speculate (outside the four corners of the cited references) various ways in which the duplicative (i.e., cumulative) references could possibly be modified and combined to atone for missing limitations. Petitioner further impermissibly attempts to fill in the missing limitations, at least in part, by offering interpretations that conflict with contents of the duplicative references, with express language in the claims, and with unambiguous constructions in the prosecution history. The Petition’s approach invites reversible error and should be rejected outright.

II. RELATED MATTERS

The ’890 Patent is in a family of patents including United States Patent Nos. 8,243,723 (the ’723 Patent); 8,724,622 (the ’622 Patent); 8,199,747 (the ’747

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