

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner

Case IPR2017-01804
PATENT 8,724,622

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

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**VI. THE SUPREME COURT IS CURRENTLY REVIEWING THE
CONSTITUTIONALITY OF INTER PARTES REVIEW
PROCEEDINGS**

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List of Exhibits

Exhibit No.	Description
2001	Declaration of William Easttom II
2002	Microsoft TechNet article showing Microsoft IIS 6.0 enabled compression over HTTP

I. INTRODUCTION

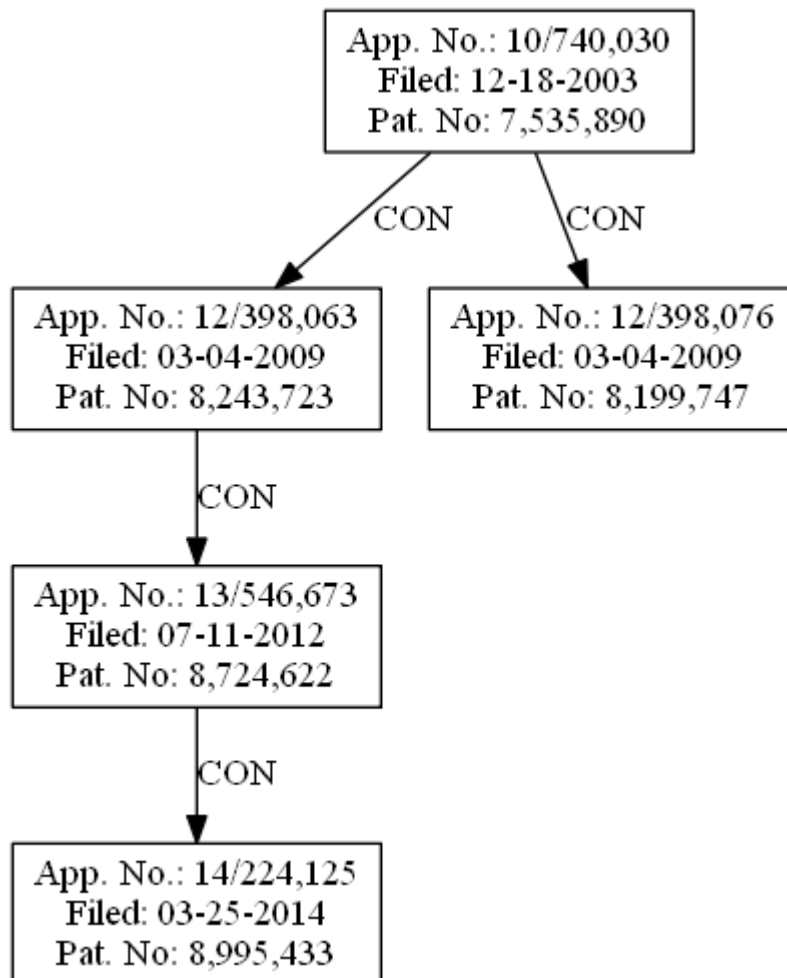
Petitioner Apple Inc. has now filed *four* petitions for *inter partes* review against U.S. Patent No. 8,724,622 (“the ’622 patent”) owned by Uniloc Luxembourg S.A. (“Patent Owner”). *See* IPR2017-0223, IPR2017-0224, IPR2017-1804 (the present Petition), and IPR2017-1805 (filed concurrently with the present Petition). The Board denied institution on Apple’s first pair of petitions. *See* IPR2017-0223 and IPR2017-0224. As a procedural matter, the Board should deny the instant Petition under 35 U.S.C. § 325(d) because Petitioner provides no persuasive justification for its latest piecemeal and harassing challenges based on a combination of references it admittedly knew of a year ago. Contrary to what Petitioner alleges, the non-exhaustive example factors set forth in *Blue Coat Systems v. Finjan*¹ confirm the present facts warrant denial pursuant to 35 U.S.C. § 325(d).

Even if the Board were inclined to consider the merits of the present Petition, notwithstanding the fact that the present circumstances invoke 35 U.S.C. § 325(d), the Petition is admittedly duplicative of the petition filed in IPR2017-1667 and, consequently, the instant Petition has at least the same substantive deficiencies previously identified in Patent Owner’s Preliminary Response filed in that earlier matter. *See* IPR2017-1667.

¹ IPR2016-01443, Paper 13, pp. 8-9.

II. RELATED MATTERS OF THE '622 PATENT

The '622 patent is in a family of patents including United States Patent Nos. 7,535,890 (the '890 Patent); 8,243,723 (the '723 Patent); 8,199,747 (the '747 Patent); and 8,995,433 (the '433 Patent). The diagram below illustrates how this family of patents are interrelated by priority claims.



Petitioner has filed *eight* of the *thirty-six* petitions for *inter partes* review filed against these five patents, as highlighted in the table below. *See* Case Nos. IPR2017-0220, -221, -222, -223, -224, -225, -1804, and -1805. No less than

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