UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

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

Patent Owners

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IPR2017-01805

PATENT 8,724,622

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

Tables of Contents

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 (filed concurrently with the present Petition), and IPR2017-1805 (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.

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[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.
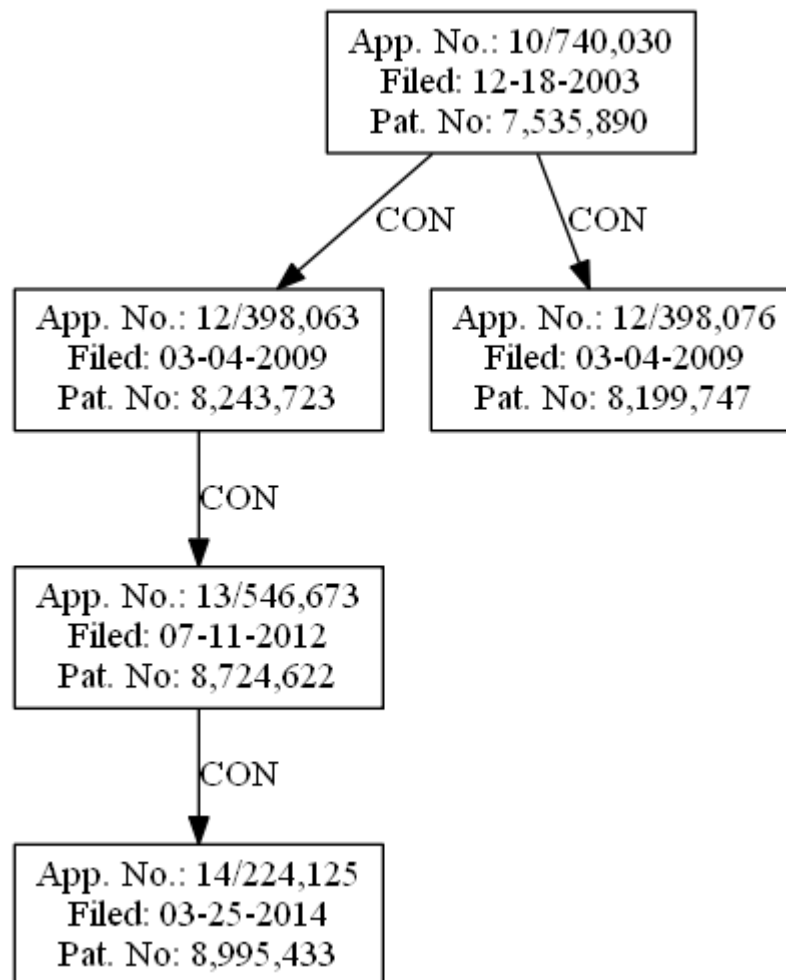
Petitioner has filed *eight* of the *thirty-six* petitions for *inter partes* review filed

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 eighteen *inter*

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