

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBISOFT, INC.,
Petitioner,

v.

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

Case No. IPR2017-01828
U.S. Patent No. 6,489,974

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 6,489,974

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I. INTRODUCTION

Petitioner requests *Inter Partes* Review (“IPR”) of claims 1, 2, 4, 8, 12, 13, 15, and 19 of U.S. Patent No. 6,489,974 (“‘974 Patent”). EX1001.

II. REQUIREMENTS FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioner certifies that the ‘974 Patent is available for IPR and it is not barred or estopped. Specifically, Petitioner states: (1) it is not the owner of the ‘974 Patent; (2) it has not filed a civil action challenging the validity of any claim of the ‘974 Patent; (3) this Petition is timely filed less than one year after it was served with a complaint alleging infringement of the ‘974 Patent; and (4) this Petition is filed more than nine months after the ‘974 Patent issued.

B. Identification of Challenge Under 37 C.F.R. §42.104(b) and Relief Requested

In view of the prior art, evidence, and discussion of claim limitations, claims 1, 2, 4, 8, 12, 13, 15, and 19 of the ‘974 Patent are unpatentable and should be cancelled. 37 C.F.R. §42.104(b)(1). This review is governed by pre-AIA §§102 and 103.

Proposed Statutory Rejections for the ‘974 Patent
Claims 1, 2, 4, 8, 12, 13, 15, and 19: Anticipated under §102(b) by <i>Inside Macintosh, Volume VI</i> (“Inside Macintosh”) [EX1002].

1. Level of Ordinary Skill in the Art

A person of ordinary skill in the field of computer networking at the time of the alleged invention, January 10, 1994, (“POSITA”) would have had at least a bachelor’s degree, or equivalent, in electrical engineering, computer engineering, computer science, or a related field or an equivalent number of years of working experience, and one to two years of experience in computer programming.

2. Claim Construction

The ‘974 Patent expired on June 19, 2017, and is therefore not subject to amendment. For purposes of this Petition, the claims are construed pursuant to *Phillips v. AWH Corp.*, 415 F.3d 1303, 1327 (Fed. Cir. 2005) (words of a claim “are generally given their ordinary and customary meaning” as understood by a person of ordinary skill in the art in question at the time of the invention). The claim construction analysis is not, and should not be viewed as a concession by Petitioner as to the proper scope of any claim term in litigation. These assumptions are not a waiver of any argument in any litigation that claim terms in the ‘974 Patent are indefinite or otherwise invalid or unpatentable.

- a. “means for providing a representation of said first object on a user interface of said computer, with the representation supporting user interaction with said first object on said user interface of said computer” (Claim 12)***

The stated function is “providing a representation of said first object on a user interface of said computer, with the representation supporting user interaction

with said first object on said user interface of said computer.” The disclosed structure for performing the function is a computer utilizing an operating system that supports multitasking capabilities, an associated display, and a user input device such as keyboard, mouse, touch screen, or microphone, and equivalents thereof. EX1001 at 3:31-51, Fig. 1. The computer processor is programmed to: 1) display a focused object either as a window 33 displayed in the foreground of the desktop (as shown in FIG. 2) or as a full screen session 34 displayed in full on the screen (as shown in FIG. 4); and 2) enable the focused object to receive user inputs (e.g., the user can type in data using a keyboard, use a mouse cursor or some other input device to input data or other information). *Id.* at 3:52-65.

**b. “means for executing said first object on said computer”
(Claim 12)**

The stated function is “executing said first object on said computer.” The disclosed structure for performing the function is a computer utilizing an operating system that supports multitasking capabilities, where the computer processor is programmed to: 1) receive a user input in the user interface for the first object, causing the object to execute a task (also referred to as a “thread” or “flow of execution); and 2) execute the task, and equivalents thereof. *Id.* at Fig. 7 (step 71), 6:46-51, 4:2-8. The ‘974 Patent discloses, for example, “the user could press the ENTER key to cause the object to execute.” *Id.* Exemplary tasks disclosed include sending a fax transmission or formatting a diskette. *Id.* at 4:2-8, 1:51-56.

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