

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., and HUAWEI DEVICE CO., LTD.,
Petitioners

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner

Case IPR2017-02088
PATENT 8,995,433

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

Table of Contents

I.	INTRODUCTION	1
II.	HUAWEI IMPERMISSIBLY ATTEMPTS MULTIPLE BITES AT THE APPLE	8
III.	THE '433 PATENT	10
	A. Effective Filing Date of the '433 Patent	10
	B. Overview of the '433 Patent	10
IV.	THERE IS NO REASONABLE LIKELIHOOD THAT EVEN ONE OF THE CHALLENGED CLAIMS IS UNPATENTABLE	12
	A. Claim Construction Issues Injected by the Petition	12
	1. Petitioners rely on an erroneous construction for “instant voice messaging application”	14
	2. Petitioners rely on an erroneous construction for “client platform system”	16
	B. No <i>prima facie</i> obviousness for “wherein the instant voice message application attaches one or more files to the instant voice message” (all challenged claims)	18
	C. The patentability of independent claim 1 extends to all the challenged dependent claims, which further recite patentable limitations	22
	1. No <i>prima facie</i> obviousness for “wherein the instant voice messaging application displays one or more controls for audibly playing the instant voice message” (dependent claim 11)	22
	2. No <i>prima facie</i> obviousness for “wherein the instant voice messaging application displays one or more controls for performing at least one of reviewing, re-recording or deleting the instant voice message” (dependent claim 16)	25
V.	CONCLUSION	27

List of Exhibits

Exhibit No.	Description
2001	Declaration of Dr. Val DiEuliis
2002	Invalidity Contentions Submitted on March 28, 2017 in the underlying consolidated case of <i>Uniloc USA, Inc. v. Samsung Electronic America's, Inc.</i> , Case No. 2:16-cv-642
2003	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
2004	“‘App’ voted 2010 word of the year by the American Dialect Society (UPDATED)”, American Dialect Society (Jan. 8, 2011), available at http://www.americandialect.org/app-voted-2010-word-of-the-year-by-the-american-dialect-society-updated (printed Aug. 23, 2017).

I. INTRODUCTION

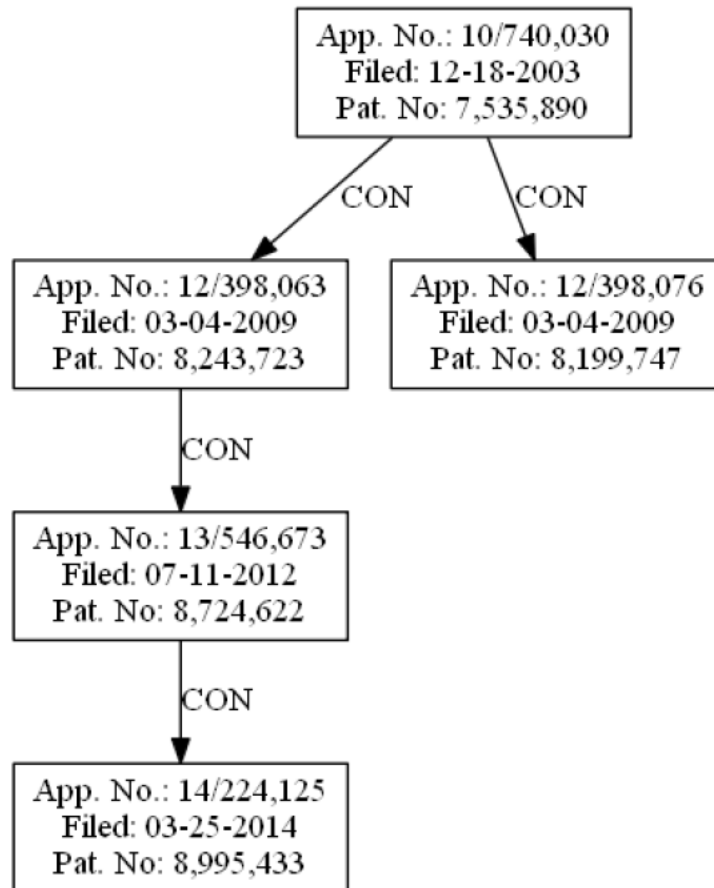
Pursuant to 35 U.S.C. §313 and 37 C.F.R. §42.107(a), Uniloc Luxembourg S.A. (the “Patent Owner”) submits this Preliminary Response to the Petition for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 8,995,433 (“the ’433 Patent” or “EX1101”) filed by LG Electronics, Inc. and Huawei Device Co., LTD. (“Petitioner”). Petitioner moves to join the proceeding in IPR2017-1428. Joinder is not warranted, however, because the instant Petition is procedurally and substantive defective for at least the reasons set forth herein.

The Petition should be denied as failing to provide the mandatory notices set forth in Rule 42.8. Under 35 U.S.C. § 312(a)(4), “[a] petition filed under section 311 may be considered *only if* ... the petition provides such other information as the Director may require by regulation.” This of course includes the mandatory notice provisions of Rule 42.8. As yet another procedural defect, Petitioners not only fail to provide the required notice of redundant petitions, they also make no attempt to justify such overt redundancy. There is also sufficient evidence to conclude, even at this preliminary stage, that Petitioners failed to identify all real parties-in-interest.

Even if the Board were to overlook the numerous procedural defects of the Petition and reach its substantive merits, the Petition should be denied in its entirety because it fails to meet the threshold burden of proving that there is a reasonable likelihood that even one challenged claim is unpatentable. Patent Owner has seized the opportunity, as is its right under these circumstances introduced by Petitioners, to expand and further explain its positions originally set forth in its preliminary Response in related matter IPR2017-1428. Denial is warranted here.

II. PETITIONERS DO NOT SATISFY THE MANDATORY NOTICE REQUIREMENTS

The '433 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 8,724,723 (“the '622 patent”), as shown in the diagram below.



Petitioner has filed three of the thirty-six IPRs filed against this related family of patents, as highlighted below. As shown in the table below, most of the IPR petitions filed against these related patents predate the present Petition.

Petitioner	IPR#	Date	Patent
Apple	IPR2017-0220	14-Nov-16	'890
Apple	IPR2017-0221	14-Nov-16	'890
Apple	IPR2017-0222	14-Nov-16	'723

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