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# UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner
v.
FALL LINE PATENTS, LLC
Patent Owner

CASE IPR2018-00043 PATENT 9,454,748

PATENT OWNER'S RESPONSE TO PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 9,454,748 CHALLENGING CLAIMS 16-19 AND 21-22



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	a.	Petitioner's expert wrongly assumes that <i>Kari's</i> Nokia 9000 utilizes HTML 4 when it actually only supported HTML 211	
	b.	The browser in <i>Kari's</i> Nokia 9000 Communicator could not read GPS information	
	c.	In 2001 <i>Kari's</i> blank form could not both be comprised of device independent tokens and read location information from an internal or external GPS receiver	
	d.	Kari's invention if implemented in standard HTML could not operate according to his own stated "advantageous embodiment" in a loosely networked environment	
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	1.	No single reference or combination of references teaches performing limitation [19.7] in a device independent manner		
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<i>CFMT, Inc. v. Yieldup Intern. Corp.</i> , 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing <i>In re Royka</i> , 490 F.2d 981, 985 (CCPA 1974))21
Other Authorities
Updated KSR Examination Guidelines, Federal Register, Vol. 75, No. 169, Wednesday, September 1, 2010, Notices, p. 5364623



#### PATENT OWNER'S EXHIBIT LIST

June 26, 2018

EX2001	October 16, 2014 email to The Honorable Michelle K. Lee from Kevin Jakel, CEO, Unified Patents, pages 1-3
EX2002	Publication by Unified Patents entitled "The Gloves are Off: Unified Patents Inc. Unveils its "NPE Deterrent" Strategy, posted on September 23, 2013 in Press Releases, pages 1-5
EX2003	Printout from Unified Patents FAQ - entitled Frequently Asked Questions, pages 1-10
EX2004	Publication by Unified Patents entitled "Unified Patents Challenges Clouding IP Patent seeks To Push Patent Trolls out of Cloud Storage", September 17, 2013, pages 1-4
EX2005	The Wall Street Journal article from 02/11/2006 entitled "New Venture Enters Patent Fray", pages 1-4
EX2006	Declaration of Dr. John C. Hale Under 37 C.F.R. §1.68 In Opposition to Decision Granting <i>Inter Partes</i> Review of U.S. Patent No. 9,454,748 (Claims 16-19 and 21-22)
EX2007	Excerpt from HTML The Complete Reference, Thomas A. Powell, 3rd Ed., © 2001, pages 427-428
EX2008	Excerpt from Service Manual: RAE/RAK-1 SERIES CELLULAR PHONE/PERSONAL DIGITAL ASSISTANT Nokia 9000i_Service_Manual.pdf (original 5/97)



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