UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.
Petitioner,

v.

UNIVERSAL SECURE REGISTRY LLC
Patent Owner

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Case IPR2018-00067
U.S. Patent No. 8,577,813

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PATENT OWNER'S SUPPLEMENTAL PRELIMINARY RESPONSE

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I.   INTRODUCTION

The corrected Petition should be denied because the Petition (1) fails to identify in the references the function required by the memory of claim 10 and (2) further fails to provide anything more than a bare conclusion as to why a POSITA would have combined the references the Petitioner uses as its basis to assert unpatentability of claim 10. Specifically, claim 10 requires "a memory" that "store[s] an electronic serial number of an electronic ID device," yet the Petition is devoid of any mention of where or how the prior art discloses this required function. Likewise, the Petition and declaration fail to explain *how* or *why* the cited references should be combined, and thus lack adequate motivation to support obviousness of claim 10 as required by 35 U.S.C. § 103.

II.   BACKGROUND

The Order entered March 14, 2018 (Paper 11) directed Patent Owner to file a Supplemental Preliminary Response addressing claims 7-10. Claims 7-10 should not be instituted for the reasons set forth in Patent Owner's original Preliminary Response (Paper 6). This Response is limited to only dependent claim 10.

III.   THE PETITION FAILS TO ADDRESS EACH AND EVERY LIMITATION OF CLAIM 10

Institution on claim 10 should be denied because the Petition fails to identify where the prior art discloses the "memory" that "store[s] a electronic serial number of the electronic ID device," as recited in claim 10.

Dependent claim 10 requires a "memory" that is "coupled to the processor," and which further performs a very specific function: it must "store an electronic serial number of the electronic ID device" that is further used by the processor to generate a seed. Ex. 1001 at 52:40-65.

Despite this express requirement for the memory of claim 10, the Petition is completely silent as to *how* or even *if* *Labrou* includes a memory that performs this function. Indeed, the Petition merely states, without any explanation, that "*Labrou* teaches that the device includes a processor and memory, and that the processor of the device is used for carrying out the transaction security protocols outlined in the specification." Pet. at 46.[1] Furthermore, the cited paragraph of *Labrou* states, in its entirety, "Processor and RAM memory," and cited claim 6 does not even mention a memory. Ex. 1005 (*Labrou*) at ¶ 104, claim 6; *see* Pet. at 46.

Claim 10, however, does not simply require a memory; it requires a memory that stores "an electronic serial number of the electronic ID device." Simply pointing to a "memory" thus fails to provide any proof of this limitation, and on this basis, institution on claim 10 should be denied.

IV. THE PETITION LACKS MOTIVATION TO COMBINE *LABROU* AND *MAES* IN CLAIM 10

In addition to failing to identify a memory that stores an "electronic serial

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[1] Citations are to the Amended Petition (Paper 12).

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