UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

UNILOC LUXEMBOURG, S.A.

Patent Owner

IPR2018-00282

PATENT 7,092,671

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.107(a)

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I. INTRODUCTION

Uniloc Luxembourg S.A. (the "Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2018-00282 for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,092,671 ("the '671 patent" or "EX1001") filed by Apple, Inc. ("Petitioner"). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein.

II. THE '671 PATENT

The '671 patent is titled "Method and System for Wirelessly Autodialing a Telephone Number From a Record Stored On a Personal Information Device." The '671 patent issued August 15, 2006, from U.S. Patent Application No. 09/727,727 filed November 30, 2000 and originally assigned 3Com Corporation (3Com).

The inventors of the '671 patent observed that while cellphones shared many attributes with personal information devices, at the time of the invention, cellphones typically had substantially fewer applications and users found them much more difficult to use when entering data such as names and phone numbers than personal information devices. EX1001, 1:46-53. And because of those limitations at the time, cellphones were more typically used just for communication rather than personal information management. *Id.*, 1:54-57. The inventors at 3Com came up with an innovative solution which allowed the applications executed on a user's personal information device to access the user's telephone and automatically dial numbers stored in the application program. *Id.* 2:11-22.

According to the invention of the '671 Patent, the telephone is equipped with

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a wireless port for short-range wireless data transfer. Similarly, the personal information device is equipped with a wireless port for short-range wireless data transfer. *Id.*, 2:41-45. The personal information device establishes a wireless communication with the telephone. *Id.* The personal information device is configured to control the telephone via the wireless communications such that the telephone dials a telephone number stored on the personal information device. *Id.*, 2:45-48. The telephone number can be dialed in response to the user interacting with application executing on the personal information device. *Id.*, 2:48-54. The application can be a contact management or address management program. The user can interact with the program, select a contact, address, phone number, or the like, through a user interface of the personal information device, and have this number automatically dialed by the telephone. In this manner, the user's personal information device seamlessly interacts with the user's telephone to dial numbers and establish phone calls without requiring the user to access controls of the telephone. *Id.*

III. LEVEL OF ORDINARY SKILL IN THE ART

Given that the Petition does not offer a definition of a person of ordinary skill in the art ("POSITA"), Patent Owner does not offer a competing definition for POSITA at this preliminary stage, but reserves the right to do so in the event that trial is instituted.

IV. PETITIONER DOES NOT PROVE A REASONABLE LIKELIHOOD OF UNPATENTABILITY FOR ANY CHALLENGED CLAIM

Petitioner has the burden of proof to establish entitlement to relief. 37 C.F.R.

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§42.108(c) ("review shall not be instituted for a ground of unpatentability unless . . . there is a reasonable likelihood that at least one of the claims challenged . . . is unpatentable"). The Petition should be denied as failing to meet this burden.

The Petition raises the following obviousness challenges:

Ground	Claims	Reference(s)
1	1-6 and 9-14	*Yun*[1] and *Kikinis*[2]
2	7 and 15	*Yun* and *Kikinis* and in further view of *Inoue*[3]
3	1-7 and 9-15	*Harris*[4] and *Kikinis*

A. Claim Construction

Patent Owner submits that the Board need not construe any claim term in a particular manner in order to arrive at the conclusion that the Petition is substantively deficient. *Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011) ("need only be construed to the extent necessary to resolve the controversy").

While the Petition purports to construe the term "wireless port," as will be described below, the Petition fails to show any of the challenged claims are unpatentable regardless of Petitioner's proposed construction. Therefore, at this preliminary stage, Patent Owner does not provide a construction for the term "wireless port," but reserves the right to do so in the event trial is instituted.

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[1] EX1005, U.S. Patent 6,084,949 ("*Yun*").
[2] EX1006, U.S. Patent 5,790,644 ("*Kikinis*").
[3] EX1007, U.S. Patent 7,080,154 ("*Inoue*").
[4] EX1012, U.S. Patent 6,738,643 ("*Harris*").

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