

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC LUXEMBOURG S.A.¹,
Patent Owner

IPR2018-00282
Patent 7,092,671 B2

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

¹ According to Patent Owner's Updated Mandatory Notice, Paper 9, the owner of this patent is Uniloc 2017 LLC.

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I. INTRODUCTION

The Board's Institution Decision remarked that the parties "appear to disagree over the scope of ... 'the control limitation'" of claim 1 and "encourage[d] the parties to address this issue." That disagreement has turned out to be the only substantive dispute and amounts to a distinction without a difference. First, it is undisputed that the prior art of the Petition discloses the limitation under the Board's preliminary construction and its broadest reasonable construction. Second, not only is the Patent Owner's proposed construction wrong, the prior art discloses the limitation under that construction anyway.

Patent Owner asserts that Unified Patents ("Unified") is an unnamed real party in interest to this proceeding. The issue has not been put into dispute, as Patent Owner has cast aspersions in the form of attorney argument only and does not meet the threshold required by the Federal Circuit in *Worlds Inc. v. Bungie, Inc.*—"a patent owner must produce *some* evidence to support its argument that a particular third party should be named a real party in interest." In any case, the evidence establishes that there are no unnamed real parties in interest.

II. LEVEL OF ORDINARY SKILL IN THE ART

Patent Owner argues that the Petition has a "fatal deficiency" in that it allegedly "fails to provide or expressly rely upon any definition for the level of ordinary skill in the pertinent art." Response, 3. This argument fails for multiple reasons.

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