

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., AND LG ELECTRONICS, INC.,

Petitioner

v.

UNILOC 2017 LLC,

Patent Owner

IPR2018-00361

PATENT 6,216,158

**PATENT OWNER'S REQUEST FOR
REHEARING UNDER 37 C.F.R. § 42.71(D)**

In response to the Final Written Decision entered June 19, 2019 (Paper 22) and pursuant to 37 CFR § 42.71(d), Patent Owner hereby respectfully request a rehearing and reconsideration by the Patent Trial and Appeal Board of its Final Written Decision.

I. APPLICABLE STANDARDS

“A party dissatisfied with a decision may file a request for rehearing, without prior authorization from the Board.” 37 C.F.R. §42.71(d). “The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” *Id.* The Board reviews a decision for an abuse of discretion. 37 C.F.R. §42.71(c).

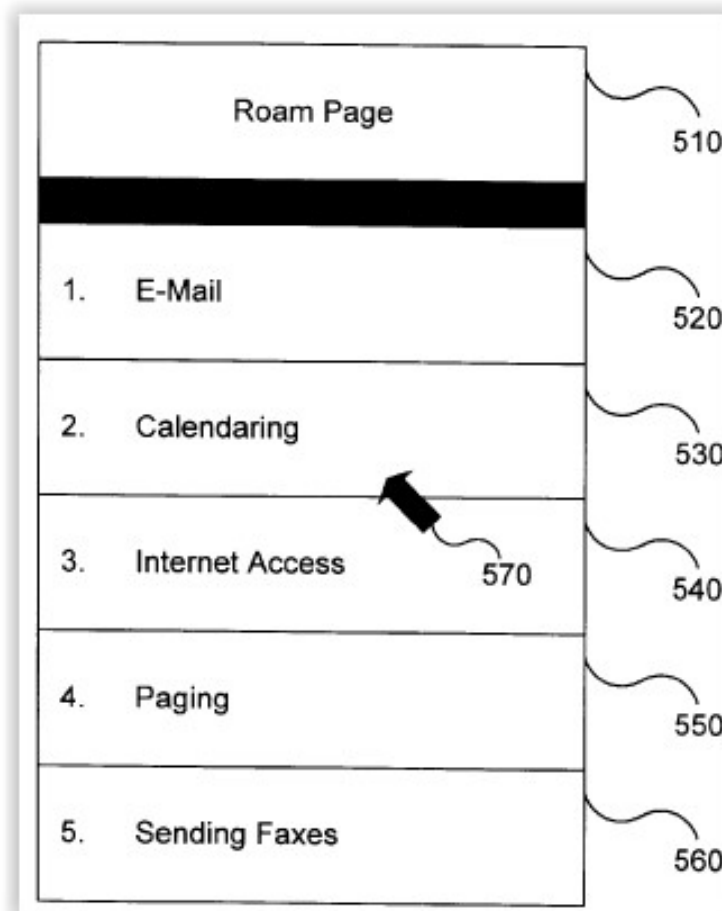
II. ARGUMENT

While Uniloc agrees with the Board’s conclusion that the primary grounds of the Petition (based on Jini) failed to establish obviousness, Uniloc submits the Board’s findings concerning the secondary grounds (based on Riggins) warrant rehearing and reconsideration. Specifically, the Board appears to have overlooked or misunderstood argument and evidence presented during trial explaining why Petitioner failed to meet its burden to prove Riggins discloses “accessing a description of the service from a directory of services, the description of the service including at least a reference to program code for controlling the service,” as recited in independent claim 1. *See* Paper 11 at 29-34.

A plain reading of this claim language reveals the “palm sized computer” must access from a “directory of services” a “description of the service” that must *itself*

include “a reference to the program code”. Because the claim language affirmatively recites *both* a “description of the service” *and* “a reference to the program code” as affirmative claim elements, access to a mere list of services, in and of itself, does not meet this claim language. The Board appears to have adopted this understanding. Paper 22 at 15-16. Nevertheless, the Board appears to have misapprehended why Riggins is deficient under this plain reading of the claim language.

The Board summarized the mapping of Riggins that it found to be persuasive as follows. For the recitation “assessing a description of the service from a directory of services”, the Board pointed to the assertion that Riggins’ “Roam Page”, copied below, displays the name of the service that is available. *Id.* at 32.



Ex. 1008 (Riggins), Figure 5. For the remainder of the limitation, “the description of the service including at least a reference to program code for controlling the service”, the Board stated that Riggins’ selectable service prompt is a link to the applet code and, when selected, the corresponding applet code is downloaded. *Id.* 32-33.

This mapping appears to overlook the acknowledged requirement that the “palm sized computer” must access a “description of the service” that must *itself* include “a reference to the program code”. The mere listing of the *name* of a service (e.g., “Calendaring”) does not expressly or inherently disclose accessing “a *description* of the service” which itself includes a distinct “*reference to program code for controlling the service*”, as recited in claim 1.

The Board appears to have been misled into concluding this deficiency applicable to the claimed “description” itself can be cured merely by asserting that clicking on one of the options of Riggins’ Roam Page causes a particular *result* to happen. *Id.* The claim language is not directed to a *result* that occurs *after* accessing a description. Rather, it is explicitly directed to a specifically-defined *description* itself, which must be at once accessed from the claimed “directory of services”. Riggins’ Roam Page contains no such disclosure.

The Board also appears to have been misled into adopting an obviousness theory that has inherent inconsistencies, particularly in view of the claim construction adopted by the Board. The Board acknowledged that the limitation “directory of services” expressly “refine[s] where the ‘description of the service’ is accessed from”. *Id.* at 15. In other words, the “palm sized computer” must access the claimed “description” from the “directory of services”. *Id.* The Board held that

Riggins' configuration data *that is maintained at the master server* maps onto the claimed "directory of services" from which the claimed "description" must be accessed. *See* Paper 20 at 32 (referring to the "configuration data (recited 'directory of services') that is maintained at the master server").

This mapping, however, conflicts with the Board's acknowledgment that Riggins discloses the *client* uses its own *locally* stored data to generate the features displayed on the Roam Page. *Id.* at 31 ("Riggins explains that the web page *generated at the remote client*, i.e., the Roam Page, is based on the configuration data and downloaded applets."). To be clear, the claim language does not recite accessing a locally-stored description *merely derived* from data previously obtained from someplace else. Rather it recites "accessing a description of the service *from a directory of services*". This inconsistency in the Final Written Decision further warrants reconsideration.

II. CONCLUSION

In view of the foregoing, Patent Owner respectfully requests that the Board grant a rehearing and reconsider its Final Written Decision.

Date: July 19, 2019

Respectfully submitted,

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Attorney for Patent Owner

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