Paper No._____

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner

_____

Case IPR2018-00389
Patent No. 8,712,723

_____

**PETITIONER'S REPLY**

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A. Both Fabio and Pasolini explicitly teach a triaxial accelerometer to allow the device to be used in various orientations. .....17

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# PETITIONER'S EXHIBIT LIST

**January 2, 2019**

| | |
|---|---|
| Ex. 1001 | U.S. Patent No. 8,712,723 |
| Ex. 1002 | Prosecution History of U.S. Patent No. 8,712,723 |
| Ex. 1003 | Declaration of Joe Paradiso, Ph.D, under 37 C.F.R. § 1.68 |
| Ex. 1004 | Curriculum Vitae of Joe Paradiso |
| Ex. 1005 | U.S. Patent No. 7,463,997 to Fabio Pasolini et al. ("Pasolini") |
| Ex. 1006 | U.S. Patent No. 7,698,097 to Fabio Pasolini et al. ("Fabio") |

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## I. Introduction

The Petition and the record as a whole provide detailed reasons why the claimed subject matter of the '723 patent would have been obvious to a person of ordinary skill in the art ("POSITA") in view of Pasolini (Ex.1005) and Fabio (Ex.1006). None of Patent Owner's arguments adequately refute the evidence of record. Moreover, the evidence of record weighs in Petitioner's favor because the Response relies on Patent Owner's expert, Mr. Easttom, regarding only two issues—the level of ordinary skill in the art and the claims allowing for a dominant axis that "allows for any direction and axis to become dominant." *See* Response, pp.3,18. Neither of Mr. Easttom's opinions on which Patent Owner relies address the prior art presented in the Petition or the application of that prior art to the challenged claims.

Patent Owner's remaining arguments, for which it relies exclusively on attorney argument, fail for multiple reasons, as described in more detail below. For instance, while the Petition characterizes its proposed constructions as *inclusive*, Patent Owner incorrectly argues that such constructions exclude embodiments from the specification. Response, pp.4-9. Patent Owner also points to statements in isolation and characterizes them as conclusory and speculative, while ignoring the surrounding analysis in support of such statements, including testimonial evidence offered from Petitioner's expert, Dr. Paradiso. Response, pp.18-25.

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