

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

UNILOC LUXEMBOURG S. A.¹

Patent Owner

IPR2018-00389

PATENT 8,712,723

¹ The owner of this patent is Uniloc 2017 LLC.

IPR2018-00389
U.S. Patent 8,712,723

PATENT OWNER RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. §42.120

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2001	Declaration of William C. Easttom (previously filed)

I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc” or “Patent Owner”) submits this Response to Petition IPR2018-00389 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 8,712,723 (“the ’723 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 ’723 PATENT

The ’723 patent is titled “Human activity monitoring device.” The ’723 patent issued April 29, 2014, from U.S. Patent Application No. 13/018,321 filed January 31, 2011.

The inventors of the ’723 patent observed that, at the time, step counting devices that utilize an inertial sensor to measure motion to detect steps generally required the user to first position the device in a limited set of orientations. In some devices, the required orientations are dictated to the user by the device. In other devices, the beginning orientation is not critical, so long as this orientation can be maintained. EX1001, 1:29-34. Further, the inventors observed that devices at the time were often confused by motion noise experienced by the device throughout a user's daily routine. The noise would cause false steps to be measured and actual steps to be missed in conventional step counting devices. Conventional step counting

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