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.

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Case IPR2018-00394
Patent 6,622,018 B1

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Before MIRIAM L. QUINN, CHARLES J. BOUDREAU, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

Apple, Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–27 of U.S. Patent No. 6,622,018 B1 (Ex. 1001, "the '018 patent"). Uniloc Luxembourg, S.A. ("Patent Owner") filed a Preliminary Response (Paper 6, "PO Prelim. Resp.").

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless "the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Having considered the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioner would prevail in establishing that claims 1–27 of the '018 patent are unpatentable. Therefore, for the reasons set forth below, we institute an *inter partes* review of claims 1–27.

I. BACKGROUND

A. RELATED PROCEEDINGS

The parties assert that the '018 patent is involved in *Uniloc USA, Inc. v. Logitech, Inc.*, 3:17-cv-06733-JSC (N.D. Cal. 2017); *Uniloc USA, Inc. v. Wink Labs Inc.*, 1:17-cv-01656-GMS (D. Del. 2017); *Uniloc USA, Inc. v. Motorola Mobility, LLC*, 1:17-cv-01657-GMS (D. Del. 2017); *Uniloc USA, Inc. v. Peel Technologies, Inc.*, 1:17-cv-01552-UNA (D. Del. 2017); *Uniloc USA, Inc. v. Huawei Device USA, Inc.*, 2:17-cv-00707-JRG (E.D. Tex. 2017); *Uniloc USA, Inc. v. HTC America, Inc.*, 2:17-cv-01558-JLR (W.D. Wash. 2017); *Uniloc USA, Inc. v. LG Electronics U.S.A., Inc.* 4:17-cv-00825-O (N.D. Tex. 2017); *Uniloc USA, Inc. v. Apple, Inc.*, 2:17-cv-00470-JRG (E.D. Tex. 2017); and concurrently filed IPR2018-00395. Pet. 2–3; Paper 4, 2.

B. THE '018 PATENT

The '018 patent is titled "Portable Device Control Console with Wireless Connection" and describes a system for controlling a remote device over a wireless connection. Ex. 1001, Abstract, 1:27–28. The '018 patent teaches that a portable computer system can control a variety of remote devices, including newly introduced devices. *Id*. at 3:2–4. To discover new devices, the portable computer system transmits a broadcast message to discover compliant devices within range. *Id*. at 8:33–41. Compliant devices receiving the broadcast message then reply to the portable computer system with a response. *Id*. at 8:42–44. After one or more devices are discovered, the portable computer system can transmit a command to a selected remote device based on the type of device and its capabilities. *Id*. at 8:56–61. The '018 patent explains that a user can control a remote device by either touching a rendering on the computer system's display or by using an input device such as a stroke or character recognition pad that can register stylus movements on the portable computer system. *Id*. at 6:20–22, 6:67–7:9, 9:25–50.

C. Illustrative Claim

Of the challenged claims, claims 1, 11, and 21 are independent.

Independent claim 1 (reproduced below) is representative.

1. A method for controlling a remote devices over a wireless connection, said method comprising:

a) establishing said wireless connection between a transceiver and said remote device by:

broadcasting a message, said message for locating remote devices within range of said transceiver; and

receiving a response from said remote device;

b) manifesting said remote device on a display device;

c) registering a position where contact is made with a surface of an input device, wherein a particular position on said input device is translated into a particular command for controlling said remote device; and

d) transmitting a command to said remote device over said wireless connection.

Ex. 1001, 12:7–19.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

References	Basis	Challenged Claim(s)
Ben-Ze'ev[1] and Idiot's Guide[2]	§ 103(a)	1–7, 9, and 10
Ben-Ze'ev, Idiot's Guide, and Dara-Abrams[3]	§ 103(a)	8
Ben-Ze'ev, Idiot's Guide, and Osterhout[4]	§ 103(a)	11–17, 19–25, and 27

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[1] U.S. Patent No 6,791,467 B1 (Sep. 14, 2004) (Ex. 1007, "Ben-Ze'ev").
[2] Person Gralla, "The Complete Idiot's Guide to PalmPilot and Palm III" (1999) (Ex. 1008, "Idiot's Guide").
[3] U.S. Patent No. 6,456,892 B1 (Sep. 24, 2002) (Ex. 1010, "Dara-Abrams").
[4] U.S. Patent No. 7,149,506 B2 (Dec. 12, 2006) (Ex. 1011, "Osterhout").

References	Basis	Challenged Claim(s)
Ben-Ze'ev, Idiot's Guide, Osterhout, and Dara-Abrams	§ 103(a)	18 and 26

Pet. 12.

II. ANALYSIS

A. CLAIM CONSTRUCTION

Neither party offers any express claim constructions. *See* Pet. 11; PO Prelim. Resp. 7. We conclude no additional express claim construction is necessary for our determination of whether to institute *inter partes* review of the challenged claims. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) ("[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.").

B. ASSERTED PRIOR ART

1. *Ben-Ze'ev (Ex. 1007)*

Ben-Ze'ev is a U.S. patent titled "Adaptive Remote Controller." It teaches "a method and system for the remote controlling of appliances." *See* Ex. 1007, Abstract. Ben-Ze'ev's remote control "adapts itself automatically to its environment so as to remotely control a plurality of appliances." *Id*. Ben-Ze'ev's "remote controller may be, for example, part of a PDA (Personal Digital Assistance) device, such as 3Com's PalmPilot™, or comprise some of the components of such a PDA product or similar product." *Id*. at 10:45–48.

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