UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

UNILOC LUXEMBOURG, S.A.

Patent Owner

IPR2018-00424

PATENT 7,881,902

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.107(a)

Table of Contents

List of Exhibits

Exhibit No.	Description
2001	Declaration of William C. Easttom
2002	United States Patent No. 5,593,431 to Sheldon ("*Sheldon II*")

I. INTRODUCTION

Uniloc Luxembourg S.A. (the "Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2018-00424 for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,881,902 ("the '902 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 '902 PATENT

The '902 patent is titled "Human activity monitoring device." The '902 patent issued February 1, 2011, from U.S. Patent Application No. 12/694,135 filed January 26, 2010, and is a continuation of U.S. Patent Application No. 11/644,455 filed December 22, 2006.

The inventors of the '902 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, 1:23-30. 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 devices also failed to accurately measure steps for individuals who walk at a slow pace. *Id.*, 1:31-38.

According to the invention of the '902 Patent, a device to monitor human

activity using an inertial sensor assigns a dominant axis after determining the orientation of an inertial sensor. The orientation of the inertial sensor is continuously determined, and the dominant axis is updated as the orientation of the inertial sensor changes. *Id.*, 2:10-17.

III. RELATED PROCEEDINGS

The following proceedings are currently pending cases concerning U.S. Pat. No. 7,881,902 (EX1001).

Case Caption	Case Number	District	Case Filed
Uniloc USA, Inc. et al v. Apple Inc.	2-17-cv-00522	TXED	June 30, 2017
Uniloc USA, Inc. et al v. Samsung Electronics America, Inc. et al	2-17-cv-00650	TXED	September 15, 2017
Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al	4-17-cv-00832	TXND	October 13, 2017
Uniloc USA, Inc. et al v. HTC America, Inc.	2-17-cv-01629	WAWD	November 1, 2017
Uniloc USA, Inc. et al v. Huawei Device USA, Inc. et al	2-17-cv-00737	TXED	November 9, 2017
Uniloc USA, Inc. et al v. Apple Inc.	4-18-cv-00364	CAND	January 17, 2018
Apple v. Uniloc Luxembourg SA	IPR2018-01028	PTAB	May 4, 2018

IV. LEVEL OF ORDINARY SKILL IN THE ART

The Petition alleges that "a person of ordinary skill in the art ("POSITA") would include someone who had, at the priority date of the '902 Patent (i) a Bachelor's degree in Electrical Engineering, Computer Engineering, and/or Computer Science, or equivalent training, and (ii) approximately two years of

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