## 

APPEAL BOARD

FACEBOOK, INC and WHATSAPP INC.,
Petitioners
v.
UNILOC LUXEMBOURG S. A.
Patent Owner

Case IPR2018-00747 U.S. Patent 7,535,890

PATENT OWNER PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. §42.107(a)



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1 7 .	1 11(	CLD	CAL DACKGROUND	······
V.		_	NER FAILS TO PROVE ANY OF THE	(
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		4.	The Board Should Construe "Storing the Instant Voice Message if a Selected Recipient is Unavailable" as "Storing the Instant Voice Message for a Selected Recipient Determined by the Server to be Unavailable."	
		5.	The Board Should Construe "Temporarily Storing and Delivering the Stored Instant Voice Message" as "Temporarily Storing until Delivering the Stored Instant Voice Message."	



	ound 1 Fails Because Petitioner Fails to Provide	
	ma Facie Evidence that Griffin plus Zydney Renders	
Ob	vious Claims 1, 3–6, 9, and 40–43	•••
1.	The Board Already Rejected Petitioner's	
	Argument Concerning Zydney Alleged Disclosure	
	of the Claim Feature .	· • • • -
2.	Combining Zydney with Griffin Frustrates the	
	Purpose of Griffin of a Server-Based Messaging	
_	Paradigm.	••••
<b>3.</b>	The Combination of Griffin and Zydney is also	
_	Inoperable for Text-only Buddies.	••••
4.	The Combination of <i>Griffin</i> and <i>Zydney</i> Is Also	
	Inoperable Because it would Result in Messages	
_	Being Lost.	••••
<b>5.</b>	The Combination of Griffin and Zydney Would	
	Require Changing the Principle of Operation of	
_	One or the Other.	• • • •
6.	Griffin plus Zydney Does Not Disclose or Render	
	Obvious a Client "Transmitting the Selected	
	Recipients and the Instant Voice Message" or a	
	Server "Receiving the Selected Recipients and the	
_	Instant Voice Message."	• • • •
7.	Griffin plus Zydney Does Not Disclose or Render	
	Obvious a Server "Delivering the Instant Voice	
	Message to the Selected Recipients Over the Network"	
	and "Storing the Instant Voice Message if a Selected	
•	Recipient is Unavailable."	• • • •
8.	Independent Claims 1 and 40 are not Obvious	
•	Over Griffin plus Zydney	•••
9.	Dependent Claims 3–6, 9, and 41–43 are Not	
~	Obvious Over Griffin plus Zydney	• • • •
	ound 2 Fails Because Petitioner Fails to Provide	
	ma Facie Evidence that Griffin plus Zydney and	
	lik Renders Obvious Claims 2, 14, 15, 17–20,	
23,	51–54, and 57.	• • • •
1.	Malik is Cumulative with a Continuation	
	<b>Application Thereof Previously Considered</b>	
	by the Examiner During Prosecution.	



	2.	Independent Claims 14 and 51 are not Obvious	
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	3.	Dependent Claims 2, 15, 17–20, 23, 52–54,	
		and 57 are not Obvious Over Griffin plus Zydney	
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## **List of Exhibits**

Exhibit No.	Description
2001	Declaration of William C. Easttom II
2002	Invalidity Contentions Submitted on December 16, 2016 in the underlying consolidated case of <i>Uniloc USA</i> , <i>Inc. v. Samsung Electronic America's</i> , <i>Inc.</i> , Case No. 2:16-cv-642
2003	U.S. Pat. App. Pub. No 2004/0128356 (Bernstein)
2004	U.S. Pat. App. Pub. No. 2007/0112925 (Malik II)



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