

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

UNILOC LUXEMBOURG, S.A.

Patent Owner

IPR2018-00884

PATENT 8,539,552

PATENT OWNER RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.120

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1. Independent Claim 1xvi

2. Independent Claims 6, 18, 23, and 24xxi

E. *Kalmanek* Does Not Disclose “the network entity filtering the signaling message based on the determination such that the signaling message is transmitted to the intended recipient device if either the sender device or the intended recipient device is authorized to invoke the type of service indicated in the signaling message”xxii

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List of Exhibits

Exhibit No.	Description
2001	Declaration of William C. Easttom (previously filed)
2002	McGraw-Hill Dictionary of Scientific and Technical Terms, Sixth Edition (previously filed)
2003	Netwon’s Telecom Dictionary, Sixteenth Edition (previously filed)

I. INTRODUCTION

Uniloc Luxembourg S.A. (the “Uniloc” or “Patent Owner”) submits this Response to Petition IPR2018-00884 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 8,539,552 (“the ’552 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 ’552 PATENT

The ’552 patent is titled “System and method for network based policy enforcement of intelligent-client features.” The ’552 patent issued September 17, 2013, from U.S. Patent Application No. 10/671,375 filed September 25, 2003.

The inventors of the ’552 patent observed that at the time of the invention, there was an emergence of Internet Protocol (IP) telephony and IP multimedia networks. And to the extent that telephony services and features could be implemented in intelligent clients, the carriers and service provider network's responsibilities included little more than providing data pipes. Therefore, the carrier's and service providers' ability to enforce the authorization of service usage was important. EX1001, 1:14-55. Accordingly, for networks to retain control over the features and services used by subscribers that use intelligent end-user clients, the networks needed to be able to recognize signaling and call control messages and transactions that implemented those features and services within the network. *Id.*, 2:63-3:7.

According to the invention of the ’552 Patent, a system and method for using network-based policy enforcement to control access to, and invocation of, features

and services which may otherwise be delivered to subscribers without the knowledge or authorization of the network. An operator of an IP telephony and/or IP multimedia network may enforce authorization or privileges of intelligent end-user clients to utilize or invoke services in the network, even when the capabilities for the requisite signaling and call control of those services may reside in the end-user clients themselves. *Id.*3:20-30. In one embodiment, a policy enforcement point is maintained in the network by elements that are under control of the network operator. This approach lessens and/or eliminates a need for the network operator to police the selection of client devices, and at the same time, allows end users to install nearly any suitable device of their choosing. *Id.*, 3:31-36.

III. THE LEVEL OF ORDINARY SKILL IN THE ART

The Petition alleges that “[a] person having ordinary skill in the art at the time of the ’552 Patent would have been a person having at least a bachelor’s degree in electrical engineering, computer science or engineering, or in a related field, with at least 2 years of industry or research experience with packet-based telecommunications systems. Additional industry experience or technical training may offset less formal education, while advanced degrees or additional formal education may offset lesser levels of industry experience.” Pet. 6. Given that Petitioner fails to meet its burden of proof in establishing *prima facie* anticipation or obviousness when applying its own definition of a person of ordinary skill in the art (“POSITA”), Patent Owner does not offer a competing definition for POSITA.

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