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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IPR2018-01027

PATENT 8,712,723

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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

I. INTRODUCTION

Uniloc Luxembourg S.A. (the "Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2018-01027 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 devices also failed to accurately measure steps for individuals who walk at a slow pace. *Id.*, 1:35-40.

According to the invention of the '723 Patent, a device to monitor human activity using an inertial sensor assigns a dominant axis after determining the

orientation of an inertial sensor. he orientation of the inertial sensor is continuously determined, and the dominant axis is updated as the orientation of the inertial sensor changes. *Id.*, 2:14-19.

III. RELATED PROCEEDINGS

The following proceedings are currently pending cases concerning U.S. Pat. No. 8,712,723 (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	Sept. 15, 2017
Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al	4-17-cv-00832	TXND	Oct. 13, 2017
Uniloc USA, Inc. et al v. HTC America, Inc.	2-17-cv-01629	WAWD	Nov. 1, 2017
Uniloc USA, Inc. et al v. Huawei Device USA, Inc. et al	2-17-cv-00737	TXED	Nov. 9, 2017
Apple Inc. v. Uniloc USA, Inc	IPR2018-00389	PTAB	Dec. 22, 2017
Uniloc USA, Inc. et al v. Apple Inc.	4-18-cv-00364	CAND	Jan. 17, 2018

IV. THE PETITION SHOULD BE DENIED UNDER 35 U.S.C. § 325(d)

As the Petition admits, on December 22, 2017, Petitioner filed IPR2018-00389, challenging claims 1-3, 5-7, and 10-18 of the same patent that is the subject of the instant Petition (the '723 Patent). Further, Petitioner also acknowledges that Patent Owner had already filed its preliminary response to the Petition in IPR2018-

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