UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

UNILOC LUXEMBOURG S.A.
Patent Owner

Case No. IPR2018-01093
Patent No. 7,944,353

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,944,353

TABLE OF CONTENTS

I. INTRODUCTION

Petitioner Apple Inc. ("Petitioner") respectfully requests an *Inter Partes* Review ("IPR") of claims 1-20 (collectively, the "Challenged Claims") of U.S. Patent No. 7,944,353 ("'353 Patent") (Ex. 1001). The '353 Patent was filed on May 30, 2008 and issued on May 17, 2011 to Clifton E. Grim III, et al. ("Applicant"). *'353 Patent* (Ex. 1001). The '353 Patent broadly describes a personal safety alert system that senses a "critical event" such as an abnormal heart rate, determines whether it is a medical emergency and, in response, may broadcast an alert to a remote location. *Id*. at 1:45-2:14, 7:33-41. As emphasized during prosecution, the '353 Patent's purported points of novelty were (1) repeatedly analyzing a "digitized stream of signature data" (2) determining an "event context" (3) assessing a "criticality" or "urgency" of the event context and (4) determining a reporting response. *'353 File History* (Ex. 1002) at 104-06.

These features are well represented in the prior art, as evidenced by the proposed ground of unpatentability presented herein. Ground 1 relies primarily on U.S. Patent No. 6,028,514 to Lemelson ("*Lemelson*") (Ex. 1003), which teaches a "medical monitoring system that monitors and generates signals of a user's current medical conditions in order to detect abnormal medical conditions." *Lemelson* (Ex. 1003) at 4:29-14. *Lemelson* teaches that if a variance of predefined degree exists between the person's current and normal medical conditions (such as the detection

of a medical emergency like a heart attack or stroke), the device generates and causes the transmission circuit to transmit signals defining the variance so as to alert the remote command control center where emergency medical personnel may respond. *Id.*

As discussed herein, a person having ordinary skill in the art (PHOSITA) would have recognized that *Lemelson's* system could be extended pursuant to the teachings of U.S. Patent No. 6,847,892 to Zhou et al. ("*Zhou*") (Ex. 1004) to provide a similar alert device that also includes filtering alerts based on a user's configuration setting (e.g., alerts are sent only when a user's heart-rate is above a user-defined threshold). This straightforward modification is motivated by *Lemelson*'s stated intent to provide a "*personal* emergency, safety warning system and method that creates a *more comprehensive*, *intelligent* warning and response system for *individual* users." As such, the key invention of the Challenged Claims is rendered obvious. *Lemelson* (Ex. 1003) at 2:60-63.

II. SUMMARY OF THE '353 PATENT

a. THE ALLEGED INVENTION OF THE '353 PATENT

As explained in the '353 patent, there frequently is a delay in reporting a critical event—such as an abnormal heart rate indicating a heart attack or stroke—thus causing a delay in assistance or the dispatching of emergency personnel. *'353 Patent* (Ex. 1001) at 1:19-41. One of the described reasons for this delay is the

uncertainty regarding whether an event should be treated as an emergency. *Id*. The '353 Patent further explains that while devices existed to continually sense and capture information associated with all aspects of a person's daily activities, the systems were unable to analyze and report emergency events.

To address this problem, the '353 Patent describes "a system and method for detecting and signaling the existence of a critical event." *Id*. at 1:15-17. This is accomplished by a small, portable device worn by a user that "acquir[es] input data that may comprise a stream of digitized signature data" that is then "continuously analyzed to determine an event context." *Id*. at Fig 1. and Abstract. Then, "[a] priority of the determined event context is assessed and responsive to the priority assessment, a reporting response is generated." *Id*. at Abstract. The '353 Patent describes many types of data that may be acquired and analyzed, including biometric and heart rate data. *Id*. at 3:37-40, 6:60-63.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.