Trials@uspto.gov
571-272-7822

Paper No. 20
Entered: October 28, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC 2017 LLC,[1]
Patent Owner.

Case IPR2018-01093
Patent 7,944,353 B2

Before SALLY C. MEDLEY, GARTH D. BAER, and SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining Some Challenged Claims Unpatentable
35 U.S.C. § 318(a)

[1] At the time the Petition was filed, Uniloc Luxembourg S.A. was the patent owner.

I. INTRODUCTION

A. Background

Apple Inc. ("Petitioner") filed a Petition for *inter partes* review of claims 1–20 ("the challenged claims") of U.S. Patent No. 7,944,353 B2 (Ex. 1001, "the '353 patent"). Paper 1 ("Pet."), 1. Uniloc 2017 LLC ("Patent Owner") waived its right to file a preliminary response. Paper 7, 2. On November 7, 2018, we instituted an *inter partes* review of the challenged claims on the sole ground raised in the Petition. Paper 8 ("Institution Decision" or "Inst. Dec."), 25–26.

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 11, "PO Resp."), Petitioner filed a Reply to the Patent Owner Response (Paper 12, "Pet. Reply"), and Patent Owner filed a Sur-Reply to Petitioner's Reply (Paper 13, "PO Sur-Reply). An oral hearing was held on August 20, 2019. A transcript of the hearing has been entered into the record. Paper 19 ("Tr.").

In our Scheduling Order, we notified the parties that "any arguments for patentability not raised in the [Patent Owner] response will be deemed waived." *See* Paper 9, 5; *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012) ("The patent owner response . . . should identify all the involved claims that are believed to be patentable and state the basis for that belief.").

For the reasons that follow, we conclude that Petitioner has proven by a preponderance of the evidence that claims 1–12 and 15–18 of the '353 patent are unpatentable. It, however, has failed to meet its burden of proof regarding the unpatentability of claims 13, 14, 19, and 20.

B. Real Parties-in-Interest

The Petition identifies Apple Inc. as the sole real party-in-interest. Pet. 7. Patent Owner states that its real parties-in-interest are Uniloc 2017 LLC, Uniloc USA, Inc., and Uniloc Licensing USA LLC. Paper 6, 1–2.

C. Related Matters

The parties indicate that the '353 patent is not subject to any district court litigation or any other Board proceeding. Pet. 7; PO Resp. 3.

D. The Challenged Patent

The '353 patent discloses a personal security system and method for detecting and signaling the existence of a critical event. Ex. 1001, 1:15–17. The '353 patent recognizes that when a critical event occurs, there may frequently be a delay in summoning assistance or dispatching emergency personnel or other equipment to the area of the emergency. *Id.* at 1:19–31. The '353 patent further recognizes that reducing response times to critical events would improve security, provide a valuable public service, and increase individual and public safety. *Id.* at 1:38–41.

Accordingly, the '353 patent discloses a personal safety alert system that broadcasts the occurrence of a critical event or other emergency situation so that public safety personnel or other assistance may be notified quickly. *Id.* at 1:45–48. Purported advantages of the system include minimizing response time to an emergency, automatically determining if an event should be categorized as requiring an emergency response and a

broadcast alert, and providing an advance warning of impending potentially negative events. *Id.* at 2:6–17. Figure 1 is reproduced below:

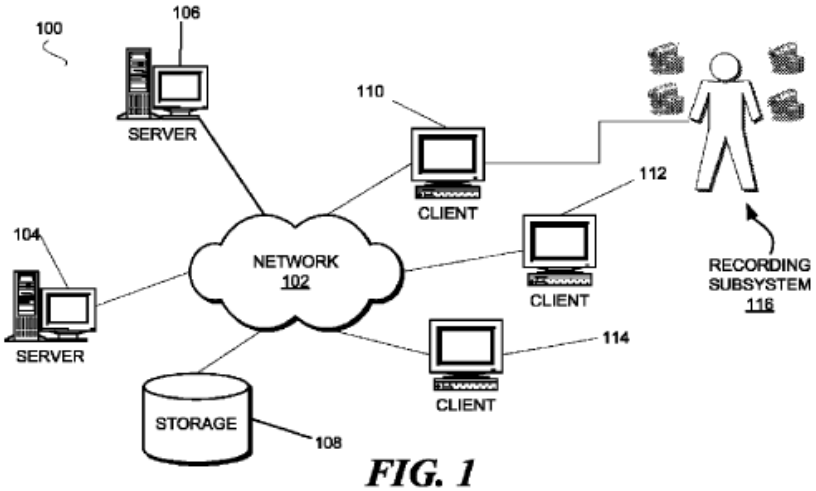

FIG. 1

Figure 1 depicts a network of data processing systems in which illustrative embodiments may be implemented. *Id.* at 3:53–55. Data processing system 100 contains network 102, servers 104, 106, storage unit 108, clients 110, 112, 114, and recording subsystem 116. *Id.* at 3:55–4:27.

The data processing system may be used as a digital life recorder for capturing still images, video, audio, biometric information, and other types of data associated with the daily activities of a person via recording subsystem 116. *Id.* at 4:10–15. The recorded data is input into an analysis subsystem that compares the data to other information stored in a glossary, which is similar to a database and contains data specific to the output of a certain type of sensor or class of sensors—referred to as "signature data." *Id.* at 6:50–54, 7:3–8. The glossary may contain, for example, data related to sound, data related to faces, biometric signature data, and G-force signature data. *Id.* at 6:54–66. If the input data matches information in the glossary, the signature matches may be categorized as an event that the

analysis subsystem reports to a reporting subsystem. *Id.* at 7:17–19, 28–32. A configuration database includes settings that establish sensitivity and context that affect the accuracy of the comparison process, and may include a threshold setting that functions to filter out certain events that should not be reported. *Id.* at 7:19–28, 8:53–60.

A reporting subsystem receives events reported by the analysis subsystem, and, if not filtered based on configuration settings, may broadcast an alert based on the event received. *Id.* at 7:34–38. The broadcast alert may be formatted as a text message, an automated telephonic message, an audible alarm, or may include any other type of notification signal. *Id.* at 7:51–55. The reporting subsystem may be configured to interface to a broadcasting subsystem, a public safety subsystem, or some other subsystem to broadcast an alert. *Id.* at 7:67–8:3. Upon receiving an alert, the broadcasting subsystem may broadcast the alert to a user-defined list of people, alarm companies, or any other user-defined entity specified in the configurations database. *Id.* at 8:4–8. The alert may also be a personal alert to the user of the system. *Id.* at 8:16–23. The public safety subsystem may interface with a plurality of reporting subsystems to send alerts to, for example, a hazardous material agency, missing persons bureau, traffic control, emergency, police, investigators, homicide detectives, and a Special Weapons and Tactics (SWAT) agency. *Id.* at 9:53–10:8.

E. The Challenged Claims

Petitioner challenges claims 1–20 of the ’353 patent. Pet. 1. Claims 1, 12, and 18 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below:

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.