

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.

Petitioners

v.

UNILOC LUXEMBOURG, S.A.¹

Patent Owner

IPR2018-01589

PATENT 7,653,508

PATENT OWNER RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.120

¹ The owner of this patent is Uniloc 2017 LLC.

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2001	Declaration of William C. Easttom

I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc” or “Patent Owner”) submits this Response to Petition IPR2018-01589 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 7,653,508 (“the ’508 patent” or “EX1001”) filed by HTC Corporation and HTC America, Inc. (“Petitioner”).

The Institution Decision limits this proceeding to only those regarding claim 20. *See* Paper 9, at 10 (“Accordingly, Petitioner shall not advance any arguments regarding [claims 1–4, 6–8, 11–16, and 19] in this proceeding; all grounds raised by Petitioner regarding these claims will be addressed in the Apple IPR. The parties are limited to advancing arguments regarding claim 20 in this proceeding.”)

The Petition is defective for at least the reasons set forth herein.

II. THE ’508 PATENT

The ’508 patent is titled “Human activity monitoring device.” The ’508 patent issued January 26, 2010, from U.S. Patent Application No. 11/644,455 filed December 22, 2006.

The inventors of the ’508 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, 1:19–26. 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.*, 1:27–34.

According to the invention of the '508 Patent, a device to monitor human activity using an inertial sensor assigns a dominant axis after determining the orientation of an inertial sensor. The orientation of the inertial sensor is continuously determined, and the dominant axis is updated as the orientation of the inertial sensor changes. *Id.*, 2:8–15.

III. RELATED PROCEEDINGS

The following proceedings are currently pending cases concerning U.S. Pat. No. 7,653,508 (EX1001).

Case Caption	Case Number	District	Case Filed
<i>Uniloc USA, Inc. et al v. Samsung Electronics America, Inc. et al</i>	2-17-cv-00650	TXED	Sep. 15, 2017
<i>Uniloc USA, Inc. et al v. Huawei Device USA, Inc. et al</i>	2-17-cv-00737	TXED	Nov. 09, 2017
<i>Apple Inc. v. Uniloc 2017 LLC et al</i>	IPR2018-00387	PTAB	Dec. 22, 2017
<i>Uniloc USA, Inc. et al v. Apple Inc.</i>	4-18-cv-00364	CAND	Jan. 17, 2018
<i>Uniloc USA Inc et al v. LG Electronics U.S.A., Inc. et al</i>	4-18-cv-02918	CAND	May. 17, 2018
<i>Samsung Electronics America, Inc. et al v. Uniloc 2017 LLC</i>	IPR2019-00889	PTAB	Mar. 27, 2019

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