UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.

Petitioners,

v.

UNILOC 2017 LLC,
Patent Owner

CASE IPR2018-01589

U.S. PATENT NO. 7,653,508

PETITIONER'S REPLY

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PETITIONER'S EXHIBIT LIST

August 27, 2019

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Ex. 1002	Prosecution History of U.S. Patent No. 7,653,508
Ex. 1003	Declaration of Joe Paradiso, Ph.D, under 37 C.F.R. § 1.68
Ex. 1004	Curriculum Vitae of Joe Paradiso.
Ex. 1005	U.S. Patent No. 7,463,997 to Fabio Pasolini et al. ("Pasolini")
Ex. 1006	U.S. Patent No. 7,698,097 to Fabio Pasolini et al. ("Fabio").

I. INTRODUCTION

The Petition and supporting evidence establish that Pasolini alone or in combination with Fabio renders claims 1-4, 6-8, 11-16, 19, and 20 of the '508 patent obvious. *See* Paper 1 ("Pet."). The Petition asserts substantially the same grounds of unpatentability as *Apple Inc. v. Uniloc 2017 LLC*, Case IPR2018-00387, Paper No. 2 (Dec. 21, 2017) ("the Apple IPR"), but includes an additional challenge to claim 20. The Board instituted an *inter partes* review of all challenged claims, but "ordered that the parties are limited to advancing arguments regarding claim 20 in this proceeding" because the other "claims will be addressed in the Apple IPR." *HTC Corp. v. Uniloc 2017 LLC*, Case IPR2108-01589, Paper No. 9 at 10-11 (Feb. 27, 2019) ("Decision"). On June 17, 2019, the Board issued a Final Written Decision on the Apple IPR, finding all challenged claims (1-4, 6-8, 11-16, and 19) unpatentable. IPR2018-00387, Paper No. 21 ("Apple FWD"). For similar reasons as provided by the Board in the Apple FWD with respect to claims 3 and 13, claim 20 should likewise be found unpatentable.

Patent Owner's arguments for claim 20 are unavailing because they are either verbatim reassertions of arguments made in the Apple IPR, which the Board has rejected, or variants of those arguments. By failing to dispute that claim 20 contains materially different limitations than do dependent claims 3 and 13, Patent Owner concedes that these claims should be treated the same. Therefore, claim 20 should

be found unpatentable for the same reasons the Board found claims 3 and 13 unpatentable in the Apple FWD. For these reasons and as explained in further detail below, Petitioner respectfully requests that the Board reject Patent Owner's rehashed and incorrect arguments now made for claim 20 and find claim 20 unpatentable.

II. ARGUMENT

A. Patent Owner's arguments for patentability of claim 20 based on arguments about the patentability of claims 15 and 19 must be denied because the Board has already finally rejected those very arguments.

The Board ordered "that the parties are limited to advancing arguments regarding claim 20." Paper No. 9 at 11. Nevertheless, Patent Owner elected to rehash the arguments it previously made for claims 15 and 19 (from which claim 20 depends) in Apple IPR. *Compare* Apple IPR, Paper 11 at 11-20, *with* Paper 11 at 7-15 ("PO Resp.").[1] The Board finally rejected these arguments and found that "Fabio teaches the limitations of independent claims 6 and 15" and dependent claim 19. Apple FWD at 27-39, 41. As a result, Parts A and B of Patent Owner's response

[1] Patent Owner makes the same arguments for claim 15: that Fabio does not "render[] obvious the 'cadence window' limitations of independent claim 15" or "the 'switching' step recited in independent claim 6 (and by extension claim 15)." PO Resp. at 7-14 (Part A). For claim 19, Patent Owner recites the same "cadence window" argument it relied on for claim 15. PO Resp. at 14-15 (Part B).

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