UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS AMERICA, INC.

Petitioners

v.

UNILOC LUXEMBOURG, S.A. [1]

Patent Owner

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IPR2018-01653

PATENT 7,881,902

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**PATENT OWNER PRELIMINARY RESPONSE TO PETITION**

**PURSUANT TO 37 C.F.R. §42.107(a)**

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[1] The owner of this patent is Uniloc 2017 LLC.

# Table of Contents

## List of Exhibits

| Exhibit No. | Description |
|---|---|
| **2001** | Declaration of William C. Easttom |
| **2002** | United States Patent No. 5,593,431 to Sheldon ("*Sheldon II*") |

## I. INTRODUCTION

Uniloc 2017 LLC ("Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2018-01653[2] for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,881,902 ("the '902 Patent" or "EX1001") filed Samsung Electronics America, Inc. ("Petitioner"). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein.

## II. THE '902 PATENT

The '902 patent is titled "Human activity monitoring device." The '902 patent issued February 1, 2011, from U.S. Patent Application No. 12/694,135 filed January 26, 2010, and is a continuation of U.S. Patent Application No. 11/644,455 filed December 22, 2006.

The inventors of the '902 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, 1:23-30. 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

[2] The instant Petition and Petitioner seek joinder to IPR2018-00424. *See* Paper 3. Furthermore, as Petitioners state, the instant Petition is "substantially similar" to the original petition in IPR2018-00424. *Id*., at 2.

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