

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.  
Petitioner

v.

UNILOC LUXEMBOURG, S.A.<sup>1</sup>  
Patent Owner

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IPR2018-01664  
U.S. Patent No. 8,872,646

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**PETITIONER'S OPPOSITION TO  
PATENT OWNER'S MOTION TO AMEND**

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<sup>1</sup> Uniloc's Mandatory Notice (Paper 4) indicates that the owner of U.S. Patent No. 8,872,646 is now Uniloc 2017 LLC.

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**LIST OF EXHIBITS**

Ex. No.	Description	Previously Submitted
Ex. 1001	U.S. Patent No. 8,872,646	X
Ex. 1002	Prosecution History of U.S. Patent No. 8,872,646	X
Ex. 1003	U.S. Patent No. 7,409,291 to Pasolini <i>et al.</i> (“Pasolini”)	X
Ex. 1004	<i>Using the LIS3L02AQ Accelerometer</i> , Ron Goldman, Sun Microsystems Inc. Dated February 23, 2007	X
Ex. 1005	U.S. Patent No. 7,204,123 to McMahan <i>et al.</i> (“McMahan”)	X
Ex. 1006	U.S. Patent Publication No. 2006/0161377 to Rakkola <i>et al.</i> (“Rakkola”)	X
Ex. 1007	<i>Using Gravity to Estimate Accelerometer Orientation</i> , David Mizell, Proceedings of the Seventh IEEE International Symposium on Wearable Computers	X
Ex. 1008	Declaration of Chris Butler	X
Ex. 1009	<i>Dictionary of Scientific and Technical Terms</i> , McGraw-Hill	X
Ex. 1010	Declaration of Dr. Irfan Essa	X
Ex. 1011	Curriculum Vitae of Dr. Irfan Essa	X
Ex. 1012	Declaration of Ingrid Hsieh-Yee	X
Ex. 1013	Reserved	
Ex. 1014	U.S. Patent No. 7,028,220 to Park <i>et al.</i> (“Park”)	X

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Ex. 1015	U.S. Patent No. 7,180,502 to Marvit et al. (“Marvit”)	
Ex. 1016	U.S. Patent No. 7,463,997 to Pasolini et al. (“Fabio”)	
Ex. 1017	U.S. Patent Application Pub. No. 2007/0268246 (“Hyatt”)	
Ex. 1018	Declaration of Dr. Irfan Essa in Support of Petitioner’s Opposition to Patent Owner’s Motion to	

## I. INTRODUCTION

Petitioner submits this Opposition to PO's Motion to Amend (Paper No. 10, "Mot."), which proposes amendments to challenged claim 22 in the form of substitute claim 23. As explained below, PO's motion should be denied because the proposed substitute claim is not supported by the original disclosure and is unpatentable over the prior art.

## II. "WITHIN AN OPERATIONAL RANGE" LACKS WRITTEN DESCRIPTION SUPPORT

PO's motion should be denied because it seeks to amend claim 22 to recite "within an operational range," which lacks written description support in the specification of the '646 patent. *See* 35 U.S.C. § 112, ¶ 1.

A motion to amend must set forth "[t]he support in the original disclosure of the patent for each claim that is added or amended." 37 C.F.R. § 42.121(b)(1). The Board may deny a motion to amend "if [it] is unable to determine how the specification and drawings support the proposed substitute claims." Trial Practice Guide, 37. To satisfy the written description requirement, the specification must describe the claimed invention in such detail that a POSITA can reasonably conclude that the inventor had possession of the claimed invention as of the filing date. *See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319 (Fed. Cir. 2003).

This standard is not met here, because there is no written description support for "within an operational range of the motion sensor," as recited in PO's proposed

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