

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

UNILOC 2017 LLC
Patent Owner.

Case IPR2018-01756
Patent 7,653,508 B1

Before SALLY C. MEDLEY, JOHN F. HORVATH, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

A. Background

Samsung Electronics America, Inc. (“Petitioner”)¹ filed a Petition requesting inter partes review of claims 1–8, 11–16, 19, and 20 (“the challenged claims”) of U.S. Patent No. 7,653,508 B1 (Ex. 1001, “the ’508 patent”). Paper 1 (“Pet.”). Uniloc 2017 LLC (“Patent Owner”)², filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314. For the reasons discussed below, we exercise our discretion under 35 U.S.C. § 314(a) to deny institution of *inter partes* review.

B. Related Matters

Petitioner and Patent Owner identify the following as matters that could affect, or be affected by, a decision in this proceeding: *Uniloc USA, Inc. v. Samsung Elec. Am., Inc.*, 2-17-cv-00650 (EDTX); *Uniloc USA, Inc. v. Huawei Devices USA, Inc.*, 2-17-cv-00737 (EDTX); *Uniloc USA, Inc. v. HTC Am., Inc.*, 2-17-cv-01629 (WDWA); *Uniloc USA, Inc. v. Apple Inc.*, 4-8-cv-00364 (NDCA); *Uniloc USA, Inc. v. LG Elec. USA, Inc.*, 4-18-cv-02918 (NDCA); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-00387 (PTAB); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-00389 (PTAB); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-00424 (PTAB); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-01026 (PTAB); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-01027

¹ Petitioner identifies Samsung Electronics Co., Ltd. as a real party-in-interest. Pet. 1.

² Patent Owner identifies Uniloc USA, Inc. and Uniloc Licensing USA LLC as real parties-in-interest. Paper 3, 1.

(PTAB); *Apple Inc. v. Uniloc Luxembourg S.A.*, Case IPR2018-01028 (PTAB); *LG Elec., Inc. v. Uniloc 2017 LLC*, Case IPR2018-01458 (PTAB); *LG Elec., Inc. v. Uniloc 2017 LLC*, Case IPR2018-01577 (PTAB); *HTC Corp. v. Uniloc 2017 LLC*, Case IPR2018-01589 (PTAB); *HTC Corp. v. Uniloc 2017 LLC*, Case IPR2018-01631 (PTAB); *Samsung Elec. Am., Inc. v. Uniloc 2017 LLC*, Case IPR2018-01653 (PTAB); *Samsung Elec. Am., Inc. v. Uniloc 2017 LLC*, Case IPR2018-01757 (PTAB). Pet. 1–3; Paper 3, 1–2.

*C. Evidence Relied Upon*³

References		Effective Date ⁴	Exhibit
Tamura	US 2006/0010699 A1	Jan. 19, 2006	1005
Fabio	US 7,698,097 B2	Oct. 2, 2006	1006
Pasolini	US 7,463,997 B2	Oct. 2, 2006	1008
Richardson	US 5,976,083	Nov. 2, 1999	1009

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Reference(s)	Basis	Claim(s) Challenged
Tamura and Pasolini	§ 103(a)	1, 2, 11, and 12
Tamura, Pasolini, and Fabio	§ 103(a)	3–5, 13, and 14
Tamura, Pasolini, Fabio, and Richardson	§ 103(a)	5
Fabio	§ 102(e)	6–8, 15, 16, 19, and 20

³ Petitioner relies upon the Declaration of Dr. Irfan Essa (Ex. 1002). Patent Owner relies upon the Declaration of William C. Easttom II (Ex. 2001).

⁴ Petitioner relies on the filing dates of Fabio and Pasolini as the effective date for determining their availability as prior art. Pet. 5.

II. ANALYSIS

A. The '508 Patent

The '508 patent relates to “a method of . . . counting periodic human motions such as steps.” Ex. 1001, 1:5–7. A “portable electronic device [100] that includes one or more inertial sensors. . . . measure[s] accelerations along a single axis or multiple axes.” *Id.* at 2:21–25. The accelerations may be linear or rotational. *Id.* at 2:25–26.

Figure 1 of the '508 patent is reproduced below.

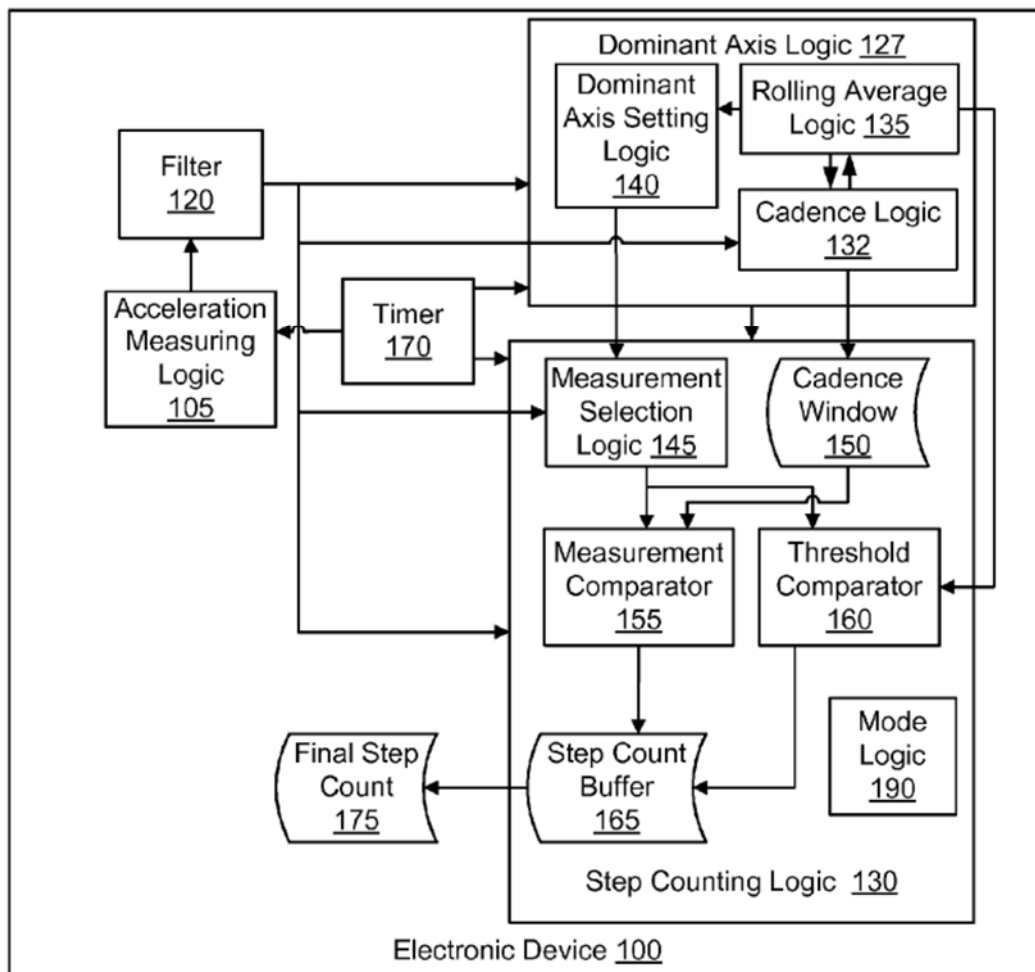


Figure 1 of the '508 patent is a block diagram illustrating electronic device 100. *Id.* at 1:43–44. Device 100 includes acceleration measuring logic 105,

dominant axis logic 127, and step counting logic 130. *Id.* at 2:18–21. Acceleration measuring logic 105 includes one or more inertial sensors that measure linear or rotational acceleration data along one or more axes at a fixed or variable sampling rate determined by timer 170. *Id.* at 2:21–26, 2:35–40. Device 100 counts “steps or other periodic human motions.” *Id.* at 2:26–27. The ’508 patent defines a “step,” as “any user activity having a periodic set of repeated movements.” *Id.* at 3:33–36. Device 100 counts steps “regardless of the placement and/or orientation of the device on a user,” and regardless of whether the device “maintains a fixed orientation or changes orientation during operation.” *Id.* at 2:28–32.

Dominant axis logic 127 includes cadence logic 132, rolling average logic 135, and dominant axis setting logic 140. *Id.* at 2:64–67. Cadence logic 132 analyzes measured acceleration data to detect “a period and/or cadence of [a] motion cycle” based on user activity such as running or walking. *Id.* at 3:12–16. Cadence logic 132 also determines “a cadence window 150 to be used by the step counting logic 130.” *Id.* at 3:9–12. Cadence window 150 is “a window of time since a last step was counted that is looked at to detect a new step.” *Id.* at 3:65–67. Cadence window 150 is initially set to a default value, and is updated after each step once a minimum number of steps have been detected to reflect the cadence or period of the detected steps. *Id.* at 4:21–27, 4:62–5:3. The cadence or stepping period can be determined as a “rolling average of the stepping periods over previous steps.” *Id.* at 3:60–61. The minimum and maximum of cadence window 150 can be “determined by measuring lengths of time since the most recent step was counted.” *Id.* at 4:10–13.

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