

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2019-00259

U.S. PATENT NO. 7,075,917

**PATENT OWNER PRELIMINARY RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. § 42.107(a)**

Table of Contents

I.	INTRODUCTION	4
II.	THE ‘917 PATENT	4
	A. Effective Filing Date of the ‘917 Patent	4
	B. Overview of the ‘917 Patent	5
	C. Prosecution History of the ‘917 Patent	14
III.	RELATED PROCEEDINGS	15
IV.	LEVEL OF ORDINARY SKILL IN THE ART	16
V.	PETITIONER DOES NOT PROVE A REASONABLE LIKELIHOOD OF UNPATENTABILITY FOR ANY CHALLENGED CLAIM	16
	A. Claim Construction Standard	17
	B. No prima facie obviousness for “storing abbreviated sequence numbers whose length depends on the maximum number of coded transport blocks to be stored and which can be shown unambiguously in a packet data unit sequence number”	18
	1. Abrol is deficient, at least as failing to teach “abbreviated sequence numbers whose length depends on the maximum number of coded transport blocks to be stored”	18
	C. The Petition does not establish that Decker teaches or renders obvious “a physical layer of a receiving side is provided for testing the correct reception of the coded transport block” of Claim 1.	22
	D. No prima facie obviousness for the recitation “storing abbreviated sequence numbers whose length depends on the maximum number of coded transport blocks to be stored and which can be shown unambiguously in a packet data unit a sequence number” of Claims 9 and 10.	24
	E. No prima facie obviousness for the recitation “a physical layer of a receiving side is arranged as a receiving side for testing the correct reception of the coded transport block” of Claims 9 and 10.	25

F.	No prima facie obviousness for the recitation “a physical layer of a receiving side...for sending a positive acknowledgment command to the transmitting side over a back channel when there is correct reception and a negative acknowledge command when there is error-affected reception” of Claims 9 and 10.	26
VI.	THE CONSTITUTIONALITY OF <i>INTER PARTES</i> REVIEW IS THE SUBJECT OF A PENDING APPEAL	27
VII.	CONCLUSION	27

I. INTRODUCTION

Pursuant to 35 U.S.C. §313 and 37 C.F.R. §42.107(a), Uniloc 2017 LLC (the “Patent Owner” or “Uniloc”) submits Uniloc’s Preliminary Response to the Petition for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 7,075,917 (“the ‘917 patent” or “Ex. 1001”) filed by Apple Inc. (“Petitioner”) in IPR2019-00259.

In view of the reasons presented herein, the Petition should be denied in its entirety as failing to meet the threshold burden of proving there is a reasonable likelihood that at least one challenged claim is unpatentable.

Uniloc addresses each ground and provides specific examples of how Petitioner failed to establish that it is more likely than not that it would prevail with respect to at least one of the challenged ‘917 Patent claims. As a non-limiting example described in more detail below, the Petition fails the all-elements-rule in not addressing every feature of any of the challenged claims.

Accordingly, Uniloc respectfully requests that the Board decline institution of trial on Claims 1-3 and 9-10 of the ‘917 Patent.

II. THE ‘917 PATENT

A. Effective Filing Date of the ‘917 Patent

The ‘917 patent is titled “Wireless Network with a Data Exchange According to the ARQ Method.” The ‘917 Patent issued on July 11, 2006, from United States Patent Application No. 09/973,312, filed October 9, 2001, which claims priority to

German Patent Application No. 100 50 117, filed October 11, 2000. The Petition does not dispute that the effective filing date of the '917 Patent is October 11, 2000.

B. Overview of the '917 Patent

The '917 Patent discloses various embodiments of a communication network intended for use in wireless communications. In general terms, the '917 Patent addresses challenges with wireless networks having a radio network controller, and terminals in communication with the radio network controller. (Ex. 1001; 1:5-7). Data transmitted between the radio network controller and the terminals is transmitted through channels predefined by the radio network controller. (Ex. 1001; 3: 57-60). The radio link from the radio network controller to the terminals is referred to as the downlink, and the radio link from the terminals to the radio network controller is referred to as the uplink. (Ex. 1001; 3:62-67).

The network may be operated using a layer model, or protocol architecture, in accordance with a set of standards, known as the 3rd Generation Partnership Project (3GPP); Technical Specification Group (TSG) RAN; Working Group 2 (WG2): Radio Interface Protocol Architecture: TS25.301 V3.6.0). (Ex. 1001; 6:9-16).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.