

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

UNILOC 2017 LLC  
Patent Owner

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Case No. IPR2019-00259  
U.S. Patent No. 7,075,917

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 7,075,917**

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## **I. INTRODUCTION**

Petitioner Apple Inc. (“Petitioner”) requests an *Inter Partes* Review (“IPR”) of claims 1-3 and 9-10 (collectively, the “Challenged Claims”) of U.S. Patent No. 7,075,917 (“the ’917 Patent”). *’917 Patent* (Ex. 1001).

## **II. SUMMARY OF THE ’917 PATENT**

### **A. Description of the alleged invention of the ’917 Patent**

The ’917 Patent generally describes a system and method of detecting error-affected data transmitted over a wireless network and requesting retransmission. *’917 Patent* (Ex. 1001) at 1:5-8, 1:64-67. The ’917 Patent discusses doing so more quickly by detecting error-affected data at the physical layer, rather than waiting for this step to be performed at the radio link control layer. *Id.* at 1:40-50, 2:28-44. To manage this functionality, abbreviated sequence numbers are generated and associated with packet data units, reducing the amount of information transmitted between the sides and simplifying the positive or negative acknowledgement process. *Id.* at 2:45-54.

### **B. Summary of the prosecution history of the ’917 Patent**

The Application that resulted in the ’917 Patent was filed on October 9, 2001, as U.S. App. No. 09/973,312. *’917 Patent* (Ex. 1001). The ’917 Patent purports to claim priority to German Patent Application No. 100 50 117, filed

October 11, 2000. *For purposes of this IPR*, Petitioner applies the priority date of October 11, 2000, to all Challenged Claims. Should it become an issue as to whether the '917 Patent is entitled to the October 11, 2000, priority date, Petitioner reserves the right to provide further evidence regarding an insufficient priority claim.

On September 21, 2005, the Examiner issued a non-final rejection, objecting to informalities and requesting clarification of dependent claims 4-8, but citing no prior art directly and finding allowable subject matter in claims 1-3, 9, and 10. '917 *Patent File History* (Ex. 1002) at 61.

In response, the Applicant amended the claims to address the Examiner's concerns. *Id.* at 69-73. The Examiner subsequently issued a notice of allowance for claims 1-10, issuing as the '917 Patent on July 11, 2006. *Id.* at 81.

### **C. Summary of unpatentability of the Challenged Claims**

As discussed above, the purported invention of the '917 Patent is unambiguously identifying each packet data unit with an abbreviated sequence number. '917 *Patent* (Ex. 1001) at 2:45-54. However, use of an abbreviated or shortened sequence number to identify a packet data unit was known prior to the '917 Patent's priority date. In particular, U.S. Patent No. 6,507,582 to *Abrol* teaches generating shortened sequence numbers from assigned sequence numbers

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