

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., LG ELECTRONICS INC., SAMSUNG ELECTRONICS CO.,
LTD., AND SAMSUNG ELECTRONICS AMERICA, INC.

Petitioners

v.

UNILOC 2017 LLC

Patent Owner

IPR2019-00510

PATENT 6,868,079

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.107(a)

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LIKELIHOOD OF UNPATENTABILITY FOR ANY
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A. LEVEL OF ORDINARY SKILL IN THE ART 7

B. CLAIM CONSTRUCTION 7

1. “means for re-transmitting the same respective
requests in consecutive allocated time slots
without waiting for an acknowledgement until
said acknowledgement is received from the
primary station” 7

2. “acknowledgment” 8

3. “means for allocating respective time slots in an
uplink channel to the plurality of respective
secondary stations to transmit respective requests
for services to the primary station to establish
required services” 9

C. The Petition and Cited References Does Not Disclose
“wherein the [at least one of the plurality of] respective
secondary stations [have means for] [retransmits/re-
transmitting] the same respective request[s] in
consecutive allocated time slots without waiting for an
acknowledgement until said acknowledgement is

received from the primary station” (Claims 17 and 18)
(Grounds 1 and 2)9

1. Petitioners improperly speculate through its declarant regarding Wolfe, and regardless, Petitioners fail to even allege Wolfe discloses the required claim language 10

2. Bousquet does not disclose the required claim language, instead Bousquet limits the retransmission to a “predefined time period” and “spaced in time, preferably at random” 11

3. Everett does not disclose the required claim language, instead Everett retransmits “after a randomly selected time interval” 12

4. No combination of Wolfe, Bousquet, or Everett discloses “wherein the [at least one of the plurality of] respective secondary stations [have means for] [retransmits/re-transmitting] the same respective request[s] in *consecutive* allocated time slots without waiting for an acknowledgement until said acknowledgement is received from the primary station” 14

D. The Petition Fails to Render Obvious “wherein the primary station determines whether a request for services has been transmitted by the at least one of the plurality of respective secondary stations by determining whether a signal strength of the respective transmitted request of the at least one of the plurality of respective secondary stations exceeds a threshold value.” (Claims 17 and 18) (Grounds 1 and 2) 16

1. A POSITA Would Not Combine Patsiokas with Wolfe and Bousquet, or with Wolfe, Bousquet, and Everett..... 16

VI. THE CONSTITUTIONALITY OF *INTER PARTES* REVIEW IS THE SUBJECT OF A PENDING APPEAL21

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I. INTRODUCTION

Uniloc 2017 LLC (the “Uniloc” or “Patent Owner”) submits this Preliminary Response to Petition IPR2019-00510 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 6,868,079 (“the ’079 patent” or “EX1001”) filed by Apple Inc., LG Electronics Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (“Petitioners”). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein.

II. THE ’079 PATENT

The ’079 patent is titled “Radio communication system with request re-transmission until acknowledged.” The ’079 patent issued March 15, 2005, from U.S. Patent Application No. 09/455,124 filed December 6, 1999, which claims priority to United Kingdom Patent Application No. GB9827182, filed December 10, 1998.

The inventors of the ’079 patent observed that in radio communication systems at the time, it was generally required to be able to exchange signaling messages between a Mobile Station (MS) and a Base Station (BS). Downlink signaling (from BS to MS) was usually realized by using a physical broadcast channel of the BS to address any MS in its coverage area. Since only one transmitter (the BS) uses this broadcast channel there is no access problem. EX1001, 1:17-23.

However, uplink signaling (from MS to BS) required more detailed considerations. If the MS already had an uplink channel assigned to it, for voice or data services, this signaling could be achieved by piggybacking, in which the signaling messages are attached to data packets being sent from the MS to the BS.

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