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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IPR2019-00701

PATENT 8,018,877

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PATENT OWNER PRELIMINARY RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.107(a)

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I.   INTRODUCTION

Uniloc 2017 LLC ("Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2019-00701 for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 8,018,877 ("the '877 patent" or "EX1001") filed by Apple, Inc. ("Petitioner"). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein.

II.   THE '877 PATENT

The '877 patent is titled "Mobile conferencing method and system." The '877 patent issued September 13, 2011, from U.S. Patent Application No. 13/079,767 filed April 4, 2011, which is a continuation of application No. 12/691,594, filed on January 21, 2010, now Pat. No. 7,940,704, which is a continuation of application No. 11/091,242, filed on March 28, 2005, now Pat. No. 7,672,255, and a continuation-in-part of application No. 10/935,342, filed on September 7, 2004, now Pat. No. 7,764,637, which is a continuation-in-part of application No. 10/817,994, filed on April 5, 2004, now Pat. No. 7,961,663, and a continuation-in-part of application No. 11/042,620, filed on January 24, 2005, now Pat. No. 7,773,550.

The inventors of the '877 patent observed that, at the time, mobile instant messaging ("IM") had just begun to become available and was not as easy to use in the mobile environment as it was in the desktop environment. In particular, the then

IM paradigm was encumbered by the constraint that one can only communicate with those who are currently (i) online, (ii) logged on to same IM service such as AOL's Instant Messenger (AIM), Yahoo! Messenger or MSN Messenger, and (iii) included as a "buddy" on one's "buddy list." And while at the time there were also peer-to-peer instant messaging systems, those peer-to-peer techniques also had their limitations. Specifically, with pure peer-to-peer IM techniques, it was more difficult to implement a commercially viable IM system that efficiently incorporated the capability to communicate in a real-time messaging session with more than two devices (i.e., adding conferencing capabilities to an IM system). Additionally, to the extent service providers dynamically allocated private IP addresses (rather than allocate public Internet IP addresses) to mobile devices through Network Address Translation (NAT) or any other network address allocation techniques, peer-to-peer IM techniques generally would only work within the private network of the service provider since the private IP addresses allocated to a mobile device would not be properly resolved by a receiving mobile device residing on a separate private network with a separate service provider. EX1001, 1:30-2:18.

According to the invention of the '877 patent, a method and system is provided for establishing a real-time session-based IM system or data exchange system between mobile devices over a digital mobile network system that supports data packet-based communications. One such method for of initiating a data

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