

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2019-00701

PATENT 8,018,877

PATENT OWNER RESPONSE TO PETITION

Table of Contents

- I. INTRODUCTION2
- II. THE '877 PATENT2
- III. RELATED PROCEEDINGS4
- IV. LEVEL OF ORDINARY SKILL IN THE ART4
- V. PETITIONER DOES NOT PROVE A REASONABLE LIKELIHOOD OF UNPATENTABILITY FOR ANY CHALLENGED CLAIM5
 - A. Claim Construction5
 - B. Kirmse Does Not Disclose “transmitting a request to a server to allocate a network address and port associated with the server to use in a data exchange session with a participating mobile device” (Ground 1) (Independent Claims 1, 8, 15) 6
 - C. Chambers and RSIP Do Not Disclose “transmitting a request to a server to allocate a network address and port associated with the server to use in a data exchange session with a participating mobile device” (Ground 2) (Independent Claims 1, 8, 15)8
 - D. A POSITA Would Not Have Combined Cordenier and TURN (Ground 3).13
 - E. The Petition fails to Prove Obviousness of Any Dependent Claim16
- VI. APJs are Unconstitutionally Appointed Principal Officers.....17
- VII. CONCLUSION.....18

I. INTRODUCTION

Uniloc 2017 LLC (the “Patent Owner” or “Uniloc”) submits its Response to the Petition 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”) in IPR2019-00701. The Petition is procedurally and substantively defective.

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-current 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.

The '877 patent describes methods and systems 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 initiating a data exchange session among mobile devices comprises transmitting a request to a server to allocate a network address and port

associated with the server to use in a data exchange session with a participating mobile device, receiving the network address and port from the server, using a page-mode messaging service to assist in communicating the network address and port to the participating mobile device, wherein the page-mode messaging service utilizes a unique identifier to locate the participating mobile device, and participating in the data exchange session with the participating mobile device through the server, wherein the participating mobile device has established a connection with the server using the network address and port. EX1001, 2:22-39.

III. RELATED PROCEEDINGS

There are no pending cases concerning U.S. Pat. No. 8,018,877 (EX1001).

IV. LEVEL OF ORDINARY SKILL IN THE ART

The Petition alleges that “[a] person of ordinary skill in the art at the time of the alleged invention of the ‘877 patent (a “POSITA”) would have had a Bachelors’ degree in computer science or a comparable field of study, plus approximately two to three years of professional experience with cellular phone and IP networks, or other relevant industry experience.” Pet. 10. Given that Petitioner fails to meet its burden of proof when purportedly applying its own definition of a person of ordinary skill in the art, Patent Owner does not offer a competing definition for purposes of this proceeding. Furthermore, again because Petitioner fails to meet its burden of

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.