Apple Inc.,
v.
Uniloc 2017 LLC

IPR2019-00702
U.S. Patent No. 7,969,925

Patent Owner's Demonstrative Exhibits

Before SALLY C. MEDLEY, JEFFREY S. SMITH, and GARTH D. BAER, *Administrative Patent Judges*.
May 21, 2020

DEMONSTRATIVE – NOT EVIDENCE

Claim 1

1. A method of establishing a direct data transfer session between mobile devices that support a data packet-based communications service over a digital mobile network system, the method comprising:

opening a listening software port on an initiating mobile device to receive communications through the data packet-based communications service;

transmitting an invitation message to a target mobile device through a page-mode messaging service, wherein the invitation message comprises a network address associated with the initiating mobile device, and wherein the target mobile device is located by providing a unique identifier to the page-mode messaging service;

receiving a response from the target mobile device at the listening software port on the initiating mobile device; and

establishing a data transfer session through the data packet-based communications service between the initiating mobile device and the target mobile device, wherein the data transfer session is established in a peer-to-peer fashion without a server intermediating communications through the established data transfer session between the initiating mobile device and the target mobile device.

The Petition is impermissibly keyed to an incorrect construction for the "opening" limitations

Each one of the six grounds in the Petition is impermissibly keyed to an incorrect construction for the **"opening" limitations.** The Board declined to adopt Petitioners' redrafting of the claim language to recite, instead, "associating a port identifier with a process." The relevant briefing raise the following example points (among others):

✓ Petitioner's attempt to replace the word "opening" with "associating" fails to give effect to the meaningful and limiting term chosen by the patentee.

✓ Petitioner redrafting of "opening" is inconsistent with the remainder of the limitation and the surrounding context.

✓ Petitioner's fatal error is further underscored by its interpretation that the claimed "initiating mobile device" need not listen at its newly-opened and special-purpose "listening software port" for a "response from the target mobile device" in particular, notwithstanding the explicit claim language to the contrary.

The Petition is impermissibly keyed to an incorrect construction for the "opening" limitations

✓ The preamble of claim 1 affirmatively recites "a data packet-based communications service" that is the object of the act of "opening a listening software port" recited in the body of the claim.

✓ The '925 patent offers the following description of a special purpose for which the listening port is configured: "the initiating mobile device opens a TCP port to listen **for communications from the target mobile device** 210." Ex. 1001 4:38–40; see also id. at 4:58–62 (describing an alternative embodiment with reference to Figure 3).

✓ During prosecution, when addressing this exact same claim language, the applicant explained that this claim language "requires opening a listening software port on an initiating mobile device every time the initiating mobile device desires to establish communications **with a particular target mobile device**." Ex. 1004 at p. 316.

✓ The patentee further unambiguously distinguished the same claim language at issue here from, for example, (1) opening a port that indiscriminately "serves any and all mobile terminals that desire setting up a connection" and (2) "leav[ing] open one known connection to allow any number of devices to communicate with it." Id. pp. 316–317.

Other Dispositive Claim Construction Issues

Petitioner fails to explain why the Board should find there is no claimed relationship between the timing of any of the steps in these independent claims vis-à-vis any step recited in a respective dependent claim:

✓ Absent from the Petition is any explanation of how "opening a second listening software port" should be understood in the abstract, without reference to the same initiating mobile device having first opened the listening software port recited in claim 1.

✓ For this additional and independent reason, claim 2 has not be shown to be obvious. Analogous reasoning also applies to claims 9 and 16, which depend from claims 8 and 15, respectively.

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