UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

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IPR2019-01116

PATENT 7,016,676

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# PATENT OWNER SUR-REPLY TO PETITION

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control station which controls the alternate use of the frequency band" or "wherein the control station …renders the frequency band available for access by the stations working in accordance with the second radio interface standard if stations working in accordance with the first radio interface standard do not request a control station which controls the alternate use of the frequency band" (Claim 1) (Ground 4) ..... 15

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**EXHIBITS**

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|---|---|
| Exhibit 2001 | U.S. Patent No. 8,929,259 |
| Exhibit 2002 | U.S. Patent No. 7,023,833 |
| Exhibit 2003 | U.S. Patent No. 7,796,573 |
| Exhibit 2004 | U.S. Patent No. 7,197,326 |

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# I. INTRODUCTION

Uniloc 2017 LLC ( "Patent Owner") submits this Sur-Reply to the Petition for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,016,676 ("the '676 Patent" or "EX1001") filed by Microsoft Corporation ("Petitioner") in IPR2019-01116. For the reasons given in Uniloc's Response (Paper 11, "POR") and herein, Petitioner fails to carry its burden of proving unpatentability of the challenged claims of the '676 patent based on the grounds presented in the Petition.

# II. PETITIONER FAILS TO PROVE UNPATENTABILITY OF ANY CHALLENGED CLAIM

While Petitioner has the burden of proof with respect to each element of every challenged claim, and this burden never shifts to Patent Owner, Patent Owner had nevertheless explained in its Response why the Petition is substantially deficient at least with respect to certain example claim language. Petitioner's Reply either mischaracterizes or ignores the deficiencies Patent Owner had identified.

## A. The Petition is impermissibly keyed to erroneous claim constructions

As explained in Patent Owner's Response, the Petition should be denied as being impermissibly keyed to incorrect claim constructions for multiple terms. As shown by way of example below, Petitioner fails in its Reply to address, or in certain instances even mention, the multiple points of error Patent Owner had identified in the Petition and in a claim construction advanced, *sua ponte*, by the Board.[1]

[1] While Patent Owner's Sur-Reply provides a high-level summary of certain points

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