UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARVELL SEMICONDUCTOR, INC.
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2019-01349
U.S. Patent 7,016,676

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

PURSUANT TO 37 C.F.R. §42.107(a)

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I. INTRODUCTION

Pursuant to 35 U.S.C. §313 and 37 C.F.R. §42.107(a), Uniloc 2017 LLC (the "Patent Owner" or "Uniloc") submits Uniloc's Preliminary Response to the Petition for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,016,676 ("the '676 Patent" or "Ex. 1001") filed by Marvell Semiconductor, Incorporated ("Petitioner") in IPR2019-01349.

In view of the reasons presented herein, the Petition should be denied in its entirety as failing to meet the threshold burden of proving there is a reasonable likelihood that at least one challenged claim is unpatentable.

Uniloc addresses each ground and provides specific examples of how Petitioner failed to establish that it is more likely than not that it would prevail with respect to at least one of the challenged '676 Patent claims. As a non-limiting example described in more detail below, the Petition fails the all-elements-rule in not addressing every feature of any of the challenged claims.

Accordingly, Uniloc respectfully requests that the Board decline institution of trial on Claims 1-9 of the '676 Patent.

II. The '676 Patent

The '676 patent is titled "Method, network and control station for the two-way alternate control of radio systems of different standards in the same frequency band." The '676 patent issued March 21, 2006, from U.S. Patent Application No. 10/089,959 filed April 4, 2002, which was a National Stage Entry of PCT No. PCT/EP01/09258 filed August 8, 2001 and published as W002/13457, which in turn claims priority to German Application No. DE10039532.5 filed August 8, 2000.

The inventors of the ’676 patent observed that at the time of the invention, a radio system for wireless transmission of information was allowed to use transmission power only in accordance with standards by the national regulation authority. The national regulation authority determined on what frequencies with what transmission power and in accordance with what radio interface standard a radio system is allowed to transmit. There was also provided so-called ISM frequency bands (Industrial Scientific Medical) where radio systems transmitted in the same frequency band but in accordance with different radio interface standards. EX1001, 1:10-23. And in the event of interference, methods were standardized for an active switching to another frequency within the permitted frequency band, for controlling transmission power and for the adaptive coding and modulation to reduce interference. However, despite operating in the same frequency band, different radio systems have different Medium Access Controls (MAC), and despite the utilization of methods such as Transmitter Power Control (TPC) and Dynamic Frequency Selection (DFS), those methods did not make optimum use of spreading radio channels over the stations which operate under different radio standards. EX1001, 1:24-2:10.

According to the invention of the ’676 Patent, there is provided a method, a wireless network and a control station which make efficient use of radio transmission channels possible by an interface control protocol method for a radio system, which system comprises at least a frequency band provided for the alternate use of a first and a second radio interface standard, the radio system comprising stations which operate in accordance with a first radio interface standard and/or a second radio

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