

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SLING TV L.L.C.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

---

IPR2019-01367

PATENT 8,407,609

---

**PATENT OWNER PRELIMINARY RESPONSE TO PETITION**

**PURSUANT TO 37 C.F.R. §42.107(a)**

## Table of Contents

I.	INTRODUCTION .....	1
II.	THE '609 PATENT .....	1
III.	RELATED PROCEEDINGS.....	2
IV.	PETITIONER DOES NOT PROVE A REASONABLE LIKELIHOOD OF PREVAILING AS TO ANY CHALLENGED CLAIM.....	3
A.	The Level of Ordinary Skill in the Art .....	4
B.	Claim Construction.....	4
1.	“computer system” .....	6
C.	The Petition does not show a reasonable likelihood of prevailing as to any challenged claim based on Jacoby and Bland (Ground 1) .....	7
1.	The Petition does not show that Jacoby teaches “providing a corresponding web page to the user’s computer for each digital media presentation to be delivered” .....	7
2.	The Petition does not show that Jacoby and/or Bland teach “providing an applet to the user’s computer for each digital media presentation to be delivered using the first computer system, wherein the applet is operative by the user’s computer as a timer” .....	9
a)	Jacoby.....	9
b)	Bland .....	9
c)	Petitioner’s arguments as to combined teachings of Jacoby and Bland do not	

	overcome the deficiencies of Jacoby or Bland as to the “providing an applet” limitations.....	10
3.	The Petition does not show that Jacoby teaches “wherein each provided webpage causes corresponding digital media presentation data to be streamed from a second computer system distinct from the first computer system directly to the user’s computer independent of the first computer system” under Petitioner’s interpretation of claim 1 .....	12
4.	The Petition does not show that Jacoby teaches “wherein the stored data is indicative of an amount of time the digital media presentation data is streamed from the second computer system to the user’s computer” .....	13
5.	The Petition fails to show a reasonable likelihood of prevailing as to any dependent claim.....	15
D.	The Petition does not show a reasonable likelihood of prevailing as to any challenged claim based on McTernan and Robinson (Ground 2) .....	15
1.	The Petition does not show that McTernan teaches “wherein each provided webpage causes corresponding digital media presentation data to be streamed from a second computer system distinct from the first computer system directly to the user’s computer independent of the first computer system” under Petitioner’s interpretation of claim 1 .....	16
2.	The Petition does not provide sufficient reason to combine teachings from McTernan and Robinson to result in a system “wherein each stored data is together indicative of a cumulative time the corresponding web page was displayed by the user’s computer,” under Petitioner’s interpretation .....	17

3. The Petition fails to show a reasonable likelihood  
of prevailing as to any dependent claim.....20

V. CONCLUSION .....21

## I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc” or “Patent Owner”) submits this Preliminary Response to Petition IPR2019-01367 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 8,407,609 (“the ’609 patent” or “EX1001”) filed by Sling TV L.L.C. (“Petitioner”). The instant Petition is defective for at least the reasons set forth herein.

## II. THE ’609 PATENT

The ’609 patent is titled “System and method for providing and tracking the provision of audio and visual presentations via a computer network.” The ’609 patent issued March 26, 2013, from U.S. Patent Application No. 12/545,131 filed August 21, 2009, claiming priority to provisional application No. 61/090,672, filed on August 21, 2008.

Claim 1 recites:

1. A method for tracking digital media presentations delivered from a first computer system to a user’s computer via a network comprising:

providing a corresponding web page to the user’s computer for each digital media presentation to be delivered using the first computer system;

providing identifier data to the user’s computer using the first computer system;

providing an applet to the user’s computer for each digital media

# 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.