

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG Electronics, Inc.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2019-01530

PATENT 6,993,049

**PATENT OWNER PRELIMINARY RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. §42.107(a) AND
OPPOSITION TO MOTION FOR JOINDER**

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EXHIBITS

Exhibit	Description
2001	Complaint in <i>Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al</i> , 3-18-cv-00559 (N.D. Tex.), Dkt. 1
2002	Summons Returned Executed in <i>Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al</i> , 3-18-cv-00559 (N.D. Tex.), Dkt. 10
2003	Declaration of Brett Mangrum, submitted as Ex. 2003 in IPR2019-00251 Edition, 1999
2004	Excerpts from Microsoft Computer Dictionary, Fourth Edition
2005	Summons Returned Executed in <i>Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al</i> , 3-18-cv-00559 (N.D. Tex.), Dkt. 11
2006	LG DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTFFS' COMPLAINT FOR PATENT INFRINGEMENT, <i>Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al</i> , 3-18-cv-00559 (N.D. Tex.),

I. INTRODUCTION

UNILOC 2017 LLC (“Uniloc” or “Patent Owner”) submits this Preliminary Response to Petition IPR2019-01530 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 6,993,049 (“the ’049 Patent” or “EX1001”) filed by LG Electronics Inc. (“Petitioner”), and opposition to Petitioner’s Motion for Joinder (Paper 3). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein, and joinder should be denied.

II. PETITIONER IS TIME-BARRED UNDER 35 U.S.C. § 315(B)

Contrary to Petitioner’s statement alleging standing, Pet. 1, at least real-party-in-interest LG Electronics U.S.A., Inc. was served a complaint alleging infringement of the ’049 patent more than one year prior to the filing of this petition. Thus, pursuant to 35 U.S.C. § 315(b), inter partes review may not be instituted.

On March 9, 2018, a complaint alleging infringement of the ’049 patent was filed against LG Electronics U.S.A., Inc., LG Electronics, Inc., and LG Electronics Mobilecomm U.S.A. Inc. EX2001, Complaint in *Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al*, 3-18-cv-00559 (N.D. Tex.), Dkt. 1. On March 28, 2018, a Summons Returned Executed as to LG Electronics U.S.A. Inc. was filed, indicating service of the complaint on March 19, 2018. EX2002, Summons Returned Executed in *Uniloc USA, Inc. et al v. LG Electronics USA, Inc. et al*, 3-18-

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