UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ericsson Inc.,

Petitioner,

v.

UNILOC 2017 LLC,

Patent Owner.

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Case IPR2019-01550
Patent 7,016,676

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PATENT OWNER PRELIMINARY RESPONSE TO PETITION

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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 Ericsson Inc. ("Petitioner" or "Ericsson") in IPR2019-01550.

The Board should exercise its discretion to deny this burdensome, redundant, and inefficient Petition. Ericsson presents no justifiable reason for there to be six petitions filed against the '676 patent. Moreover, as will be developed below, Ericsson delayed in presenting its Petition. Rather than come before the Board and fully explain its delay, Ericsson resorted to trying to understate its prior knowledge of the references in this IPR, even going as far as to misrepresent when it learned of the lead reference in three of its four challenges. Under these facts, the Board would be well within its discretion to deny the petition and should do so.

Should the Board reach the merits, 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 by failing to address every feature of every challenged claim.

Accordingly, Uniloc respectfully requests that the Board decline institution of trial on claims 1, 2, and 8 of the '676 Patent.

II.   RELATED PROCEEDINGS

The following district court proceedings currently involve U.S. Pat. No. 7,016,676 ('676 patent):

Case Name	Case Number	Court	Filing Date
Uniloc 2017 LLC v. Microsoft Corporation	8-18-cv-02053	CACD	Nov 17, 2018
Uniloc 2017 LLC et al v. Google LLC	2-18-cv-00495	TXED	Nov. 17, 2018
Uniloc 2017 LLC v. Verizon Communications Inc. et al	2-18-cv-00513	TXED	Nov. 17, 2018
Uniloc 2017 LLC v. AT&T Services, Inc. et al	2-18-cv-00514	TXED	Nov. 17, 2018

The '676 patent is also the subject of six *inter partes* review proceedings:

Case Name	Case Number	Court	Filing Date
Google, LLC v. Uniloc 2017 LLC	IPR2019-01541	PTAB	Aug. 29, 2019
Ericsson Inc. et al v. Uniloc 2017 LLC	IPR2019-01550	PTAB	Aug. 29, 2019
Marvell Semiconductor, Inc. v. Uniloc 2017 LLC	IPR2019-01349	PTAB	July 22, 2019
Marvell Semiconductor, Inc. v. Uniloc 2017 LLC	IPR2019-01350	PTAB	July 22, 2019
Microsoft Corporation et al v. Uniloc 2017 LLC	IPR2019-01116	PTAB	May 29, 2019
Microsoft Corporation et al v. Uniloc 2017 LLC	IPR2019-01125	PTAB	May 29, 2019

Institution was denied in IPR2019-01125.

The challenges presented to the claims of the '676 patent in this and other *inter partes* review proceedings are set forth below:

Claim	Basis
1	Shellhammer (Ground 1 of this IPR)
1	Lansford (Ground 4 of this IPR)

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