

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

PTAB Case No. IPR2020-00041
Patent No. 8,407,609 B1

**PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY
RESPONSE TO PETITION**

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UPDATED EXHIBIT LIST

ORIGINAL EXHIBITS

- Ex. 1001 U.S. Patent No. 8,407,609 B2 to Turner et al. (“’609 Patent”)
- Ex. 1002 Declaration of Michael Franz, Ph.D. (“Franz”)
- 5 Ex. 1003 U.S. Patent No. 5,796,952 (“Davis”)
- Ex. 1004 U.S. Pat. Appl. Pub. No. 2003/0236905 A1 (“Choi”)
- Ex. 1005 U.S. Pat. Appl. Pub. No. 2004/0133467 A1 (“Siler”)

NEW EXHIBITS

- 10 Ex. 1006 Excerpts of Uniloc’s Final Infringement Contentions Against Netflix
- Ex. 1007 Supplemental Declaration of Michael Franz, Ph.D.
 (“Franz Supplement”)

I. INTRODUCTION

Petitioner challenged the invalidity of claims 1-3 of the '609 patent on two grounds : obviousness based on Davis and Choi; and obviousness based on Siler and Davis. (See Petition, Paper 1). Petitioner supported its positions with the expert declaration of Dr. Michael Franz (Ex. 1002) (“Franz”). In its Patent Owner Response (Paper 15) (“POR”), Uniloc levies numerous attacks on both grounds of invalidity, most based on ignoring the evidence of the well-reasoned motivations to combine explained in detail in the Petition and the supporting declaration.

Tellingly, Uniloc did not submit an expert declaration in support of its arguments, leaving Dr. Franz’s expert opinions unrebutted. None of Uniloc’s arguments in any way undermine the overwhelming showing of invalidity set forth in the Petition, and Petitioner therefore asks the Board find that Netflix has proven by a preponderance of the evidence that claims 1-3 are invalid.

II. THE COMBINATION OF DAVIS AND CHOI RENDER ALL CLAIMS OBVIOUS (GROUND I)

Uniloc’s arguments against the Davis and Choi ground focuses on a single claim limitation of claim 1: “receiving at least a portion of the identifier data from the user’s computer responsively to the timer applet each time a predetermined temporal time period elapses using the first computer system.” For the reasons

discussed below, none of the attacks lodged by Uniloc with respect to this claim

limitation undermine the showing in the Petition that the combination of Davis and Choi renders claim 1 obvious.

For the Board's convenience, a summary of Netflix's and Dr. Franz's arguments and evidence from the Petition is first summarized (§ II.A below), and then Uniloc's arguments are addressed (§ II.B below).

A. The Petition Demonstrated that Davis as Modified by Choi Rendered the "Receiving" Step Obvious.

As explained in the Petition, Davis disclosed all aspects of this claim element other than that Davis's applet operated according to a predetermined temporal period. Petition at 27-31. And operation of Davis's applet according to a predetermined temporal period was an obvious modification of Davis based on the teaching of Choi. *Id.*

Davis disclosed that Server B, part of the first computer system, received information from the client, the user's computer, as part of "CGI Script 2," highlighted in Davis's Figure 4 below. The tracking program started a timer when the web page was first displayed on the client, and then terminated execution when the web page was no longer displayed. Davis at 12:22-33. The client then invoked CGI Script 2, providing to Server B "any information tracked and transmitted by the applet *as well as any available information in the HTTP request header.*" *Id.*

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