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")

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")

Ex. 1006   Affidavit of Matthew C. Bernstein in Support of Petitioners'
Unopposed Motion for Pro Hac Vice Admission Under 37 C.F.R.
§42.10(c)

Ex. 1007   Non-Exclusive Patent License and Settlement Agreement
(CONFIDENTIAL - FOR FILING PARTY AND BOARD ONLY)

NEW EXHIBITS

Ex. 1008   Excerpts of Uniloc's Final Infringement Contentions Against Netflix

Ex. 1009   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

5   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

10   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,"

15   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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