

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,

Petitioner

v.

UNILOC 2017 LLC,

Patent Owner

IPR2020-00041

PATENT 8,407,609

PATENT OWNER SUR-REPLY TO PETITION

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EXHIBITS

2001	File History of '609 Patent
2002	Claim Construction Memorandum and Order, <i>Uniloc 2017 LC v. Google LLC</i> , Case 2:18-CV-00502-JRG-RSP (E.D. Tex.), Dkt. 149 (Jan. 20, 2020)
2003	Claim Construction Ruling, <i>Uniloc 2017 LLC v. Netflix, Inc.</i> , SACV 18-2055-GW-DFMx, Dkt. 138 (C.D. Cal. Mar. 9, 2020)

I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc”) submits this Sur-Reply in further response to Petition IPR2020-00041 for *Inter Partes* Review (“Petition”) of United States Patent No. 8,407,609 (“the ’609 patent”) filed by Netflix, Inc. (“Netflix”).¹ As discussed below and in Uniloc’s Response, the Board should deny the Petition in its entirety, as Netflix failed to carry its burden of proof that Claims 1-3 of the ’609 Patent are unpatentable. 35 U.S.C. § 316(e).

II. NETFLIX FAILS TO PROVE UNPATENTABILITY FOR THE CHALLENGED CLAIMS

A. Netflix fails to prove that its proposed *Davis-Choi* combination renders obvious limitations directed to the “timer applet,” such as those recited in the “receiving” step (Ground 1)

1. Netflix concedes that *Davis* fails to disclose the “timer applet,” such as those in the “receiving step”

Uniloc had noted that the claim language requires that the “timer applet” must be “operative by the user’s computer as a timer,” such that “at least a portion of the identifier data [is received] from the user’s computer responsively to the timer applet each time a predetermined temporal period elapses using the first computer system.”

¹ Roku, Inc. (“Roku”) was also an original Petitioner, but the Board has terminated with respect to Roku due to settlement. Order (Paper 14) at 14.

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