UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2020-00420

PATENT 6,868,079

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

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I. INTRODUCTION

Uniloc 2017 LLC (the "Uniloc" or "Patent Owner") submits this Preliminary Response to Petition IPR2020-00420 for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 6,868,079 ("the '079 patent" or "EX1001") filed by Ericsson Inc. ("Petitioner"). The instant Petition is procedurally and substantively defective for at least the reasons set forth herein.

As discussed in detail below in Section V.A-C, the challenged claims provide for an improvement in wireless communication between a base station and secondary stations, and in particular in connection with requests from secondary stations for allocation of slots to send data to the base station. In the method of claims 1 and 17, a secondary station, after sending to the base station a request for service, rather than waiting for an acknowledgment, re-transmits the same request in consecutive allocated time slots without waiting for an acknowledgement and continues the re-transmitting in consecutive allocated time slots until the acknowledgement is received. The Petitioner relies, as to all of Grounds 1, 2, and 3, on the Kay reference for this teaching, while omitting Kay's explicit teaching of only repeating the request after "a suitable time out," if an acknowledgment or assignment is not received. Thus, the prior art relied upon by the Petitioner, rather than repeating the requests in consecutive allocated time slots without waiting for an acknowledgment, as recited in claims 1 and 17, waits for a suitable time out period to determine if an acknowledgment has been received. Accordingly, the prior art cited by the Petitioner fails to provide a basis for institution of Inter Partes Review here, and for this reason, as well as the other reasons set forth below, institution should be denied.

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II. THE '079 PATENT

The '079 patent is titled "Radio communication system with request re-transmission until acknowledged." The '079 patent issued March 15, 2005, from U.S. Patent Application No. 09/455,124 filed December 6, 1999, which claims priority to United Kingdom Patent Application No. GB9827182, filed December 10, 1998.

The inventors of the '079 patent observed that in radio communication systems at the time, it was generally required to be able to exchange signaling messages between a Mobile Station (MS) and a Base Station (BS). Downlink signaling (from BS to MS) was usually realized by using a physical broadcast channel of the BS to address any MS in its coverage area. Since only one transmitter (the BS) uses this broadcast channel, there is no access problem. EX1001, 1:17-23.

However, uplink signaling (from MS to BS) required more detailed considerations. If the MS already had an uplink channel assigned to it, for voice or data services, this signaling could be achieved by piggybacking, in which the signaling messages are attached to data packets being sent from the MS to the BS. But if there was no uplink channel assigned to the MS, piggybacking is not possible. In this case it would be desirable to have a fast uplink signaling mechanism be available for the establishment, or re-establishment, of a new uplink channel. EX1001, 1: 24-33.

In conventional systems at the time, for example those operating in accordance with the Global System for Mobile communication (GSM) standard, fast uplink signaling was enabled by the provision of a random-access channel using a slotted

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