

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VUDU, INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

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IPR2020-00677

PATENT 8,407,609

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**PATENT OWNER PRELIMINARY RESPONSE TO PETITION**

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2002	Claim Construction Memorandum and Order, <i>Uniloc 2017 LLC v. Google LLC</i> , Case No. 2:18-CV-00502-JRG-RSP, Dkt. 149 (E.D. Tex. Jan. 20, 2020) (adopted Dkt. 198, Mar. 24, 2020)

## I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc” or “Patent Owner”) submits this Preliminary Response to Petition IPR2020-00677 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 8,407,609 (“the ’609 patent” or “EX1001”) filed by Vudu, Inc. (“Petitioner”).

In view of the reasons presented herein, the Petition should be denied in its entirety, as Petitioner has failed to meet its burden of showing that any challenged claim is unpatentable. 35 U.S.C. § 316(e). In addition, Petitioner was served with a complaint alleging infringement of the ’609 patent on January 31, 2019. *See Uniloc 2017 LLC v. Vudu, Inc.*, 1-19-cv-00183, Dkt. Nos. 1, 4 (D. Del.). Thus, inter partes review may not be instituted if Petitioner’s motion for joinder to IPR2019-01367 (“Sling IPR”) is not granted.

Uniloc addresses each ground and provides specific examples of how Petitioner failed to establish that any of the challenged ’609 Patent claims is unpatentable. As a non-limiting example described in more detail below, the Petition fails to show that the cited art teaches every feature of any of the challenged claims.

Accordingly, Uniloc respectfully requests that the Board find that Petitioner has failed to carry its burden of proof that any of Claims 1-3 of the ’609 Patent are unpatentable. Thus, this Petition should not be instituted or joined to the Sling IPR.

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