

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC., APPLE INC., AND
MOTOROLA MOBILITY LLC,
Petitioners

v.

UNILOC 2017 LLC
Patent Owner

IPR2020-00701
PATENT 6,836,654

PATENT OWNER PRELIMINARY RESPONSE TO PETITION

TABLE OF CONTENTS

EXHIBITS..... III

I. INTRODUCTION 1

II. THE ‘654 PATENT..... 1

III. RELATED PROCEEDINGS 3

IV. LEVEL OF ORDINARY SKILL IN THE ART 5

V. PETITIONER DOES NOT PROVE UNPATENTABILITY OF ANY CHALLENGED CLAIM..... 5

 A. Claim Construction Standard 6

 B. Nokia and Barvesten do not teach “verifying a user identification module mounted inside the mobile radiotelephony device is linked to the mobile radiotelephony device.” 6

 C. The Petition does not establish that Barvesten and/or Schultz teaches “verifying a user identification module mounted inside the mobile radiotelephony device is linked to the mobile radiotelephony device” 12

 D. The Petition fails to prove obviousness of any dependent claim 13

VI. APJS ARE UNCONSTITUTIONALLY APPOINTED PRINCIPAL OFFICERS 13

VII. CONCLUSION..... 17

CERTIFICATE OF COMPLIANCE..... 18

CERTIFICATE OF SERVICE 19

EXHIBITS

2002	Claim Construction Order, <i>Uniloc 2017 LLC v. Motorola Mobility, LLC</i> , 1-18-cv-018441 (consolidated with 1-18-cv-01844), Dkt. 75 (D. Del. Jan. 23, 2020)
2003	Claim Construction Memorandum Opinion and Order, <i>Uniloc 2017 LLC v. Samsung Electronics America, Inc.</i> , 2-18-cv-00508, Dkt. 61 (E.D. Tex. Jan. 20, 2020)
2004	Order, <i>Uniloc 2017 LLC v. Samsung Electronics America, Inc.</i> , 2-18-cv-00508, Dkt. 71 (E.D. Tex. Feb. 26, 2020) (adopting magistrate's claim construction order and overruling objections)
2005	Claim Construction Memorandum Opinion and Order, <i>Uniloc 2017 LLC v. Google LLC</i> , 2-18-cv-00493, Dkt. 165 (E.D. Tex. Jan. 20, 2020)
2006	Order, <i>Uniloc 2017 LLC v. Google LLC</i> , 2-18-cv-00493, Dkt. 212 (E.D. Tex. Mar. 23, 2020) (adopting magistrate's claim construction order and overruling objections)
2007	Memorandum Opinion on Claim Construction, <i>Uniloc 2017 LLC v. Motorola Mobility, LLC</i> , 1-18-cv-01841 (consolidated with 1-18-cv-01844), Dkt. 72 (D. Del. Jan. 17, 2020)

I. INTRODUCTION

Uniloc 2017 LLC (the “Patent Owner” or “Uniloc”) submits its Preliminary Response to the Petition for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 6,836,654 (“the ‘654 Patent” or “Ex. 1001”) filed by Samsung Electronics America, Inc. (“Samsung”),¹ Apple Inc., and Motorola Mobility LLC. (“Petitioner”) in IPR2020-00701.

In view of the reasons presented herein, the Petition fails to meet its burden of proving any challenged claim is unpatentable. In addition, Petitioner Apple, Inc. was served with a complaint alleging infringement of the ‘654 Patent on April 11, 2018. *See Uniloc 2017, LLC v. Apple Inc.*, :19-cv-01697, Dkt. Nos. 1, 10 (NDCA). Furthermore, Petitioner Motorola Mobility LLC was served with a complaint alleging infringement of the ‘654 Patent at least by January 4, 2019 *See Uniloc 2017 LLC v. Motorola Mobility, LLC*, 1-18-cv-01844 Dkt. Nos. 1, 4 (DDE). Thus, *inter partes* review may not be instituted if Petitioners’ motion for joinder to IPR2019-01471 (the “Microsoft IPR”) is not granted.

Thus, this Petition should not be instituted or joined to the Microsoft IPR.

II. THE ‘654 PATENT

The ‘654 patent is titled “Anti-theft protection for a radiotelephony device.” The ‘654 patent issued December 28, 2004, from U.S. Patent Application No.

¹ Uniloc and Samsung have filed a joint motion to terminate as to Samsung (Paper 9).

09/739,507 filed December 18, 2000, claiming priority to French application 99-16136, filed December 21, 1999.

Figure 3 of the '654 patent, reproduced below, is a flow chart depicting an example embodiment.

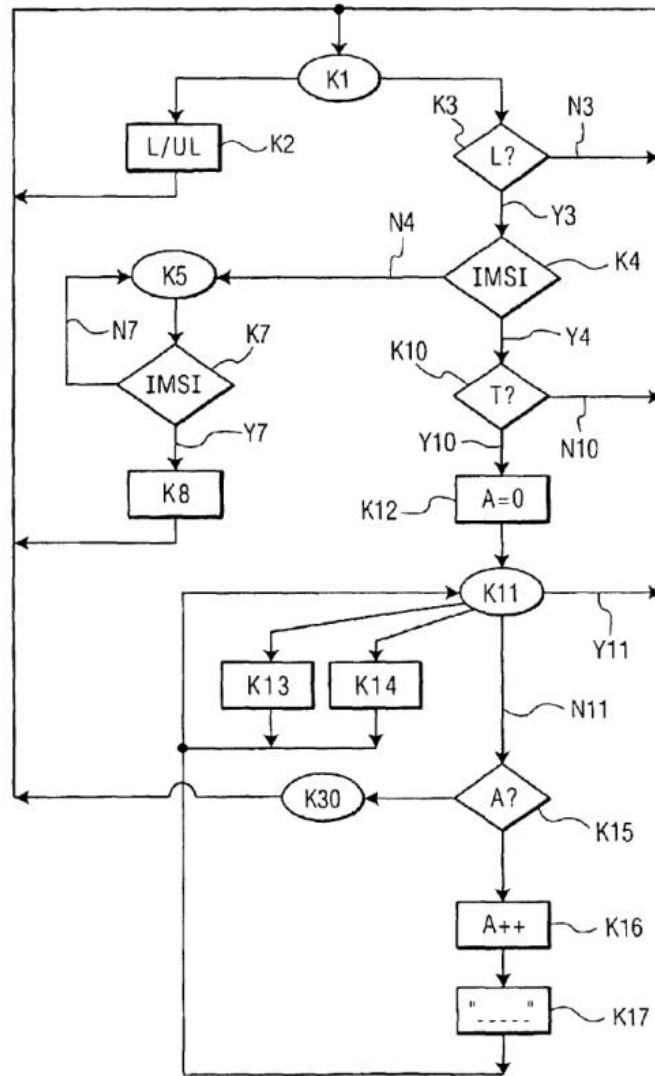


FIG. 3

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.