UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2020-00755

PATENT 6,366,908

PATENT OWNER SUR-REPLY

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EXHIBIT LIST

Exhibit	Description
2001	Google's Invalidity Contentions in *Uniloc 2017 LLC v. Google LLC*, No. 2:18-cv-553 (E.D. Tex.), dated August 26, 2019.
2002	Exhibit A-18 to Google's Invalidity Contentions in *Uniloc 2017 LLC v. Google LLC*, No. 2:18-cv-553 (E.D. Tex.), dated August 26, 2019.

I. INTRODUCTION

For the reasons given in Uniloc's Response ("POR") and herein, Google fails to prove any challenged claim to be unpatentable.

II. CLAIM CONSTRUCTION

A. The "keyfact" term

The parties agree the "keyfact" term is coined by the challenged '908 patent, is not a term of art, and hence requires construction here. POR 6-7. As Uniloc explained in its Response, "[t]o avoid undue expansion of the 'keyfact' term beyond the acknowledged definitive scope of the disclosure, the term should be construed for purposes of this proceeding to mean 'a factual extraction of a sentence which expresses semantic relation between words in the sentence in the form of [object, property].'" POR 9 (quoting Ex. 1001, 4:58-60). It is dispositive here that, under a proper construction, an example patentable feature of a "keyfact" is that its format *itself* intrinsically expresses semantic relation between *paired* words.

While the intrinsic evidence speaks for itself in support of the above construction, certain undisputed observations are worth repeating for emphasis. First, the '908 patent universally qualifies all keyfacts as follows: "All keyfacts express semantic relation between words in the form of [object, property]." Ex. 1001, 4:58-60. This universal qualification of "all keyfacts" constitutes an objective disavowal or disclaimer that limits claim scope. *X2Y Attenuators, LLC v. International Trade Com'n*, 757 F.3d 1358, 1362 (Fed. Cir. 2014) (finding statement that a feature was "universal" to "all embodiments" was a clear disavowal that limited claim scope).

Google ignores altogether that the statement in question, on its face, is universally applicable to "all keyfacts" in general. Ex. 1001, 4:58-60.

Second, *every single* "keyfact" example disclosed in the specification expresses semantic relation between words in the paired form of [object, property]. POR 7-8 (citing, *inter alia*, Ex. 1001 at Table 1, 1:8-10, 1:16-18, 4:58-60, 6:15-30, and 6:38-44). The Abstract emphasizes the paired aspect of a keyfact as follows: "A keyfact-based text retrieval method and a keyfact-based text index method that describes the formalized concept of a document by a pair comprising an object that is the head and a property that is the modifier and uses the information described by the pairs as index information for efficient document retrieval." The consistency with which all example "keyfacts" are described further underscores the universal nature of the definitive statement, "All keyfacts express semantic relation between words in the form of [object, property]." Ex. 1001 at 4:58-60; *see also AstraZeneca LP v. Apotex, Inc.*, 633 F.3d 1042, 1052 (Fed. Cir. 2010) ("[W]hen a patentee uses a claim term throughout the entire patent specification, in a manner consistent with only a single meaning, he has defined that term 'by implication.'") (citations omitted).

Third, as Google acknowledges, Uniloc observed that the Petition takes an overly expansive view of "keyfact" that "would impermissibly compass disparaged art" cited during prosecution. Reply 2 (quoting POR 6-7). Tellingly, Google does not deny these observations concerning either the construction applied in the Petition or its inconsistency with the prosecution history.

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