

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

UNILOC 2017 LLC,  
Patent Owner.

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IPR2020-00755  
Patent 6,366,908 B1

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Before SALLY C. MEDLEY, KRISTEN L. DROESCH, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314

## I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition for *inter partes* review of claims 6–12 of U.S. Patent No. 6,366,908 B1 (Ex. 1001, “the ’908 patent”). Paper 1 (“Pet.”). Uniloc 2017 LLC (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). In accordance with Board authorization, Petitioner filed a Reply to the Preliminary Response (Paper 9, “Reply”) and Patent Owner filed a Sur-Reply (Paper 11, “Sur-Reply”), limited to addressing discretionary denial issues under *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”).

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). Upon consideration of the Petition, the Preliminary Response, and the evidence of record, we determine that Petitioner has established a reasonable likelihood of prevailing with respect to the unpatentability of at least one claim of the ’908 patent. Accordingly, for the reasons that follow, we institute an *inter partes* review of claims 6–12 of the ’908 patent.

### A. Related Matters

Petitioner and Patent Owner indicate that the ’908 patent is the subject of the court proceeding, *Uniloc 2017 LLC v. Google LLC*, No. 2:18-cv-00553 (E.D. Tex.) (“district court case”). Pet. 93; Prelim. Resp. 3. As discussed in more detail below, Petitioner’s motion to transfer the district court case to the Northern District of California was granted. Ex. 1046.

*B. The '908 Patent*

The '908 patent describes a keyfact-based text retrieval method and a keyfact-based text index method. Ex. 1001, 1:6–7. The '908 patent states that a keyfact is “an important fact contained in sentences which constitute a document,” where the keyfact is “represented by an object and property information through syntactic analysis of a sentence.” *Id.* at 1:15–18. As described in the '908 patent, a keyword-based text retrieval method was the mainstream in conventional text retrieval methods, but the precision of a keyword-based text retrieval method was less than ideal for several reasons. *Id.* at 1:19–22. First, the meaning of the document was not precisely represented because the document is represented by keywords, which are nouns. *Id.* at 1:22–25. Second, when a query included a natural language phrase, sentence, or keywords, the intention of the user’s query was not reflected precisely in a keyword-based text retrieval method. *Id.* at 1:27–32. Therefore, the keyword-based text retrieval method had a fundamental limitation in retrieval precision because it performed document retrieval by keywords. *Id.* at 1:32–34. Phrase-based text retrieval methods perform more precise text retrieval than the keyword-based text retrieval method but performs less precise text retrieval than a concept-based text retrieval method, which expresses text by concept units. *Id.* at 1:45–49.

The '908 patent further describes a new approach to keyfact-based text retrieval that overcomes the shortcomings of the keyword-based text retrieval method and generalized phrase-based text retrieval methods. *Id.* at 1:50–53. In a keyfact-based text retrieval method, parts of text that represent the same meaning are described as a keyfact, where the phrases or words having the same meaning are indexed as the same indexing terms. *Id.* at 1:53–55, 60–62. According to the '908 patent, since the keyfact-based

retrieval method is a concept-based retrieval method, indexing and retrieval of the keyfact-based retrieval method are performed with the unit of the keyfact, and precision of the retrieval is greatly improved. *Id.* at 1:55–59.

A block diagram of a keyfact-based text retrieval system is illustrated in Figure 1, reproduced below.

*FIG. 1*

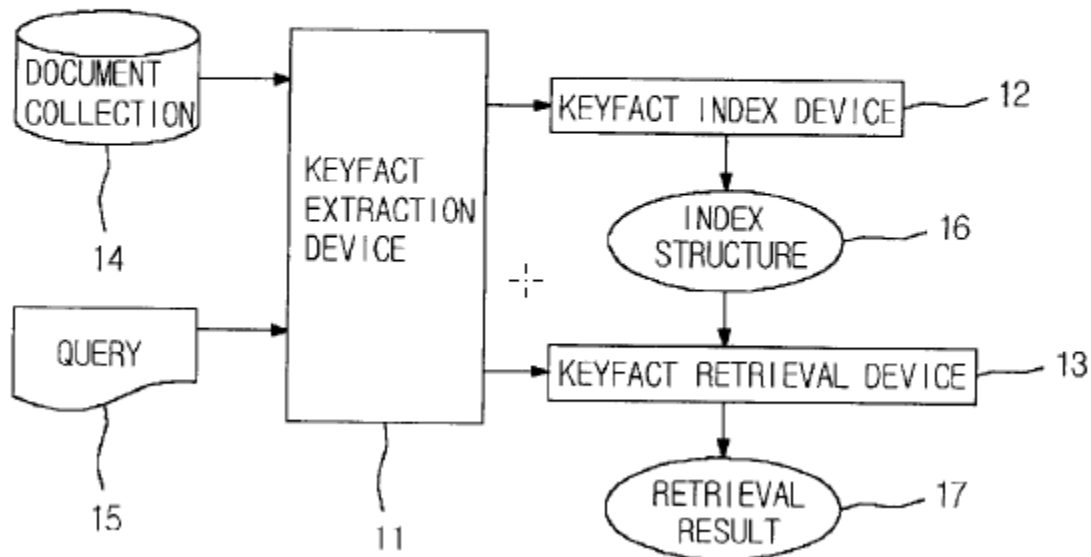


Figure 1 is a block diagram illustrating a keyfact-based text retrieval system. *Id.* at 4:22–23. The keyfact-based text retrieval system comprises keyfact extraction device 11, keyfact index device 12, and keyfact retrieval device 13. *Id.* at 4:23–26. The '908 patent describes that once a document collection 14 or a query 15 is given, the keyfact extraction device 11 extracts words without ambiguity by performing morphological analysis and tagging. *Id.* at 4:42–45. The keyfact generation rule is applied to the words and then the keyfacts are extracted. *Id.* at 4:45–46. The keyfact index device 12 indexes the document collection 14 or the query 15 with the unit of keyfact

and calculates the frequencies of the keyfacts. *Id.* at 4:47–49. The frequencies of the keyfacts are stored into the index structure 16 with the document ID information. *Id.* at 4:49–51. The keyfact retrieval device 13 orders documents using a similarity calculation method and shows retrieval results. *Id.* at 4:51–53.

A block diagram of a keyfact extraction device of a keyfact-based text retrieval system is illustrated in Figure 3, reproduced below.

*FIG. 3*

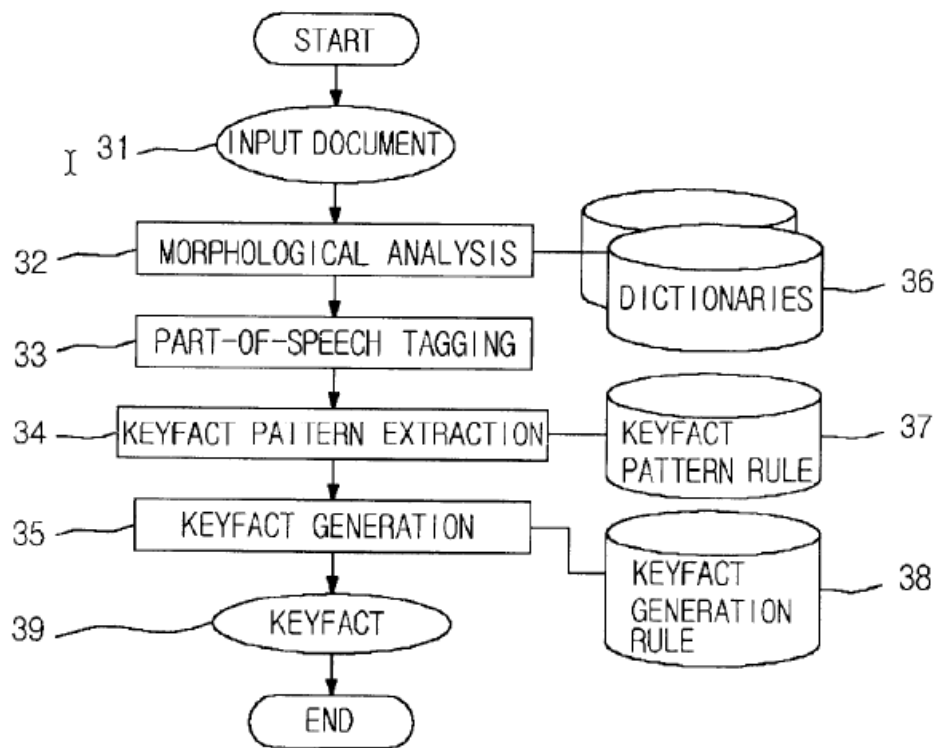


Figure 3 illustrates a block diagram of keyfact extraction device 11 that analyzes a document and generates keyfacts through the processes of morphological analysis, part-of-speech tagging, keyfact pattern extraction, and keyfact generation. *Id.* at 5:15–18. The '908 patent describes that a document is supplied at stage 31 and morphological analysis is performed at

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