

Filed: April 15, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE LLC,  
Petitioner,

v.

UNILOC 2017 LLC,  
Patent Owner.

---

Case No. IPR2020-00756  
U.S. Patent No. 9,564,952

---

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

**TABLE OF CONTENTS**

I. Introduction.....1

II. Argument .....2

    A. The *Paulson* and *Surprenant* Combination Discloses “Scanning a Plurality of Predetermined Frequencies for a Free Frequency” .....2

    B. The *Paulson*, *Surprenant*, and/or *Beenau* Combinations Disclose “Device Identification Data Including a Bit Array Derived from User-Configurable and Non-User-Configurable Data Specific to the Audio Transceiver Computing Device” .....12

        1. *Surprenant* Discloses “Non-User-Configurable Data” .....14

        2. Alternatively, the Background Knowledge of One of Ordinary Skill, as Supported by the ’216 Patent, Demonstrates that *Surprenant* Discloses “Non-User-Configurable Data” .....16

        3. Uniloc Fails to Challenge Whether the *Paulson*, *Surprenant*, and *Beenau* Combination Renders Obvious Claim 9 .....20

III. Conclusion .....22

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

*Ariosa Diagnostics v. Verinata Health, Inc.*,  
805 F.3d 1359 (Fed. Cir. 2015) .....16

*Randall Mfg. v. Rea*,  
733 F.3d 1355 (Fed. Cir. 2013) .....17

*Werner Co. v. Louisville Ladder, Inc.*,  
IPR2019-00336, Paper 34 (P.T.A.B. Aug. 24, 2020).....13, 20

## I. Introduction

Patent Owner Uniloc does not challenge most of the points Google made in the Petition. Instead, Uniloc raises only two limited disputes. First, Uniloc argues that *Paulson* fails to disclose the claimed “scanning a plurality of predetermined frequencies for a free frequency.” But Uniloc’s argument is based on reading portions of *Paulson* in ways that are inconsistent with *Paulson*’s express teachings, such as by contending that Step 402 in *Paulson*’s Figure 4 is divorced from Step 404 despite the figure and *Paulson*’s text both using the results from Step 402 in that figure’s following steps. Uniloc largely repeats the same arguments the Board preliminarily rejected in the Institution Decision, and Uniloc provides no expert testimony or other evidence that could overcome the Board’s reasoning, which is supported by the testimony of Google’s expert.

Second, Uniloc argues that *Surprenant* does not disclose the claimed “bit array” feature in Grounds 1 and 3, but its arguments are contradicted by *Surprenant*’s disclosure and the knowledge of a person of ordinary skill, as demonstrated by prior art discussed in the ’952 patent. Uniloc’s arguments are also incomplete, as Uniloc fails to address all of the prior art cited by the ’952 patent and discussed in the Petition. On this issue as well, Uniloc largely repeats arguments from its Preliminary Response, which the Board preliminarily rejected in the Institution Decision. Uniloc

again has not provided any expert testimony or other evidence that should alter the Board's initial conclusions.

Moreover, Uniloc never attempts to rebut Google's reliance on *Beenau* in Grounds 2 and 4 as disclosing the claimed "bit array derived from user-configurable and non-user-configurable data specific to the audio transceiver computing device." Any attempt to do so for the first time in Uniloc's Sur-Reply should be deemed waived. Accordingly, even if the Board were to agree with Uniloc that *Surprenant* does not disclose or suggest this claimed feature, Uniloc has not presented and cannot later present any challenge to Google's grounds that rely on *Beenau* instead of *Surprenant* for this feature.

For the reasons below, and as explained in the Petition, Google respectfully requests that the Board cancel claims 9-12 of the '952 patent as unpatentable.

## II. Argument

### A. The *Paulson* and *Surprenant* Combination Discloses "Scanning a Plurality of Predetermined Frequencies for a Free Frequency"

In the Petition, Google established that *Paulson* discloses "scanning a plurality of predetermined frequencies for a free frequency." (Petition at 23-29; Ex. 1003 ¶¶ 65-75.) *Paulson*'s Figure 4 illustrates how *Paulson*'s system (1) identifies the claimed "plurality of predetermined frequencies" at Step 402, and then (2) under Steps 404-414, scans and selects "one or more frequencies" for

# 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.