UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

UNILOC 2017 LLC
Patent Owner

IPR2020-00756
PATENT 9,564,952

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-552 (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.   GOOGLE DOES NOT PROVE UNPATENTABILITY FOR ANY CHALLENGED CLAIM

Google's Reply fails to persuasively rebut, and rather only underscores, the example deficiencies identified in Uniloc's Response.

A.   Googe fails to defend the Petition against example substantive deficiencies arising from "scanning a plurality of predetermined frequencies for a free frequency"

For the reasons outlined below, and in Uniloc's Response, Google's exclusive reliance on Paulson fails to prove obviousness of the "scanning" limitations of claim 9.   Among other example deficiencies addressed in Uniloc's Response, Google's Reply fails to persuasively defend the Petition against the following deficiencies:

(1) obviousness of "scanning a plurality of *predetermined* frequencies for a free frequency" has not been shown by "Paulson's sampling of frequencies that are not predetermined" (POR at 10-13); and

(2) obviousness of "scanning … *for a free frequency*" has not been shown by Paulson's sampling for the "*most prevalent sounds*" (*id.*).

These example fatal deficiencies shall be addressed in turn.

1.   Paulson has not been shown to scan *predetermined* frequencies

The record fails to establish that Paulson renders obvious the "predetermined" qualifier merely by the description of Step 402 *itself*. POR 10-13. According to

Google, Paulson discloses "the frequencies [are] *initially determined in* Step 402." Reply at 5 (emphasis added); *see also id*. at 3, 4 (twice referring to "the frequencies initially set in Step 402"). The record simply provides no rational or evidentiary basis to conclude that "scanning a plurality of *predetermined* frequencies" is rendered obvious by the disclosure in Paulson allegedly directed, instead, to "frequencies *initially determined in* Step 402." *Id*. (emphasis added).

In its Reply, Google retreats to a different position that Step 404 of Paulson renders obvious "scanning a plurality of *predetermined* frequencies for a free frequency" ostensibly because the frequency range sampled in Step 404 is *preset* by whatever is "determined to be viable in Step 402." Reply at 10; *see also id*. at 3-5. Paulson speaks for itself in refuting Google's characterization. POR 10-13.

Paulson describes its Step 404 as indiscriminately sampling frequencies which are "too high for the receive device to sample and demodulate." *Id*. (quoting Paulson, 13:29-32). An example of sampled frequencies which are "too high" for the system to decode are represented in Figure 5 (reproduced below) as those which exceed the vertical axis indicated by reference 502 (i.e., the portion of the graph emphasized below with red highlighting).
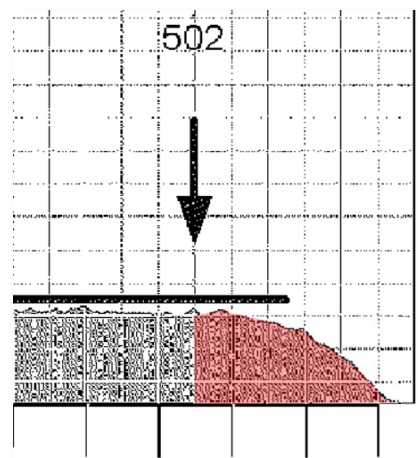
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