UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HULU, LLC and NETFLIX, INC.
Petitioner

v.

UNILOC 2017 LLC
Patent Owner

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IPR2020-00008
U.S. PATENT NO. 9,721,273

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# PATENT OWNER PRELIMINARY RESPONSE TO PETITION

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# I. INTRODUCTION

Pursuant to 35 U.S.C. §313 and 37 C.F.R. §42.107(a), 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. 9,721,273 ("the '273 Patent" or "Ex. 1001") filed by Hulu LLC and Netflix, Inc. ("Petitioner") in IPR2020-00008.

In view of the reasons presented herein, the Petition should be denied in its entirety as failing to meet the threshold burden of proving there is a reasonable likelihood that at least one challenged claim is unpatentable.

Uniloc addresses each ground and provides specific examples of how Petitioner failed to establish that it is more likely than not that it would prevail with respect to at least one of the challenged '273 Patent claims.

Accordingly, Uniloc respectfully requests that the Board decline institution of trial on Claims 1-3 of the '273 Patent.

# II. THE '273 PATENT

## A. Effective Filing Date of the '273 Patent

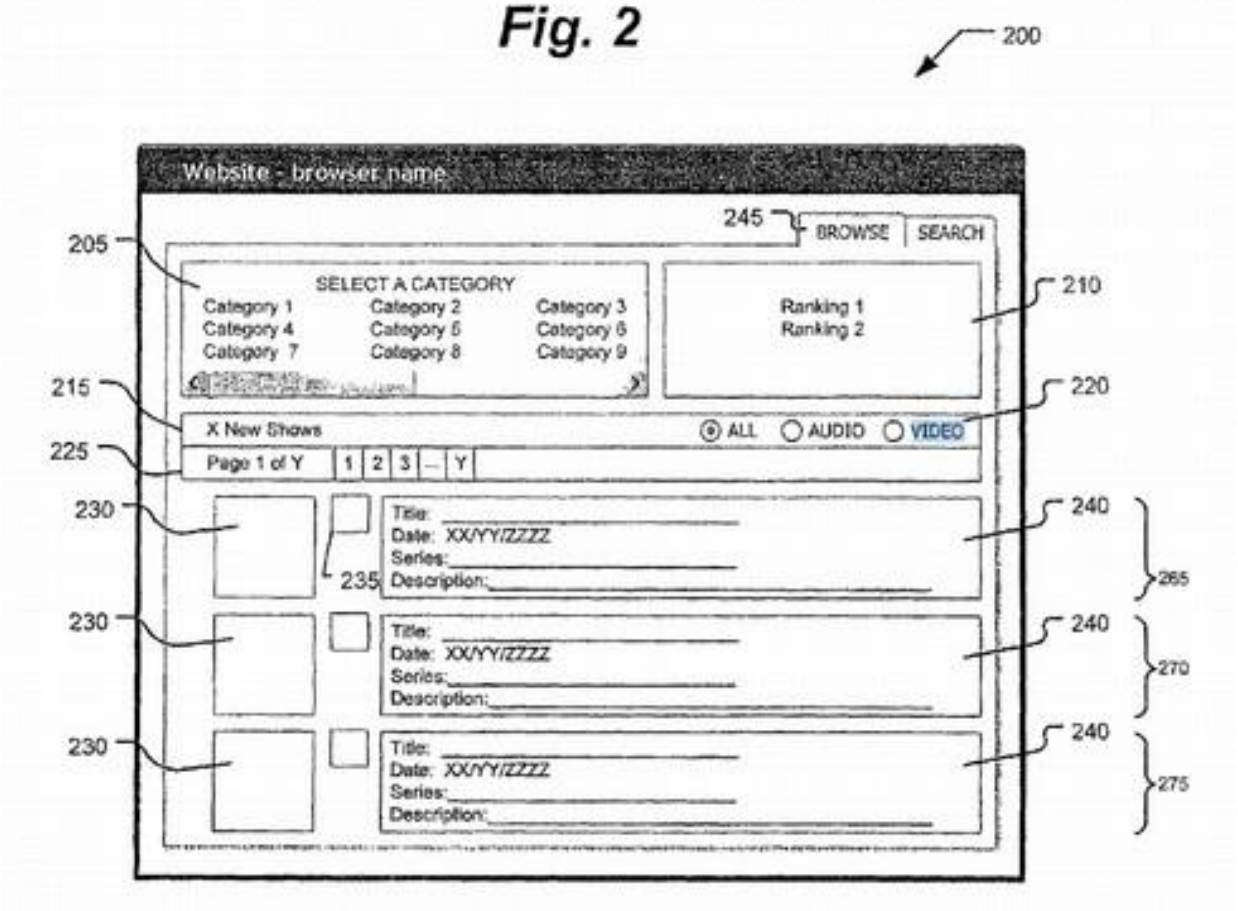
The '273 Patent is entitled "System and Method For Aggregating and Providing Audio and Visual Presentations Via a Computer Network." The '273 Patent issued on August 1, 2017, from U.S. Patent Application No. 14/178,064 filed on February 11, 2014, which is a Division of Patent Application No. 12/545,125

filed on August 21, 2009, and claims priority to U.S. Provisional Patent Application Nos. 61/090,680, 61/090,673, 61/090,678, 61/090,688, 61/090,681, 61/090,684, and 61/090,672, which were all filed on August 21, 2008.

### B. Overview of the '273 Patent

The '273 Patent is directed to a system 10 and method for providing content including audio and/or video content for presentation to users. ('273 Patent, column 4, lines 34-42). The system 10 includes multiple user computers 20 (computer systems), multiple network server computers 30, and a network 40 that interconnects the user computers 20 with the network server computers 30. ('273 Patent, column 4, lines 44-48). The network server computers 30 provide web pages 200 for rendering and display on the user computers 20. Fig. 2, which illustrates one example web page 200, is reproduced herein below:

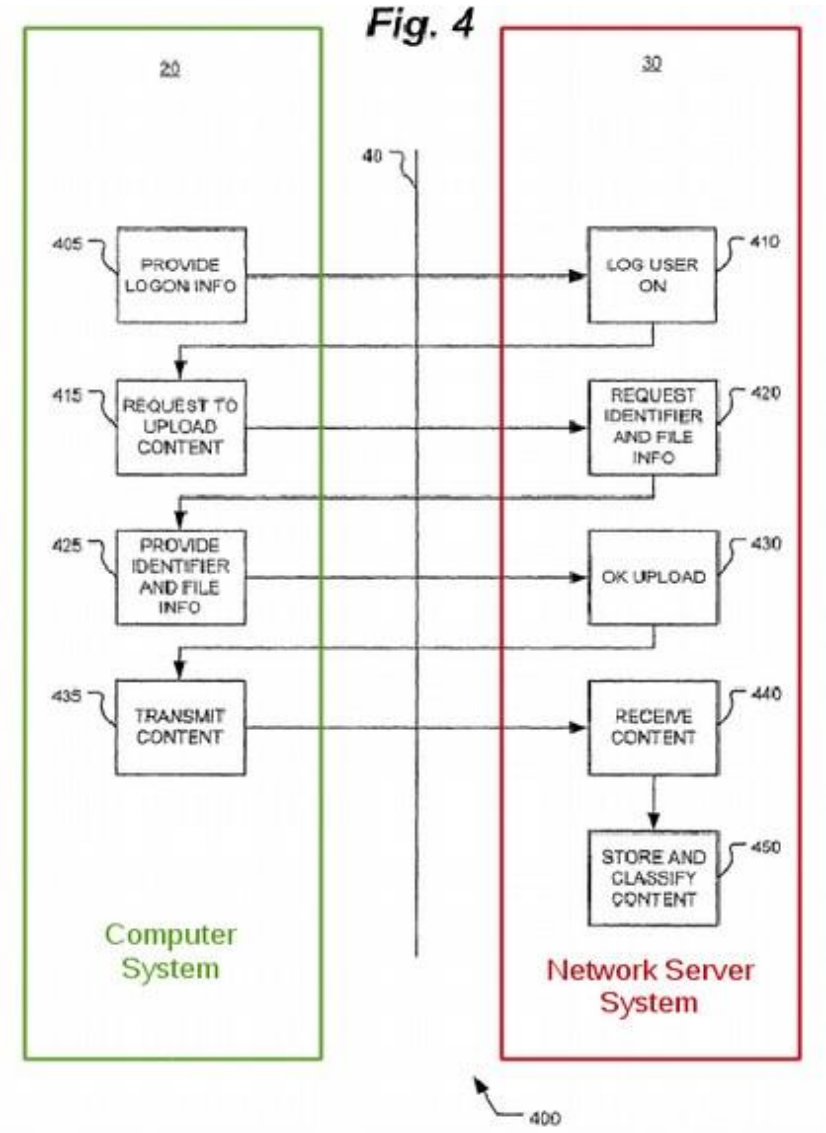
Fig. 2




Among other things, the web page 200 displays representations of presentations 265, 270, 275 that may be individually selected for view or display using indicators 235, 240, 245 associated with each presentation 265, 270, 275. ('273 Patent, column 5, lines 18-23). The presentations 265, 270, 275 generally represent audio and/or video content that may be presented to, and consumed by a user of the user computer 20. ('273 Patent, column 3, lines 4-5). The web page 200 is provided to the user computers 20 by the network server computers 30 that store the presentations 265, 270, 275 and/or links to presentations, and serve those presentations 265, 270, 275 for view by the user computer 20 when selected. ('273

Patent, column 3, lines 38-43).

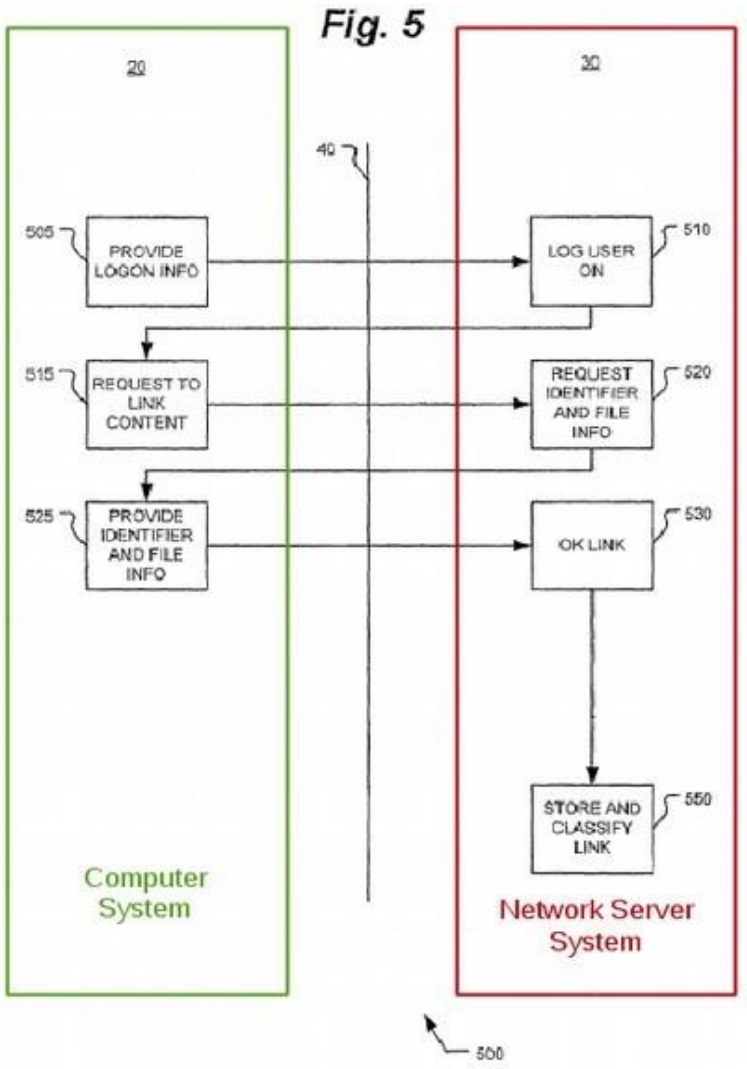
In general, presentations may be created using a combined sequence of actions provided by the user computers 20 in conjunction with the network server computers 30. ('273 Patent, column 6, lines 31-38). Fig. 4 illustrates one such process 400 for permitting users to directly upload content along with information associated with that content, and is reproduced with annotations below:




The process steps encompassed within the green box are performed by a user

computer 20, while other process steps encompassed within the red box are performed by the network server computers 30. As shown, following a logon process between the user computer 20 and network server computers 30 (405, 410), the user computer 20 is enabled to request upload of content, and transmission of the requested content to the network server computers 30 (steps 415-450). This particular process is illustrative of a particular type where the actual content is loaded and stored in the network server computers 30.

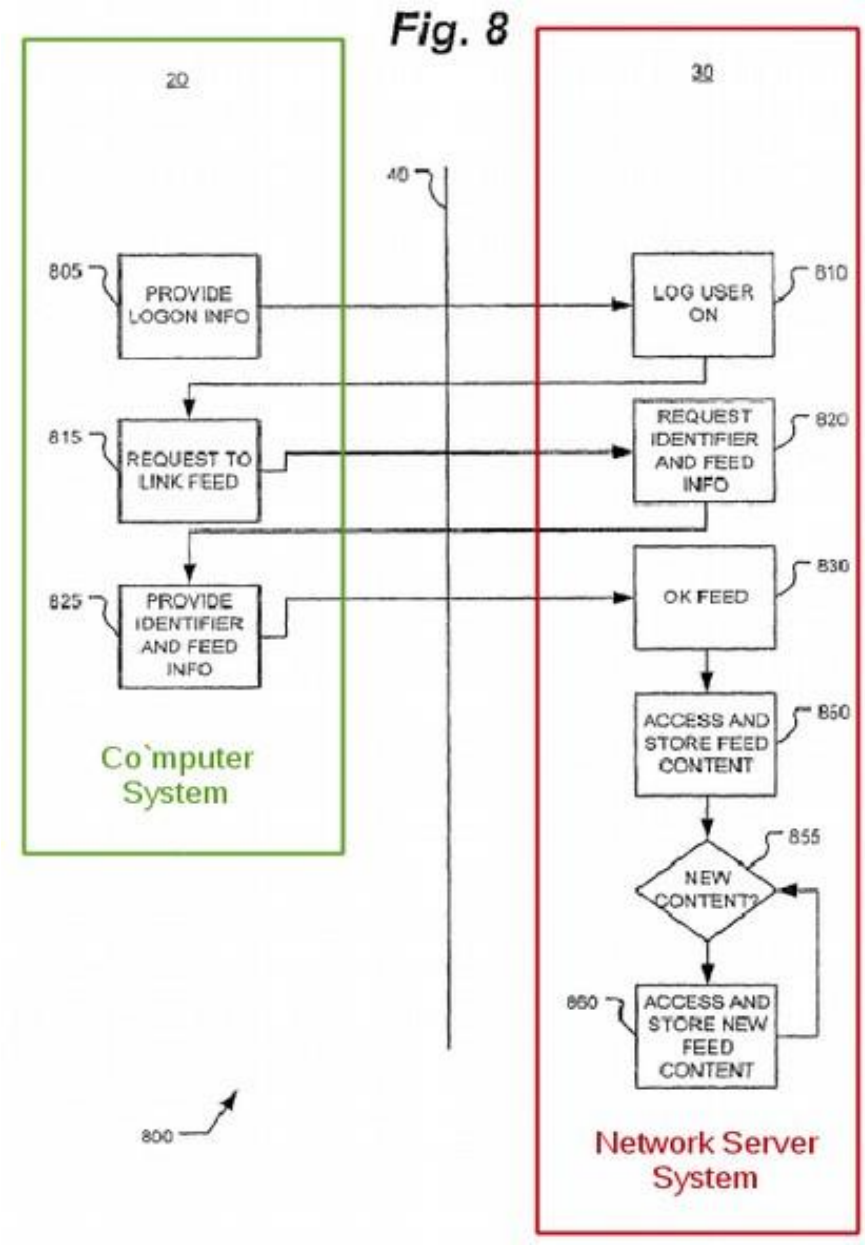
Fig. 5 illustrates another process 500 whereby users may be permitted to link presentations housed elsewhere in memory so as to be accessible to the same or a different user computer 20 via the network 40. ('273 Patent, column 7, lines 22-24). Figure 5 (annotated) is reproduced below:




Like the process 400 described herein above, the process steps encompassed within the green box are performed by a user computer 20, while other process steps encompassed within the red box are performed by the network server computers 30. The process 500 includes logon steps similar to those described above with reference to Fig. 4. However, following the logon steps, the user computer 20 is enabled to request upload of a link to content stored elsewhere in memory (e.g., external to the system 10). In particular, the link is stored and classified by the network server

computers 30 at step 550.

Fig. 8 illustrates yet another process 800 whereby users may be permitted to link presentations to a syndication feed, such as a really simple syndication (RSS) feed. ('273 Patent, column 10, line 56 – column 11, line 19). Figure 8 (annotated) is reproduced below.



Like the processes 400, 500 described above, the process steps encompassed within the green box are performed by a user computer 20, while other process steps encompassed within the red box are performed by the network server computers 30. Following the logon steps of 805 and 810, the user computer 20 is enabled to request upload of a link to a syndication feed, and upload the link to the requested syndication feed (steps 815-850). Also included in the process 800 are steps 855, 860 for determining whether new feed content is available, and if so, accessing and storing the new content in the syndication feed.

The syndication feed as described by the '273 patent may be a RSS feed format that is a standardized format established for publishing content that may be frequently updated to include ongoing content, such as podcasts. ('273 patent, column 10, lines 64-67). The '273 Patent also teaches that content in a syndication feed may be accessed using a syndication reader application, which may be a thin, web-page based application or a down loaded application executed on a user's computer 20. ('273 Patent, column 11, lines 5-8). Syndication feeds may typically be subscribed to by entering or selecting the feed link using the reader. In operation, the syndication reader typically checks the user's subscribed feeds for new content at predetermined intervals, downloads updates, and provides a user interface to monitor and view the feeds. (Id).

As is clearly indicated in each of the processes 400, 500, and 800 described

above, the system 10 provide techniques for uploading content and/or links to content to the network server computers 30 for view (display) by the same user computer 20 or a different user computer 20. Additionally, process 800 of the system 10 provides a technique for uploading a link in a syndication feed to the network server computers 30.

The '273 Patent issued with two independent claims, namely Claims 1 and 2. The text of those two independent claims are copied herein for the convenience of the Board:

> 1. A method for providing content via a computer network and computing system, the method comprising:
>
> storing presentation data that represents content of a first collection of one or more presentations using the computer system;
>
> storing data indicative of the first collection of presentations so as to be associated with the presentation data;
>
> storing feed data that represents a collection of one or more feeds using the computer system, wherein each of the feeds identifies a corresponding second collection of one or more presentations being accessible via the computer network and includes no data representing content of the second collection of presentations;
>
> automatically and periodically accessing each of the feeds to identify each of the corresponding second collection of presentations, using the computer system;
>
> storing data associated with a third collection of one or more

presentations; and

aggregating each of the first, identified second, and third collections of presentations for delivery via the computer network using a common web page.

2. A non-transitory computer readable medium useful in association with a computer that includes one or more processors and a memory, the computer readable medium including computer instructions that are configured to cause the computer, by execution of the computer instructions in the one or more processors from the memory, to provide content from a computer system via a computer network to a computer device by at least:

storing presentation data that represents content of a first collection of one or more presentations using the computer system;

storing data indicative of the first collection of presentations so as to be associated with the presentation data;

storing feed data that represents a collection of one or more feeds using the computer system, wherein each of the feeds identifies a corresponding second collection of one or more presentations being accessible via the computer network and includes no data representing content of the second collection of presentations;

automatically and periodically accessing each of the feeds to identify each of the corresponding second collection of presentations, using the computer system;

storing data associated with a third collection of one or more presentations; and

> aggregating each of the first, identified second, and third collections of presentations for delivery via the computer network using a common web page.

### C. Prosecution History of the '273 Patent

The '273 Patent issued on August 1, 2017, from U.S. Patent Application No. 14/178,064 filed on February 11, 2014, which is a Division of Patent Application No. 12/545,125 filed on August 21, 2009, and claims priority to U.S. Provisional Patent Application Nos. 61/090,680, 61/090,673, 61/090,678, 61/090,688, 61/090,681, 61/090,684, and 61/090,672, which were all filed on August 21, 2008.

On February 11, 2014, U.S. Patent Application No. 14/178,064 was filed along with a preliminary amendment in which Claims 10-13 of parent Patent Application No. 12/545,125 were selected for prosecution. (Ex 1007, pp. 1-49).

Thereafter on August 18, 2015, a first non-final Office Action was mailed in which Claims 10-13 were rejected. (Id, pp. 111-128). In particular, the non-final Office Action rejected Claims 10-12 under 35 USC 112, second paragraph, and Claims 10-13 under a nonstatutory double patenting rejection over Claims 1-9 of U.S. Patent No. 8,700,731. Most importantly, Claims 10-13 were rejected under pre-AIA 35 USC 102(e) as being anticipated by U.S. Patent No. 8,386,588 to Cooley (hereinafter Cooley). (Id, pp. 113-118).

A response to the non-final Office Action was mailed on November 17, 2015

in which amendments were made to the claims in order to overcome the 35 USC 112, second paragraph rejection, and a Terminal Disclaimer was filed to overcome the nonstatutory double patenting rejection. (Id, pp. 133-139). To overcome the pre-AIA 35 USC 102(e) rejection over Cooley, the independent claims, namely Claims 10 and 12, were amended to recite "aggregating each of the first and second collections of presentations for delivery via the computer network using a common web page" and that the second collection of presentations are identified in a feed that does not include data representing the content of the second collection of presentations. (Id). The response included arguments exhibiting that, although Cooley taught aggregation of an RSS feed, it did not teach any aggregation of content of the feed with any other presentations.

On February 9, 2016, an Examiner-initiated Interview was conducted to clarify one or more non-compliant issues. (Id, p. 152). Thereafter on February 29, 2016, a response to the Notice of Non-Compliant Amendment was filed in which the claims were amended to correct the cited non-compliant issues. (Id, pp. 156-163). A Notice of Allowance was then mailed on June 6, 2016. U.S. Patent Application Serial No. 14/178,064 then issued as the '273 Patent on August 1, 2017.

## III. RELATED PROCEEDINGS

The '273 patent is or was involved in the following proceedings:

| Case Filing Date | Case Name | Case Number | Court |
|---|---|---|---|
| 10/31/2018 | *Uniloc 2017 LLC et al v. Hulu, LLC* | 8-18-cv-01953 | CACD |
| 11/17/2018 | *Uniloc 2017 LLC v. Hulu, LLC* | 8-18-cv-02058 | CACD |
| 12/4/2018 | *Uniloc 2017 LLC v. Netflix, Inc.* | 8-18-cv-02150 | CACD |
| 1/30/2019 | *Uniloc 2017 LLC v. Dailymotion, Inc. et al* | 1-19-cv-00181 | DED |
| 1/31/2019 | *Uniloc 2017, LLC v. Sling TV, LLC* | 1-19-cv-00278 | COD |
| 7/19/2019 | *Sling TV LLC et al v. Uniloc 2017 LLC* | IPR2019-01363 | PTAB |

## IV. THE BOARD PREVIOUSLY INSTITUTED TRIAL ON THE SAME CLAIMS OF THE SAME PATENT AND SHOULD EXERCISE DISCRETION TO DENY THIS ADDITIONAL PETITION

The Board instituted trial on the same claims in IPR2019-01363 ("Sling IPR"). Petitioners here argue that *General Plastics* factors 1 and 3 weigh in favor of institution. Pet. 5. Petitioner's silence on the remaining factors is telling. The Board may presume, for example, that, at the time of filing of the first petition, the petitioner knew of the prior art asserted here or should have known of it (factor 2), and that a long time has elapsed between the time the petitioner learned of the prior art asserted here and the filing of this petition (factor 4). Petitioner Hulu was first sued on the '273 patent on October 31, 2018, and Petitioner provides no explanation for waiting until almost one year from that time to file this Petition (related to factor 5, not addressed by Petitioners). Factor 6, the finite resources of the Board, weighs

even more heavily against institution here where the Board is expending resources conducting a trial on the same claims already. Thus, even accepting Petitioner's assertions as to a lack of relationship or communications with Sling as to the '273 patent (which do not speak to a potential relationship or communications between them generally), more *General Plastics* factors weigh against institution. The Board should exercise discretion to deny here.

To the extent *General Plastics* is limited to factors the Board considers when exercising discretion to deny "follow-on petitions after the Board's denial of one or more first-filed petitions on the same patent," it would not apply here where the Board has granted institution in the earlier-filed Sling IPR. *General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, Case IPR2016-01357 (Paper 19), slip op. at 15–16 (PTAB Sept. 6, 2017) (precedential in relevant part). Nonetheless, the Board may still exercise its discretion to deny under § 314(a) in these circumstances, because there is no mandate to institute review. *See Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 ("[T]he agency's decision to deny a petition is a matter committed to the Patent Office's discretion.").

The Board should also deny under 35 U.S.C. § 325(d). Section 325(d) provides that "the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office." Petitioner does not comprehensively address the

extent to which the art or arguments it presents differ in any substantial way from that presented to the office in the Sling IPR. Despite some differences in claim construction positions taken, overall this Petition relies on very similar teachings and arguments as presented in the Sling IPR. The Board should deny institution on this basis. *See Medtronic, Inc. v. NuVasive, Inc.*, Case IPR2014-00487, slip op. at 6 (Paper 8) (Sept. 11, 2014) (informative) (denying institution, explaining in part that "[w]hile Petitioner argues that the grounds are not redundant to those instituted on in the '506 Proceeding, Petitioner does not provide any specific reasoning to support that argument, other than to state that the grounds are based on different prior art references."); *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, Case IPR2013-00324, slip op. at 6 (Paper 19) (Nov. 21, 2013) (informative) ("IBS does not distinguish any teaching present in Odedra that is lacking from Ju, Tsien, or any of the other references cited in the 128 Petition.").

## V. LEVEL OF ORDINARY SKILL IN THE ART

The Petition proposes a person of ordinary skill in the art ("POSA") as of the alleged invention date would have had at least a bachelor's degree in computer science or a related discipline (or equivalent experience) and would have at least one year of experience working with Web technologies, e.g., HTTP, HTML, RSS, Javascript and similar technologies. Additionally, the Petition proposes that this definition is flexible in that more experience could substitute for education, or vice

versa. (Petition, pp. 5-6). For purposes of this Preliminary Response only, Patent Owner does not dispute Petitioner's definition of a POSA. Moreover, Patent Owner does not provide its own definition because, even applying the multiple and varying alternative definitions proposed by Petitioner, Petitioner has not met its burden of showing that the cited references anticipate or render obvious, any of the disputed claims of the '273 Patent.

## VI. PETITIONER DOES NOT PROVE A REASONABLE LIKELIHOOD OF UNPATENTABILITY FOR ANY CHALLENGED CLAIM

Patent Owner demonstrates that Petitioner has failed to establish that it is more likely than not that it would prevail with respect to at least one of the challenged '273 Patent claims. By not addressing additional arguments, Patent Owner in no way concedes that any argument by Petitioner is correct.

Petitioner has the burden of proof to establish entitlement to relief. 37 C.F.R. § 42.108(c). Because the Petition only presents a theory of obviousness, Petitioner must demonstrate a reasonable likelihood that at least one of the challenged patent claims would have been obvious in view of the references cited in the Petition. Petitioner "must specify where each element of the claim is found in the prior art patents or printed publications relied upon." 37 C.F.R. § 42.104(b)(4). The Board should reject the Petition because Petitioner fails to meet this burden for any of the grounds.

The Petition presents the following grounds of purported unpatentability:

| | Grounds | References | Challenged Claim(s) |
|---|---|---|---|
| 1. | 103 | Darnell (Ex. 1006) and Owens (Ex. 1004) | 1-3 |
| 2. | 103 | Gossweiler (Ex. 1005) and Hammersley (Ex. 1006) | 1-3 |

### A. Claim Construction Standard

As of the filing date of the Petition, the standard for claim construction in Inter Partes Review is the standard of "ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent." 37 C.F.R. §42.100(b) (effective November 13, 2018). For all claim terms, Uniloc requests that the Board adopt the ordinary and customary meaning of the claim term as understood by one of ordinary skill in the art. Although Patent Owner provides arguments below on the scope of certain claim terms, Patent Owner does not propose a comprehensive construction, as it would not be necessary to resolve the controversy and deny the Petition. *See Nidec Motor Corp.* v. *Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (noting that "we need only construe terms 'that are in controversy, and only to the extent necessary to resolve the controversy'") (citing *Vivid Techs., Inc.* v. *Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)); *see also* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and

Appeal Board, 83 Fed. Reg. 51,340, 51,353 (Oct. 11, 2018) (Final Rule) ("Moreover, it also may not be necessary to determine the exact outer boundary of claim scope because only those terms that are in controversy need be construed, and only to the extent necessary to resolve the controversy (*e.g.*, whether the claim reads on a prior art reference)." (citing *Nidec*)).

### B. The Petition does not establish that Darnell, Owens, or any combination thereof teaches storing feed data that represents a collection of one or more feeds, "wherein each of the feeds identifies a corresponding second collection of one or more presentations being accessible via the computer network and includes no data representing the content of the second collection of presentations"

The Petition fails to establish *prima facie* obviousness of at least the following recitation of Independent Claims 1 and 2:

> storing feed data that represents a collection of one or more feeds using the computer system, wherein each of the feeds identifies a corresponding second collection of one or more presentations being accessible via the computer network and includes no data representing content of the second collection of presentations.

The Petition asserts that United States Patent No. 8,060,634 to Darnell et al. ("Darnell" or "Ex. 1003") teaches the aforecited recitations of Claims 1 and 2. (Petition, pp. 48-49). However, as demonstrated below, there is no disclosure that Darnell teaches each of the feeds "includes no data representing content of the

second collection of presentations," as explicitly recited in Claims 1 and 2.

Darnell is directed to a system and method for quantifying unread content items in a stream or combined syndication feed subscribed to by a user. (Darnell, column 1, lines 26-27, 35-36). The combined syndication feed (stream) includes a time-ordered list of content items from two or more content feeds (syndication feeds). (Id). The system determines a count of content items having an unread status in accordance with read state information stored for the user by a server system 104 associated with the system, and transmits the count from the server system 104 to a client system 102 to be displayed for the user. (Id, column 1, lines 43-46). Fig. 1 of Darnell illustrates a block diagram of a system used to perform these features:

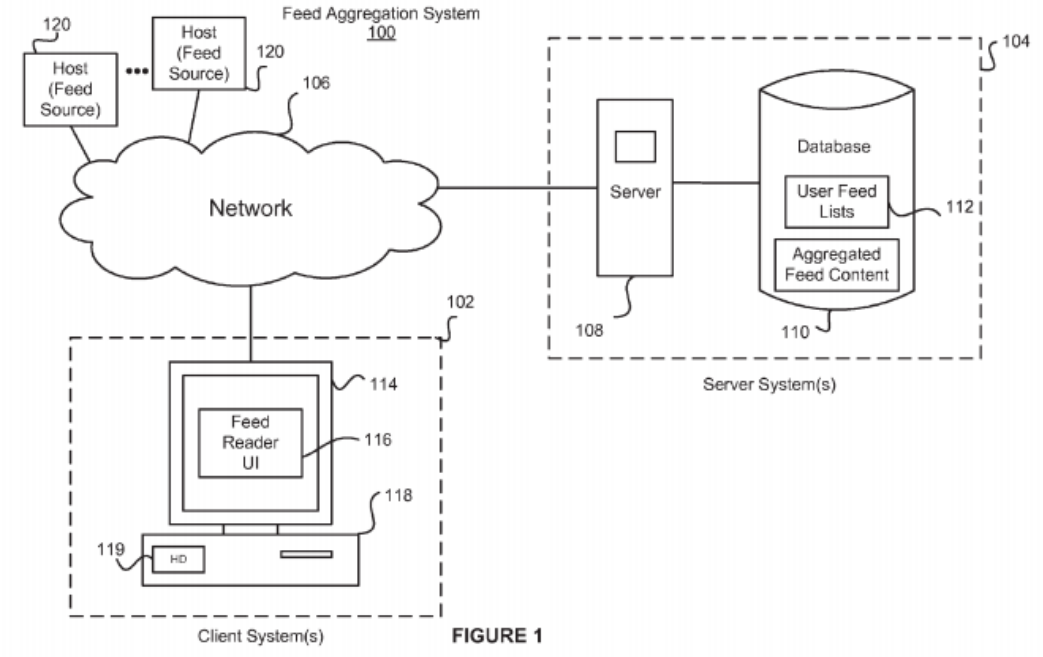



FIGURE 1

Here, the system of Darnell includes a server system 104 that communicates

with a client system 102, and one or more feed sources 120 through a network 106. (Darnell, column 3, lines 2-4). The server system 104 accesses content items from the multiple feed sources 120 and stores the obtained content items as aggregated feed content in a database 110. (Id, column 3, lines 9-17). The server system 104 also serves the aggregated feed content to the client system 102. (Id, column 4, lines 12-14). The client system 102 includes a feed reader user interface (UI) 116 for rendering the aggregated feed content for view by a user. (Id, column 4, lines 23-26).

From the above disclosures, it is evident that any "feed" in Darnell includes data representing content of the presentations. At a minimum, the feed includes a list of content items. *See, e.g.*, Ex. 1003, 1:27–28, 2:36–55. Indeed, Darnell defines a content feed or channel as "a resource or service that provides a list of content items that are present, recently added, or recently updated at a feed source 120." *Id.*, 3:42–44. And Petitioner admits that Darnell's feed provides metadata, or descriptions of the content items, even when containing links to the actual content instead of the content itself. Pet. 48 ("Darnell also teaches that the feed may provide metadata ***without*** providing content . . . ."). Darnell's feed, which describes the content to the user at least by providing a list of items to the user, *see, e.g.*, Ex. 1003, 4:12–13, therefore includes "data representing content of the presentations."

The Petition's explanation as to these limitations refers back to its claim

construction argument, contending that "data representing content of the second collection of presentations" should be construed as "the data, or a portion of the data of the audiovisual content itself within the second collection of presentations." Pet. 48. Importantly, however, Petitioner's claim construction argument is based on use of the term "presentation data" in claim 1's recitation of "storing presentation data that represents content of a first collection of one or more presentations." *See* Pet. 28–30. Petitioner points to use of the term "presentation data" in the '273 patent's provisional application. *Id.* at 28–29. Petitioner contends that the plain and ordinary meaning of "data representing content of the presentations" as data that represents to a user content of a collection of presentations "is not 'plain and ordinary'; it drops the word 'presentation' from its construction entirely and is irreconcilable with the '672 Application's use of 'presentation data.'" Pet. 29–30. Even if Petitioner were correct as to the phrase "*presentation data* that represents content of a first collection of one or more presentations," which Patent Owner does not concede and need not be decided, the argument has no force as to the later recitation in the claim that each of the feeds "includes no data representing content of the second collection of presentations." A descriptive list of items in a feed is sufficient to represent the content to the user, thus constituting "data representing content of the second collection of presentations." As a result, such a feed does not meet the claims' limitation specifying that each feed "includes *no* data representing content of the

second collection of presentations" (emphasis added).

Petitioner provides no support for the contention that Darnell teaches "a feed may merely contain links to audiovisual content that could be stored anywhere on the internet." Pet. 48. The Petition cites paragraph 130 of Exhibit 1002, which fails to support the contention. And Petitioner misconstrues the two passages of Darnell cited in support. In column 1, lines 14-17, and column 3, lines 44-56, there is no suggestion that Darnell's feed contains *only* links. Rather, these passages indicate that the feed will *include* either the content itself or links to it. As taught in Darnell, the feed includes a list of content items viewable by a user. *See, e.g.*, Ex. 1003, 1:26–30 ("The stream includes a time-ordered list of content items from two or more content feeds."), 2:36–47 (describing that "a user may be presented with the content items included in those content feeds" and the "content items may be presented to the user in an ordered list"), 3:42–58 ("A content feed (or channel) is a resource or service that provides a list of content items that are present, recently added, or recently updated at a feed source 120."), 4:12–13 ("A user interfaces with the server system 104 and views content items at a client system or device 102 . . . ."). Contrary to Petitioner's argument, Darnell does not teach that a feed may merely contain links.

Petitioner also contends "Darnell also meets this limitation under Sling's IPR analysis, because Darnell's 'feed identifiers' are links to RSS channels, which Sling argues provide no data representing content." Pet. 49. In addition to not presenting

this argument as its own position, the argument also fails because it is contrary to Darnell's teachings as to what constitutes the feed. Even if the links could be considered a part of the feed, considering only the links would exclude other portions of the feed as taught by Darnell. This position arbitrarily designates at most a portion of the feed (or its address) as the feed itself to attempt to shoehorn Darnell's teachings into the claim.

For at least the foregoing reasons, the Petition fails to show that Darnell in combination with Owens teaches each of the feeds "includes no data representing content of the second collection of presentations."

### C. The Petition does not establish that Gossweiler and Hammersley either alone or in combination render Claims 1 and 2 obvious. (Ground 2).

The Petition fails to establish prima facie obviousness of Claims 1 and 2 over Gossweiler in view of Hammersley. In particular, the Petition fails to show that Gossweiler in view of Hammersley teaches each of the feeds "includes no data representing content of the second collection of presentations," for reasons similar to that argued above for Darnell and Owens.

Petitioner contends the "feeds" recited in the claims are met by a combination of Gossweiler's system with RSS feeds described in Hammersley. *See* Pet. 69. Although the resulting combination is not fully explained, Petitioner relies on its contention that RSS feeds "contain links to content, along with metadata describing

the content." Pet. 69. Thus, Petitioner considers the combination to include RSS feeds. Petitioner argues the combination of references teaches feeds that "include[] no data representing content of the second collection of presentations" because feeds, including RSS 2.0 feeds, "are simply text documents that generally contain links and metadata without any audiovisual content." Pet. 70. Petitioner's concession that feeds include metadata is fatal to its contention for the same reasons argued by Patent Owner above as to the ground based on Darnell and Owens. The contention is based on an incorrect claim construction, which itself is premised on claim 1's recitation of "storing presentation data that represents content of a first collection of one or more presentations."

Accordingly, Petitioner has failed to carry its burden of establishing that it is more likely than not that Gossweiler in view of Hammersley renders Claims 1 and 2 obvious.

### D. The Petition fails to establish prima facie obviousness of the challenged dependent Claim 3. (Grounds 1 and 2).

Because challenged dependent Claim 3 depends from Claim 2, the Petition fails as to claim 3 for at least the same reasons as claim 2.

## VII. CONCLUSION

For the foregoing reasons, Uniloc respectfully requests that the Petition be

denied in its entirety.[1]

Date: January 21, 2020

Respectfully submitted,

By: /Ryan Loveless/
Ryan Loveless
Attorney for Patent Owner
Reg. No. 51,970

Brett A. Mangrum
Attorney for Patent Owner
Reg. No. 64,783

1 Patent Owner does not concede, and specifically denies, that there is any legitimacy to any arguments in the Petition that are not specifically addressed herein.

# CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), we certify that this Preliminary Response to Petition complies with the type-volume limitation of 37 C.F.R. § 42.24(b)(1) because it contains fewer than the limit of 14,000 words, as determined by the word-processing program used to prepare the brief, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a)(1).

Date: January 21, 2020

Respectfully submitted,

By: /Ryan Loveless/
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Brett A. Mangrum
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# CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), we certify that we served an electronic copy of the foregoing PATENT OWNER'S PRELIMINARY RESPONSE, along with any accompanying exhibits filed via the PTAB E2E system, to Petitioner's counsel at the following addresses identified in the Petition's consent to electronic service:

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