UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC., Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A., Patent Owners.

Case IPR2017-00058 Patent 7,805,948

PATENT OWNER PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107(a)

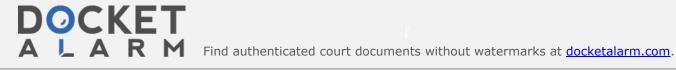


Table of Contents

I.	IN	TRODUCTION
II. BACKGROUND OF THE '948 PATENT4		
A	•	Overview of System and Method for Initiating a Conference Call4
В.		The '948 Patent Claims
C.		Prosecution History of the '948 Patent7
D	•	Petitioner Oversimplifies the Patented Technology7
III. INSTITUTION SHOULD BE DENIED BECAUSE PETITIONER FAILS TO ESTABLISH A REASONABLE LIKELIHOOD THAT AT LEAST ONE OF THE CHALLENGED CLAIMS IS UNPATENTABLE		
A	•	Claim Construction
	1.	"instant messaging" (all challenged claims)10
	2.	"VOIP address" (Claim 20)11
В.		Brief Summary of Cited References
	1.	Overview of Hamberg (Ex. 1005)12
	2.	Overview of Lamb (Ex. 1006)
C.	•	Teachings Away from Missing Limitations Prevent a Finding of Obviousness
	1.	Overview of Applicable Law15
	2.	The proposed combination fails to disclose and teaches away from "generating a conference call request responsively to a single request by the conference call requester"
	3.	The proposed combination fails to disclose and teaches away from "said conference call request identifying each of the potential targets for said conference call request"
	4.	The proposed combination fails to disclose and teaches away from "said conference call connection further being connected to each of the potential targets"
	5.	The Challenged Dependent Claims are not rendered Obvious25
IV. CONCLUSION		

I. INTRODUCTION

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a), Uniloc Luxembourg S.A. ("Patent Owner") submits this Preliminary Response to the Petition for *Inter Partes* Review ("the Petition") of U.S. Patent 7,804,948 ("the '948 Patent") filed by Cisco Systems, Inc. ("Petitioner").

Petitioner has failed to prove that there is a reasonable likelihood that at least one of the claims challenged in the Petition is unpatentable. *See* 37 C.F.R. § 42.108(c). For several different reasons, Petitioner fails to meet this standard for any of the challenged claims. As non-exhaustive examples, Petitioner: (1) relies on a primary reference that expressly teaches away from the very limitations for which it is cited; (2) relies on a combination that changes the principle operation of the primary reference; and (3) fails to "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). In view of the reasons presented herein, the Board should reject the Petition in its entirety.¹

¹ Should the Board institute proceedings in this matter, Patent Owner does not concede the legitimacy of any arguments in the Petition that are not specifically addressed herein. Patent Owner expressly reserves the right to rebut any such arguments in its Patent Owner Response.

II. BACKGROUND OF THE '948 PATENT

A. Overview of System and Method for Initiating a Conference Call

In general, the '948 Patent discloses and claims various embodiments for "initiating conference calls via an instant messaging system to reduce the effort required to initiate and manage the call." Ex. 1001 at Abstract.

As explained in the Background section of the '948 Patent, certain disclosed embodiments address "the problem of integrating telephony products into software." Ex. 1001 at 2:33-34. Certain technologies, such as private branch exchange or "PBX," were encumbered by multiple deficiencies. *Id.* at 2:33-47. For example, passing the correct telephony commands to the PBX was problematic because "no two PBX's are alike." *Id.* Further PBX technology often required "system integrators" and had reduced scalability opportunity. *Id.*

Particular systems inefficiently required all users who wanted to join a conference call to dial in to a central number and enter a passcode, which inhibited setting up spontaneous conference calls and is subject to serious security risks. *Id.* at 2:40-58. Other systems enabling host-initiated calls were also inefficient, for example, in that they typically required someone (such as the host) to separately join each participant to the call, such as by taking the time to dial or otherwise separately

identify each conference participants. *Id.* 2:49-3:20. The above nonlimiting examples are among the various technological problems that certain embodiments of the '948 Patent overcome.

As disclosed in the specification of the '948 Patent, particular embodiments make novel use of instant messaging technology to trigger initiation of a host-initiated conference call. In the embodiment described with reference to Figure 1, for example, when a "conference call requester" desires to initiate a conference call, a network access device or "NAD" may efficiently respond to a single request by a "conference call requester" by generating and sending a "conference request message" that automatically identifies each of a plurality of potential targets. *See, e.g., id.* at 7:27-41; 9:48-67. The "conference request message" may identify multiple parties who are potential participants or "targets" to a conference call. *Id.*

In certain instances, the identification of the parties and the initiation of the conference call may be automatic and at least partially based, for example, on a determination of the availability of the conference call targets, even if those targets are not registered with a conference call server. *See*, *e.g.*, *Id.* at Figure 2 and accompanying description; 7:34-38 ("The [Instant Messaging or] IM service in communication with User A's NAD could be implemented to be aware of the ongoing

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