

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioners

v.

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

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IPR2017-01665  
PATENT 8,566,960

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

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**LIST OF EXHIBITS**

Exhibit No.	Description
2001	Declaration of Dr. Val DiEuliis

## 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 No. 8,566,960 (“the ‘960 Patent”) filed by Google, Inc. (“Petitioner”).

The Petition should be dismissed for procedural and substantive defects. As a dispositive procedural matter, the Petition should be denied under 35 U.S.C. § 325 (d) as redundant to IPR2017-00948. The Petition presents the same prior art and virtually the same argument as in IPR2017-00948, without moving to join that proceeding, and evidently in an attempt to take another bite at the apple with the benefit now of Patent Owner’s Preliminary Response in IPR2017-00948. The Board should deny the Petition as duplicative with another pending matter. Denial would avoid the waste of duplication, promote judicial efficiency, and avoid the possibility of disparate rulings on piecemeal issues in sister panels. Further, denial is appropriate here because the Petition articulates no bi-directional explanation its relative strengths *and* weaknesses with respect to its redundancies.

Nevertheless, because the Board has yet to decide the extent to which the Petition is impermissibly redundant and cumulative, Patent Owner identifies herein example instances where each ground fails to satisfy the axiomatic All Elements

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