

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., BLACKBERRY CORP.,¹
LG ELECTRONICS INC., SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

UNILOC 2017 LLC,
Patent Owner

Case IPR2019-00222
Patent 7,167,487

**PETITIONER'S STATEMENT OF OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

¹ BlackBerry Corp., who filed a petition in IPR2019-01282, has been joined as a petitioner to this proceeding.

Petitioners submit the following objections to the demonstratives filed by the Patent Owner in connection with the oral hearing scheduled for March 3, 2020. Pursuant to the Board's Order Granting Requests for Oral Hearing (Paper 21), this Statement of Objections is being filed at least two business days before the oral hearing.

Slide 9 of Patent Owner's Demonstratives

Petitioner objects to the last bullet point of slide 9, which states "Not custodian or record keeper authorized to represent 3GPP." This allegation constitutes new argument that Patent Owner did not present in its briefing for IPR2019-00222. In particular, Patent Owner has not made, in its briefs, any statement about, or argument pertaining to, "custodian" or "record keeper" "authorized to represent 3GPP."

Slide 11 of Patent Owner's Demonstratives

Petitioner objects to the statements made in first row, third column ("No, emailed to limited subscriber-members employed by specific companies / affiliated with organizations"), second row, second column ("contrasted with meetings in the hundreds, which were insufficient"), and second row, third column ("subscriber-members") of slide 11. Each of these statements constitutes new argument that Patent Owner did not present in its briefing for IPR2019-00222.

In particular, Patent Owner has not made, in its briefs, any statement about notice of meeting being emailed to “limited subscriber-members employed by specific companies / affiliated with organizations.” Patent Owner’s statements pertinent to email recipients can be found in Patent Owner's Sur-Reply, which merely state that “notice of the meeting was asserted to be distributed by e-mail to those who subscribed to a group’s e-mail reflector,” and that “there were only 934 subscribers to the relevant RAN2 e-mail list.” Paper 17, pp. 8-9. These statements do not support the allegation of “limited subscriber-members” “employed by specific companies / affiliated with organizations.”

Patent Owner has also not made, in its briefs, any statement about “*Jazz Pharm.*” case finding that “meetings in the hundreds ... were insufficient.” Patent Owner’s statements in this context can be found in Patent Owner's Sur-Reply, which merely note that “[t]he Court distinguished the publicly accessible notice of *Jazz Pharms.* from smaller meetings ‘of at most several hundred persons,’ which would far exceed the size of the meeting at which R2-010182 was discussed.” Paper 17, p. 9. There is no argument that the court in *Jazz Pharms.* found that meetings in the hundreds were insufficient.

For at least these reasons, Petitioner submits that the above-noted contents of slides 9 and 11 constitute impermissible new arguments.

Respectfully submitted,

Date: February 28, 2020

/Roberto J. Devoto/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on February 28, 2020, a complete and entire copy of this Petitioner's Statement of Objections to Patent Owner's Demonstratives were provided via email to the Patent Owner by serving the correspondence email address of record as follows:

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