UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

UNILOC 2017 LLC
Patent Owner

IPR2019-00973
U.S. PATENT NO. 7,075,917

PATENT OWNER RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. § 42.120

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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 Patent Owner Response to the Petition for *Inter Partes* Review ("Pet." or "Petition") of United States Patent No. 7,075,917 ("the '917 patent" or "Ex. 1001") filed by Microsoft Corporation ("Petitioner") in IPR2019-00973.

In view of the reasons presented herein, the Petition should be denied in its entirety as failing to meet the Petitioner's burden of proving by a preponderance of the evidence that any challenged claim is unpatentable.

Uniloc addresses each ground and provides specific examples of how Petitioner failed to establish that any of the challenged claims is unpatentable. As a non-limiting example described in more detail below, the Petition has failed to establish that the primary reference on the sole ground is prior art, and the Petition fails the all-elements-rule in not addressing every feature of any of the challenged claims. While the Board has instituted *Inter Partes Review* here, as the Court of Appeals has stated:

> [T]here is a significant difference between a petitioner's burden to establish a "reasonable likelihood of success" at institution, and actually proving invalidity by a preponderance of the evidence at trial. *Compare* 35 U.S.C. § 314(a) (standard for institution of *inter partes*

review), *with* 35 U.S.C. § 316(e) (burden of proving invalidity during *inter partes* review).

Trivascular, Inc. v. Samuels, 812 F.3d 1056, 1068 (Fed. Cir. 2016). As demonstrated herein, Petitioner has failed to meet its burden of proving any proposition of invalidity, as to any claim, by a preponderance of the evidence. 35 U.S.C. §316(e).

II. THE '917 PATENT

A. Effective Filing Date of the '917 Patent

The '917 patent is titled "Wireless Network with a Data Exchange According to the ARQ Method." The '917 Patent issued on July 11, 2006, from United States Patent Application No. 09/973,312, filed October 9, 2001, which claims priority to German Patent Application No. 100 50 117, filed October 11, 2000. The Petition does not dispute that the effective filing date of the '917 Patent is October 11, 2000.

B. Overview of the '917 Patent

The '917 Patent discloses various embodiments of a communication network intended for use in wireless communications. In general terms, the '917 Patent addresses challenges with wireless networks having a radio network controller, and terminals in communication with the radio network controller. (Ex. 1001; 1:5-7). Data transmitted between the radio network controller and the terminals is transmitted through channels predefined by the radio network controller. (Ex. 1001; 3: 57-60). The radio link from the radio network controller to the terminals is referred

to as the downlink, and the radio link from the terminals to the radio network controller is referred to as the uplink. (Ex. 1001; 3:62-67).

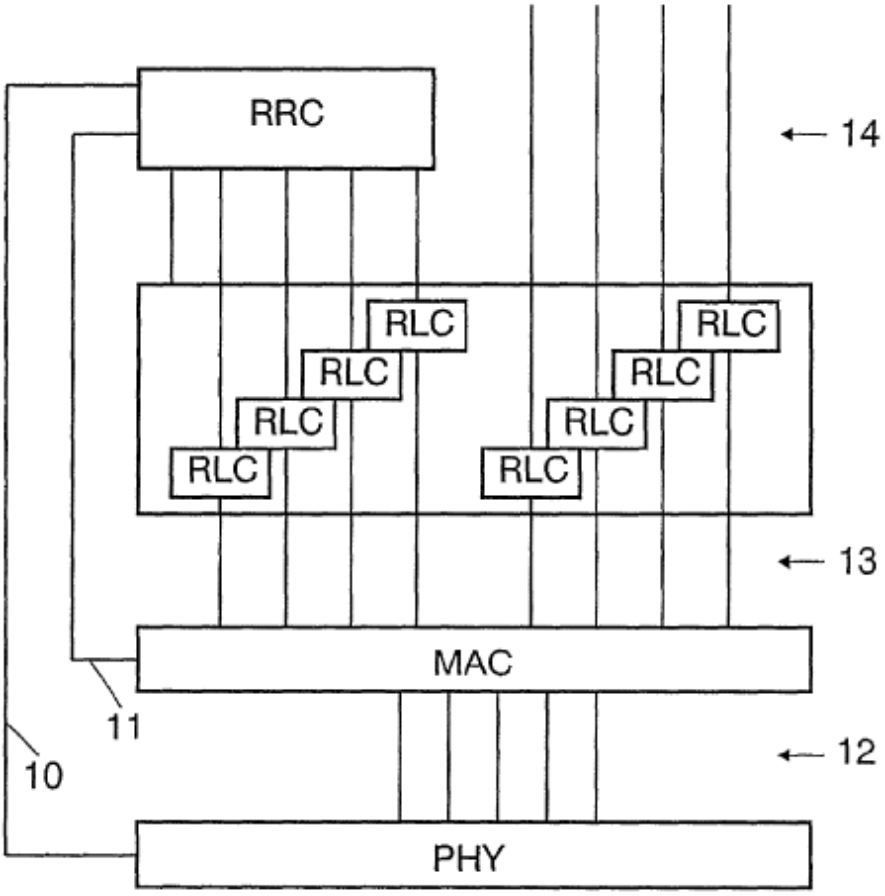

FIG. 2

The network may be operated using a layer model, or protocol architecture, in accordance with a set of standards, known as the 3rd Generation Partnership Project (3GPP); Technical Specification Group (TSG) RAN; Working Group 2 (WG2): Radio Interface Protocol Architecture: TS25.301 V3.6.0). (Ex. 1001; 6:9-16).

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