

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

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IPR2019-00973

U.S. PATENT NO. 7,075,917

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

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	<b>1. The Petition fails to establish that TR25.835 is prior art as to the ‘917 Patent.</b>	<b>25</b>
	<b>2. TR25.835 fails to teach “a physical layer of a receiving side...for sending a positive acknowledgment command to the transmitting side over a back channel when there is</b>	

**correct reception and a negative acknowledge command  
when there is error-affected reception” as recited in Claim**

**1. 31**

- D. No prima facie obviousness for the recitation “storing abbreviated sequence numbers whose length depends on the maximum number of coded transport blocks to be stored and which can be shown unambiguously in a packet data unit a sequence number” of Claims 9 and 10. 33
- E. No prima facie obviousness for the recitations of either: “a physical layer of a receiving side...for testing the correct reception of the coded transport block”; or “a physical layer of a receiving side...for sending a positive acknowledgment command to the transmitting side over a back channel when there is correct reception and a negative acknowledge command when there is error-affected reception” of Claims 9 and 10. 34

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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 Uniloc’s Preliminary 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 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 ‘917 Patent claims. As a non-limiting example described in more detail below, the Petition fails the all-elements-rule in not addressing every feature of any of the challenged claims.

Accordingly, Uniloc respectfully requests that the Board decline institution of trial on Claims 1-3 and 9-10 of the ‘917 Patent.

## **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).

The network may be operated using a layer model, or protocol architecture, in accordance with a set of standards, known as the 3<sup>rd</sup> 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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