

2019-2389

United States Court of Appeals
for the Federal Circuit

UNILOC 2017 LLC,

Appellant,

— v. —

APPLE INC.,

Appellee.

*On Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2018-00294*

BRIEF OF APPELLANT

BRETT MANGRUM
RYAN S. LOVELESS
JAMES ETHERIDGE
ETHERIDGE LAW GROUP
2600 East Southlake Boulevard
Suite 120-324
Southlake, Texas 76092
(817) 470-7249
brett@etheridgelaw.com
ryan@etheridgelaw.com
jim@etheridgelaw.com

Counsel for Appellant

FEBRUARY 19, 2020

FORM 9. Certificate of Interest

Form 9
Rev. 10/17

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Uniloc 2017 LLC v. Apple Inc.Case No. 19-2389

CERTIFICATE OF INTEREST

Counsel for the:

☐ (petitioner) ☒ (appellant) ☐ (respondent) ☐ (appellee) ☐ (amicus) ☐ (name of party)Uniloc 2017 LLC

certifies the following (use "None" if applicable; use extra sheets if necessary):

1. Full Name of Party Represented by me	2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:	3. Parent corporations and publicly held companies that own 10% or more of stock in the party
Uniloc 2017 LLC	Uniloc 2017 LLC	CF Uniloc Holdings LLC

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court **(and who have not or will not enter an appearance in this case)** are:

James L. Etheridge
 Ryan S. Loveless
 Brett A. Mangrum
 Etheridge Law Group, PLLC
 2600 East Southlake Blvd, Suite 120-324
 Southlake, TX 76092

FORM 9. Certificate of Interest

Form 9
Rev. 10/17

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. *See* Fed. Cir. R. 47. 4(a)(5) and 47.5(b). (The parties should attach continuation pages as necessary).

Uniloc USA, Inc. et al v. Apple Inc., 2:17-cv-00708, (E.D. Texas)

2/19/2020

Date

/s/ Brett Mangrum

Signature of counsel

Brett Mangrum

Printed name of counsel

Please Note: All questions must be answered

cc: All counsel of record via CM/EC

Reset Fields

TABLE OF CONTENTS

	<i>Page</i>
CERTIFICATE OF INTEREST	i
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES	v
STATEMENT OF RELATED CASES	1
JURISDICTIONAL STATEMENT	2
STATEMENT OF THE ISSUES	3
STATEMENT OF THE CASE	5
A. The '759 Patent	5
B. The Claims of the '759 Patent on Appeal	7
SUMMARY OF THE ARGUMENT	8
APPLICABLE STANDARDS	13
ARGUMENT	13
I. The Board erred in determining Petitioner met its burden to show obviousness based on Fry and Newell	13
A. The Board misunderstood and misapplied this Court's previous interpretation of "displaying real-time data" in Claims 1 and 29.	13
B. The Board erred in determining that Fry in combination with Newell teaches "said display unit separate from said data acquisition unit" (claim 1) or "separate from said electronic positioning device" (claim 29)	28
II. The Board erred in determining Petitioner met its burden to show obviousness based on Vock and Arcelus	34
A. "a display unit configured for displaying real-time data provided by said electronic positioning device and said physiological monitor" (claim 1)	34

B. “a data acquisition unit comprising an electronic positioning device and a physiological monitor, said data acquisition unit configured to be worn by a subject performing a physical activity”	42
III. APJs are Unconstitutionally Appointed Principal Officers.....	45
CONCLUSION	48
ADDENDUM	Appx1
CERTIFICATE OF SERVICE	
CERTIFICATE OF COMPLIANCE	



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.