

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,

Petitioner,

v.

PATRICK ZUILI,

Patent Owner

Case CBM2016-00022

Patent 8,326,763 B2

January 12, 2017

**PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO
PATENT OWNER'S RENEWED MOTION TO EXCLUDE**

Before Administrative Patent Judges JAMESON LEE, GLENN J. PERRY, and
MIRIAM L. QUINN.

LEE, Administrative Patent Judge.

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I. INTRODUCTION

Petitioner seeks denial of Motion to Exclude Evidence by saying that the Judge Lee did not rely on the fabricated Exhibits in the MTE for its non-final decision. Petitioner is trying to cover up its acts of perjury by saying so. Also, in the institution decision (pages 21, 22, 23) PTAB did rely on the testimony of Stephen Gray (Exhibit 1006) which cites IAB which is sought to be excluded through the MTE. The George Ivie declaration was not objected to due to the PTAB rules of limiting Patent Owner to just 15 pages and PTAB also did not mention it inside its Non-Final Decision to institute CBM. Patent Owner thus, seeks only to exclude those Exhibits which were relied upon by the Board during institution of CBM.

Also, Patent Owner suggests Petitioner to see mirror before talking about pain they have taken to obtain testimony. Paid testimony of Stephen Gray was executed (December 15, 2015) a day just before, Petitioner filed its instant Petition i.e. December 16, 2015. Patent Owner asks PTAB of logical thinking and conclude if the Petitioner was so involved in the testimony of Stephen Gray, so embedded with Gray testimony that logically, Mr. Siddiqui or Mr. Rosenthal cannot receive an unbiased testimony on day 1 and file the whole petition on the very day 2 itself.

II. TESTIMONY OF G. IVIE CONTRADICTS AFFIDAVIT BY MR. BUTLER AND THE METADATA OF DIFFERENT EXHIBITS.

At the very first argument, Petitioner is again telling a lie that George Ivie has authenticated the Exhibit 1037 which is nowhere in his testimony. Authenticating the Exhibit 1004, 1005 and 1011 does not imply at all that 1037 is also authenticated.

George Ivie (Exhibit 1014) in his sworn declaration stated that the Exhibits were available for download on January 15, 2002 but the Board can see that the metadata of the Exhibit 1004 which shows the date of February 6, 2002 and that date is after January 15, 2002. If George Ivie downloaded the Exhibit 1004 around January 15, 2002, then it should have the date of January 15, 2002 or before. There is no other reliable and solid authentication besides the affidavit by Mr. Butler, which shows that the Exhibits were available for download after the priority date of the '763 Patent which contradicts declaration of George Ivie. Exhibits 1004, 1005 and 1011 were not available for public to download. Even the links provided by Mr. Siddiqui as evidence to corroborate existence of prior art in 2002 corresponds factually to the year 2007 and not the year 2002. Mr. Siddiqui with the help of the 2007 links claims to provide the original copies whose metadata shows the date of January 15 2002. All those false exhibits are plenty of evidence for the PTAB to allow Patent Owner to file its motion for sanction against Google & its attorneys conspiring in presenting the misleading and wrong bunch of proofs, declarations,

testimonies, excuses, and portraying Patent Owner as a conspirator. Such a labelling by Google is hilarious and is defying the law because it is devoid of evidence. Justice should not prevail based on fabricated proofs. Furthermore, Petitioner should be sanctioned for presenting them.

The few hundred lawsuits for patent infringement that Google has been facing, the intense lobbying by Google in Washington (427 Google visits to the WH in the past 8 years) in part to introduce AIA and Michelle Lee, a former Google executive, nominated as the USPTO Director to implement CBM proceedings and hiring a Board of patent judges dubbed by retired CAFC Judge “Patent Death Squad”, including the switching of Boards for the same family of patents, all the above should easily deflect the lights of “conspiracy theorist” from Patent Owner to Google.

III. PETITIONER’S LINKS IN THE EMAIL (EX. 1042) DOES NOT PROVE ANYTHING ABOUT AVAILABILITY OF EXHIBITS 1005 & 1011 BEFORE THE PRIORITY DATE OF ‘763 PATENT.

To address Patent Owner’s objections about metadata, Petitioner’s lead counsel Mr. Siddiqui sent an email (Ex. 1042) to Patent Owner having irrelevant links which came into existence first time in 2007.

Petitioner has failed completely in establishing dates for the availability of the Exhibits 1004, 1005 & 1011. The only authority to authenticate Exhibits is Wayback

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