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December 27, 2013

Hon. Bryan F. Moore  
Hon. Brian J. McNamara  
Hon. Stacey G. White  
Patent Trial and Appeal Board  
United States Patent & Trademark Office  
600 Dulany St.  
Alexandria, VA 22314

Re: Notice of Parties to Parallel Litigation Relating to IPR2013-00004 / IPR2013-00257 and IPR2013-00007 / IPR2013-00256

Dear Judges Moore, McNamara and White:

Patent Owner SoftView LLC<sup>1</sup> had previously brought to the Board's attention parallel district court litigations relating to IPR2013-00004 / IPR2013-00257 and IPR2013-00007 / IPR2013-00256. *See Patent Owner Softview LLC's Notice Pursuant to 37 C.F.R. 42.8*, IPR2013-00004 (Paper No. 10) and IPR2013-00007 (Paper No. 8) at 2 (identifying consolidated case *SoftView LLC v. Apple Inc., et al.*, Case No. 1:10-cv-00389-LPS (D. Del.) ("the District Court Litigations")); *see also Memorandum Order*, IPR2013-00004 (Ex. 2054) and IPR2013-00007 (Ex. 2075) at 3 ("[L]itigation should be somewhat simplified due to the estoppel effect on Kyocera – and Moving Defendants' agreements to be bound").

Given the identification of the final composition of the Panel in the Trial Hearing Order dated December 19, 2013 (IPR2013-00004 [Paper No. 45] and IPR2013-00007 [Paper No. 44]), Patent Owner wishes to note that, in addition to Petitioners Kyocera Corp. and Motorola Mobility LLC, the following are current parties to the District Court Litigations:

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<sup>1</sup> Softview was an operating company founded by Gary Rohrabough, named inventor on the patents that are the subject of the IPRs, to commercialize the ClearView browser, the commercial embodiment of the inventions disclosed in those patents. Mr. Rohrabough was also a founder of Catarra, which previously owned the rights to the ClearView browser and to its patents.

Hons. Moore, McNamara &amp; White

December 27, 2013

Page 2

AT&amp;T Mobility LLC

Apple Inc.

**Dell Inc.**

Futurewei Technologies Inc.

HTC America Inc.

HTC Corp.

Huawei Technologies, Co., Ltd.

LG Electronics Mobilecomm USA Inc.

LG Electronics USA, Inc.

LG Electronics, Inc.

Samsung Electronics America, Inc.

Samsung Electronics Co. Ltd.

Samsung Telecommunications America LLC

Patent Owner further notes that there may exist a "covered relationship," between Judge White and Dell, Inc., ("Dell"), pursuant to 5 C.F.R. § 2635.502(b)(1)(iv): "An employee has a covered relationship with: ... (iv) Any person for whom the employee has, within the last year, served as an ... attorney." It is Patent Owner's understanding that Judge White represented Dell as an attorney in multiple patent lawsuits within the past year. IPR2013-00004 (Ex. 2058) and IPR2013-00007 (Ex. 2079) at 12; IPR2013-00004 (Ex. 2059) and IPR2013-00007 (Ex. 2080) at 26; IPR2013-00004 (Ex. 2060) and IPR2013-00007 (Ex. 2081) at 40-41; IPR2013-00004 (Ex. 2061) and IPR2013-00007 (Ex. 2082) at 55; and IPR2013-00004 (Ex. 2062) and IPR2013-00007 (Ex. 2083) at 5.

Dell is a party to the District Court Litigations, and thus would be a direct and substantial beneficiary of any cancellation of any claims in the IPRs. Moreover, in connection with a Court-ordered stay of the District Court Litigations, Dell has explicitly agreed to an estoppel based on the outcome of these IPRs. *Memorandum Order*, IPR2013-00004 (Ex. 2054) and IPR2013-00007 (Ex. 2075) at 3 ("[L]itigation should be somewhat simplified due to the estoppel effect on Kyocera – and Moving Defendants' agreements to be bound"); *see also SoftView LLC v. Apple Inc., et al.*, Case No., 1:10-cv-00389-LPS, D.I. 1010, IPR2013-00004 (Ex. 2057) and IPR2013-00007 (Ex. 2078) at 4 ("[S]hould the Court grant the requested stay (D.I. 981), the Moving Defendants [including Dell] would agree to be bound to the PTAB's determinations as to the specific prior art combinations actually considered by the PTAB during the review"). It is also Patent Owner's understanding that Judge White

Hons. Moore, McNamara & White  
December 27, 2013  
Page 3

has also previously worked for and represented Motorola, who is a named party in the IPRs.

Patent Owner respectfully submits this information because the Board may consider it to be relevant in identifying potential conflicts and complying with applicable standards of ethical conduct, including the standards set forth in 5 C.F.R. § 2635.502(a):

Where an employee ... knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization ....

Patent Owner is available for a call at the Board's convenience if the Board were to believe that such a call would be appropriate.

Respectfully submitted,

Dated: December 27, 2013

By: */Ben Yorks/*

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Hons. Moore, McNamara & White  
December 27, 2013  
Page 4

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on December 27, 2013, a copy of the foregoing document "Notice of Parties to Parallel Litigation Relating to IPR2013-00004 / IPR2013-00257 and IPR2013-00007 / IPR2013-00256" and related exhibits were served by electronic mail, as agreed to by the parties, upon the following:

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