

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Sipnet EU S.R.O.,

Petitioner

v.

Straight Path IP Group, Inc.,

Patent Owner

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Case No. IPR2013-00246

U.S. Patent No. 6,108,704

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**PATENT OWNER'S FIRST SET OF INTERROGATORIES UNDER 37  
C.F.R. § 42.51(a)**

October 28, 2013

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 42.51(a), Straight Path IP Group, Inc. (“Patent Owner”) hereby requests that Sipnet EU S.R.O. (“Petitioner”) serve a written response to the interrogatories by December 2, 2013.

### DEFINITIONS

1. The Definitions, Rules and Instructions set forth in Fed. R. Civ. P. 26 through 37 are incorporated herein by reference.

2. “And” and “or” shall be construed conjunctively or disjunctively, whichever makes the request more inclusive.

3. “Any” or “each” shall be construed to include and encompass “all.”

4. “Anyone” shall mean individuals, trusts, corporations, partnerships, joint ventures, limited liability companies, associations, unincorporated organizations or other legal entities.

5. The terms “Sipnet,” “you,” “your,” and “Petitioner” mean Sipnet EU S.R.O., any predecessor companies or proprietorships, and each of its present and former employees, agents, officers, directors, representatives, consultants, accountants, experts, and attorneys, or other persons under its control or purporting to act on its behalf.

6. The term “Stalker Software” mean Stalker Software, Inc., CommuniGate Systems, Inc., Vladimir Butenko, any predecessor companies or

proprietorships, and each of its present and former employees, agents, officers, directors, representatives, consultants, accountants, experts, and attorneys, or other persons under its control or purporting to act on its behalf.

7. “Identify,” “specify,” or “identification” mean: When used with reference to a person, to state the person’s: full name; present business address, or if unavailable, last known business address; present home address, if a natural person, or if unavailable, last known home address; business affiliation, if a natural person, or if unavailable, last known business affiliation; and job title and description of the duties and responsibilities of such person, including all changes thereto. When used in connection with a communication, “identify” means to state a brief description of the subject matter communicated; the date on which it took place; the means of communication (e.g., personal conversation, correspondence, telephone, telegram); the place or places where it occurred; and the identity of each person who participated in the communication.

8. “Person” or “persons” means any natural person, legal entity, or business entity, including, but not limited to, any corporation, partnership, unincorporated association, joint venture, sole proprietorship, or any and/or all other organizations or group of individuals.

9. “Thing” or “things” means any physical specimen or other tangible item, other than a “document” as defined herein.

10. The terms “patent-in-suit” or “’704 Patent” shall mean U.S. Patent No. 6,108,704.

11. The “present Inter Partes Review” means Case No. IPR2013-00246.

12. Any word not specifically defined herein shall be given its ordinary meaning.

### INSTRUCTIONS

1. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as each case is most appropriate.

2. If you object to or otherwise refuse to answer any portion of an Interrogatory, state the objection or reason for such refusal and provide all information called for by that portion of the Interrogatory to which you do not object or that you do not decline to answer as follows:

a. If you object to an Interrogatory on the grounds that it is too broad (i.e., that you believe it calls for both information which is relevant and is not relevant to the subject matter of the action), answer that Interrogatory by producing as much information as you believe is relevant;

b. If you object to an Interrogatory on the grounds that to provide an answer would constitute an undue burden, provide as much of the requested information as can be provided without undertaking an undue burden; and

c. If you object to any portion of an Interrogatory on the grounds that it is vague or indefinite, you shall set forth your understanding of the allegedly vague or indefinite term and shall then provide a response based upon that stated understanding.

3. If you object to an Interrogatory, or portion thereof, on the grounds that it seeks privileged information or the information is subject to an immunity from discovery, identify the basis for the claim of privilege or immunity, including:

- a. the author(s) or person(s) supplying the information;
- b. all persons to whom such information was and has been communicated;
- c. the form in which the information was communicated (letter, memorandum, tape-recording, etc.);
- d. the general subject matter of such information;
- e. the nature of the privilege or immunity asserted;
- f. the date(s) of said communication and/or any document(s)

recording the information for which the privilege or immunity is asserted;

and

- g. sufficient particulars about the information to allow Patent Owner to evaluate the claim of privilege or immunity from production.

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