

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIPNET EU S.R.O.
Petitioner

v.

Straight Path IP Group, Inc.
Patent Owner

Case No. IPR2013-00246
U.S. Patent No. 6,108,704

Before KLAYAN K. DESHPANDE, THOMAS L. GIANNETTI, and
TRENTON A. WARD, Administrative Patent Judges.

**PETITIONER'S RESPONSE TO PATENT OWNER'S SUPPLEMENT OF
DISCOVERY REQUESTS OF DEC. 11, 2013**

INTERROGATORY NO. 1

(A) Regarding the communication in January 2012 between German Myzovsky of Sipnet and Stalker Software, Inc., please identify:

(1) Who from Stalker Software contacted German Myzovsky;

A call came from the Moscow office of the Stalker Software technical support department. German Myzovsky does not recall the caller's name. As used herein, "Stalker Software" refers to StalkerSoft, a Russian company. It is our understanding that these companies are "sister companies," although we do not know how their relationship is structured.

(2) German Myzovsky's position with Sipnet;

His position is Ведущий Специалист, the lead technical person of Sipnet.

(3) German Myzovsky's relationship, if any, with Stalker Software;

German Myzovsky has no relationship with Stalker Software, Inc. other than as a customer.

(4) The date of this communication between German Myzovsky and Stalker Software;

The communication took place in the first half of January 2012. German Myzovsky does not recall the exact date.

(5) Whether any additional communication took place between Stalker Software and Sipnet between the initial contact in January 2012 and the subsequent communication in October 2012

There were additional communications.

(6) The dates and nature of any additional communications between Stalker Software and Sipnet between January 2012 and October 2012.

There were numerous communications between the companies related to the technical issues with the CommuniGate Pro product manufactured by Stalker Software and used by Sipnet. These communications did not relate to the Straight Path patents or related proceedings.

(B) Regarding the communication in October 2012 between German Myzovsky and Stalker Software, Inc., please identify:

(1) Who German Myzovsky contacted from Stalker Software;

German Myzovsky contacted the Moscow office of the Stalker Software technical support department.

(2) The date of the communication in October 2012 between German Myzovsky and Stalker Software;

German Myzovsky does not recall the exact date of that communication. He recalls that it was close to the end of that month.

(3) The circumstances which prompted German Myzovsky to contact Stalker Software about the Microsoft Windows TCP/IP manual, including but not limited to identification of the litigation documents which “referred to” the TCP/IP manual

Sipnet was considering employing its own communication platform in various countries, including the U.S., rather than renew the Stalker Software license in June 2014. German Myzovsky, after hearing about the ICTI lawsuit against Stalker, was concerned about a potential lawsuit by ICTI, and began investigating the litigation.

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German Myzovsky was tracing the litigation between ICTI and Stalker Software using the publicly available Web sites. The particular document was the document number 54, "MEMORANDUM IN SUPPORT OF ICTI'S EXPEDITED MOTION TO STRIKE PORTIONS OF THE EXPERT REPORT OF DR. MAGGS BASED ON UNDISCLOSED AND LATE DISCLOSED FACTS OR DATA", filed by ICTI.

That document number 54 had the Attachment A, which was a redacted copy of "Expert report of Dr. Maggs". Page 230 of that report (page 231 of the Attachment filed by ICTI) contained the reference:

[7] Microsoft Windows NT Server 3.5, TCP/IP manual, published September 21, 1994, [ICTI_PRIOR_ART_00001923-2212].

(see the copy of that page attached)

The referenced Microsoft Manual was not included on the website. This prompted the communication with the defendant Stalker Software, Inc.

(4) The number and nature of the communications between German Myzovsky and Stalker Software regarding the TCP/IP manual between the manual request in October 2012 and the settlement discussion in December 2012.

When German Myzovsky made his request, he was told that because of its size, rather than using email, the manual would be made available on the Stalker Software, Inc. public ftp site (<ftp.stalker.com>), and that it will be kept on that site for about a week. Within 2-3 days German Myzovsky connected to that ftp site and downloaded the Microsoft TCP/IP manual PDF file from one of site sub-directories. There was no further communication with Stalker Software, Inc. regarding the Microsoft TCP/IP manual.

(C) Regarding the communication in December 2012 between German Myzovsky and Stalker Software, please identify:

(1) Who from Stalker Software contacted German Myzovsky;

It was someone from Stalker Software technical support office in Moscow. German Myzovsky does not recall the person name.

(2) The date of this communication;

It was closer to the month end. German Myzovsky does not recall the exact date.

(3) The substance of this communication, including but not limited to whether Stalker Software, Inc. shared any settlement agreement, covenant not to sue, or term sheets between Stalker Software and Innovative Communications Technologies, Inc. with Sipnet;

German Myzovsky was told that the case was closed without going to the trial, and that the patents-in-suit had not been invalidated by the USA court system. German Myzovsky is not aware of any "settlement agreement, covenant not to sue, or term sheets between Stalker Software and Innovative Communications Technologies, Inc."

(4) Whether any additional communications took place between Stalker Software and Sipnet regarding the settlement and licensing agreement for the CommuniGate Pro software after this initial December 2012 communication; and

(5) The dates and nature of any such additional communications.

There was no additional communication between Stalker Software and Sipnet regarding "the settlement and licensing agreement for the CommuniGate Pro software".

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