UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Sipnet EU S.R.O.,

Petitioner

v.

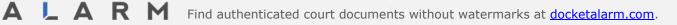
Straight Path IP Group, Inc.,

Patent Owner

Case No. IPR2013-00246

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

PETITIONER'S RESPONSE TO PATENT OWNER'S OBSERVATION ON CROSS-EXAMINATION OF PETITIONER'S DECLARANT LESLIE EHRLICH



DOCKET

INTRODUCTION

Pursuant to the Board's authorization on June 4, 2014 and the Office Trial Practice Guide, 77 Fed. Reg. 48767-68 (Aug. 14, 2012), Petitioner Sipnet EU S.R.O. respectfully submits the following responses to the observations submitted by the Patent Owner regarding the May 29, 2014 cross-examination of Petitioner's declarant Leslie Ehrlich.

RESPONSES TO PATENT OWNER'S OBSERVATIONS

A. Response to Observation 1

In response to Patent Owner's Observation 1 and specifically that "Ms.

Ehrlich's Testimony Establishes that Her Declaration Is Not Credible," Petitioner

respectfully notes that in Exhibit 2044, on Page 11, Line 15 through Page 12, Line

10; and Page 16, Lines 14-24; Ms. Ehrlich testified that:

Ex. 2044, Page 11, Line 15 through Page 12, Line 10

- 15 Q. Did you draft this declaration?
- 16 A. No.

RM

- 17 Q. Who drafted the declaration?
- 18 A. Paul Haughey. And then I reviewed it and
- 19 made some edits and then executed it.
- 20 Q. What edits did you make to it?
- A. I remember that I made edits to say that

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

- 22 they were substantially identical except for the
- 23 typo stuff and the section about the glossary.
- 24 Q. So the words "substantially identical,"
- 25 does that come from Mr. Haughey?

0012

- 1 A. No, that came from me.
- 2 Q. Well, what did it say before?
- 3 A. I don't remember.
- 4 Q. So you authored the words "substantially

5 identical"?

- 6 A. I believe I did, but I can't remember.
- 7 Q. And when you say substantially identical,
- 8 you didn't actually mean the two documents were
- 9 identical, correct?
- 10 A. No, then I would just say identical.

Ex. 2044, Page 16, lines 14-24:

- 14 Q. So your declaration is incorrect again
- 15 with respect to your comparison of the similarities
- 16 between the two documents, correct?

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

- 17 A. Yes, I believe that when I said the main
- 18 differences between the different texts of the
- 19 glossary are formatting type differences due to the
- 20 help screen format on the CD-ROM. I realize now
- 21 that doesn't read well, but that was my intent in
- 22 the declaration to say that large differences in
- 23 the text are due to the formatting from the CD-ROM
- 24 versus the paper document.

The above testimony is relevant to (1) Exhibit 1018, the Ehrlich Declaration; (2) Exhibit 1017, the Kolesnikov Declaration; (3) Exhibit 1019, the Yuri Guide; and (4) Exhibit 1004, the WINS. The above testimony is relevant because it demonstrates that, contrary to Patent Owner's observation, Ms. Ehrlich clearly explained the reasons for the superficial differences between Exhibit 1004 (WINS) and Exhibit 1019 (Yuri Guide). It further establishes that the Ehrlich Declaration (Exhibit 1018) was candid and credible. It also corroborates the Kolesnikov Declaration (Exhibit 1017) and supports the conclusion that the Exhibit 1019, the Yuri Guide is substantially identical to the Exhibit 1004, the WINS and that the WINS was publicly available before the critical date.

B. Response to Observation 2

In response to Patent Owner's Observation 2 and specifically that "Ms. Ehrlich Testified that Exhibit 1004 (WINS) and Exhibit 1019 (Yuri Guide) Are Not the Same," Petitioner respectfully notes that in Exhibit 2044, Page 19, Line 3, through Page 20, Line 10; and Page 21, Line 8, through Page 22, Line 24, Ms. Ehrlich testified that:

Ex. 2044, Page 19, Line 3, through Page 20, Line 10:

3 Q. So when you did this comparison of the two

- 4 documents, in fact, you didn't compare at least ten
- 5 pages of Exhibit 1004 and at least 16 pages of
- 6 Exhibit 1018, correct?
- 7 A. Correct. Because the computer program
- 8 does not contain references in the table of
- 9 contents to page numbers. The computer programs
- 10 don't have page numbers as the Exhibit 1004 does.
- 11 Q. I'm sorry, I don't understand your answer.
- 12 A. So Exhibit 1019, which is the printout of
- 13 the computer program, has a table of contents but
- 14 does not list page numbers for each section in the
- 15 table of contents. Exhibit 1004 includes a table
- 16 of contents with reference to page numbers.

DOCKET A L A R M



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.