

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC.  
Petitioner

v.

EVOLUTIONARY INTELLIGENCE, LLC  
Patent Owner

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Case IPR2014-00093  
U.S. Patent No. 7,010,536

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**MOTION TO CORRECT CLERICAL ERRORS**  
**(37 C.F.R. § 42.104(c))**

Petitioner Facebook, Inc. (“Facebook”) files the following Motion to Correct Clerical Errors pursuant to 37 C.F.R. § 104(c) to correct Facebook’s Petition for Inter Partes Review of U.S. Patent No. 7,010,536 (“Petition”) to correct errors in the numbering of certain exhibits to the Petition to conform with the exhibit numbering guidelines provided in 37 C.F.R. § 42.63(c). This Motion proposes no substantive changes to the Petition.

No fee is believed to be required for consideration of this motion. Should this be incorrect, the Patent Office is authorized to charge Deposit Account 50-1283 for the necessary fee(s).

#### **Applicable Rule(s)**

37 C.F.R. § 42.104(c) states:

A motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.

37 C.F.R. § 42.63(c) states:

Each party’s exhibits must be uniquely numbered sequentially in a range the Board specifies. For the petitioner, the range is 1001–1999, and for the patent owner, the range is 2001–2999.

### Facts Relevant to this Motion

1. On October 23, 2013, Facebook filed its Petition. The Petition included exhibits numbered 1101-1105, rather than the exhibit ranges (*i.e.* 1001-1005) provided in 37 C.F.R. § 42.63(c).

2. On October 30, 2013, the PTO afforded the Petition a filing date of October 23, 2013.

3. Facebook is attaching, herewith, copies of the same exhibits properly numbered as Exhibits 1001 through Exhibit 1006. More specifically:

a. Attached as Exhibit **1001** is a true and correct copy of U.S. Patent No. 7,010,536, including Certificate of Correction, which was originally filed as Exhibit 1101 to the Petition.

b. Attached as Exhibit **1002** is a true and correct copy of U.S. Patent No. 6,016,478, which was originally filed as Exhibit 1102 to the Petition.

c. Attached as Exhibit **1003** is a true and correct copy of U.S. Patent No. 5,737,416, which was originally filed as Exhibit 1103 to the Petition.

d. Attached as Exhibit **1004** is a true and correct copy of U.S. Patent No. 6,073,090, which was originally filed as Exhibit 1104 to the Petition.

e. Attached as Exhibit **1005** is a true and correct copy of U.S. Patent No. 6,496,793, which was originally filed as Exhibit 1105 to the Petition.

f. Attached as Exhibit **1006** is a Corrected Petition for *Inter Partes* Review of U.S. Patent No. 7,010,536. Exhibit **1006** corrects certain references to exhibits in the Petition to conform to 37 C.F.R. § 42.63(c). Exhibit **1006** is otherwise identical to **Paper 1**.

### **Relief Requested**

By this motion, Facebook requests that the Petition be corrected as follows:

- Facebook asks that the Petition (**Paper 1**) be replaced with Exhibit **1006** attached hereto.
- Facebook asks that Exhibit 1101, filed with the Petition, be replaced with Exhibit **1001** attached hereto.
- Facebook asks that Exhibit 1102, filed with the Petition, be replaced with Exhibit **1002** attached hereto.
- Facebook asks that Exhibit 1103, filed with the Petition, be replaced with Exhibit **1003** attached hereto.
- Facebook asks that Exhibit 1104, filed with the Petition, be replaced with Exhibit **1004** attached hereto.
- Facebook asks that Exhibit 1105, filed with the Petition, be replaced with Exhibit **1005** attached hereto.

### Discussion

37 C.F.R. § 42.63(c) requires that exhibits to a petition for *inter partes* review begin at 1001. The Petition, however, begins its numbering at 1101 and cites them as such. (*See, e.g.*, Paper 1 at p. iii (listing exhibits 1101-1103, 1004, 1105), and p. 11 (referring to “‘Zhang,’ Ex. 1102” (emphasis added)).) These errors are purely clerical and were discovered upon reviewing the “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response,” which reminded the parties to number exhibits sequentially in the appropriate range. (Paper 4 at 2.) Facebook filed this motion without delay once the exhibit numbering errors were discovered.

Accordingly, Facebook respectfully requests that this motion be granted.

Dated: November 6, 2013

Respectfully submitted,

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