

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP America Inc.,

Petitioner,

v.

Clouding IP, LLC

Patent Owner.

IPR2014-00306

Patent 6,738,799

PETITIONER'S REPLY IN SUPPORT OF ITS MOTION FOR JOINDER

Mail Stop PATENT BOARD, PTAB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

In its Opposition to the Motion for Joinder (“Opposition”) filed by Petitioner SAP America Inc., (“SAP” or “Petitioner”), Clouding IP, LLC (“Clouding”) makes one argument against joinder: it would require an extension of the current schedule to allow Clouding to depose SAP’s expert, and SAP did not propose an extended schedule in its motion.¹ Opposition at 5-6, 8. This argument is without merit. Within the confines of the present schedule, Clouding would be able to depose SAP’s expert and even if a short extension was necessary, such a change to the schedule should not prevent joinder.

In any event, to facilitate joinder SAP agrees to withdraw the declaration of Dr. Andrew Grimshaw submitted in support of SAP’s petition, and will agree instead to adopt the declaration of Dr. Norman Hutchinson (“Hutchinson Declaration”) submitted in support of the petition in IPR2013-00586 (the “‘586 IPR”).² Because SAP has withdrawn the declaration of Dr. Grimshaw, and has agreed to adopt the declaration of Dr. Hutchinson who has already been deposed by

¹ Clouding also argues, as it did in its Preliminary Response (Paper 7 at 13-14), that the present IPR should not be *instituted* because the proposed grounds are redundant to those in the ‘586 IPR. As described in the Motion (at 8 n.2), this argument is without merit.

² If desired, SAP is willing to submit an amended petition with citations to the Hutchinson Declaration.

Clouding, joinder will not require any change to the current schedule in the '586 IPR.³ As such, Clouding's opposition to SAP's motion for joinder is moot.

For these reasons, as well as those set forth in the Motion, SAP respectfully requests that its Petition for *Inter Partes* Review of U.S. Patent No. 6,738,799 be instituted and that the proceeding be joined with *Unified Patents, Inc. v. Clouding IP, LLC*, Case IPR2013-00586.

Although SAP believes that no fee is required for this Motion, the Commissioner is hereby authorized to charge any additional fees which may be required for this Motion to Deposit Account No. 04-1073.

³ While no other prejudice has been identified, SAP would agree to a reasonable extension to the schedule to address any other alleged prejudice caused by the joinder.

Dated: May 6, 2014

Respectfully Submitted,

/ Frank C. Cimino, Jr. /

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) that
PETITIONER'S REPLY IN SUPPORT OF ITS MOTION FOR JOINDER was
served on the Patent Owner on May 6, 2014, by filing this document through the
Patent Review Processing System as well as by delivering a copy via Federal
Express at the following address:

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Suite 550
San Jose, CA 95113

Dated: May 6, 2014

By: /S. Gregory Herrman/
S. Gregory Herrman (Reg. No. 66,271)