

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE CORPORATION AND ZTE (USA) INC.
Petitioners

v.

INTERDIGITAL TECHNOLOGY CORPORATION
Patent Owner

Case IPR2014-00525
U.S. Patent No.: 8,380,244

**MOTION TO CORRECT CLERICAL ERRORS IN PETITION
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,380,244**

Petitioners respectfully submit this motion to correct clerical errors identified in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that issued on April 2, 2014 (“Notice”). The motion is supported by the contemporaneously filed Affidavit of Charles M. McMahon in Support of Motion to Correct Clerical Errors in Petition for *Inter Partes* Review of U.S. Patent No. 8,380,244 (“Affidavit”).

On March 21, 2014, Petitioners filed a petition for *inter partes* review of

U.S. Patent No. 8,380,244. (Affidavit, ¶ 3.) On April 2, 2013, counsel for Petitioners received an email message from the Patent Review Processing System (“PRPS”), which was captioned “Petition Verification” and indicated that “[t]he Petition has been verified and has been accorded a filing date” of March 21, 2014. The email message did not indicate, and counsel for Petitioners was unaware, that other substantive information had become available on PRPS in connection with the Notice. (Affidavit ¶ 4.)

On April 28, 2014, as part of a routine procedure for downloading PRPS filings, a paralegal at Brinks, Gilson, & Lione downloaded, but did not circulate, the detailed Notice. Neither the paralegal nor anyone else at Brinks, Gilson, & Lione reviewed the notice until May 14, 2014. (Affidavit ¶ 6.)

Late in the afternoon on Wednesday, May 14, 2014, counsel for Petitioners learned for the first time the Notice contained more detailed information that the email message received on April 2, 2014. (Affidavit ¶ 7.) The Notice requested that petitioner correct certain clerical errors within five business days. The clerical errors included a single-spaced block quotation in the text of the petition and the omission of certain identifying labels on the exhibits. (Affidavit ¶ 8.)

Early on the morning of Thursday, May 15, 2014, counsel for Petitioners contacted the Trial Paralegal assigned to this case to discuss the appropriate procedure for filing a corrected petition. (Affidavit, ¶ 9.)

Pursuant to the instructions received from the Trial Paralegal, counsel for Petitioners is filing three items using PRPS today: (1) a motion to correct clerical errors; (2) an affidavit supporting the motion; and (3) the corrected petition.

(Affidavit, ¶ 10.)

Neither the Patent Owner nor its counsel will be prejudiced by the granting of this motion. They have been aware of this proceeding since around March 21, 2014, when Petitioners served them with a copy of the original petition and exhibits. On April 11, 2014, counsel for the Patent Owner entered an appearance in this proceeding. The Patent Owner's response to the Petition is due on June 21, 2014. Because the corrected petition contains no new arguments or evidence, makes no substantive changes to the petition, and corrects only clerical errors, it will not materially prejudice the Patent Owner or its counsel in any way

Dated: May 19, 2014

Respectfully submitted,

/Charles M. McMahon/

Charles M. McMahon

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Correct Clerical Errors in Petition for *Inter Partes* Review of U.S. Patent No. 8,380,244** was served on May 19, 2014, by electronic mail upon the following counsel of record for Patent Owner IPR Licensing, Inc.:

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