

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

**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**

I Charles M. McMahon declare that:

1. I am an attorney licensed to practice law in the State of Illinois, I am registered to practice before the U.S. Patent and Trademark Office, and I am a shareholder with the law firm of Brinks, Gilson & Lione, located at NBC Tower, Suite 3600, 455 North Cityfront Plaza Drive, Chicago, Illinois, 60611, and counsel for petitioners ZTE Corp. and ZTE (USA) Inc. (“ZTE”) in the above-captioned

action.

2. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, would do so under oath.

3. On March 21, 2014, I filed a petition for *inter partes* review of U.S. Patent No. 8,380,244 on behalf of ZTE.

4. On April 2, 2014, I received an email message from the Patent Review Processing System (“PRPS”) in connection with a Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that issued on April 2, 2014 (“Notice”). The email message 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 I was unaware at the time, that other substantive information had become available on PRPS in connection with the Notice.

5. A copy of the message I received on April 2, 2014, is attached as Exhibit A.

6. 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 of April 2, 2014. Neither the paralegal nor anyone else at Brinks, Gilson, & Lione reviewed the notice until May 14, 2014.

7. Late in the afternoon on Wednesday, May 14, 2014, I learned for the first time that the Notice contained more detailed information than the email message I received on April 2, 2014.

8. The Notice, available only on PRPS, requested that petitioner within five business days correct certain clerical errors contained in the petition. 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. By the time I reviewed this document, the five business days had already passed.

9. Early on the morning of Thursday, May 15, 2014, I contacted the Trial Paralegal assigned to this case to discuss the appropriate procedure for filing a corrected petition.

10. Pursuant to the instructions received from the Trial Paralegal, I am filing today: (1) a motion to correct clerical errors; (2) an affidavit supporting the motion; and (3) the corrected petition.

Executed this 19th day of May, 2014 at Chicago, Illinois. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/Charles M. McMahon/
Charles M. McMahon

Exhibit A

From: PRPS SYSTEM NOTIFICATION <PRPS_Trial@uspto.gov>

Date: Thursday, April 3, 2014 at 1:28 AM

To: Charles McMahon <cmcmahon@brinksgilson.com>

Subject: Petition Verification IPR2014-00525



**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD**

Petition Verification

Case Number: IPR2014-00525
Petitioner: ZTE Corporation of Shenzhen, -
Patent Number: 8380244
Filing Date: 3/21/2014
Point of Contact: Charles McMahon, cmcmahon@brinksgilson.com

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