

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Facebook, Inc.
Petitioner

v.

TLI Communications LLC
Patent Owner

U.S. Patent No. 6,038,295
Filing Date: June 17, 1997
Issue Date: March 14, 2000

Title: APPARATUS AND METHOD FOR RECORDING, COMMUNICATING
AND ADMINISTERING DIGITAL IMAGES

**STATEMENT AFFIRMING COMPLIANCE
WITH 37 C.F.R. § 42.51(b)(1)**

Inter Partes Review No. 2014-00566

Statement Affirming Compliance
with 37 C.F.R. § 42.51(b)(1)

Pursuant to the Board's June 23, 2014 Order (Paper No. 11), Petitioner Facebook, Inc. ("Petitioner") submits the following statement affirming compliance with 37 C.F.R. § 42.51(b)(1) ("routine discovery"):

Petitioner affirms compliance with 37 C.F.R. § 42.51(b)(1).

Patent Owner TLI Communications LLC ("Patent Owner") requested documents from *Summit 6 LLC v. Facebook, Inc. et al.*, No. 3:11-cv-00367-O (N.D. Tex.) ("Summit 6 litigation") that refer to the '295 patent that is the subject of this IPR. Patent Owner claimed those documents qualify as "routine discovery" under 37 C.F.R. § 42.51 based on Patent Owner's unsupported speculation that they might contain statements about the '295 patent inconsistent with positions taken by Petitioner in this proceeding.

Petitioner's investigation has uncovered no statements from the Summit 6 litigation that are inconsistent with any positions it has taken in this proceeding. Petitioner maintains that Patent Owner is not entitled to any of the requested documents, as "routine discovery" or otherwise. The Board indicated during the June 20, 2014 teleconference its desire to not have this issue devolve into a "sideshow." The interests of justice are not served by consuming any more of the Board's time with an issue that is, at most, an irrelevant distraction from the merits of the underlying IPR petition. Accordingly, to avoid burdening the Board,

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Petitioner has voluntarily produced the requested documents to Patent Owner, although they are irrelevant to any issue in these proceedings, redacted to remove information unrelated to the '295 patent.

Petitioner again affirms compliance with 37 C.F.R. § 42.51(b)(1).

Dated: June 27, 2014

Respectfully submitted,

COOLEY LLP
ATTN: Patent Group
1299 Pennsylvania Ave., NW, Suite 700
Washington, DC 20004
Tel: (650) 843-5001
Fax: (650) 849-7400

By: /Heidi L. Keefe/
Heidi L. Keefe
Reg. No. 40,673
Counsel for Petitioner
Facebook, Inc.

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that the attached **Statement Affirming Compliance with 37 C.F.R. § 42.51(b)(1)** is being served via email on the 27th day of June, 2014, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon the following counsel of record in IPR2014-00566:

Tarek N. Fahmi (Reg. No. 41,402)
ASCENDA LAW GROUP, PC
84 W. Santa Clara St., Suite 550
San Jose, CA 95113
Phone: 866-877-4883
Email: tarek.fahmi@ascendalaw.com, patents@ascendalaw.com

Robert A. Whitman (Reg. No. 36,966)
MISHCON DE REYA NEW YORK LLP
750 7th Avenue, 26th Floor
New York, NY 10019
Phone: 212-257-4455
Email: robert.whitman@mishcon.com

/ Heidi L. Keefe /
Heidi L. Keefe
Reg. No. 40,673

COOLEY LLP
ATTN: Heidi L. Keefe
Patent Docketing
1299 Pennsylvania Ave. NW, Suite 700
Washington, D.C. 20004
Tel: (650) 843-5001
Fax: (650) 849-7400