

Filed on behalf of: Black Hills Media, LLC  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.;  
SAMSUNG ELECTRONICS AMERICA, INC.; and  
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC

Petitioner,

v.

BLACK HILLS MEDIA, LLC,

Patent Owner

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Case IPR2014-00717

U.S. Patent 6,108,686

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**PATENT OWNER'S LISTING OF ANTICIPATED MOTIONS FOR  
DISCUSSION IN INITIAL CONFERENCE CALL**

An initial conference call is scheduled in this matter for November 20, 2014 at 4:00 PM Eastern Time. Pursuant to the Office Patent Trial Practice Guide (OPTPG), 77 Fed. Reg., 48765 (Aug. 14, 2012), Patent Owner submits this listing of issues it desires to raise during the call and/or motions it may bring during this trial. Patent Owner reserves its right to seek authorization to bring additional motions, as permitted by the Board.

### **Guidance Sought on Routine Discovery Cross Examination Dispute**

Patent Owner plans to seek guidance from the Board regarding Patent Owner's desire to cross examine the affidavit testimony of Mr. Sungil Cho pursuant to 37 C.F.R. §§ 41.51(b)(1)(ii) & 42.52. A declaration of Mr. Cho was submitted as Exhibit 1009 in this proceeding. Accordingly, Patent Owner believes it is entitled to cross examine Mr. Cho under 37 C.F.R. § 42.51(b)(1)(ii) as routine discovery within the scope of his declaration, which would relate to whether or not Google, Inc. should or should not have been identified as a real party-in-interest pursuant to 35 U.S.C. § 312(a). *See* OPTPG at 48761 (“[A] party presenting a witness’s testimony by affidavit should arrange to make the witness available for cross-examination.”). *See* also Paper 17 (Order Granting-in-Part Motion for Additional Discovery) at 4 (“Patent Owner is also entitled to corroboration of the assertions of Mr. Cho’s declaration and to cross-examine Mr. Cho.”).

Petitioner has confirmed to Patent Owner that Petitioner does not intend to make Mr. Cho available for cross-examination. Therefore, Patent Owner respectfully requests guidance from the Board on this issue, which “may be a dispositive issue that may aid in settlement of the trial.” *See* OPTPG at 48765. Moreover, Patent Owner believes that this issue can possibly be resolved by the Board either “during the call itself or shortly thereafter,” without the need for additional briefing via a filed motion, unless the Board directs otherwise. *See id.* at 48763.

Respectfully submitted,  
Dated: November 18, 2014

/N. Andrew Crain/

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S LISTING OF ANTICIPATED MOTIONS FOR DISCUSSION IN INITIAL CONFERENCE CALL was served on counsel of record on November 18, 2014 and that this document was filed through the Patent Review Processing System and served electronically via email.

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## THOMAS | HORSTEMEYER, LLP

/N. Andrew Crain/  
N. Andrew Crain (Reg. No. 45,442)  
Lead Counsel for Patent Owner

November 18, 2014

Date