

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

BLACK HILLS MEDIA, LLC,
Patent Owner.

IPR2014-00717
Patent No. 6,108,686

**PETITIONER'S RESPONSE TO ORDER GRANTING-IN-PART MOTION
FOR ADDITIONAL DISCOVERY UNDER 37 C.F.R. § 42.51(B)(2)**

I. INTRODUCTION

Petitioner Samsung Electronics Co., Ltd. (“Petitioner”) provides the following responses pursuant to the Board’s Order Granting-in-Part Motion for Additional Discovery Pursuant to 37 C.F.R. § 42.51(b)(2) (Paper 17) with respect to the Proposed Discovery Requests by Patent Owner (Ex. 2001).

II. DISCOVERY RESPONSES

INTERROGATORIES

INTERROGATORY NO. 1: Identify the “persons or entities that Google or its counsel directed Petitioner or Petitioner’s counsel to provide with a copy of one or more drafts of the Petition”¹ for *inter partes* review for U.S. Patent No. 6,108,686 prior to the filing of the petition on or about May 1, 2014.

RESPONSE: Neither Google nor its counsel directed Petitioner or Petitioner’s counsel to provide a copy of one or more drafts of the Petition to any person or entity.

INTERROGATORY NO. 2: Within the scope described in § I(D)(1) (entitled “Real Party-in-Interest or Privy”) of the Office Patent Trial Practice Guide, describe “the nature and/or degree of involvement” by each individual not employed by

¹ The quoted language is from the Board’s Order. Paper 17, p. 10.

Petitioner or Petitioner’s counsel of record for IPR2014-00717² in the filing of the Petition in this proceeding.

RESPONSE: There was no involvement by any individual not employed by Petitioner or Petitioner’s counsel of record for IPR2014-00717 in the filing of the Petition in this proceeding.

INTERROGATORY NO. 3: Describe all payments, credits, refunds, and all other financial transactions made or agreed upon in relation to the indemnification provisions of the MADA, or a MADA that may have become effective after December 31, 2012, and related to IPR2014-00717, received by or agreed to be provided to Petitioner or Petitioner’s counsel of record.³

² Petitioner interprets the phrase “employed by Petitioner or Petitioner’s counsel of record for IPR2014-00717” to encompass and include any expert retained by Petitioner or Petitioner’s counsel for IPR2014-00717.

³ Pages 8 and 10 of the Board’s Order (Paper 17) limits the discovery sought in Interrogatory No. 3 “to transactions related to IPR2014-00735 and IPR2014-00717” “made or agreed upon in relation to the indemnification provisions of the MADA, or a MADA that may have become effective after December 31, 2012,” and denies all other discovery sought in Interrogatory No. 3.

RESPONSE: There are no payments, credits, refunds, or any other financial transactions made or agreed upon in relation to the indemnification provisions of the MADA, or a MADA that may have become effective after December 31, 2012, and related to IPR2014-00717 received by or agreed to be provided to Petitioner or Petitioner's counsel of record.

REQUESTS FOR PRODUCTION⁴


REQUEST NOS. 2 and 3: Please provide a copy of each document(s) “constituting or concerning notifications [of a claim by Petitioner] under any agreement between Petitioner and Google (Request No. 2) and responses to such notifications (Request No. 3), relating to the challenges to patentability in IPR2014-00717.”⁵

RESPONSE: There are no documents constituting or concerning notifications of a claim by Petitioner, or responses to such notifications, under any agreement between Petitioner and Google relating to the challenges to patentability in IPR2014-00717.

⁴ Request No. 1 is denied. (Paper 17, p. 10).

⁵ The quoted language is from the Board's Order (Paper 17, pp. 10-11), which denied the requests for production of all other documents under Request Nos. 2 and 3. The bracketed language is from Patent Owner's Request (Ex. 2001, REQUEST NO. 2).

Date: October 10, 2014

By 
Andrea G. Reister
Registration No.: 36,253
Gregory S. Discher
Registration No. 42,488
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-6000
Attorneys for Petitioner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.