
From: Kattula, Amy [mailto: Amy.Kattula@USPTO.GOV]
Sent: Tuesday, April 14, 2015 8:57 AM
To: Timothy Maloney; Lindsay S. Marks
Cc: Kushan, Jeffrey P.
Subject: RE: IPR2015-00354

Patent Owner is authorized to file a Motion to Correct the Filing Date of the Preliminary Response. Please remember that the Motion should include a full statement of the reasons for the relief requested as required under 37 C.F.R. § 42.22(a)(2), as well as one or more declarations in support of the Motion showing that the Preliminary Response was filed in accordance with 37 C.F.R. § 42.107(b).

Amy Kattula
Paralegal Specialist
Patent Trial and Appeal Board
571-272-4683
[Amy.Kattula@uspto.gov](mailto: Amy.Kattula@uspto.gov)

From: Timothy Maloney [mailto: Tpmalo@fitcheven.com]
Sent: Monday, April 13, 2015 2:08 PM
To: Kattula, Amy
Cc: Kushan, Jeffrey P.
Subject: IPR2015-00354

Dear Ms. Kattula,

I write as counsel to Patent Owner, ContentGuard Holdings, Inc., to seek direction about how to rectify an issue relating to the timeliness of our Preliminary Response filed in IPR2015-00354. The Preliminary Response was due on April 6, 2015, together with responses in five other related IPR and CBM petitions. Regrettably, an internal miscommunication at our end resulted in that filing being submitted minutes before the deadline. The staff member who handled the filing submitted it at about 10:57 Central Time (11:57 ET). However, it took a few minutes for the file to load into the PRPS System. As the attached screen capture shows, the response in IPR3015-00354 received a time stamp of 12:00 am on April 7. The attached filing receipt notice from the PRPS system also shows the April 7 date.

As instructed during our phone conversation on April 9, I have conferred with Petitioner's counsel to determine whether Petitioner, Apple Inc., would object to a motion to accept the late submission under 37 CRF 42.5(c)(3). Apple's counsel, Mr. Jeffrey Kushan, advised by email this morning that Apple would not object to such a motion.

2

Please advise whether ContentGuard has permission to file such a motion or should proceed in some other manner.

Your assistance is greatly appreciated.

Sincerely,

Tim Maloney

Timothy P. Maloney | Partner

FITCH EVEN

Fitch, Even, Tabin & Flannery LLP

120 South LaSalle Street, Suite 1600 | Chicago, Illinois 60603

P 312.629.7984 | F 312.577.7007

tim@fitcheven.com | www.fitcheven.com

This email message, as well as any attachments, contains information from the law firm of **Fitch, Even, Tabin & Flannery LLP** that may be confidential and/or legally privileged. These documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this email in error, please immediately notify the firm at 312-577-7000 and delete or destroy all electronic or hard copies of the message and any attachments. Thank you.

Please consider the environment before printing this message.