

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

CONTENTGUARD HOLDINGS, INC.  
Patent Owner

Patent No. 7,774,280  
Issued: August 10, 2010  
Filed: October 4, 2004  
Inventors: Nguyen, *et al.*  
Title: System and Method for Managing Transfer of Rights Using Shared  
State Variables

*Inter Partes* Review No. IPR 2015-00354

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**DECLARATION OF JACKELINE TORRES IN SUPPORT OF  
CONTENTGUARD HOLDINGS, INC.'S  
UNOPPOSED MOTION TO CORRECT FILING DATE OF PATENT  
OWNER'S PRELIMINARY RESPONSE**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I, Jackeline Torres, declare:

1. I am a legal assistant at the law firm of Fitch, Even, Tabin & Flannery LLP. I make this declaration in support of ContentGuard Holdings, Inc.'s Unopposed Motion to Correct Filing Date of Patent Owner's Preliminary Response based on my own personal knowledge. If called as a witness, I could and would testify competently to the facts in this declaration.

2. I have electronically filed several papers using the Patent Review Processing System ("PRPS") and I am well versed in uploading and submitting documents to PRPS.

3. On April 6, 2015, I was directed to file six separate Preliminary Responses on behalf of ContentGuard Holdings, Inc. ("CG"), including CG's Preliminary Response and supporting exhibits for IPR2015-00354. I was authorized to file using the e-filing credentials of lead counsel, Timothy P. Maloney.

4. At the time I began to file CG's Preliminary response for IPR2015-00354, I had already electronically submitted five of the six Preliminary Responses due on April 6. I completed the submission of the fifth Preliminary Response (CBM2015-00040) by 11:55 p.m. Eastern Time, as shown on the "My Correspondence" section of Mr. Maloney's PTAB Trials Portal webpage. A true and correct copy of the "My Correspondence" section of Mr. Maloney's PTAB

Trials Portal webpage is attached as Exhibit 2030.

5. At the time of making the fifth filing, I also had on my computer the electronic files for the sixth and final filing that evening, CG's Preliminary Response and supporting exhibits for IPR2015-00354. Immediately after completing the fifth filing, I turned my attention to the sixth filing. At approximately 11:56 p.m. Eastern Time on April 6, I began uploading CG's Preliminary Response using PRPS. After the Preliminary Response was uploaded, I proceeded to upload each of the eight exhibits, Exhibits 2001-2008. (The Preliminary Response and Exhibits 2001-2008 are collectively referred to as the "Response.") After PRPS completed its upload of each file, it displayed an active link for each file, indicating to me that the file had been successfully uploaded.

6. At approximately 11:58 p.m. Eastern Time, the links for all of these files were displayed, indicating to me that all had been successfully uploaded. Having completed the upload process, I clicked on the "Submit" button. I believe that I did so by 11:58 p.m., and certainly no later than 11:59 p.m. Eastern Time.


7. After I clicked the "Submit" button, PRPS displayed a progress wheel, indicating that the submission of the uploaded documents was in progress. The progress wheel rotated for approximately 1-2 minutes, after which time PRPS displayed a Party Filing Notice. The Party Filing Notice indicated that the Response had been accorded a filing date of April 7, 2015. A true and correct copy

of the Party Filing Notice is attached as Exhibit 2031.

8. To investigate the timing of the filing, I accessed the “My Correspondence” section on Mr. Maloney’s PTAB Trials Portal account. The My Correspondence section indicated that Response was dated April 7, 2015, at 12:00 a.m. (Ex. 2030.)

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Chicago, Illinois on April 16, 2015.

Dated: April 16, 2015

  
Jackeline Torres