

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP INC. and FACEBOOK, INC.

Petitioner

v.

TRIPLAY, INC.

Patent Owner

IPR2015-00740

Patent 8,332,475 B2

PATENT OWNER'S OBJECTIONS TO PORTIONS OF EXHIBIT 1013 (THE
REPLY DECLARATION OF MR. KLAUSNER), EXHIBIT 1018, AND
EXHIBITS 1021-1024

TriPlay, Inc. (“Patent Owner”) hereby objects to certain exhibits and portions of exhibits cited in the Petitioners’ Reply (“the Reply”). In particular, and as detailed below, the Patent Owner objections to portions of Exhibit 1013 (the Reply Declaration of Mr. Klausner (“the Klausner Reply Declaration”)) and Exhibits 1018, 1021, 1022, 1023 and 1204.

On April 5, 2016, Petitioner filed the Reply. On April 7, 2016, the Patent Owner promptly reached out to Petitioner’s counsel to schedule a cross-examination of Mr. Klausner to investigate the bases of grounds to exclude portions of the Klausner Reply Declaration and other Exhibits cited therein. Mr. Klausner was out of the country so the parties agreed on April 11, 2016 to conduct a telephone deposition of Mr. Klausner which took place yesterday, April 13, 2016. The deposition establishes that portions of the Klausner Reply Declaration and certain exhibits cited therein constitute new evidence necessary to make out a *prima facie* case of unpatentability. Accordingly, Patent Owner makes the following objections:

Objections

1. Patent Owner objects to the portion of paragraph 29 of Ex. 1013, beginning with “One of ordinary skill in the art” to the end of paragraph 29, because it presents new evidence necessary to make out a *prima facie* case of unpatentability.

2. Patent Owner objects to paragraph 30 of Ex. 1013 because it presents new evidence necessary to make out a prima facie case of unpatentability.
3. Patent Owner objects to paragraph 38 of Ex. 1013 because it presents new evidence necessary to make out a prima facie case of unpatentability.
4. Patent Owner objects to the last sentence of paragraph 47 of Ex. 1013 because it presents new evidence necessary to make out a prima facie case of unpatentability.
5. Patent Owner objects to paragraph 51 of Ex. 1013 because it presents new evidence necessary to make out a prima facie case of unpatentability.
6. Patent Owner objects to paragraph 52 of Ex. 1013 because it presents new evidence necessary to make out a prima facie case of unpatentability.
7. Patent Owner objects to Ex. 1018 because it presents new evidence necessary to make out a prima facie case of unpatentability.
8. Patent Owner objects to Ex. 1021 because it presents new evidence necessary to make out a prima facie case of unpatentability.
9. Patent Owner objects to Ex. 1022 because it presents new evidence necessary to make out a prima facie case of unpatentability.
10. Patent Owner objects to Ex. 1023 because it presents new evidence necessary to make out a prima facie case of unpatentability.

11. Patent Owner objects to Ex. 1024 because it presents new evidence necessary to make out a prima facie case of unpatentability.

Respectfully submitted,

Dated: April 14, 2016

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CERTIFICATE OF SERVICE

It is certified that a copy of the PATENT OWNER'S OBJECTIONS TO PORTIONS OF EXHIBIT 1013 (THE REPLY DECLARATION OF MR. KLAUSNER), EXHIBIT 1018, AND EXHIBITS 1021-1024 has been served on Petitioner as provided in 37 C.F.R. § 42.6(e) via electronic mail transmission addressed to the lead counsel and persons at the addresses below:

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