

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP INC. AND FACEBOOK, INC.
Petitioner

v.

TRIPLAY COMMUNICATIONS LTD.
Patent Owner

Case IPR2015-00740
U.S. Patent No. 8,332,475

UNOPPOSED MOTION TO CORRECT CLERICAL ERROR
UNDER § 42.104(c)

Pursuant to § 42.104(c), WhatsApp Inc. and Facebook, Inc. (collectively, “Petitioner”) hereby moves to correct a clerical error that resulted in the inadvertent omission of a page from Exhibit 1005 (the “original exhibit”) filed alongside the Petition for *Inter Partes* Review (the “Petition”). The Patent Owner indicated that it does not oppose this motion. The Board authorized this motion in an email dated October 28, 2015. This motion is accompanied by Corrected Exhibit 1005 (the “corrected exhibit”) for filing.

I. Applicable Rules

37 C.F.R. § 42.104(c) states as follows:

A motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.

II. Facts

The Petition cites a prior art reference titled *More HTML for Dummies* (2d ed. 1997) by Ed Tittel et al. (“Tittel”), a 390-page book on developing HTML documents. (Petition, Paper 1, at 60.) Tittel is also cited in the Declaration of David Klausner (the “Expert Declaration”), which was filed with the Petition. (Expert Declaration, Exhibit 1002, at 4.¹)

¹ The page numbers that appear in citations herein refer to the internal page numbers of the documents cited, not the bates numbers that accompany any exhibits filed.

Among the pages cited is Tittel page 262. (Petition, Paper 1, at 47; Expert Declaration, Exhibit 1002, at 69.) However, this page was inadvertently omitted from the original exhibit filed alongside the Petition and Expert Declaration. (*See* Exhibit 1005.) Accompanying this motion is the corrected exhibit, which includes the omitted page but is otherwise identical to the original exhibit. (*See* Corrected Exhibit 1005.)

III. Relief Requested

Based on the foregoing facts, Petitioner respectfully submits that the omission of Tittel page 262 from Exhibit 1005 has no substantive effect and was inadvertent and clerical in nature. Furthermore, Patent Owner has indicated that it would not oppose this motion. Accordingly, Petitioners request correction of Exhibit 1005 pursuant to 37 CFR § 42.104(c) to include the omitted page.

Dated: October 29, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached **UNOPPOSED MOTION TO CORRECT CLERICAL ERROR UNDER § 42.104(c)**, including all exhibits (**Corrected Exhibit 1005**) and related documents, are being served via electronic mail on the 29th day of October, 2015, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon counsel of record for the Patent Owner as follows:

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