

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC., TOSHIBA  
CORPORATION, AND VIZIO, INC.  
Petitioners,

v.

STRAIGHT PATH IP GROUP, INC.  
(FORMERLY KNOWN AS INNOVATIVE COMMUNICATIONS  
TECHNOLOGIES, INC.)  
Patent Owner

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Case IPR2015-01017  
Patent 6,108,704

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**PATENT OWNER'S PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.107(a)**

**PATENT OWNER'S EXHIBIT LIST**  
**CASE IPR2015-01017**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
2001	Straight Path Complaints filed against LG, Toshiba, and Vizio in the Eastern District of Virginia
2002	November 7, 2013 Affidavits of Service regarding Complaints

The Board must deny the Petition because it is statutorily time-barred. 35 U.S.C. § 315(b) makes clear that “[a]n inter partes review may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petitioner... is served with a complaint alleging infringement of the patent.” Because Petitioner here was served with a complaint alleging infringement of U.S. Patent No. 6,108,704 (“704 patent”) more than one year before filing the present Petition, the Petition is statutorily time-barred.

Petitioner admits that the Petition is statutorily time-barred. Petitioner filed the Petition on April 6, 2015, and concurrently filed a motion to join another pending *inter partes* review. Petitioner’s motion to join sought joinder with *Samsung Elec. Co. v. Straight Path IP Group, Inc.*, IPR2014-01366. See Paper No. 3. On June 3, 2015, Petitioner withdrew its motion for joinder. In its motion to withdraw the joinder motion, Petitioner acknowledged that without joinder, the present Petition would be statutorily time-barred and result in a decision not to institute an *inter partes* review pursuant to the present Petition. See Paper No. 8 at 2 (“Petitioners acknowledge that withdrawal of the Joinder Motion will result in a decision not to institute the Petition as time barred.”).

Petitioner is correct that the Petition is statutorily time-barred. On August 1, 2013, Straight Path filed Complaints against LG, Toshiba, and Vizio in the Eastern District of Virginia (“EDVA”). Each complaint alleged infringement of Straight

Path's patents, including the '704 patent. *See* Ex. 2001. Petitioner was served with the EDVA Complaints on November 7, 2013. *See* Ex. 2002. Petitioner filed the present Petition on April 6, 2015, one year and five months after being served with the EDVA Complaints. As such, the Petition is statutorily time-barred because it was filed more than one year after Petitioner was served with a complaint alleging infringement of the '704 patent. *See* 35 U.S.C. § 315(b). Therefore, the Board must deny the Petition.

Dated: July 13, 2015

/William A. Meunier/

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## CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner's Preliminary Response is being served by electronic mail on the following counsel for the Petitioners:

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