

From: [Rene Vazquez](#)
To: [Holloway, Clay](#)
Cc: [raymond.joao](#); [Steven W. Ritcheson \(HGD Law Firm\)](#); [PG_JCMS](#); [FCCimino@Venable.com](#); [MSWoodworth@Venable.com](#); [jackson.ho@klgates.com](#); [Martinez, Stephanie](#); [Kadaba, Wab](#); [Baca, Mike](#)
Subject: Re: IPR Nos. 2015-1482; 1484; 1485; and 1486
Date: Friday, July 17, 2015 2:33:35 PM

Clay,

Thank you for sending us these documents and offering to answer additional questions; we do have a few more. The documents you forwarded only seem directed to a couple of topics – that Petitioners purportedly began the filing process at the 11th hour and that there was some sort of delay in the documents being filed. There is other pertinent information needed to fully understand whether this is a technical/clerical issue, as you have represented, or something else completely. For example, we cannot determine from the information you sent so far whether or not Petitioner had fully prepared and finalized all seven IPR petitions on June 23, 2015, as you are now claiming, which would include payment for and service of each petition on the patent owner. Along with that information, we would ask that Petitioners provide answers, including any supporting documentation, to the following questions for each IPR petition (2015-01466, -01477, -01478, -01482, -01484, -01485, -01486):

- Upon review of the screen shots you provided, only one shows a date and time on June 23. One shows a date of nearly 6:00 am on June 24, and the rest contain no date or time information. Moreover, none of the screenshots show anything other than routine progress of the ordinary document upload process. How is it that these screen shots demonstrate technical difficulties occurred?
- It appears that the petitions were not actually shipped on June 23 as stated in the electronically-filed certifications. The shipping information on the boxes received by Mr. Joao and Mr. Ritcheson indicate the boxes from both Venable and Kilpatrick were not shipped until June 24. When were these petitions served?
- Is it your position that the certificates of service filed with the PTAB are all accurate with respect to date and method of service?
- When was payment made by petitioners?

As you may appreciate, this is a complicated, and frankly, very concerning matter for JCMS. JCMS is continuing to work through the details and will review the additional information received from you to determine if any additional questions remain.

Regards,

René

On Jul 16, 2015, at 3:08 PM, Holloway, Clay
<CHolloway@kilpatricktownsend.com> wrote:

Ms. Vazquez,

Attached please find all emails to the PTAB and the screen shots referenced therein and in my email. As for phone calls, I received a call from a Maria McNaan (sp?) at 1:48pm EDT from phone number 571-272-4645 explaining what I referenced in my email that we should first reach out to you, appeared counsel, and see if the motion would be opposed or not.

I am happy to answer any other questions.

Clay Holloway

Kilpatrick Townsend & Stockton LLP

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cholloway@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Rene Vazquez [<mailto:rvazquez@hgdlawfirm.com>]
Sent: Thursday, July 16, 2015 11:36 AM
To: Holloway, Clay
Cc: raymond joao; Steven W. Ritcheson (HGD Law Firm); PG_JCMS;
FCCimino@Venable.com; MSWoodworth@Venable.com; jackson.ho@klgates.com;
Martinez, Stephanie; Kadaba, Wab; Baca, Mike
Subject: Fwd: IPR Nos. 2015-1482; 1484; 1485; and 1486

Mr. Holloway,

Mr. Joao brought your email below to my attention. As an initial matter, please copy me on all future correspondence regarding any of the IPRs filed against the Joao Control & Monitoring Systems, LLC ("JCMS") patents, as I am backup counsel for said IPRs.

We are in the process of evaluating your request. To this end, we request that you please forward copies of the screenshots that you referenced in your email. In addition, we request that you please forward copies of any written communications with the PTAB regarding this issue, to the extent such written communications exist. Finally, if you have had any telephone discussions with the PTAB regarding this issue, then please provide us with the names of the individuals that you spoke with at the PTAB.

We look forward to receiving this information.

Best regards,

René

<image001.jpg>

René A. Vazquez
Of Counsel

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Begin forwarded message:

From: raymond joao <rayjoao@optonline.net>
Subject: FW: IPR Nos. 2015-1482; 1484; 1485; and 1486
Date: July 16, 2015 at 10:45:47 AM EDT
To: "Steven W. Ritcheson (HGD Law Firm)" <swritcheson@hgdlawfirm.com>, Rene Vazquez <rvazquez@hgdlawfirm.com>

----- Begin forwarded message -----

Subject: IPR Nos. 2015-1482; 1484; 1485; and 1486

Date: 07/16/15 09:44:43 AM

From: "Holloway, Clay" <CHolloway@kilpatricktownsend.com>

To: "rayjoao@optonline.net" <rayjoao@optonline.net>
Cc: "Woodworth, Megan S." <MSWoodworth@Venable.com>, "Cimino, Frank C., Jr." <FCCimino@Venable.com>, "Ho, Jackson" <Jackson.Ho@klgates.com>, "Martinez, Stephanie" <SMartinez@kilpatricktownsend.com>, "Kadaba, Wab" <WKadaba@kilpatricktownsend.com>, "Baca, Mike" <MBaca@kilpatricktownsend.com>

Mr. Joao,

My name is Clay Holloway and I am backup counsel for the Petitioners in the above listed IPRs. I am writing this morning to indicate the Petitioners' intention in these IPRs to file motions with PTAB seeking to afford these four IPRs a filing date of June 23,

2015. For IPR Nos. 1482; 1485; and 1486 the process for filing the Petitions began at approximately 10:50pm on June 23 but because of technical issues with PRPS (the system refused to accept properly formatted exhibits absent repeated submission) the filings took approximately seven hours to upload. Screen shots indicating the difficulty and notice to the PTAB began before Midnight on the 23d. For IPR No. 1484, the PRPS system continually and erroneously failed to recognize the filer as an authorized user of the payment account associated with the Petition. As you are likely aware, the PTAB has regularly found that such clerical and technical issues ought not to preclude the affording of a filing date for Petitions and other Filings in the IPR context.

After notifying the PTAB of these issues, the PTAB indicated we should wait for patent owner to enter and appearance in the matters and then seek your input on whether you will oppose the motions. Now that you have appeared in all four petitions, we inquire as to whether you will oppose these motions.

Please let us know at your earliest convenience.

Regards,
Clay



Clay Holloway

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<image003.gif>

From: "Holloway, Clay" <CHolloway@kilpatricktownsend.com>
Subject: IPR 2015-1482, 2015-1485, 2015-1486 -- Request for the Assignment of Panel(s)
Date: June 26, 2015 at 2:55:21 PM EDT
To: "trials@uspto.gov" <trials@uspto.gov>
Cc: "Kadaba, Wab" <WKadaba@kilpatricktownsend.com>, "Cimino, Frank C., Jr." <FCCimino@Venable.com>, "Woodworth, Megan S." <MSWoodworth@Venable.com>, "Ho, Jackson" <Jackson.Ho@klgates.com>, "Robinson, Natasha" <NaRobinson@kilpatricktownsend.com>, "Holloway, Clay" <CHolloway@kilpatricktownsend.com>

To the Board of Patent Appeals and Interferences:

My name is Clay Holloway and I am Backup Counsel for the Petitioners in IPR Nos. 2015-1482, 2015-1485, and 2015-1486 which were being filed on June 23, 2015 when technical issues in the PRPS system prevented completion of that process. Petitions 2015-1482 and 2015-1485 challenge claims of U.S.P.N. 7,397,363 and Petition 2015-1486 challenges claim of U.S.P.N. 6,549,130.

I am writing to request the early assignment of a Board Panel for each of Petitions 2015-1482, 2015-1485, and 2015-1486, so that Petitioners may seek permission from the Board to file a Motion to Afford the Correct Filing Date for each of these Petitions as June 23, 2015. As would be demonstrated by the motion, we attempted to complete filing of the Petitions on June 23, 2015. We filed the Petitions once we were able to work around technical problems that we encountered with the PRPS system, which ultimately resulted in a filing after midnight and a provisional filing date of June 24, 2015.

The Board's consideration and favorable action is respectfully requested.

Respectfully submitted,

Clay Holloway
Registration No. 58,011
Backup Counsel for Petitioner, CoxCom LLC

<image001.gif>

Clay Holloway
Kilpatrick Townsend & Stockton LLP

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