

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION,  
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,  
Patent Owner.

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Case IPR2015-01750  
Patent 8,484,111 B2

Case IPR2015-01751  
Case IPR2015-01752  
Patent 7,356,482 B2<sup>1</sup>

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Before LYNNE E. PETTIGREW, MITCHELL G. WEATHERLY, and  
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5*

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<sup>1</sup> This order addresses issues common to all cases; therefore, we issue a single order to be entered in each case.

IPR2015-01750 (Patent 8,484,111 B2)  
IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

On January 25, 2016, a conference call was held among counsel for both parties and Judges Pettigrew, Weatherly, and Chagnon. Particular issues discussed during the call are summarized below.

*Motions to Seal*

Petitioner requested clarification as to which party is responsible for filing Motions to Seal regarding the information it asserts is confidential (“Petitioner’s confidential information”). Petitioner asserts that Patent Owner, as the proponent of the evidence, is responsible for filing Motions to Seal regarding any papers and exhibits it files. Patent Owner believes that Petitioner should file the Motions to Seal, as it is Petitioner’s confidential information at issue.

We instructed the parties that, going forward in these proceedings, Patent Owner shall continue to file any papers and exhibits containing Petitioner’s confidential information with a “Parties and Board Only” status in PRPS. We authorized Petitioner to file, in each proceeding, a Motion to Seal with respect to any papers and exhibits previously filed by Patent Owner. The Motion to Seal shall be filed no later than February 8, 2016, and shall not exceed fifteen (15) pages. We also authorized Patent Owner to file an Opposition to the Motion to Seal. The Opposition shall be filed no later than five (5) business days after the date on which Petitioner files its Motion, and shall not exceed fifteen (15) pages. Both the Motion and the Opposition shall be filed with a “Parties and Board Only” status in PRPS.

*Protective Order*

Petitioner also requested clarification be provided to Patent Owner regarding specifically with whom Petitioner’s confidential information may be shared under the protective order. During the call, the parties agreed that,

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at this stage in the proceedings, Patent Owner's counsel will not share Petitioner's confidential information with any persons employed by its client, Applications in Internet Time, LLC, at least until decisions on institution are entered in these proceedings.

*Allegedly Untrue Assertions in Patent Owner's Filings*

Petitioner requested permission to notify the Board of allegedly untrue and unsupported representations in Patent Owner's papers. We informed the parties that the panel is capable of reviewing the evidence to determine if statements in both parties' papers are supported by the record. We did not authorize additional briefing on this issue.

*Requested Requirement to Meet and Confer via Telephone*

Patent Owner requested an order requiring the parties to meet and confer via telephone prior to either party contacting the Board in these proceedings. We informed the parties we would take the request under consideration, and will address such procedures in our Scheduling Order should a trial be instituted in any of these proceedings.

Accordingly, it is:

ORDERED that Petitioner is authorized to file in each proceeding a Motion to Seal, addressing any papers and exhibits previously filed by Patent Owner, limited to fifteen (15) pages, by no later than February 8, 2016;

FURTHER ORDERED that Patent Owner is authorized to file in each proceeding an Opposition to Petitioner's Motion to Seal, limited to fifteen (15) pages, no later than five (5) business days after the date on which Petitioner files its Motion;

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FURTHER ORDERED that the Motion and Opposition shall each be filed with a “Parties and Board Only” status in PRPS; and

FURTHER ORDERED that Patent Owner’s counsel will not share Petitioner’s confidential information with any persons employed by its client, Applications in Internet Time, LLC, at least until decisions on institution are entered in these proceedings.

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PETITIONER:

Richard F. Giunta  
Elisabeth H. Hunt  
Randy J. Pritzker  
WOLF, GREENFIELD & SACKS, P.C.  
[RGiunta-PTAB@wolfgreenfield.com](mailto:RGiunta-PTAB@wolfgreenfield.com)  
[EHunt-PTAB@wolfgreenfield.com](mailto:EHunt-PTAB@wolfgreenfield.com)  
[RPritzker-PTAB@wolfgreenfield.com](mailto:RPritzker-PTAB@wolfgreenfield.com)

PATENT OWNER:

Jonathan Pearce  
M. Kala Sarvaiya  
SoCal IP Law Group LLP  
[ksarvaiya@socalip.com](mailto:ksarvaiya@socalip.com)  
[jpearce@socalip.com](mailto:jpearce@socalip.com)