
From: Giunta, Rich
Sent: Wednesday, September 9, 2015 11:43 AM
To: Steve Sereboff
Cc: Kala Sarvaiya; Hunt, Elisabeth
Subject: RE: RPX v Applications in Internet Time [A213.L15F15]

Steve,

We are amenable to considering reasonable limited discovery requests. Please let us know what discovery you are seeking.

Regards,
Rich

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From: Steve Sereboff [mailto:SSereboff@socalip.com]
Sent: Tuesday, September 08, 2015 7:41 PM
To: Giunta, Rich
Cc: Kala Sarvaiya; [REDACTED]; Hunt, Elisabeth
Subject: RPX v Applications in Internet Time [A213.L15F15]

Rich,

We recently filed our appearances in your three IPRs for your client RPX against our client Applications in Internet Time. Without delay, we would like to undertake some limited discovery regarding real party in interest. You have considerable expertise on the issue and we might use your good work in the *Zerto* cases as a template. Will you

RPX already has a weak track record on the RPI issue before the PTAB (e.g., VirnetX and ParkerVision). As in these prior cases, RPX appears to be acting as an agent for a client, here Salesforce.com. If RPX is attempting, yet again, to flout its RPI obligations, we think RPX should be sanctioned. Although to our knowledge the PTAB's sanctions have not included attorneys' fees or restricted a party from filing new petitions, this could be a good test case.

Unless we receive your agreement to cooperate on discovery within one week, we will send you a formal letter on the issue as a predicate to asking the PTAB for leave to do so. Unlike our proposal for a private agreement between the parties, the motion practice and a PTAB decision on discovery will be public.

We are confident that our client will defeat all three of RPX's petitions against AIT. If your client would like to discuss a face-saving settlement, I would welcome a call from my friends there, such as [REDACTED].

/Steven C. Sereboff/
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