

Filed on behalf of Petitioner

By: /Richard F. Giunta/

Richard F. Giunta

Elisabeth H. Hunt

Randy J. Pritzker

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, MA 02210

Tel: (617) 646-8000

Fax: (617) 646-8646

RGiunta-PTAB@wolfgreenfield.com

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX Corporation

Petitioner

v.

Applications in Internet Time, LLC

Patent Owner

Case IPR2015-01750
Patent 8,484,111 B2

Case IPR2015-01751
Case IPR2015-01752
Patent 7,356,482 B2¹

PETITIONER'S REDACTED MOTION FOR SANCTIONS

¹ The word-for-word identical paper is filed in each proceeding identified in the heading.

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AIT repeatedly breached its agreement to comply with the default protective order (PO) resulting in RPX confidential information being exposed to unauthorized individuals [REDACTED]. Incredibly, the most recent breach occurred after RPX had already explained to AIT the initial breaches, what AIT needed to do to comply and the sensitivity of RPX's confidential information. Contrary to AIT's brazen suggestion that RPX will not obtain sanctions because harm will be difficult to prove, the sanctions requested are narrowly tailored to address very real harm, including unauthorized disclosure to individuals regularly involved in patent assertions by non-practicing entities ("NPEs") and [REDACTED] [REDACTED] of highly confidential information of RPX [REDACTED]

The scope of the breaches remains unclear because AIT failed to provide the information necessary to comply with the Board's Order (Paper 23). This was the latest in a long string of AIT actions that disregard the Board's rules, its order and the PO. RPX seeks sanctions to (1) compel AIT to identify the scope of the breach; (2) protect RPX's confidential information going forward; and (3) compensate RPX for significant expense incurred in addressing AIT's violations.

I. THE FACTS

AIT agreed to abide by the Board's standard PO before the Board call seeking discovery. Ex. 1026.² AIT's lead counsel Mr. Sereboff provided RPX

² Citations are to the Exhibit numbers used in IPR2015-01750 and IPR2015-01751.

with his signed acknowledgement of the PO prior to RPX's production. Ex. 1027. Subsequently, RPX emphasized to AIT that the PO limits access "to certain individuals (parties, party representatives, experts and in-house counsel) who have executed the acknowledgement." Ex. 1028.

On November 27, AIT informed RPX that it would file its Preliminary Patent Owner Response (PPOR) in IPR2015-01750 that day and would "protect RPX's confidential information." Ex. 1030. AIT filed the PPOR late that day along with a motion to seal it and requesting entry of the PO.

When RPX reviewed AIT's filing it learned for the first time that its confidential information had been shared with Messrs. Sturgeon, Boebel and Knuettel, and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Ex. 1031; Ex. 1046. The [REDACTED] disclosure included highly sensitive information, including [REDACTED]

Ex. 1020 at §9.9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] PPOR at 9-10.

The day after AIT's filing, RPX informed AIT of "protective order

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