

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 No. 8,484,111 B2

Case IPR2015-01751
Case IPR2015-01752¹
Patent 7,356,482 B2

DECLARATION OF STEVE W. CHIANG

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

RPX Exhibit 1190
RPX - AIT

I, Steve W. Chiang, declare:

1. I am Senior Director and IP Counsel for RPX Corporation (“RPX”). I have worked at RPX since December of 2013. I have been a member of RPX’s validity challenge identification team (also called the patent quality team) since that team was created in 2014. The team reviews patents asserted by non-practicing entities (“NPEs”) to identify potential candidates for *inter partes* review (IPR).

2. I am familiar with the reasons why RPX files petitions for *inter partes* review in general, and was personally involved in RPX’s decision to file the petitions for the *inter partes* review proceedings numbered IPR2015-01750, IPR2015-01751, and IPR2015-01752 (“the AIT IPRs”) concerning U.S. Patents Nos. 7,356,482 and 8,484,111 (“the AIT Patents”) owned by Applications in Internet Time, LLC (“AIT”).

3. I have reviewed the opinion of the United States Court of Appeals for the Federal Circuit in the appeal from the AIT IPRs, *Applications in Internet Time, LLC v. RPX Corporation*, 897 F.3d 1336 (Fed. Cir. 2018) (“the Federal Circuit opinion”).

4. I have reviewed the Declaration of William W. Chuang previously filed as Exhibit 1019 in IPR2015-01750 and IPR2015-01751 and as Exhibit 1119

in IPR2015-01752,² and I have reviewed the Declaration of William W. Chuang provided as Exhibit 1073. To the extent I have personal knowledge of facts discussed in either of these two declarations of Mr. Chuang, I agree with the statements in Mr. Chuang's declarations regarding those facts and have confirmed that those statements are accurate and consistent with my own recollection.

I. COMMUNICATIONS WITH SALESFORCE REGARDING AIT, ANY AIT PATENT, OR POST-GRANT PROCEEDINGS

5. All communications from before November 3, 2015, between RPX and Salesforce.com, Inc. ("Salesforce") regarding AIT or any AIT patent were served on AIT on November 3, 2015, and all such communications from between November 3, 2015, and December 7, 2015, were served on AIT on December 7, 2015.

6. Since December 7, 2015, the only communications between RPX and Salesforce regarding AIT or any AIT patent were in connection with [REDACTED]
[REDACTED]
[REDACTED], to notify Salesforce regarding any potential disclosure of Salesforce's confidential information. These communications consisted of five phone calls summarized in ¶¶ 7-9 below, and well as e-mail communications provided as Exhibits 1091 and 1092.

² I will use the exhibit numbering from IPR2015-01750 herein.

7. On February 9, 2018, I had a telephone call with [REDACTED]
[REDACTED]
[REDACTED], during which I requested a call with [REDACTED]. On February 12, 2018, I had the requested telephone call with [REDACTED], during which I informed [REDACTED] that a judge at the Federal Circuit had disclosed [REDACTED]
[REDACTED]
[REDACTED]

8. On July 10, 2018, I had a telephone call with [REDACTED], during which I requested a call with [REDACTED]. On July 11, 2018, I had the requested telephone call with [REDACTED], during which I informed [REDACTED] that the Federal Circuit had included items of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

9. On January 4, 2019, I had a telephone call with [REDACTED], during which I informed [REDACTED] that RPX would shortly be disclosing to AIT, pursuant to the Board's Order of December 7, 2018, regarding discovery in these proceedings, items of [REDACTED]
[REDACTED]
[REDACTED]

10. Other than the communications discussed in ¶¶ 5-9 above regarding the AIT IPRs, RPX has no record of any communications specifically between RPX and Salesforce regarding post-grant proceedings. In the normal course of its business, RPX produces regular newsletter e-mails and automatically-generated notification e-mails that inform broad lists of subscribers about currently relevant patent litigations and sometimes post-grant proceedings, based on publicly available information. The lists include at least hundreds of subscribers, including approximately a dozen subscribers with Salesforce-related e-mail addresses. It is therefore possible that one or more Salesforce employees may have received one or more mass newsletter or automatically-generated notification e-mails that discussed publicly available information on one or more post-grant proceedings. RPX has two teams (the RPX Insight team and the Litigation Intelligence team) responsible for producing and distributing these mass e-mails; the RPX Insight team does not keep records of the content of mass e-mails sent or of past recipients of mass e-mails, and the Litigation Intelligence team searched and found no communications sent to Salesforce recipients regarding post-grant proceedings.

II. COMMUNICATIONS WITH SALESFORCE REGARDING THE ISSUES OF RPI AND PRIVACY AS RELATED TO POST-GRANT PROCEEDINGS

11. RPX has had no communications with Salesforce regarding the issues of RPI and privacy as related to post-grant proceedings. In the communications

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