

Served on behalf of Petitioner

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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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**PETITIONER'S RESPONSES TO  
PATENT OWNER'S REQUESTS FOR PRODUCTION**

<sup>1</sup> The word-for-word identical paper applies to each proceeding identified in the heading.

RPX Exhibit 1196  
RPX - AIT

Petitioner RPX Corporation (“RPX”) hereby responds to the Patent Owner’s Request for Production.

## **RESPONSES**

**Request No. 1:** Documents sufficient to show Salesforce’s relationship to RPX, such as membership or client agreements, and renewals.

### **Response No. 1:**

RPX has produced all RPX membership agreements with Salesforce.com (“Salesforce”), including the Membership and License Agreement executed [REDACTED], (Bates Range RPX000014-RPX000025), the First Amendment executed [REDACTED], (Bates Range RPX000009-RPX000011) and the Second Amendment executed [REDACTED], (Bates Range RPX000012-RPX000013).

Although RPX does not believe the Board’s discovery Order calls for agreements under which RPX is a customer and user of Salesforce’s software (see Response No. 4 below), RPX has nevertheless produced [REDACTED] Order Forms documenting RPX’s orders for Salesforce software (Bates Ranges RPX000001-RPX000008 and RPX000026-RPX000036). These are sufficient to show RPX’s relationship to Salesforce as a software customer of Salesforce dating back to [REDACTED]. RPX believes that an additional Order Form for Salesforce software was signed in [REDACTED], but no such Order Form was found after diligent effort.

**Request No. 2:** Documents sufficient to show RPX's annual billings to Salesforce and the services associated with those billings.

**Response No. 2:**

RPX has produced a spreadsheet detailing RPX's billings invoiced to Salesforce. (Bates No. RPX000037.)

The [REDACTED] Membership and License Agreement (Bates Range RPX000014-RPX000025), the [REDACTED] First Amendment (Bates Range RPX000009-RPX000011), and the [REDACTED] Second Amendment (Bates Range RPX000012-RPX000013) produced under Request No. 1 are sufficient to show RPX's services to Salesforce associated with those billings.

**Request No. 3:** Communications between RPX and Salesforce, and their respective attorneys and agents, relating to the Challenged Patents, the Related IPR Proceedings, or the Salesforce Litigation, whether by name, code name or euphemism.

**Response No. 3:**

There were no communications between RPX and Salesforce about the IPR Proceedings before they were filed. The only communications between RPX and Salesforce regarding the IPR Proceedings occurred after the petitions were filed and were driven by AIT's discovery requests, [REDACTED]

[REDACTED]

[REDACTED].

RPX has produced an e-mail dated [REDACTED], (Bates Range RPX000047-RPX000067) and a Declaration of William W. Chuang (“the Declaration”) (Bates Range RPX000099-RPX000223) that summarizes oral communications that occurred between RPX and Salesforce employees relating to the Challenged Patents, the Related IPR Proceedings and/or the Salesforce Litigation. To the best of RPX’s knowledge, as explained in the Declaration, these are the only communications between RPX and Salesforce relating to the Challenged Patents, the Related IPR Proceedings, or the Salesforce Litigation, whether by name, code name or euphemism, and there have been no such communications between outside lawyers acting on behalf of RPX and Salesforce.

RPX has also produced a Daily Litigation Alert e-mail dated November 11, 2013, (Bates Range RPX000038-RPX000046) that mentions the filing of the Salesforce Litigation. As explained in the Declaration, it is possible that one or more Salesforce employees may have received this e-mail; however, it is not known to RPX whether any Salesforce employees were subscribers to that particular Daily Litigation Alert.

**Request No. 4:** Documents sufficient to show the names, dates, locations and times of any meetings or communications between Salesforce and RPX, or their attorneys, after the Salesforce Litigation began, unless produced under a prior request herein.

**Response No. 4:**

All meetings or communications between Salesforce and RPX, or their attorneys, that related to the Challenged Patents, the Related IPR Proceedings and/or the Salesforce Litigation are addressed in the response to Request No. 3.

RPX has produced a spreadsheet showing the names, dates, locations and times of all meetings and communications between employees of Salesforce in its capacity as an RPX client and employees of RPX in its capacity as a service provider, or their attorneys, after the Salesforce Litigation began, that RPX was able to identify after a diligent search. (Bates Range RPX000077-RPX000090.) Where RPX's records were not clear on precisely which individuals participated in a meeting or communication, RPX erred on the side of being overly inclusive in identifying the individuals that are believed to have participated.

RPX does not believe that the Board's discovery Order contemplated meetings or communications between employees of Salesforce in its capacity as a software vendor and employees of RPX in its capacity as a Salesforce customer and user of that software. AIT represented to the Board (Patent Owner's Motion

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