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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 OPPOSITION TO PATENT OWNER'S
MOTION FOR ADDITIONAL DISCOVERY**

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

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RULES

77 F. Reg. at 487592, 6

I. AIT FAILS TO MEET THE FIRST GARMIN FACTOR

AIT's discovery motion should be denied. RPX has already told AIT that Salesforce is entirely uninvolved in the IPRs and offered to produce any and all evidence relating to control, ability to control, direction of or funding of the IPRs by Salesforce - but none exists. Despite this and the absence of any evidence showing beyond speculation that something useful will be found as required by *Garmin*, AIT futilely pushes forward with expansive discovery requests that are not properly tailored to meet the *Garmin* factors.

The mere possibility or allegation that something useful will be found is not enough. AIT "should already be in possession of evidence tending to show beyond speculation that in fact something useful will be uncovered." *Garmin*, IPR2012-00001, Paper 26 at 6.² "Useful" means "favorable in substantive value to a contention of the party moving for discovery." *Id.* at 7. Thus, to meet the first *Garmin* factor, AIT must possess evidence demonstrating that something will be found that is favorable to its assertion that Salesforce is an unnamed RPI.

AIT does not specify what the "something useful" is that allegedly exists, let alone present evidence of its existence. AIT seeks wide ranging discovery in the hope that something useful will be uncovered. This type of fishing expedition is prohibited by *Garmin* and routinely denied by the Board.

² Full citations to all cited Board decisions are provided in the Table of Authorities.

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