

Filed: March 19, 2021

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

RPX CORPORATION,

Petitioner

v.

APPLICATIONS IN INTERNET TIME, LLC,

Patent Owner

---

IPR2015-01750  
Patent 8,484,111 B2

IPR2015-01751  
IPR2015-01752  
Patent 7,356,482 B2

---

**PATENT OWNER'S OPPOSITION  
TO PETITIONER'S MOTION  
TO EXPUNGE CONFIDENTIAL INFORMATION**

Pursuant to 37 C.F.R. § 42.25, Patent Owner Applications in Internet Time, LLC (“AIT”) submits this opposition to Petitioner RPX Corporation’s (“RPX’s”) Motion to expunge from the record the confidential information that the Board previously ordered sealed in these proceedings (“Mot.”). AIT respectfully requests that the Board deny RPX’s motion to expunge the confidential information, and instead maintain that confidential information in the sealed record.

The parties agree that keeping the information in the confidential record is an adequate measure to prevent any alleged harm that might come to RPX should the information be disclosed to the public. Indeed, RPX moves, in the alternative, for the sealed documents to be kept confidential. Mot. at 1, 13. Moreover, RPX does not articulate any reason why the information should be entirely expunged rather than kept sealed. RPX even requests expungement of Board decisions, such as the decision to institute (Paper 51) and the decision on remand (Paper 123), without providing any precedent for expungement of such decisions. *Id.* at 2, 6.

Maintaining the information in the confidential record, rather than expunging it entirely, serves the important function of permitting the Board to review a full record in future determinations regarding real party in interest and time bar under 35 U.S.C. § 315(b). The Board recognized the importance of its decision in the present proceedings, first by reassigning these cases to the most senior administrative patent judges available, and later by designating its decision

on remand as precedential. Paper 122 at 3; Paper 128 at 1 (precedential designation, Dec. 4, 2020). As RPX concedes, the Board expressly relied on many of the documents that RPX now seeks to expunge from the record entirely, without even a redacted version remaining available. Mot. at 11–12. Thus, “because these [documents] do relate to a decision made by the Board ... it is prudent to retain these details in the record as they may be relevant to future related proceedings, albeit in the confidential record,” and “because they provide the factual underpinnings” for a precedential decision of the Board. *Unified Patents Inc. v. Cellular Comms. Equipment LLC*, Case IPR2018-00091, Paper 37 at 9 (Oct. 3, 2019); *see also Ericsson Inc. v. Regents of the University of Minnesota*, Case IPR2017-01186, Paper 62 at 3 (Dec. 18, 2020) (denying motion to expunge, while retaining confidential documents under seal, where documents “provide[d] the basis for certain findings and conclusions,” and therefore “it would not be appropriate to expunge the confidential versions of those documents from the record.”).

In conclusion, the Board should deny RPX’s motion to expunge, and maintain the sealed information in the confidential record.

Date: March 19, 2021

Respectfully Submitted,  
By: /Steven C. Sereboff/  
Steven C. Sereboff

[ssereboff@socalip.com](mailto:ssereboff@socalip.com)

SoCal IP Law Group LLP

310 N. Westlake Boulevard

Suite 120

Westlake Village, CA 91362

Tele: (805) 230-1350 • Fax: (805) 230-1355

*Attorneys for Applications In Internet Time  
LLC*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this “PATENT OWNER’S OPPOSITION TO PETITIONER’S MOTION TO EXPUNGE CONFIDENTIAL INFORMATION” has been served via email on March 19, 2021, upon the following:

Richard F. Giunta  
[RGiunta-PTAB@wolfgreenfield.com](mailto:RGiunta-PTAB@wolfgreenfield.com)  
Elisabeth H. Hunt  
[EHunt-PTAB@wolfgreenfield.com](mailto:EHunt-PTAB@wolfgreenfield.com)  
Randy J. Pritzker  
[RPritzker-PTAB@wolfgreenfield.com](mailto:RPritzker-PTAB@wolfgreenfield.com)  
Michael N. Rader  
[MRader-PTAB@wolfgreenfield.com](mailto:MRader-PTAB@wolfgreenfield.com)

Dated: March 19, 2021

By: /Anneliese Lomonaco/  
Anneliese Lomonaco  
Paralegal at SoCal IP Law Group