

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.

Petitioner

v.

FO2GO LLC

Patent Owner

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IPR-\_\_\_\_\_

U.S. Patent No. 7,173,651

**Apparatus and System for Prompt Digital Photo  
Delivery and Archival**

**PETITIONER UNIFIED PATENTS INC.'S  
VOLUNTARY INTERROGATORY RESPONSES**

Petitioner, Unified Patents Inc., provides the following interrogatory responses.

### DEFINITIONS

- A. '651 PATENT means U.S. Patent No. 7,173,651
- B. COMMUNICATIONS means the transmission or receipt of information of any kind through any means (e.g., email, text message, voicemail, audio, computer readable media, or orally).
- C. MEMBER means any company that subscribes to at least one of UNIFIED'S service offerings and MEMBERS means all such companies.
- D. IPR means *inter partes* review.
- E. THE INSTANT IPR means this proceeding.
- F. PETITION means the petition, including the exhibits thereto, for THE INSTANT IPR.
- G. UNIFIED means Unified Patents Inc. and includes any shareholder, officer, director, employee, agent, representative, privies, intermediaries or other individual authorized to act on behalf of Unified Patents Inc.
- H. USPTO means the United States Patent and Trademark Office.

## **RESPONSES TO INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Identify any COMMUNICATIONS between UNIFIED and any entity other than its counsel and expert witness relating to the financing, preparation, editing, prior review, or approval of the PETITION.

### **RESPONSE NO. 1:**

UNIFIED states that no such communications exist.

UNIFIED states that it was founded by intellectual property professionals over concerns with the increasing risk of non-practicing entities (NPEs) asserting poor quality patents against strategic technologies and industries. The founders thus created a first-of-its-kind company whose sole purpose is to deter NPE litigation by protecting technology sectors, such as wireless, content delivery, and cloud storage, the technologies at issue in the '651 PATENT. Companies in a technology sector subscribe to UNIFIED's technology specific deterrence, and in turn, UNIFIED performs many NPE-deterrent activities, such as analyzing the technology sector and monitoring patent activity (including patent ownership and sales, NPE demand letters and litigation, and industry companies). UNIFIED's monitoring activities allow UNIFIED to identify patents, perform prior art research, analyze invalidity, and to sometimes file reexams or IPRs against some patents.

UNIFIED states that it has sole and absolute discretion over its decision to contest patents through the USPTO's post-grant proceedings. Based on its own analysis, UNIFIED determines which patents are worth pursuing in terms of searching for prior art or taking action, including filing an IPR. UNIFIED's decisions to file an IPR are made independently without the input, assistance or approval of its MEMBERS. Should UNIFIED decide to challenge a patent in a post-grant proceeding, UNIFIED controls every aspect of such a challenge, including controlling which patent and claims to challenge, which prior art to apply and the grounds raised in the challenge, and when to bring any challenge.

MEMBERS receive no prior notice of UNIFIED's patent challenges. After filing a post-grant proceeding, UNIFIED retains sole and absolute discretion and control over all strategy decisions (including any decision to continue or terminate UNIFIED's participation). UNIFIED is also solely responsible for paying for the preparation, filing, and prosecution of any post-grant proceeding, including any expenses associated with the proceeding.

In THE INSTANT IPR, UNIFIED exercised its sole discretion and control in deciding to file this PETITION against the '651 PATENT, including paying for all fees and expenses. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of this proceeding (including any decision to terminate UNIFIED's participation) and shall bear all subsequent costs related to

this proceeding.

**INTERROGATORY NO. 2:**

Identify any individuals acting for or on behalf of any entity other than UNIFIED'S counsel and expert witness that participated or assisted in any way with the financing, preparation, editing, prior review, approval, or filing of the PETITION.

**RESPONSE NO. 2:**

UNIFIED states that no such individuals exist. UNIFIED further states that no individuals other than UNIFIED employees and its counsel and expert witness had any prior knowledge of the filing of THE INSTANT IPR.

As stated in the response to Interrogatory No. 1, in the instant proceeding, UNIFIED exercised its sole discretion and control in deciding to file this PETITION against the '651 PATENT, including paying for all fees and expenses. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of this proceeding (including any decision to terminate UNIFIED's participation) and shall bear all subsequent costs related to this proceeding.

UNIFIED further states that its MEMBERS do not get to participate in any way in UNIFIED's deterrent activities. UNIFIED does not receive input from its MEMBERS, nor give them an opportunity to participate or an opportunity to even know that UNIFIED is contemplating filing an IPR before the IPR is filed. In the

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