

I

From: Jonathan Baker [<mailto:JBaker@farneydaniels.com>]

Sent: Thursday, July 06, 2017 7:57 PM

To: [Trials <Trials@USPTO.GOV>](mailto:Trials@USPTO.GOV)

[Pritzker-PTAB@wolfgreenfield.com](mailto:Pritzker-PTAB@wolfgreenfield.com); [MRader-PTAB@wolfgreenfield.com](mailto:MRader-PTAB@wolfgreenfield.com); [ATibbetts-PTAB@wolfgreenfield.com](mailto:ATibbetts-PTAB@wolfgreenfield.com); CreativeZen  
[CreativeZen@farneydaniels.com](mailto:CreativeZen@farneydaniels.com)

Subject: Sony v. Creative, IPR2016-01407 - Motion to Dismiss

Dear Members of the Board:

Pursuant to 37 C.F.R. § 42.20(b), Patent Owner Creative Technology Ltd. seeks authorization to file a motion to dismiss for lack of jurisdiction on the basis that inter partes review procedure violates Article III and the Seventh Amendment of the Constitution by extinguishing private property rights through a non-Article III forum without a jury. Patent Owner acknowledges that such argument is foreclosed under existing Federal Circuit precedent but hereby formally reserves this issue in light of the Supreme Court's recent grant of certiorari in *Oil States Energy Services LLC v. Greene's Energy Group, LLC*, Docket No. 16-2017 U.S. LEXIS 3727, 85 U.S.L.W. 3578 (2017).

Counsel for Patent Owner has conferred with counsel for Petitioner, who opposes this motion.

If necessary, the parties are available for a call with the Board on the following dates and times:

- Friday, 7/7: 3-5pm Eastern
- Wednesday, 7/12: 3-5 pm Eastern

Sincerely,

Jonathan D. Baker

Counsel for Patent Owner, Creative Technology Ltd.

**Jonathan D. Baker**

FARNEY DANIELS PC

3090 Borel Avenue, Suite 310

San Mateo, CA 94402

e: 424-268-5210  
512-582-2829  
l: [jbaker@farneydaniels.com](mailto:jbaker@farneydaniels.com)

---

mail is for the use of the intended recipient(s) only. The information contained in this communication may be confidential and may be subject to the attorney-client privilege. If you have received this email in error, notify the sender immediately by replying to this transmission or calling Farney Daniels, P.C. at (512) 582-2828 and then delete it. If you are not the intended recipient, you must not read, use, disclose, copy or delete this email or any attachments without the author's prior permission. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital signature.