

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner

v.

DIGITAL AUDIO ENCODING SYSTEMS, LLC
Patent Owner

IPR2016-01710
Patent 7,490,037

PETITIONER'S VOLUNTARY INTERROGATORY RESPONSES

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

DEFINITIONS

- A. '037 PATENT means U.S. Patent 7,490,037.
- B. COMMUNICATIONS means the transmission or receipt of information of any kind through any means (*e.g.*, e-mail, text message, voicemail, audio, computer readable media, or orally).
- C. MEMBER means any company that participates in UNIFIED's solution 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 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 patents of poor quality 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, *inter alia*, content delivery, a technology at issue in the '037 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 allows it to identify patents, perform prior art research, analyze invalidity, and to sometimes file reexaminations 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 '037 PATENT, including paying for all fees and expenses. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of THE INSTANT IPR (including any

decision to terminate UNIFIED's participation) and shall bear all subsequent costs related to THE INSTANT IPR.

INTERROGATORY NO. 2:

Identify any individuals acting for or on behalf of any entity other than UNIFIED's counsel 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's employees and its counsel had any prior knowledge of the filing of THE INSTANT IPR.

As stated in response to Interrogatory No. 1, in THE INSTANT IPR, UNIFIED exercised its sole discretion and control in deciding to file the PETITION against the '037 PATENT, including paying for all fees and expenses. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of THE INSTANT IPR (including any decision to terminate UNIFIED's participation) and shall bear all subsequent costs related to THE INSTANT IPR.

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, and does not give them an opportunity to participate in or an

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