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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

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT 7,490,037
CHALLENGING CLAIMS 1-32
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

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I. MANDATORY NOTICES

A. Real Party-in-Interest

Pursuant to 37 C.F.R. § 42.8(b)(1), Unified Patents Inc. (“Unified” or “Petitioner”) certifies that Unified is the real party-in-interest, and further certifies that no other party exercised control or could exercise control over Unified’s participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial. In this regard, Unified has submitted voluntary discovery. *See* EX1035 (Petitioner’s Voluntary Interrogatory Responses).

B. Related Matters

U.S. Patent 7,490,037 (“the ’037 Patent” (EX1001)) is owned by Digital Audio Encoding Systems, LLC (“DAE”, or “Patent Owner”). *See* EX1036 (Apple Complaint), at ¶ 15.

On May 25, 2016, DAE filed a lawsuit in the District of Delaware alleging infringement of the ’037 Patent in *Digital Audio Encoding Systems, LLC v. Apple Inc.*, No. 1:16-cv-00389 (D. Del. Filed May 25, 2016).

On June 23, 2016, DAE filed multiple additional lawsuits in the District of Delaware on the same grounds:

Digital Audio Encoding Systems, LLC v. Fry’s Electronics, Inc., No. 1:16-cv-00481 (D. Del. Filed June 23, 2016);

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