
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNITIED PATENTS INC.
Petitioner

v.

DIGITAL AUDIO ENCODING SYSTEMS, LLC
Patent Owner

IPR2016-01710
Patent 7,490,037

PATENT OWNER'S MOTION TO EXPUNGE
PRELIMINARY REPOSENSE

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**MOTION TO EXPUNGE PATENT OWNER’S PRELIMINARY
RESPONSE AND RELATED EXHIBITS**

I. INTRODUCTION

Patent Owner Digital Audio Encoding Systems, LLC (hereinafter “DAE” or “Patent Owner”) respectfully submits this Motion to Expunge the Patent Owner’s Preliminary Response along with its attached Exhibits 1-3 (Dkt. Nos. 10-13, collectively “POPR”). Petitioner Unified Patents, Inc. (hereinafter “Unified Patents” or “Petitioner”) alleges that both the Response and exhibits include confidential information subject to a non-disclosure agreement. Pursuant to 37 C.F.F. § 42.54, Patent Owner certifies that it has previously conferred with Petitioner regarding this Motion to Expunge, and Petitioner does not oppose.

II. FACTS AND DISCUSSION

Patent Owner believes that the patent claims of the subject patent, U.S. Patent No. 7,490,037 (the “’037 patent”) are invalid in light of recently-developed information, specifically, a break in the continuity in the chain of priority applications due to failure to pay an extension fee. As a result, Patent Owner and Petitioner expect to take steps to seek an adverse judgment on the above-identified IPR, and/or dedicate the patent to the public. In the meantime, Petitioner believes that the POPR includes confidential information, and has

requested that Patent Owner expunge the filing. Given the above circumstances, Patent Owner has no objection to expunging the POPR.

III. CONCLUSION

Accordingly, Patent Owner requests that this motion be granted and that the POPR, collectively Docket Entries 10-13, be expunged from the record.

Respectfully submitted,

Dated: December 20, 2016

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