

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

VALENCELL, INC.
Patent Owner

Case IPR2017-00319
U.S. Patent No. 8,923,941

**PETITIONER APPLE INC.'S LIST OF ALLEGED
MISREPRESENTATIONS OF FACT AND INCONSISTENT
STATEMENTS**

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

Petitioner Apple Inc. hereby submits a List of Alleged Misrepresentations of Fact and Inconsistent Statements pursuant to the Board's Order of April 12, 2017 (Paper 8). Petitioner provides a simple listing of citations to misstatements of fact from the Preliminary Response in IPR2017-00319 and IPR2017-00321:

IPR2017-00319

1. P. 27, line 18 – p. 28, line 1.

IPR2017-00321

2. P. 31, lines 11-12.
3. P. 33, lines 7-11.
4. P. 33, lines 12-16.

The Table below identifies a statement from the Preliminary Response in IPR2017-00319 and a corresponding inconsistent statement from the Preliminary Response in IPR2017-00321.

| IPR2017-00319 (Paper 6) | IPR2017-00321(Paper 6) |
|-------------------------|------------------------|
| p. 27, line 18-19 | p. 16, line 16-18 |

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Michael D. Specht/

Michael D. Specht (Reg. No. 54,463)
Attorney for Petitioner

Date: April 14, 2017

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATION OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that on April 14, 2017, true and correct copies of the foregoing **PETITIONER APPLE INC.'S LIST OF ALLEGED MISREPRESENTATIONS OF FACT AND INCONSISTENT STATEMENTS** was served electronically via email in their entirety on the following counsel of record for Patent Owner:

Justin B. Kimble (Lead Counsel)
JKimble-IPR@bcpc-law.com

Nicholas C. Kliewer (Back-up Counsel)
nkliewer@bcpc-law.com

Jonathan H. Rastegar (Back-up Counsel)
jrastegar@bcpc-law.com

BRAGALONE CONROY PC
2200 Ross Avenue, Suite 4500 – West
Dallas, TX 75201

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Michael D. Specht/

Michael D. Specht (Reg. No. 54,463)
Attorney for Petitioner

Date: April 14, 2017

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

5231032_2.docx