

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIRIUS XM RADIO INC.,
Petitioner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER
ANGEWANDTEN FORSCHUNG E.V.,
Patent Owner.

Case IPR2018-00689
Patent No. 6,993,084

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

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EXHIBIT LIST

EXHIBIT No.	DESCRIPTION
Exhibit 1025	Declaration of Patrick L. Donnelly

I. SIRIUS XM PROPERLY IDENTIFIED THE REAL PARTIES IN INTEREST

Sirius XM Radio Inc. (“Radio”) properly named all real parties in interest (“RPIs”) in its Petition. Patent Owner dedicates almost half of its Preliminary Response to erroneously claim that Radio failed to identify all RPIs in its Petition. Paper 7 (“Resp.”) at 4-5, 8-28. As explained below, there is no basis for Patent Owner’s position. However, even if the Board concluded that additional entities should be identified, the instant case is the exact scenario where the Board permits parties to further identify RPIs without any effect on the filing date of the Petition.

As explained in the accompanying declaration of Mr. Patrick L. Donnelly, Radio’s Executive Vice President, General Counsel and Secretary, Sirius XM Holdings Inc. (“Holdings”) and Liberty Media Corporation (“Liberty”) are not RPIs because they (1) do not direct or control business activities and operations of Radio; and (2) have not directed, controlled, funded (e.g., PTO or legal fees) or otherwise been involved in these proceedings in any way. Ex. 1025 at ¶¶ 3-15. Moreover, Holdings is a non-operational holding company and owns all the issued and outstanding capital stock of Radio, while Liberty’s connection is even more attenuated as it merely owns 70% of the outstanding common stock of Holdings. *Id.* at ¶¶ 3-4, 7-9. Under these circumstances, the Board’s precedent clearly shows that such entities do not qualify as RPIs.

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