

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2018-00952  
Patent No. 9,253,239

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**BRADIUM TECHNOLOGIES LLC's  
PATENT OWNER CONTINGENT MOTION TO AMEND PURSUANT TO  
37 C.F.R. §42.121**

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**TABLE OF AUTHORITIES**

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**Cases**

*Bosch Auto. Serv. Sols., LLC v. Matal*,  
878 F.3d 1027 (Fed Cir. 2017)..... 2, 19

*In re Aqua Products, Inc. v. Matal*,  
872 F.3d 1290 (Fed. Cir. 2017)..... 2, 19

**Statutes**

35 U.S.C. § 316(d) .....1

**Regulations**

37 C.F.R. § 42.11 ..... 19, 24

37 C.F.R. § 42.121 ..... 1, 2, 3, 5

**EXHIBIT LIST**

Exhibit	Description
2001	USPTO Public PAIR screen capture for Correspondence Address and Attorney/Agent Information for Application No. 14/547,148 ('293 Patent)
2002	Notice of Acceptance of Power of Attorney, Date Mailed 03/11/2016, for Application No. 14/547,148 ('293 Patent)
2003	Declaration of Michael N. Zachary in Support of Patent Owner's Motion for <i>Pro Hac Vice</i>
2004	PROTECTIVE ORDER MATERIAL: Transcript of Deposition of Unified Patents CEO, Kevin Jakel dated September 10, 2018
2005	<i>Team</i> , Unified Patents, <a href="https://www.unifiedpatents.com/team/#">https://www.unifiedpatents.com/team/#</a>
2006	<i>Join</i> , Unified Patents, <a href="https://www.unifiedpatents.com/join/">https://www.unifiedpatents.com/join/</a>
2007	<i>Join</i> , Unified Patents (May 17, 2018), <a href="https://web.archive.org/web/20180517015601/https://www.unifiedpatents.com/join/">https://web.archive.org/web/20180517015601/https://www.unifiedpatents.com/join/</a>
2008	PROTECTIVE ORDER MATERIAL: Unified Patents Membership Agreement
2009	PROTECTIVE ORDER MATERIAL: Exhibit A: Internet of Things (IoT) Zone
2010	Belcher, Marta, et al., "Hacking the Patent System: A guide to Alternative Patent Licensing for Innovators," <i>Juelsgaard Intellectual Property &amp; Innovation Clinic Stanford Law School</i> , dated May 2014
2011	<i>Protected Zones</i> , Excerpt of United Patents (Oct. 27, 2016), <a href="https://web.archive.org/web/20161027135832/http://www.unifiedpatents.com:80/zones/">https://web.archive.org/web/20161027135832/http://www.unifiedpatents.com:80/zones/</a>
2012	U.S. Patent No. 9,253,239, "Optimized Image Delivery Over Limited Bandwidth Communication Channels," issued Feb. 2, 2016 ("'239 Patent") (Not filed)
2013	PROTECTIVE ORDER MATERIAL: Petitioner's Voluntary Interrogatory Response

Exhibit	Description
2014	<i>Bradium Technologies LLC</i> , Unified Patents (August 3, 2015), <a href="https://web.archive.org/web/20150803044103/http://bradiumtechnologies.com/">https://web.archive.org/web/20150803044103/http://bradiumtechnologies.com/</a>
2015	Docket Navigator of Unified Patents dated Jun. 17, 2015
2016	Bradium Technologies LLC v. Microsoft Corp., Complaint, filed Jan. 9, 2015
2017	<i>Bradium Technologies and Microsoft Settle Patent Lawsuit</i> , Bradium Technologies (Oct. 17, 2017), <a href="http://www.bradiumtechnologies.com/bradium/bradium-technologies-and-microsoft-settle-patent-lawsuit">http://www.bradiumtechnologies.com/bradium/bradium-technologies-and-microsoft-settle-patent-lawsuit</a>
2018	<i>Unified Patents, backed by Google, takes fight to patent trolls</i> , Don Reisinger, CNET (Apr. 8, 2013)
2019	Don Clark, New Venture Enters Patent Fray, <i>Wall Street Journal</i> , published Apr. 7, 2013
2020	<i>The Gloves are Off: Unified Patents Inc. Unveils Its ‘NPE Deterrent’ Strategy</i> , Unified Patents (September 23, 2013), <a href="http://justdemo.in/unified/2013/09/23/the-gloves-are-off-unified-patents-inc-unveils-its-npe-deterrent-strategy/">http://justdemo.in/unified/2013/09/23/the-gloves-are-off-unified-patents-inc-unveils-its-npe-deterrent-strategy/</a>
2021	<i>Unified Patents Challenges Clouding IP Patent Seeks to Push Patent Trolls Out of Cloud Storage</i> , Unified Patents (September 23, 2013), <a href="http://unifiedpatents.com/2013/09/23-unified-patents-challenges-clouding-ip-patent-seeks-to-push-patent-trolls-out-of-cloud-storage/">http://unifiedpatents.com/2013/09/23-unified-patents-challenges-clouding-ip-patent-seeks-to-push-patent-trolls-out-of-cloud-storage/</a>
2022	<i>Unified has challenged almost all of 2017’s most prolific NPEs</i> , United Patents (Jul. 5, 2017), <a href="https://www.unifiedpatents.com/news/2017/7/5/according-to-rpx-datea-has-challenged-almost-all-of-2017s-most-prolific-npes">https://www.unifiedpatents.com/news/2017/7/5/according-to-rpx-datea-has-challenged-almost-all-of-2017s-most-prolific-npes</a>
2023	Email from Unified Patents to Michael Zachary re “Unified reaches 100 challenges,” dated Nov. 15, 2017
2024	Unified Patents (January 1, 2014), <a href="https://web.archive.org/web/20140101033720/http://unifiedpatents.com/">https://web.archive.org/web/20140101033720/http://unifiedpatents.com/</a>

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