

PUBLIC REDACTED VERSION

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner.

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

**BRADIUM TECHNOLOGIES LLC'S
SUR-REPLY TO PETITIONER'S PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. §42.108(c)**

TABLE OF CONTENTS

	<u>Page</u>
I. Unified Has Not Met Its Burden To Show It Is the Sole RPI.....	1
II. CONCLUSION.....	6

TABLE OF AUTHORITIES

	<u>Page</u>
Cases	
<i>Applications in Internet Time, LLC v. RPX Corp.</i> , 897 F.3d 1336 (Fed. Cir. 2018).....	2, 3, 4, 5
<i>California Physicians' Serv. v. Aoki Diabetes Research Inst.</i> , 163 Cal. App. 4th 1506 (2008)	2
<i>Unified Patent v. Plectrum LLC</i> , IPR 2017-01430 (Nov. 13, 2018)	4
<i>Unified Patents Inc. v. Realtime Adaptive Streaming, LLC</i> , IPR2018-00883 (Oct. 11, 2018).....	4, 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, https://www.unifiedpatents.com/team/#
2006	<i>Join</i> , Unified Patents, https://www.unifiedpatents.com/join/
2007	<i>Join</i> , Unified Patents (May 17, 2018), https://web.archive.org/web/20180517015601/https://www.unifiedpatents.com/join/
2008	PROTECTIVE ORDER MATERIAL: Unified Patents Membership Agreement
2009	PROTECTIVE ORDER MATERIAL: Exhibit A: Subscription Form – 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 & Innovation Clinic Stanford Law School</i> , dated May 2014
2011	<i>Protected Zones</i> , Excerpt of United Patents (Oct. 27, 2016), https://web.archive.org/web/20161027135832/http://www.unifiedpatents.com:80/zones/
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), https://web.archive.org/web/20150803044103/http://bradiumtechnologies.com/
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), http://www.bradiumtechnologies.com/bradium/bradium-technologies-and-microsoft-settle-patent-lawsuit
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), http://justdemo.in/unified/2013/09/23/the-gloves-are-off-unified-patents-inc-unveils-its-npe-deterrent-strategy/
2021	<i>Unified Patents Challenges Clouding IP Patent Seeks to Push Patent Trolls Out of Cloud Storage</i> , Unified Patents (September 23, 2013), http://unifiedpatents.com/2013/09/23-unified-patents-challenges-clouding-ip-patent-seeks-to-push-patent-trolls-out-of-cloud-storage/
2022	<i>Unified has challenged almost all of 2017's most prolific NPEs</i> , United Patents (Jul. 5, 2017), https://www.unifiedpatents.com/news/2017/7/5/according-to-rpx-data-has-challenged-almost-all-of-2017s-most-prolific-npes
2023	Email from Unified Patents to Michael Zachary re "Unified reaches 100 challenges," dated Nov. 15, 2017
2024	Unified Patents (January 1, 2014), https://web.archive.org/web/20140101033720/http://unifiedpatents.com/

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.