
From: Iturralde, Enrique W. <EIturralde@brownrudnick.com>
Sent: Monday, September 24, 2018 3:26 PM
To: Rob Sokohl; Jonathan Tuminaro; Rubino, Vincent J.
Cc: Fabricant, Alfred R.; Lambrianakos, Peter; Ryan Richardson; Dohm Chankong; PTAB Account
Subject: RE: Google v. AGIS, IPR2018-01080, -01083, -01084, -01086, -01087, and -01088

Rob,

Regarding your first request, if Google cannot provide us with the scope of its proposed Petitioner Replies, then we cannot give you a definitive position. In your e-mail to the Board, you may state the following: "Regarding Google's first request, AGIS consents to Google's request to the extent that the proposed replies are substantively identical to Petitioner's Replies in IPR2018-01079, IPR2018-01081, IPR2018-01082, and IPR2018-01085. AGIS opposes any proposed reply that would differ in substance from the Petitioner's Replies as previously filed in IPR2018-01079, IPR2018-01081, IPR2018-01082, and IPR2018-01085."

Your second request amounts to an early motion to submit Supplemental Information which is—by rule—typically reserved for post-institution practice. The Board has not considered this extraordinary request in any of the Google-AGIS proceedings. The Board did not authorize (and Google did not request on the previous conference call) the filing of supplemental exhibits with Petitioner's Replies. You have not provided any reason or explanation of good cause for the Board to change the rules in this particular instance. Thus, we believe that a conference call is necessary, and we await your explanation before providing you with our position.

Regards,
Enrique

From: Rob Sokohl [mailto:RSOKOHL@sternekessler.com]
Sent: Monday, September 24, 2018 2:16 PM
To: Iturralde, Enrique W.; Jonathan Tuminaro; Rubino, Vincent J.
Cc: Fabricant, Alfred R.; Lambrianakos, Peter; Ryan Richardson; Dohm Chankong; PTAB Account
Subject: RE: Google v. AGIS, IPR2018-01080, -01083, -01084, -01086, -01087, and -01088

External E-mail. Use caution accessing links or attachments.

Counsel, we have not yet decided what we will argue in any future replies. We see no need to have a conference call (unless the Board wants one) given the previous discussions with the Board on this issue. We will simply inform the Board of our request via email.

Rob

Rob Sokohl
Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
Email: rsokohl@skgf.com
Direct: 202.772.8677 **Main:** 202.371.2600

Administrative Assistant: Maya Bennett

Google Ex. 1029

From: Iturralde, Enrique W. [mailto:Eliturralde@brownrudnick.com]
Sent: Sunday, September 23, 2018 12:54 PM
To: Jonathan Tuminaro; Rubino, Vincent J.
Cc: Fabricant, Alfred R.; Lambrianakos, Peter; Rob Sokohl; Ryan Richardson; Dohm Chankong; PTAB Account
Subject: Re: Google v. AGIS, IPR2018-01080, -01083, -01084, -01086, -01087, and -01088

Counsel,

In order for us to determine our position, please let us know whether you will include in your proposed replies/explanations any additional arguments that were not presented in your first set of Petitioner Replies.

Also, do you intend to make both requests without proposing a conference call with the Board?

Thanks,
Enrique

From: Jonathan Tuminaro <JTUMINAR@sternekessler.com>
Date: Friday, September 21, 2018 at 12:25 PM
To: "Rubino, Vincent J." <VRubino@brownrudnick.com>
Cc: "Fabricant, Alfred R." <AFabricant@brownrudnick.com>, "Lambrianakos, Peter" <PLambrianakos@brownrudnick.com>, "Iturralde, Enrique W." <Eliturralde@brownrudnick.com>, Rob Sokohl <RSOKOHL@sternekessler.com>, Ryan Richardson <RRICHARDSON@sternekessler.com>, "dchankong@sternekessler.com" <DCHANKONG@sternekessler.com>, "ptab@sternekessler.com" <PTAB@sternekessler.com>
Subject: Google v. AGIS, IPR2018-01080, -01083, -01084, -01086, -01087, and -01088

External E-mail. Use caution accessing links or attachments.

Vincent,

We intend to send the email below to the Board, seeking permission to (i) file a 3-page reply in IPR2018-01080, IPR2018-01086, and IPR2018-01088 and (ii) file the joint claim construction from the district court along with a one-page explanation in IPR2018-01083, IPR2018-01084, and IPR2018-01087.

Please let us know if you will oppose Google's requests. Please also let us know your availability for a call with the Board. If we do not hear from you by 5:00 pm ET on Monday, September 24, we will send the email to the Board.

Regards,
Jonathan

==DRAFT EMAIL TO BOARD==

Dear Patent Trial and Appeals Board,

Petitioner Google requests permission to:

1. file a 3-page reply in IPR2018-01080, IPR2018-01086, and IPR2018-01088; and
2. file the joint claim construction from the district-court proceeding along with a one-page explanation in IPR2018-01083, IPR2018-01084, and IPR2018-01087.

Regarding (1), AGIS accused Google of a “lack of candor” for failing to identify claim constructions that LG, HTC, Huawei, Apple, and ZTE filed in district court after Google filed its IPR petitions. Google requests a reply to respond to this accusation. The Board granted a similar request in IPR2018-01079, IPR2018-01081, IPR2018-01082, and IPR2018-01085.

Regarding (2), AGIS has not yet filed its POPR. Google requests permission to file the joint claim construction from the district court along with a one-page explanation to describe the claim-construction positions taken in the district court.

Google reached out to AGIS about these requests on September 21. AGIS indicated that it [will/will not] oppose Google’s request.

Regards,
Jonathan Tuminaro
Counsel for Petitioner Google

[<http://vm-shrpntprod/signaturecreator/sternekessler.png>]

Jonathan Tuminaro<<http://www.sterneessler.com/professionals/jonathan-tuminaro>>, Ph.D.

Director

Sterne, Kessler, Goldstein & Fox P.L.L.C.<<http://www.sterneessler.com/>>

1100 New York Avenue, NW, Washington, DC 20005

[<http://vm-shrpntprod/signaturecreator/greenline.png>]

Email: jtuminar@sternekessler.com<<mailto:jtuminar@sternekessler.com>>

Direct: 202.772.8967

Administrative Assistant: Earnesteen Ginn-White

Main: 202.371.2600 Direct: 202.772.8574

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