

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

CYWEE GROUP LTD.
Patent Owner

Case IPR2018-01257
Patent No. 8,552,978

PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY

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TABLE OF AUTHORITIES

Cases

Application in Internet Time, LLC v. RPX Corp.,
897 F.3d 1336 (Fed. Cir. 2018) 3

Nissan N.A., Inc. v. Diamond Coating Techs., LLC,
IPR2014-01546, Paper 10 (April 21, 2015) 3

Square, Inc. v. Protegrity Corp.,
CBM2015-00014, Paper 40 (April 19, 2016) 3

Taylor v. Sturgell,
533 U.S. 880 (2008); 7

Ventex Co., Ltd., v. Columbia Sportswear N.A., Inc.,
IPR2017-00651 (Jan. 24, 2019) passim

Statutes

35 U.S.C. § 315(b) 1, 2, 4

LIST OF EXHIBITS

2001	Declaration of Dr. Gary L. Blank
2002	<i>Curriculum Vitae</i> of Dr. Gary L. Blank CV
2003	Claim Construction Opinion and Order (Doc. 117), <i>Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.</i> , C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., July 9, 2018)
2004	Expert Declaration of Dr. Joseph LaViola, Ph.D., in Support of Patent Owner Response
2005	<i>Curriculum Vitae</i> of Dr. Joseph LaViola, Ph.D.
2006	Order (Doc. 153), <i>Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.</i> , C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., Aug. 14, 2018)
2007	Memorandum Opinion (Doc. 55), <i>CyWee Group Ltd. v. Motorola Mobility LLC</i> , C.A. No. 17-780-RGA (D. Del., Dec. 21, 2018)
2008	File History of U.S. Application No. 10/396,439
2009	File History of U.S. Application No. 12/413,722
2010	File History of U.S. Application No. 13/367,058
2011	Expert Declaration of Dr. Joseph LaViola, Ph.D., in Support of Motion to Amend
2012	File History of U.S. Provisional Application 61/292558
2013	Google's Responses to CyWee's Requests for Production, <i>CyWee Group Ltd. v. Google, Inc.</i> , No. 1:18-cv-00571 (D. Del.) (Sep. 4, 2018)

2014	Google/Samsung 2011-2012 Mobile Application Distribution Agreement (Android)
2015	<i>CyWee Group, Ltd. v. Samsung Elecs. Co. Ltd., Ltd.</i> , C.A. No. 2:17-CV-00140-WCB-RSP, Doc. 1-1 (Exhibit A, Infringement Claim Chart)
2016	Web Print-Out “ <i>Introducing PAX: the Android Networked Cross-License Agreement</i> ,” available at https://blog.google/outreach-initiatives/public-policy/introducing-pax-android-networked-cross-license-agreement/

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