

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC Corporation, and

HTC America, Inc.,
Petitioners

v.

INVT SPE LLC,
Patent Owner

Case No. IPR2018-01556

U.S. Patent 7,206,587

**PETITIONERS' MOTION TO CORRECT A TYPOGRAPHICAL
OR CLERICAL MISTAKE REGARDING PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT 7,206,587 PURSUANT TO 37 § C.F.R. 42.104(c)**

Pursuant to 37 C.F.R. § 42.104(c) and Paper 8 of this proceeding, Petitioners hereby submit their motion to correct a typographical mistake in the Petition filed in IPR2018-01556. The Petition recites that the Gils reference was published “January 1, 1998...” instead of “January 1, 1988...” See, IPR2018-01556, Paper 1 at 23. This was a typographical mistake. The Exhibit List indicates the priority date of the Gils reference (Exhibit 1010) is January 1, 1988, and Exhibit 1010 as filed, clearly states “[p]ublished 01/01/1988” on its cover page.

Upon finding of unintentional mistake, the Board may grant petitioners' requests to correct petitions and declarations including incorrect text and citations. See, e.g., *Silicon Labs, Inc. v. Cresta Tech Corp.*, IPR2014-00809, Paper No. 28 at 3-6; *Presidio Components v. AVX Corp.*, IPR2015-01332, Paper 12 at 2-4; see also *Amkor Tech, Inc. v. Tessera, Inc.*, IPR2013-00242, Paper No. 32 at 4-6. The Board may also consider “any... effect, including... patent owner's ability to file a preliminary response.” See, Final Rule, 77 Fed. Reg. 48,680, 48,699 (Aug. 14, 2012). Here, there is no prejudice. Patent Owner acknowledged Gils was published in 1988 in its Preliminary Response. See, IPR2018-01556, Paper 7 at 1. Even if the publication date was January 1, 1998, the Gils reference would still qualify as 102(b) prior art. Accordingly, Petitioners respectfully request that this Motion to Correct a typographical mistake be granted.

Respectfully Submitted,

Dated: December 21,
2018

**SHEPPARD, MULLIN, RICHTER &
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/Stephen S. Korniczky/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned hereby certifies that on December 21, 2018, a copy of the foregoing **PETITIONERS' MOTION TO CORRECT A TYPOGRAPHICAL OR CLERICAL MISTAKE REGARDING PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 7,206,587 PURSUANT TO 37 § C.F.R. 42.104(c)** is being served electronically on the following counsel via the email addresses listed below:

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