

Filed on behalf of Unified Patents Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner

v.

SYNKLOUD TECHNOLOGIES, LLC
Patent Owner

IPR2019-01655
Patent 9,098,526

PETITIONER'S VOLUNTARY INTERROGATORY RESPONSES

Petitioner, Unified Patents Inc., provides the following voluntary interrogatory responses.

DEFINITIONS

- A. PATENT-AT-ISSUE means U.S. Patent 9,098,526.
- B. PATENT OWNER means SynKloud Technologies, LLC.
- C. COMMUNICATIONS means the transmission or receipt of information of any kind through any means (*e.g.*, e-mail, text message, voicemail, audio, computer readable media, or orally).
- D. MEMBER means any company that participates or enters into an agreement for one or more of UNIFIED's non-practicing entity (NPE) Zones and MEMBERS means all such companies.
- E. IPR means *inter partes* review.
- F. THE INSTANT IPR means this proceeding.
- G. PETITION means the petition, including the exhibits thereto, for THE INSTANT IPR.
- H. UNIFIED means Unified Patents Inc.
- I. USPTO means the United States Patent and Trademark Office.

RESPONSES TO VOLUNTARY INTERROGATORIES

VOLUNTARY INTERROGATORY NO. 1:

Identify any COMMUNICATIONS between UNIFIED and any entity other than its counsel relating to the financing, preparation, editing, prior review, or approval of the PETITION.

VOLUNTARY RESPONSE NO. 1:

UNIFIED states that no such communications exist.

UNIFIED states that it was founded by intellectual property professionals over concerns with the increasing risk of non-practicing entities (NPEs) asserting patents of poor quality against strategic technologies and industries. The founders thus created a first-of-its-kind company whose sole purpose is to deter NPE litigation by protecting technology sectors. Companies in a technology sector subscribe to UNIFIED's technology-specific deterrence. UNIFIED performs many NPE-deterrent activities, including data analytics, analyzing the technology sector and monitoring patent activity (including patent ownership and sales, NPE demand letters and litigation, and industry companies), prior art searching, prior art contests, validity and patentability analyses, reissue protests, amicus briefing, and post-grant review requests. UNIFIED's NPE-deterrent activities allow it to identify patents,

perform prior art research, analyze invalidity, and to sometimes file reexaminations or IPRs against some patents.

UNIFIED states that it has sole and absolute discretion over its decision to contest patents through the USPTO's post-grant proceedings. Based on its own analysis, UNIFIED determines which patents are worth pursuing in terms of searching for prior art or taking action, including filing an IPR. UNIFIED's decisions to file an IPR are made independently without the input, assistance, or approval of its MEMBERS. Should UNIFIED decide to challenge a patent in a post-grant proceeding, UNIFIED controls every aspect of such a challenge, including controlling which patent and claims to challenge, which prior art to apply and the grounds raised in the challenge, when to bring any challenge, and whether to settle or otherwise end any challenge. UNIFIED does not discuss the preparation of any patentability challenge with MEMBERS, including whether UNIFIED will or will not file a petition or whether any MEMBER desires that UNIFIED file a petition. UNIFIED identifies current targets based on publicly available information obtained solely through UNIFIED's own independent search of publicly available legal databases and information.

UNIFIED does not communicate with MEMBERS about their litigation strategies in district court, before the USPTO and/or before other forums, including whether MEMBERS may pursue or have pursued their own patent challenges.

UNIFIED does not communicate with MEMBERS about any settlement strategies or settlement negotiations MEMBERS may have with patent owners, nor does UNIFIED inform MEMBERS about any settlement strategies or settlement negotiations UNIFIED may have with patent owners in pursuit of settling UNIFIED's patent challenge.

MEMBERS receive no prior notice of UNIFIED's patent challenges. After filing a post-grant proceeding, UNIFIED retains sole and absolute discretion and control over all strategy decisions (including any decision to continue or terminate UNIFIED's participation). UNIFIED is also solely responsible for paying for the preparation, filing, and prosecution of any post-grant proceeding, including any expenses associated with the proceeding.

In THE INSTANT IPR, UNIFIED exercised its sole discretion and control in deciding to file this PETITION against the PATENT-AT-ISSUE, including paying for all fees and expenses. No MEMBER had any involvement in the preparation of, payment for, or decision to file this PETITION. UNIFIED also had no discussions with any MEMBER regarding whether any MEMBER desired UNIFIED to challenge the PATENT-AT-ISSUE. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of THE INSTANT IPR (including any decision to terminate UNIFIED's participation) and shall bear all costs related to THE INSTANT IPR.

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