

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Google LLC,  
Petitioner,

v.

Uniloc 2017 LLC,  
Patent Owner.

Patent No. 6,366,908  
Case No. IPR2020-00755

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**Petitioner's Motion to Waive 37 C.F.R. §§ 42.6(e)(1), 42.105(b) and  
Accept as Sufficient Electronic Service on Patent Owner**

Petitioner Google LLC requests that the Board waive 37 C.F.R. §§ 42.6(e)(1) and 42.105(b) and accept as sufficient, under 37 C.F.R. § 42.6(e)(4), electronic service on Patent Owner Uniloc 2017 LLC.

In light of the COVID-19 pandemic and government guidance to minimize social interaction and travel, Google requests authorization to provide service electronically, rather than physically, of its *inter partes* review petition against U.S. Patent 6,366,908 and the associated power of attorney and exhibits. Electronic service allows Petitioner's counsel and its support staff to follow government guidelines to minimize travel and potential interaction with others that would be associated with physical service of these documents.

Following 37 C.F.R. § 42.105(b), Google contacted Uniloc to request an agreement to electronic service in these circumstances, but Uniloc has refused. (Ex. 1044.) That correspondence was addressed to counsel of record at the USPTO and Uniloc's litigation counsel associated with this patent. Uniloc's response demonstrates that electronic service on these counsel will result in receipt by the Patent Owner, and Petitioner would serve this same counsel electronically.

On March 25, 2020, the Board authorized Petitioner "to file, with the petition, a motion to waive 37 C.F.R. §§ 42.6(e)(1), 42.105(b) and accept as sufficient, under 37 C.F.R. § 42.6(e)(4), electronic service on Patent Owner." (Ex. 1045.) The Board has the power to grant this motion under at least 37 C.F.R. § 42.5(b), which states

that the “Board may waive or suspend a requirement of parts 1, 41, and 42 and may place conditions on the waiver or suspension.” Accordingly, Petitioner respectfully requests that it be permitted to serve Patent Owner electronically.<sup>1</sup>

Dated: March 27, 2020

Respectfully submitted,

/Erika H.Arner/

Erika H. Arner (Reg. No. 57,540)

Joshua L. Goldberg (Reg. No. 59,369)

Attorneys for Petitioner Google LLC

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<sup>1</sup> Petitioner includes an electronic certificate of service with the Petition. In the event this motion is not granted, Petitioner intends to file a separate certificate of service once physical service is completed.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Petitioner's Motion to Waive 37 C.F.R. §§ 42.6(e)(1), 42.105(b) and Accept as Sufficient Electronic Service on Patent Owner** was served electronically on March 27, 2020 on Patent Owner as follows:

(1) Correspondence of Record at the U.S. Patent and Trademark Office:

E. Russell Tarleton, Seed Intellectual Property Law Group LLP:  
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(2) Counsel of Record for Patent Owners in Litigation Before the District Court for the Eastern District of Texas:

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Dated: March 27, 2020

By:  /Lisa C. Hines/  
Lisa C. Hines  
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