

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TCT MOBILE (US), INC.; TCT MOBILE (US) HOLDINGS, INC.;  
HUIZHOU TCL MOBILE COMMUNICATION CO. LTD.; AND  
TCL COMMUNICATION, INC.,  
Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,  
Patent Owner.

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Case IPR2021-00599  
Patent No. 7,834,586

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**FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC's  
OPPOSITION TO PETITIONERS' MOTION TO SUBMIT  
SUPPLEMENTAL INFORMATION UNDER 37 CFR § 42.123(A)**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

The PTAB rules require that "[w]hen a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document." 37 C.F.R. § 42.63(b). Petitioners rely on the Japanese patent application, Morita, as its primary reference. Petitioners allege that their original certificate of accuracy has met all the requirements. Mot. 1, 3. If true, there is no need for Petitioners to supplement the record with the new certificate. If not, Petitioners should acknowledge that they made a mistake and are submitting the new certificate to correct that mistake. Regardless, because the new certificate is on its face inaccurate, the Board should deny Petitioner's motion to supplement.

Petitioners first suggest that their original certificate was not deficient because Consortra Translations had used the same form of certification without objections and that another law firm representing an unrelated client allegedly used a similar certificate in another proceeding. Mot. 1, 3. Petitioners do not explain, however, why Patent Owner was/is bound by arguments or inactions of unrelated parties or why the original certificate actually meets the requirements of 37 C.F.R. § 42.63(b). Indeed, that Petitioners are concerned enough to secure a second Certificate of Accuracy and seek its submission suggests the opposite.

Regarding the new certificate of accuracy, Patent Owner opposes its submission because the certificate is on its face inaccurate and/or false. As is clear

from the reproduced images below, the new certificate shows a signature date earlier than the one shown on the original certificate, even though Petitioners supposedly obtained the new certificate only in response to the POPR(s) filed this year. Mot. 1.

<p>Ex. 1015 (original certificate) with a signature date of <b>11/13/2020</b></p>	<p style="text-align: center;"><u><b>CERTIFICATE OF ACCURACY</b></u></p> <p>This is to certify that the attached document, "JP2000-165513A" -- originally written in <i>Japanese</i> -- is, to the best of our knowledge and belief, a true, accurate, and complete translation into <i>English</i>.</p> <div style="border: 1px solid red; padding: 5px;"><p>Dated: 11/13/2020</p><p style="text-align: right;">Sworn to and signed before ME This 13th day of November, 2020</p></div> <p><u>Susannah Smith</u> Susannah Smith Project Manager Consortra Translations</p> <div style="border: 1px solid blue; padding: 5px;"><p style="text-align: center;"><u>James G Mamera</u> Notary Public</p><p style="text-align: center;">JAMES G MAMERA Notary Public - State of New York No. 01MA6157195 Qualified in New York County My Commission Expires Dec. 4, 2022</p></div>
<p>Ex. 1019 (updated certificate) with a signature date of <b>9/15/2020</b>, before 11/30/2020</p>	<p style="text-align: center;"><u><b>CERTIFICATE OF ACCURACY</b></u></p> <p>I, Susannah Smith, understand that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code. I certify under the penalty of perjury that the attached document JP2000-165513A is a true and accurate translation from <i>Japanese</i> into <i>English</i>.</p> <div style="border: 1px solid red; padding: 5px;"><p>Dated: 9/15/2020</p><p style="text-align: right;">Sworn to and signed before ME This 15th day of September, 2020</p></div> <p><u>Susannah Smith</u> Susannah Smith Project Manager Consortra Translations</p> <div style="border: 1px solid blue; padding: 5px;"><p style="text-align: center;"><u>James G Mamera</u> Notary Public</p><p style="text-align: center;">JAMES G MAMERA Notary Public - State of New York No. 01MA6157195 Qualified in New York County My Commission Expires Dec. 4, 2022</p></div>

It is also suspicious that the two certificates purportedly signed on two different dates have the same signatures as well as spacing between the notary stamp and the words "Notary Public." *See* blue boxes above. In fact, when the undersigned printed the two certificates out and overlaid them, nearly everything aligned perfectly. Yet Petitioners do not explain how this can be the case if the two certificates were signed on two different occasions and the notary public affixed the stamp and his signature after Ms. Smith swore and signed before him.

For these reasons, the new certificate is on its face inaccurate and suspect, and the parties should not knowingly rely on such a certificate. Admitting the new certificate will be prejudicial to Patent Owner because it compounds the defects in the certificate of accuracy and will force Patent Owner to investigate and litigate issues that may be tangential to the patentability of the '586 patent. As such, Patent Owner respectfully requests that the Board denies Petitioners' motion to supplement.

Dated: October 4, 2021

Respectfully submitted,

/Hong Zhong/

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**CERTIFICATE OF SERVICE**

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on October 4, 2021,  
a complete copy of the foregoing was served upon the following, by

ELECTRONIC MAIL:

**ORRICK, HERRINGTON & SUTCLIFFE, LLP**

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/Susan M. Langworthy/  
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