

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.

INTELLECTUAL VENTURES II, LLC
Patent Owner

U.S. Patent 6,968,459
IPR2016-01404

COMPUTING ENVIRONMENT HAVING SECURE STORAGE DEVICE

PETITIONER'S VOLUNTARY INTERROGATORY RESPONSES

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

DEFINITIONS

- A. '459 PATENT means U.S. Patent No. 6,968,459.
- B. COMMUNICATIONS means the transmission or receipt of information of any kind through any means (e.g. email, text message, voicemail, audio, computer readable media, or orally).
- C. MEMBER means any company that participates in UNIFIED'S solution and MEMBERS means all such companies.
- D. IPR means *inter partes* review.
- E. THE INSTANT IPR means this proceeding.
- F. PETITION means the petition, including the exhibits thereto, for THE INSTANT IPR.
- G. UNIFIED means Unified Patents Inc. and include any shareholder, officer, director, employee, agent, representative, privies, intermediaries or other individual authorized to act on behalf of Unified Patents Inc.
- H. USPTO means the United States Patent and Trademark Office.

RESPONSES TO INTERROGATORIES

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.

RESPONSE NO. 1:

UNIFIED states that no such communication exist.

UNIFIED states that it was founded by intellectual property professionals concerned about the increasing risk of non-practicing entities (NPEs) asserting poor-quality patents 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, such as cloud storage, technologies which may be impacted by the '459 patent. Companies in a technology sector subscribe to UNIFIED's technology-specific deterrence. UNIFIED performs many NPE-deterrent activities, such as analyzing the technology sector and monitoring patent activity (including patent ownership, assignment data, patent sales, prosecution, demand letters, threats, litigation, other challenges, and company data). UNIFIED's monitoring activities help UNIFIED to identify patents, perform prior art research, analyze patentability, and in some cases file reexamination requests, PGR petitions, or IPR petitions against 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 searching for prior art, performing patentability analyses, categorizing, monitoring, or taking action, such as filing a PGR, IPR, or an *ex parte* reexamination. UNIFIED's decisions to file an IPR or an *ex parte* reexamination are made independently, without the input, assistance, or approval of its MEMBERS. Should UNIFIED decide to challenge a patent, UNIFIED independently controls every aspect and every stage 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 by what mechanism.

MEMBERS receive no 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, or any settlement agreement with the patent owner. Members exercise no direction, provide no prior art, and do not control any aspect of any particular proceeding, and are not privy to or made aware of any settlement negotiations. 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. UNIFIED is solely responsible for any

negotiations or agreements made related to settlements. UNIFIED does not make or accept monetary settlement offers.

In THE INSTANT IPR, UNIFIED exercised its sole discretion and control in deciding to file this PETITION against the '459 patent, including paying for all fees and expenses. UNIFIED shall exercise sole and absolute control and discretion of the continued prosecution of this proceeding (including any decision to terminate UNIFIED's participation, seek and negotiate a settlement, or appeal) and shall bear all subsequent costs related to this proceeding.

INTERROGATORY NO. 2:

Identify any individuals acting for or on behalf of any entity other than UNIFIED'S counsel and expert that participated or assisted in any way with the financing, preparation, editing, prior review, approval, or filing of the PETITION.

RESPONSE NO. 2:

UNIFIED states that no such individuals exist. UNIFIED further states that no individuals other than UNIFIED employees and its counsel had any prior knowledge of the filing of THE INSTANT IPR.

As stated in response to Interrogatory No. 1, in the instant proceeding, UNIFIED exercised its sole discretion and control in deciding to file this petition against the '459 patent, including paying for all fees and expenses. UNIFIED shall continue to exercise sole and absolute control and discretion of the continued

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