

Filed on behalf of SurfCast, Inc.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

SURFCAST, INC.
Patent Owner

Case IPR2013-00292¹
Patent 6,724,403

SURFCAST, INC.'S
PATENT OWNER MOTION TO FILE CORRECTED DOCUMENTS
UNDER 37 C.F.R. § 42.123(b)

¹ Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Patent Owner's authorization to file this Motion to File Corrected

Documents was given by the Board at a conference call between the Board and the parties' counsel, on Tuesday February 4, 2014, and is documented in the Order of February 11, 2014 ("Conduct of Proceedings", Paper No. 34).

Background

When Patent Owner timely filed its Patent Owner Response under 35 U.S.C. § 316(a)(8), on January 24, 2014, (paper No. 27), it submitted two declarations by Patent Owner's expert, Glenn E. Weadock:

- (1) Declaration of Glenn E. Weadock in Support of Patent Owner's Response Under 35 U.S.C. § 316(a)(8). (Exhibit No. 2004); and
- (2) Declaration of Glenn E. Weadock in Support of Patent Owner Surfcaster's Motion For Conditional Amendment Under 37 CFR § 42.121. (Exhibit No. 2063).

Upon review, Patent Owner noticed that both exhibits contain minor clerical errors, as follows.

- (A) Both exhibits as originally filed have errors of pagination that permeate the document footers and the Table of Contents sections. Specifically, in the Table of Contents sections of both documents, the page numbers and, in some cases, the listed section headings do not match up

with the respective section headings and their locations in the body of the document. Additionally, in Exhibit No. 2004, the page numbering starts a second time, from “page 1”, but on page 4 of the document, and Exhibit no. 2063 does not have a page numbered as “page 2”.

- (B) Exhibit No. 2063 as originally filed also contains a minor inconsistency with respect to the Patent Owner’s Motion for Conditional Amendment (Paper No. 28) that it accompanied. Patent Owner’s proposed amendment to claim 46 includes a final “wherein” clause that itemizes “application programs selected from among the group consisting of ... a chat application ...” (emphasis herein). The references to this amendment in Exhibit 2063 as originally filed omitted the “chat application” from the list of itemized “application programs”, an error that occurs at various points in the document.

Request

Patent Owner submits herewith corrected versions of Exhibits 2004 and 2063 so that they may replace the respective exhibits currently on file in the Proceeding. Also submitted herewith are redlines of the respective documents relative to those originally filed. The corrected versions of both exhibits are paginated correctly. The corrected version of Exhibit 2063 additionally contains

insertions of the “chat application” in paragraphs: 25 (recitation of the amended claim), 74, 80, 95, 117, 127, 134, 143, 154, 163, 172, 181, and 189. Additional conforming edits are also necessary to paragraphs 26, 127, and 189.

Patent Owner believes that the corrected documents serve to clarify the record but do not introduce new material into the proceeding. For example, the paragraph numbering of both exhibits is not be disturbed by the proposed corrections. On the contrary, the tables of contents of both documents will be more useful to the reader after applying these corrections.

Patent Owner notified Petitioner’s counsel of the issue and provided courtesy copies of the corrected documents to Petitioner’s counsel on January 30, 2014.

For at least the foregoing reasons, Patent Owner respectfully requests entry of the corrected documents as described herein.

Respectfully submitted by:

/Richard G. A. Bone/

Dated: February 14, 2014

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4)

It is hereby certified that on this 14 day of February, 2014, a copy of the foregoing

PATENT OWNER MOTION TO FILE CORRECTED DOCUMENTS
UNDER 37 C.F.R. § 42.123(b)

was served via Electronic Mail upon the following:

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