FARNAN LLP

March 28, 2016

VIA E-FILING
The Honorable Leonard P. Stark
J. Caleb Boggs Federal Building
844 N. King Street
Unit 26, Room 6124
Wilmington, DE 19801-3556

Re: ***Intellectual Ventures I/II LLC, et al. v. AT&T Mobility LLC, et al.,***
(C.A. No. 13-cv-1668, 69, 70, 71, & 72, & 14-cv-1229, 30, 31, 32, 33)

Dear Chief Judge Stark:

We write to correct an inadvertent misstatement made on behalf of IV about the state of the law and to submit two corrected exhibits to the Joint Claim Construction Brief. C.A. No. 13-1668, D.I. 208.

On pages 232-33 of the Joint Brief, we stated: "The litigation research tool Docket Navigator® indicates that the United States district courts, PTAB, and ITC construed claim terms containing 'substantially' at least 1252 times since 2000, 292 of those being after *Nautilus* was decided. PMX 46-47. Not a single case found the term containing 'substantially' to be indefinite."

At the end of last week, we discovered that we had made a mistake in preparing exhibits PMX 46-47 and in tallying the Docket Navigator® search results. A correct statement, as of March 25, would be that the United States district courts, PTAB, and ITC has construed claim terms containing "substantially" 1293 times from 2000 through March 24, 2016, 144 of those being after *Nautilus* was decided. *See* Corrected PMX 46-47. Out of those decisions, courts have found a term containing "substantially" to be indefinite five times.[1] *Id.*

While this does not change the substance of our argument, we wanted to correct the record as quickly as possible and inform the Court of the error. The Corrected PMX 46-47 are attached. We are available at the Court's convenience should Your Honor have any questions.

[1] The five cases are: *Kennametal, Inc. v. Sandvik Inc.*, No. 2:09-CV-00857, D.I. 84 (W.D. Pa. Sept. 28, 2010); *S.O.I.Tec Silicon On Insulator Techs., S.A. v. MEMC Elec. Materials, Inc.*, 745 F. Supp. 2d 489 (D. Del. Oct. 13, 2010); *3M Innovative Properties Co. v. Tredegar Corp.*, No. CIV. 09-3335 DWF/AJB, 2011 WL 6004023, at *2 (D. Minn. Nov. 30, 2011) aff'd in part, rev'd in part, 725 F.3d 1315 (Fed. Cir. 2013); *Fairfield Indus., Inc. v. Wireless Seismic, Inc.*, No. 4:14-CV-2972, 2015 WL 1034275 (S.D. Tex. Mar. 10, 2015); *Medshape, Inc., Petitioner*, IPR2015-00848, 2015 WL 5453171 (Sept. 14, 2015).

Respectfully submitted,

/s/ Michael J. Farnan

Michael J. Farnan

cc: All Counsel (via E-Filing)