

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

NEC CORPORATION,
Patent Owner.

Case IPR2023-01241
U.S. Patent No. 9,769,427

**PETITIONER’S UNOPPOSED MOTION TO CORRECT PETITION
UNDER 37 C.F.R. § 42.104(c)**

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 9,769,427 to Taniguchi et al. (“the ’427 Patent”)
1002	Prosecution history of the ’427 Patent (U.S. Patent Application No. 13/129,756) ¹
1003	U.S. Patent Application Publication No. 2009/0094321 A1 to Ueda et al. (“Ueda”)
1004	J. Rosenberg et al., <i>SIP: Session Initiation Protocol</i> (RFC 3261, Network Working Group, Internet Engineering Task Force, June 2002) (the “SIP Standard”)
1005	M. Handley et al., <i>SDP: Session Description Protocol</i> (RFC 4566, Network Working Group, Internet Engineering Task Force, July 2006) (the “SDP Standard”)
1006	U.S. Patent Application Publication No. 2009/0100496 A1 to Bechtolsheim et al. (“Bechtolsheim”)
1007	U.S. Patent Application Publication No. 2010/0010884 A1 to Cohee et al. (“Cohee”)
1008	Declaration of Cliff Reader, Ph.D.
1009	Scheduling Order filed on March 20, 2023 in <i>NEC Corp. v. Peloton Interactive, Inc.</i> , No. 1:22-cv-00987-CFC (U.S. District Court, District of Delaware, filed July 28, 2022)
1010	S. Bradner, <i>The Internet Standards Process – Revision 3</i> (RFC 2026, Network Working Group, October 1996) (the “Standards Process”)
1011	O. Levin, <i>The Session Description Protocol (SDP) Label Attribute</i> (RFC 4574, Network Working Group, Internet Engineering Task Force, August 2006)
1012	A. Melnikov et al., <i>Media Types</i> (Internet Assigned Numbers Authority, July 2019), https://www.iana.org/assignments/media-types/media-types.xhtml
1013	P. Saint-Andre, <i>Deprecating the "X-" Prefix and Similar Constructs in Application Protocols</i> (RFC 6648, Internet Engineering Task Force, June 2012)

¹ Foreign references cited during the prosecution of the ’427 Patent have been omitted due to size considerations of the prosecution history.

1014	A. Makin et al., <i>Change Process for the Session Initiation Protocol (SIP)</i> (RFC 3427, Network Working Group, December 2002)
1015	U.S. Patent Application Publication No. 2008/0005348 A1 to Kosiba et al.
1016	Curriculum Vitae of Cliff Reader, Ph.D.

Petitioner Peloton Interactive, Inc. (“Peloton”) respectfully submits this unopposed motion under 37 C.F.R. § 42.104(c) to correct certain clerical errors in the Petition and the declaration by Dr. Clifford Reader (Ex. 1008 (“Reader Declaration”)).

Specifically, Peloton seeks to correct the following clerical errors: (1) in the body of the Reader Declaration, references to certain exhibit numbers being off by one digit; and (2) in the body of both the Petition and Reader Declaration, references to certain claim element numbers being incorrect. The accompanying Attachment A indicates in redline (specifically, in blue-colored underline and strikethrough) the specific corrections sought by Petitioner.

The Patent Trial and Appeal Board authorized Petitioner to file the motion via email on January 24, 2024. Attachment B. The parties have met and conferred. Specifically, Petitioner brought these clerical errors to the attention of counsel for Patent Owner, including sharing the accompanying Attachment A with counsel for Patent Owner. Patent Owner does not oppose the motion. Attachment C.

The motion to correct the Petition and the Reader Declaration should be granted.

Date: February 6, 2024

Respectfully submitted,

By /Scott C. Weidenfeller/

Scott C. Weidenfeller

Registration No.: 54,531

Anupam Sharma

Registration No.: 55,609

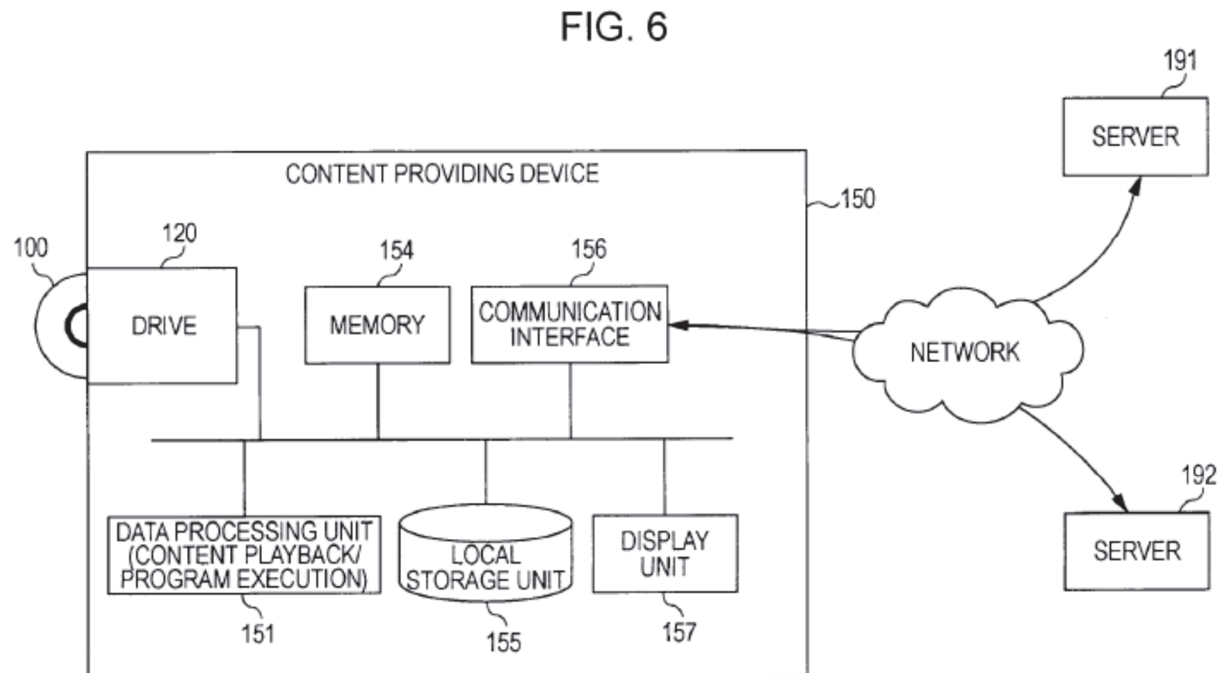
Counsel for Patent Owner

ATTACHMENT A

Corrections to Petition in IPR2023-01241

1. **Claim 10 [preamble]: “A content delivery system comprising”**

Figure 6 of Ueda (reproduced below) teaches a content delivery system. Content providing device 150 can obtain download content from server 191. Ex1003 ¶¶0037, 0117-0119, Fig. 6.



To the extent the [preamble] is limiting, Ueda teaches it. Ex1008 ¶¶115-117.

a. **[10a]: “an application server system”**

Ueda teaches [10a]. Ex1008 ¶¶118-121.

Figure 6 teaches that the content delivery system comprises a server 191 (“an application server system”). Ex1003, Fig. 6. Server 191 delivers content management application 332, management data 333, content 334, and bind file 335

In connection with Figure 30, Ueda also teaches “[t]he server 191 selects a commercial content (CM #1) 641 which is a commercial content adapted to the determined user’s preference as a download content, and provides this to the content providing device 150.” Ex1003 ¶¶0438; *see also id.* ¶¶0413, 0439, 0443.

Ueda explicitly identifies commercial content as “sub content.” *See, e.g.,* Ex1003 ¶0119; *see also, [40b10f]*. Thus, Ueda teaches that the user equipment (content providing device 150) receives sub content data (commercial content 401) transmitted by the application server system (server 191).

- (4) Ueda teaches user equipment “outputting, based on the received main content data and sub content data, viewing content in which sub content represented by the sub content data is inserted in main content represented by the main content data.”

Ueda teaches that “[t]he *playlist is a list stipulating the playback order* of contents.” Ex1003 ¶0007; *see also, e.g., [40j10k]*; Ex1003 ¶¶0009-0010, 0098, 0101, 0158-0159, 0183, 0193-0194, 0235, 0273, 0281, 0356, 0399-0405, Fig. 20.

Thus, where the playlist includes both main content (movie) data and sub content (commercial) data, the user equipment (content providing device 150) will output viewing content having a commercial inserted in the movie. *See, e.g.,* Ex1003 ¶¶0009-0010; *see also, e.g., id.* ¶¶0158-0159, 0163-0164, 0193-0198, 0253-0254, 0399-0405.

Corrections to Reader Declaration in IPR2023-01241

104. In my opinion, a POSITA would be motivated to combine the teachings in Ueda of the server 191 with the teachings in the SIP Standard, so as to provide intermediating resources for media sessions between agents to yield the predictable result of establishing connections between the agents. The SIP Standard teaches proxy servers that establish a connection between endpoints for a media session. Ex1004, p. 1, Abstract. The motivation for combining Ueda with SIP Standard would have been to assist Ueda's content providing device 150 with locating the server 191 on the Internet, signaling its desire to communicate with the server 191, and characterizing the communication session. *See, e.g.*, Ex1004, pp. 8-9, 11.

105. It is my opinion that a POSITA thus would have used the well-known techniques taught by the SIP Standard to improve the operation of Ueda and yield the predictable result of establishing a media session between agents. Additionally, it is my opinion that a POSITA would have understood that Internet standards, such as those promulgated by the IETF, enjoy general public support, are recognizably useful in standardizing interactions over the Internet, and are stable and technically competent. ~~Ex1011~~[Ex1010](#), p. 3 § 1.1. As such, a POSITA would have looked to Internet standards, such as the SIP Standard, as well-known, established techniques for establishing connections between agents over the Internet.

163. Figure 19 of Ueda thus teaches that the server 191 comprises a memory (in the form of a database) for storing main content data representing main content (the main content 451).

(3) Figures 17 and/or 30 of Ueda in combination with Figure 19 teach element 1e10f.

164. Although different figures of Ueda show the commercial (CM) content 401/641 and the main content 451 being stored in a memory of the server 191, Ueda teaches that both types of content can be stored in the memory of the server. Among other things, Ueda states that “the content to be downloaded from the server is not restricted to a commercial, and for example, a main content such as an AV stream content ... is downloaded in some cases.” Ex1003 ¶0239. Figures 17, 19 and 30 thus show examples for the download processing of different types of content stored in the memory of the server 191, and Ueda makes clear that all of these types of content, including both commercial (CM content) and main content, can be stored in and downloaded from a single server.

165. Additionally or alternatively, it is my opinion that a POSITA would have understood that the example of Figure 19 (showing the main content 451 stored in the memory of the server 191) could be combined with the examples of Figures 17 and/or 30 (showing the commercial content 401/641 stored in the memory of the server 191). A POSITA would have been motivated to combine these examples so

information of the management database.”), ¶0028 (same), ¶0441 (same), ¶0442, 0443 (“[T]he server 191 performs processing for *providing a commercial content adapted to the user’s preference*”).

186. The data processing unit taught in Ueda thus selects stored sub content data (commercial content) based on selection information, such as user-preference or personal information. As discussed above in connection with element [4e10f](#), Ueda explicitly identifies commercial content as “sub content.” See, e.g., Ex1003 ¶0119 (“The content providing device 150 obtains a *sub content* ..., such as caption data or dubbed-in data, *commercial content*, service content, program such as Java (registered trademark) or the like, ... through servers 191 and 192”).

**(2) The selection information in Ueda contains
“attribute information representing an attribute
of the sub content.”**

187. The user-preference and personal information taught in Ueda contains attribute information representing an attribute of the commercial content as a category of commercial content. As disclosed in connection with Figure 30, Ueda teaches that the user-preference and personal information is recorded in a user preference information management database 631, which is a part of the server 191. Ex1003 ¶0432 & Fig. 30. Upon receiving a content download request from the content providing device 150, the server 191 “searches the recorded information of the user preference information management database 631 based on various types of

form of a primitive written in Session Description Protocol (“SDP”) for describing multimedia sessions. Ex1004, p. 10; *see also* Ex1004 p. 12 (showing the INVITE message containing “Content-Type: application/sdp”). The SDP message is carried by the SIP message. Ex1004, pp. 13-14; *see also, e.g.*, Ex1004, p. 15 (showing message F9 containing “Content-Type: application/sdp”), p. 170 (describing “Content-Type”).

203. Further, as discussed above for element 10b, Bob’s SIP phone responds to the INVITE F1 message from Alice’s softphone by transmitting a 200 OK message F9 to the proxy servers. The SIP Standard teaches that the 200 OK message F9, like the INVITE F1 message, carries Bob’s SDP message specifying information about the multimedia session. Ex1004, p. 15 (showing message F9 containing “Content-Type: application/sdp”). All of this information is transmitted between the two endpoints via the proxy servers (connection control servers). The SIP Standard thus teaches an exchange of SIP messages between two endpoints routed through one or more proxy servers.

204. While the SIP Standard does not explicitly teach a transmitter in Bob’s softphone, a POSITA would have understood that Bob’s softphone would necessarily and inherently have included a transmitter for transmitting the SIP messages to the proxy servers. A transmitter is how devices, like Bob’s softphone,

that the “Via” header field can be used to specify a channel for a media session established by the proxy servers of the SIP Standard. As discussed above for element 10b, the INVITE FI message from the SIP Standard is identical to the header (HE) shown in Figure 9 of the ’427 Patent containing a Via header field “SIP/2.0/UDP”.

Compare Ex1001, FIG. 9 *with* Ex1004, p. 12.

- (3) The SIP Standard in view of the SDP Standard teaches transmitting media information “at a same time that the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection.”**

215. As discussed above, it is my opinion that the SIP Standard teaches that the proxy servers execute a process for guaranteeing a communication bandwidth required for a media session as a process for establishing the connection. Further, the SIP Standard teaches that, as part of establishing a media session, the proxy servers receive a 200 (OK) response from an application server system (e.g., Bob’s SIP phone in this example) based on a request to initiate a session from a user equipment (e.g., Alice’s softphone in this example). As described above, the SIP Standard teaches that the proxy servers check whether the bandwidth specified in the session description or defined by the media exceeds that known to be available. Ex1004, pp. 181-182. If the bandwidth is insufficient, the SIP Standard teaches that the proxy servers issue a 606 Not Acceptable Response that includes Warning 370

218. In this regard, the SDP Standard teaches that the SDP description can include a bandwidth (“b=”) field that “denotes the proposed **bandwidth** to be used by the session or media.” Ex1005, p. 16, § 5.8. Two values are defined for the bandwidth type: (1) conference total (“CT”); and (2) application specific (“AS”). Ex1005, p. 16, § 5.8. As described in the SDP Standard, “CT gives a total bandwidth figure for all the media at all sites. AS gives a bandwidth figure for a single media at a single site, although there may be many sites sending simultaneously.” Ex1005, p. 16, § 5.8.

219. At the time that the alleged invention was made, a POSITA would have understood that there were many well-known ways to insert media information pertaining to a requested media session in a SIP message, including in an SDP description carried by the SIP message. *See, e.g.*, Ex1005, pp. 1, 4, 5, 10, 12, 13, 21, 22, §§ 5.4, 5.5, 5.13, 5.14. The following are just a few examples of well-known ways to insert media information into an SDP description:

- The SDP Standard describes an attribute field (“a=”) that can be used to tailor SDP to particular applications or media, and that this attribute field can contain references to external content. Ex1005, pp. 9, 21. The attribute field could be used to carry a pointer to a media stream. *See, e.g.*, [Ex1012-Ex1011](#) (defining “a new Session Description Protocol (SDP) media-level attribute: ‘label’”. The ‘label’ attribute carries a pointer to a media stream in the context

of an arbitrary network application that uses SDP. The sender of the SDP document can attach the ‘label’ attribute to a particular media stream or streams. The application can then use the provided pointer to refer to each particular media stream in its context.”).

- The SDP Standard describes a session information field (“i=”) that can be used to provide textual information about a media session. Ex1005, p. 12.
- The SDP Standard teaches a URI field (“u=”) that can be used as a pointer to additional information about a media session. Ex1005, pp. 9, 13; *see also*, e.g., [Ex1016-Ex1015](#), ¶¶0070-0071 (describing that “[an] ***SDP file includes a URL associated with a particular playlist***”) (emphasis added).

220. Similarly, the SIP Standard provides another example of a well-known way to insert media information pertaining to a requested media session in a SIP message that a POSITA would have known about at the time that the alleged invention was made. For example, the SIP Standard teaches a Content-Type header field that can be provided as a text string. Ex1004 p. 170 (“c: text/html; charset=ISO-8859-4”). A POSITA would have understood that it was common practice to specify accepted content types in this Content-Type header, which includes all media types accepted by the HTTP 1.1 protocol. *See* Ex1004 p. 170. These accepted media types

included a variety of different text options, such as those listed in ~~Ex1013~~Ex1012.⁷ The “Content-Type” header field specifies the format for a SIP message body (or sections of the body), which can be provided as plaintext. Ex1004, p. 33 (citing RFC 2046). Thus, a POSITA would have known that the body of a SIP message can include plain text of implementation-specific, vendor-specific information, or any other information desired by the creator of the SIP message.

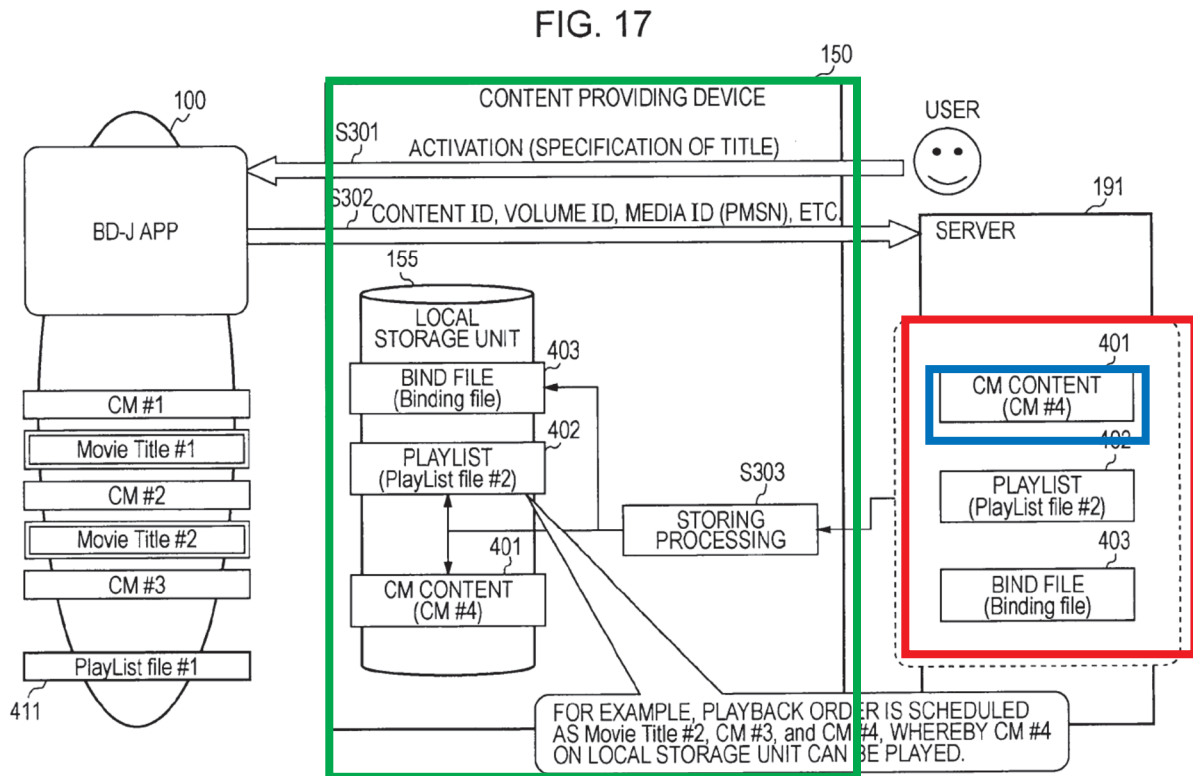
221. Additionally or alternatively, the SDP Standard teaches media description fields (“m=”) used to provide media names and transport addresses, thus specifying information about the media for the requested session. Ex1005, p. 8-9. More particularly, in SDP, “[a]n SDP session description consists of a session-level section followed by zero or *more media-level sections*. ... Each media-level section starts with an “m=” line and continues to the next media-level section or end of the whole session description.” Ex1005, p. 8. An SDP description can contain a number of media descriptions. Ex1005, p. 22.

222. At the time of the alleged invention, a POSITA would have understood that it was common practice to use multiple media description fields to specify a

⁷ While ~~Ex1013~~Ex1012 is dated after November 2008, a POSITA would have known that the different text options listed in ~~Ex1013~~Ex1012 existed before November 2008. See, e.g., ~~Ex1013~~Ex1012 (citing RFC2046, RFC3676, and RFC5147 for plain text), *id.* (citing RFC2318 for css), *id.* (citing RFC2046 and RFC2046 for richtext), *id.* (citing RFC2483 for uri-list).

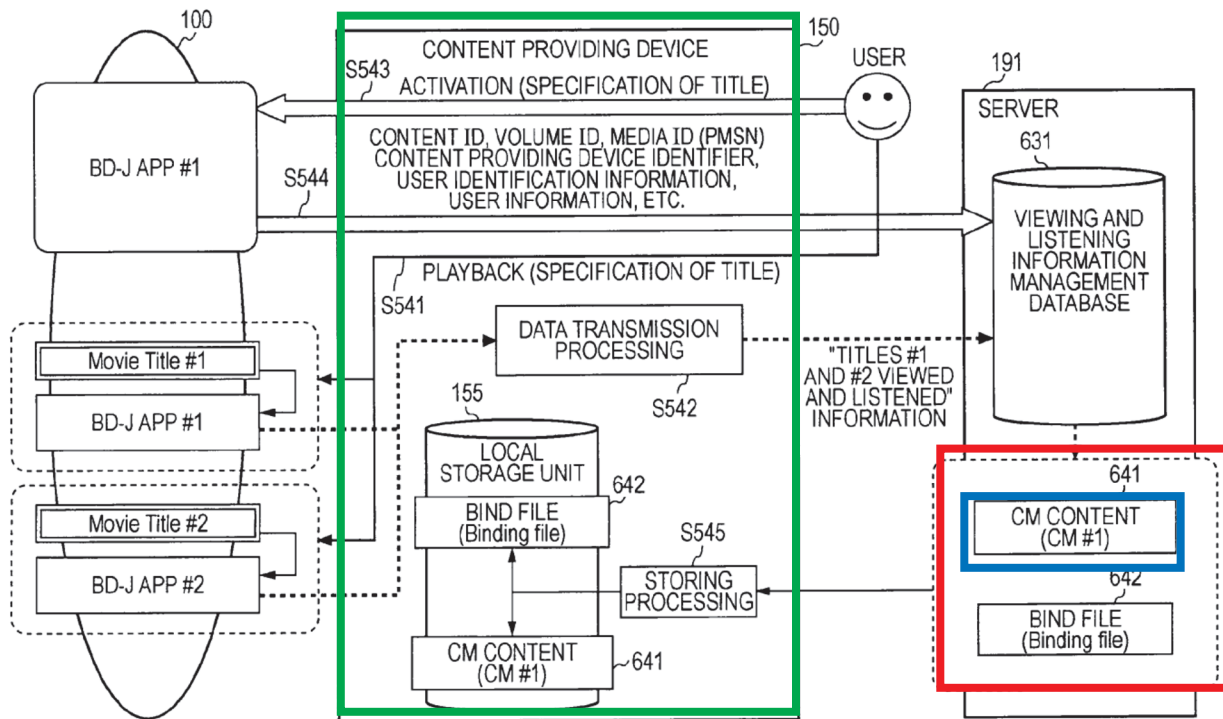
media stream by using an order of the media description fields. *See, e.g., Ex1012 Ex1011* p. 3 (“*Another way of referring to a media stream is by using the order of the 'm' line in the SDP session document* (e.g., the 5th media stream in the session description)”). Thus, a POSITA would have understood that an ordering of media description fields in an SDP description can be used to specify an order of media of a media stream.

223. Additionally or alternatively, a POSITA would have understood that, at the time the alleged invention was made, it was common practice to include proprietary or experimental fields in SIP headers to transmit implementation-specific or vendor-specific information. For example, at the time of the alleged invention, “x-” field were widely used to indicate extensions in Internet protocols for transmission implementation-specific or vendor-specific information. *See, e.g., Ex1014 Ex1013* (providing a historical background of the use of the “x-” field dating back to 1975); *see also Ex1015 Ex1014* (“Use of an “X-” prefix on textual identifiers has been widely used to indicate experimental extensions in other protocols.”), Ex1004, p. 229 (“x-token” and “extension-token”). SIP also provides for the use of a “p-” field for indicating experimental extensions in SIP. *See Ex1015 Ex1014*. As such, it is my opinion that a POSITA would have understood that information pertaining to the media session, such as information specifying the media to which



239. As discussed above in connection with element 10b, Ueda explicitly identifies commercial content as “sub content.” *See, e.g.,* Ex1003 ¶0119 (“The content providing device 150 obtains a **sub content** ..., such as caption data or dubbed-in data, **commercial content**, service content, program such as Java (registered trademark) or the like, ... through servers 191 and 192 ...”). Figure 17 of Ueda thus teaches that **the user equipment** (the content providing device 150) receives **sub content data** (the commercial content 401) transmitted by **the application server system** (the server 191).

FIG. 30



241. Figure 30 of Ueda thus teaches that **the user equipment** (the content providing device 150) receives **sub content data** (the commercial content 641) transmitted by **the application server system** (the server 191).

- (5) **Ueda teaches user equipment “outputting, based on the received main content data and sub content data, viewing content in which sub content represented by the sub content data is inserted in main content represented by the main content data.”**

242. As discussed above for element **40j10k**, Ueda teaches that “[t]he *playlist is a list stipulating the playback order* of contents.” Ex1003 ¶0007; see

("[A] playlist stipulates the following playback order of *movie content 1* → *commercial a* → *movie content 2* → *commercial b* → *movie content 3* → *commercial c*, and so on, playback wherein the commercials a, b, and c are replaced with download contents downloaded from the server 191 and recorded in the local storage unit 155, i.e., commercial x, commercial y, and commercial z, playback processing can be performed by replacing the contents as follows: *movie content 1* → *commercial x* → *movie content 2* → *commercial y* → *movie content 3* → *commercial z*, and so on."), ¶¶0253-0254 ("For example, in a case wherein the playlist file (PlayList file #2) 402 has the following playback specification information, Movie Title # 2 → CM # 3 → CM # 4[,] Subsequently to Movie Title # 2, and CM # 3 from the disc 100, playback of CM # 4 of the local storage unit 155 is performed."), ¶¶0399-0405 (teaching a playlist including both movie and commercial content).

(6) The teachings of Figures 17, 19 and 30 of Ueda may be combined.

244. As discussed above for element 10b, although different figures of Ueda show the commercial (CM) content 401/641 and the main content 451 being transmitted by the server 191 to the content providing device 150, Ueda teaches that both types of content can be transmitted. Among other things, Ueda states that "the content to be downloaded from the server is not restricted to a commercial, and for

ATTACHMENT B

From: [Trials](#)
To: [Weidenfeller, Scott](#); [Trials](#); [Darren Franklin](#)
Cc: [eliot.williams@bakerbotts.com](#); [robert.maier@bakerbotts.com](#); [jennifer.tempesta@bakerbotts.com](#); [michael.knierim@bakerbotts.com](#); [nick.palmieri@bakerbotts.com](#); [kdorsney@morrisjames.com](#); [chitch@morrisjames.com](#); [Daniel Yannuzzi](#); [Mark Catanese](#); [Michael Hopkins](#); [Sharma, Anupam](#)
Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors
Date: Wednesday, January 24, 2024 4:09:20 PM

[EXTERNAL]

Counsel,

From the Board –

Petitioner is authorized to file a motion to correct the Petition under 37 C.F.R. § 42.104(c), which should indicate (if still true) that the parties have conferred and the motion is unopposed.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Weidenfeller, Scott <SWeidenfeller@cov.com>
Sent: Wednesday, January 24, 2024 2:07 PM
To: Trials <Trials@USPTO.GOV>; Darren Franklin <DFranklin@sheppardmullin.com>
Cc: [eliot.williams@bakerbotts.com](#); [robert.maier@bakerbotts.com](#); [jennifer.tempesta@bakerbotts.com](#); [michael.knierim@bakerbotts.com](#); [nick.palmieri@bakerbotts.com](#); [kdorsney@morrisjames.com](#); [chitch@morrisjames.com](#); [Daniel Yannuzzi <dyannuzzi@sheppardmullin.com>](#); [Mark Catanese <MCatanese@sheppardmullin.com>](#); [Michael Hopkins <MHopkins@sheppardmullin.com>](#); [Sharma, Anupam <asharma@cov.com>](#)
Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors

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Dear Honorable Board,

We understand that a judge panel has now been assigned to this case. We respectfully resubmit this email correspondence for the panel's consideration.

Regards,

Scott Weidenfeller
Counsel for Petitioner

From: Trials <Trials@USPTO.GOV>

Sent: Tuesday, August 29, 2023 8:24 AM

To: Darren Franklin <DFranklin@sheppardmullin.com>; Trials <Trials@USPTO.GOV>

Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com;
jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com;
nick.palmieri@bakerbotts.com; kdorsney@morrisjames.com; chitch@morrisjames.com; Daniel
Yannuzzi <dyannuzzi@sheppardmullin.com>; Mark Catanese <MCatanese@sheppardmullin.com>;
Michael Hopkins <MHopkins@sheppardmullin.com>

Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors

Counsel,

There is no panel assigned to this case. Your e-mail will be shared with the panel once one is assigned.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Darren Franklin <DFranklin@sheppardmullin.com>

Sent: Monday, August 28, 2023 7:10 PM

To: Trials <Trials@USPTO.GOV>

Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com;
jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com;
nick.palmieri@bakerbotts.com; kdorsney@morrisjames.com; chitch@morrisjames.com; Daniel
Yannuzzi <dyannuzzi@sheppardmullin.com>; Mark Catanese <MCatanese@sheppardmullin.com>;
Michael Hopkins <MHopkins@sheppardmullin.com>

Subject: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors

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Dear Honorable Board:

Pursuant to 37 C.F.R. § 42.104(c), Petitioner Peloton Interactive, Inc. respectfully requests authorization to correct clerical errors in a petition for *inter partes* review without changing the filing date of the petition. Specifically, Petitioner has found certain clerical errors in its petition for *inter partes* review filed in IPR2023-01241 and seeks to file revised papers correcting these errors under 37 C.F.R. § 42.104(c). Petitioner brought these clerical errors to Patent Owner's attention, and

Patent Owner does not oppose Petitioner's request.

The errors pertain to (1) certain exhibit numbers (Ex1010 to Ex1015) in the body of the Declaration of Clifford Reader, Ph.D. (Ex1008) being off by one digit; and (2) references to certain claim element numbers in the petition and declaration being incorrect. For the convenience of the Board, attached are redline sheets showing the corrections, which Petitioner previously shared with counsel for Patent Owner.

These issues do not affect IPR2023-01240, which pertains to the same patent.

If needed, the parties are available for a conference call with the Board on the following dates:

- August 30 from 3 p.m. to 5 p.m. Eastern;
- September 1 from noon to 2 p.m. Eastern, and from 3:30 p.m. to 5 p.m. Eastern; and
- September 5 from 3 p.m. to 4 p.m. Eastern.

Sincerely,
Darren Franklin
Registration No. 51,701

Darren Franklin

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Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

ATTACHMENT C

From: [Williams, Eliot D.](#)
To: [Weidenfeller, Scott](#)
Cc: [Maier, Robert L.](#); [Tempesta, Jennifer C.](#); [Knierim, Michael](#); [Palmieri, Nick](#); kdorsney@morrisjames.com; chitch@morrisjames.com; [Daniel Yannuzzi](#); [Mark Catanese](#); [Darren Franklin](#); [Michael Hopkins](#); [Sharma, Anupam](#)
Subject: Re: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors
Date: Wednesday, January 24, 2024 8:20:03 PM

[EXTERNAL]

We do not oppose.

--eliot

On Jan 24, 2024, at 4:31 PM, Weidenfeller, Scott <SWeidenfeller@cov.com> wrote:

[EXTERNAL EMAIL]

Eliot:

Would you please confirm that you still do not oppose the motion?

Thank you.

Scott

From: Trials <Trials@USPTO.GOV>
Sent: Wednesday, January 24, 2024 4:09 PM
To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Trials <Trials@USPTO.GOV>; Darren Franklin <DFranklin@sheppardmullin.com>
Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com; jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com; nick.palmieri@bakerbotts.com; kdorsney@morrisjames.com; chitch@morrisjames.com; Daniel Yannuzzi <dyannuzzi@sheppardmullin.com>; Mark Catanese <MCatanese@sheppardmullin.com>; Michael Hopkins <MHopkins@sheppardmullin.com>; Sharma, Anupam <asharma@cov.com>
Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for authorization to correct clerical errors

[EXTERNAL]

Counsel,

From the Board –

Petitioner is authorized to file a motion to correct the Petition under 37 C.F.R.

§ 42.104(c), which should indicate (if still true) that the parties have conferred and the motion is unopposed.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Weidenfeller, Scott <SWeidenfeller@cov.com>
Sent: Wednesday, January 24, 2024 2:07 PM
To: Trials <Trials@USPTO.GOV>; Darren Franklin <DFranklin@sheppardmullin.com>
Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com;
jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com;
nick.palmieri@bakerbotts.com; kdorsney@morrisjames.com;
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Catanese <MCatanese@sheppardmullin.com>; Michael Hopkins
<MHopkins@sheppardmullin.com>; Sharma, Anupam <asharma@cov.com>
Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request
for authorization to correct clerical errors

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Dear Honorable Board,

We understand that a judge panel has now been assigned to this case. We respectfully resubmit this email correspondence for the panel's consideration.

Regards,

Scott Weidenfeller
Counsel for Petitioner

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, August 29, 2023 8:24 AM
To: Darren Franklin <DFranklin@sheppardmullin.com>; Trials <Trials@USPTO.GOV>
Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com;
jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com;
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chitch@morrisjames.com; Daniel Yannuzzi <dyannuzzi@sheppardmullin.com>; Mark
Catanese <MCatanese@sheppardmullin.com>; Michael Hopkins
<MHopkins@sheppardmullin.com>
Subject: RE: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request

for authorization to correct clerical errors

Counsel,

There is no panel assigned to this case. Your e-mail will be shared with the panel once one is assigned.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Darren Franklin <DFranklin@sheppardmullin.com>
Sent: Monday, August 28, 2023 7:10 PM
To: Trials <Trials@USPTO.GOV>
Cc: eliot.williams@bakerbotts.com; robert.maier@bakerbotts.com;
jennifer.tempesta@bakerbotts.com; michael.knierim@bakerbotts.com;
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Catanese <MCatanese@sheppardmullin.com>; Michael Hopkins
<MHopkins@sheppardmullin.com>
Subject: Peloton Interactive, Inc. v. NEC Corp., Case No. IPR2023-01241 - Request for
authorization to correct clerical errors

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Dear Honorable Board:

Pursuant to 37 C.F.R. § 42.104(c), Petitioner Peloton Interactive, Inc. respectfully requests authorization to correct clerical errors in a petition for *inter partes* review without changing the filing date of the petition. Specifically, Petitioner has found certain clerical errors in its petition for *inter partes* review filed in IPR2023-01241 and seeks to file revised papers correcting these errors under 37 C.F.R. § 42.104(c). Petitioner brought these clerical errors to Patent Owner's attention, and Patent Owner does not oppose Petitioner's request.

The errors pertain to (1) certain exhibit numbers (Ex1010 to Ex1015) in the body of the Declaration of Clifford Reader, Ph.D. (Ex1008) being off by one digit; and (2) references to certain claim element numbers in the petition and declaration being incorrect. For the convenience of the Board, attached are redline sheets showing the corrections, which Petitioner previously shared with counsel for Patent Owner.

These issues do not affect IPR2023-01240, which pertains to the same patent.

If needed, the parties are available for a conference call with the Board on the following dates:

- August 30 from 3 p.m. to 5 p.m. Eastern;
- September 1 from noon to 2 p.m. Eastern, and from 3:30 p.m. to 5 p.m. Eastern; and
- September 5 from 3 p.m. to 4 p.m. Eastern.

Sincerely,
Darren Franklin
Registration No. 51,701

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that the foregoing Petitioner's Motion to Correct Petition under 37 C.F.R. § 42.104(c) was served by electronic mail today on the following counsel of record for Patent Owner:

Eliot Williams (eliot.williams@bakerbotts.com; dlbbnec@bakerbotts.com)
Robert Maier (robert.maier@bakerbotts.com)
Jennifer Tempesta (jennifer.tempesta@bakerbotts.com)
Michael Knierim (michael.knierim@bakerbotts.com)
Nicholas Palmieri (nicholas.palmieri@bakerbotts.com)
BAKER BOTTS L.L.P.

And with courtesy copy to:

Darren Franklin (dfranklin@sheppardmullin.com)
Daniel Yannuzzi (dyannuzzi@sheppardmullin.com)
Mark W. Catanese (mcatanese@sheppardmullin.com)
SHEPPARD, MULLIN, RICHTER & HAMPTON

Date: February 6, 2024

/Scott C. Weidenfeller/
Scott C. Weidenfeller
Registration No.: 54,531