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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD.; SAMSUNG ELECTRONICS AMERICA, INC.; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC; and SAMSUNG AUSTIN SEMICONDUCTOR, LLC; Petitioner

V.

REMBRANDT WIRELESS TECHNOLOGIES, LP Patent Owner

> Case No. IPR2014-00519 Patent 8,023,580

PATENT OWNER'S RESPONSE PURSUANT TO 37 CFR § 42.120



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Grain Processing Corp. v. American-Maize Prods. Co., 840 F.2d 902 (Fed. Cir. 1988))	16
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<i>In re Grasselli</i> , 713 F.2d 731 (Fed. Cir. 1983)	18
In re NTP, Inc., 654 F.3d 1279 (Fed. Cir. 2011)	16
In re Translogic Tech., Inc., 504 F.3d 1249 (Fed. Cir. 2007)	6
In re Wesslau, 147 U.S.P.Q. 391 (C.C.P.A. 1965)	17
InTouch Tech., Inc. v. VGO Comm's, Inc., 2014 U.S. App. LEXIS 8745 (Fed. Cir. May 9, 2014)	16
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	15, 16
Macronix Int'l v. Spansion LLC, IPR2014-00106, Paper 13 (Apr. 24, 2014)	6
Motorola Mobility LLC, et al. v. Arendi S.A.R.L., IPR2014-00203, Paper No. 10 (June 5, 2014)	
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc)	6, 8
Unigene Labs., Inc. v. Apotex, Inc., 655 F.3d 1352 (Fed. Cir. 2011)	15
W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 U.S.P.Q. 303 (Fed. Cir. 1983)	17



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