

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC and
HUGHES COMMUNICATIONS, INC.,

Petitioners,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,

Patent Owner.

IPR2015-00060 (Patent 7,421,032)

**PETITIONERS' REQUEST FOR REHEARING
PURSUANT TO 37 C.F.R. § 42.71(d)**

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I. INTRODUCTION

In response to the Decision on Institution of *Inter Partes* Review entered April 27, 2015 (Paper No. 18) (“Decision”), Hughes Network Systems, LLC and Hughes Communications, Inc. (“Petitioner” or “Hughes”) submit this Request for Rehearing under 37 C.F.R. § 42.71(d) and respectfully request that the Patent Trial and Appeal Board (“Board”) reconsider its decision not to institute *Inter Partes* Review Proceedings on claims 1, 8, 10, 18, 19, and 22 of U.S. Patent No. 8,284,833 (“the ’833 patent”) as requested under Grounds 1-5 in the Corrected Petition for *Inter Partes* Review of U.S. Patent No. 7,41,032 (Paper No. 4) (“Petition”).

In the Decision, the Board denied institution of *Inter Partes* Review on all grounds. Petitioners respectfully submit that the Board erred in its decision as it overlooked or misapprehended important points and evidence in the Petition concerning why the *Frey* reference is a publication available for challenging the ‘032 patent. In particular, the Board erred in its finding that the Petition did not show that the *Frey* reference was “available as a publication reference against the ‘032 patent.” Decision at 15.

II. LEGAL STANDARD

A request for rehearing is appropriate when the requesting party believes “the Board misapprehended or overlooked” a matter that was previously addressed in the record. See 37 C.F.R. § 42.71(d). In reviewing such a request, the “panel

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