### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AT&T MOBILITY LLC Petitioners

V.

SOLOCRON MEDIA, LLC Patent Owner

Case IPR2015-00383 Patent No. 7,295,864

# PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 7,295,864 UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET SEQ.

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Leapfrog Enters., Inc. v. Fisher-Price, Inc., 485 F.3d 1157 (Fed. Cir. 2007)	5, 39
Monsanto Co. v. Mycogen Plant Sci., Inc., 261 F.3d 1356 (Fed. Cir. 2001)	21
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