

Inter Partes Review of
U.S. Patent No. 7,356,482
U.S. Patent No. 8,484,111

Case Nos. IPR2105-01750,
IPR2105-01751 and IPR2105-01752

Oral Hearing: April 26, 2019
Patent Owner's Demonstratives

RPX Exhibit 1200
RPX v. AIT
IPR2015-01752

Privity

- “the petitioner is simply serving as a proxy to allow another party to litigate the patent validity question that the other party raised in an earlier-filed litigation.” *WesternGeco*
- “*an equitable rule*” - *Senator Kyl*

“AIT effectively raised this argument [by] labeling RPX as ‘an extension of the client’s in-house legal team’ that helps ‘selectively clear’ liability for infringement as part of its ‘patent risk management solutions.’”

Real Party in Interest

- “Under the panel’s decision, it does not matter that a petitioner has its own interest in pursuing IPR; the petitioner is bound by prior litigation brought by a separate entity if it has a relationship with that entity and the entity would ‘benefit from’ the subsequent action.” RPX Pet. for Rehearing at 2.
- A non-party’s participation with a petitioner may be covert, and the evidence may be circumstantial. *Zoll Lifecor*

Legal Standards

- The leading case is *Applications in Internet Time, LLC v RPX Corp.*
- The leading case is *this* case.
- Highly fact specific
- Onus is on RPX. *Worlds v. Bungie*

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