UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX Corporation, Petitioner

v.
Applications In Internet Time LLC,
Patent Owner.

IPR2015-01750 Patent 8,484,111 B2

IPR2015-01751 IPR2015-01752 Patent 7,356,482 B2¹

PATENT OWNER'S RESPONSE TO PETITIONER'S REQUEST FOR REHEARING OF FINAL DECISION ON REMAND TERMINATING INSTITUTION

¹ This paper addresses issues common to all three cases. The word-for-word identical paper is filed in each proceeding identified in the heading. Paper 116 at 3. Paper and exhibit numbers used herein are from IPR2015-01750.



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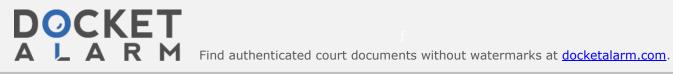


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Pursuant to Board authorization by email dated October 16, 2020, Patent Owner Applications in Internet Time, LLC ("AIT") submits this response to Petitioner RPX Corporation's ("RPX's") Request for Rehearing ("Req.") addressing RPX's procedural arguments regarding due process and discretionary denial (Req. at 1–3, 15).

RPX's brief fails to state the legal standard or cite any controlling precedent supporting its due process argument. The lack of analysis causes RPX to miss two basic points: first, constitutional due process protections do not apply where, as here, RPX's liberty or property rights are not at stake; second, even if they did, they would not require the exceptional remedies that RPX requests. Likewise, the Board's discretionary denial analysis was procedurally proper and correct on the merits.

I. THE PANEL CHANGE DID NOT VIOLATE RPX'S DUE PROCESS RIGHTS

A. RPX Has No Property or Liberty Interest at Stake in These Cases

Initially, RPX fails to establish the most basic requirement of due process, namely, a protected interest that would be affected by the outcome of these proceedings. "The first inquiry in every due process challenge is whether the plaintiff has been deprived of a protected interest in 'property' or 'liberty.' Only after finding the deprivation of a protected interest do we look to see if the ... procedures comport with due process." *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 59 (1999) (internal citations omitted). And "no process is due if one is not



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