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Paper No. \_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION,  
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,  
Patent Owner.

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IPR2015-01750  
Patent 8,484,111 B2

IPR2015-01751  
IPR2015-01752  
Patent 7,356,482 B2<sup>1</sup>

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

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<sup>1</sup> This identical paper is being filed in each proceeding in the above heading the Board authorized the parties to use. Paper 116 at 3. Paper and Exhibit numbers used herein are from IPR2015-01750. Emphasis is added unless otherwise indicated and internal quotation marks and citations are omitted.

**TABLE OF CONTENTS**

I. REPLY TO AIT’S ARGUMENTS REGARDING DUE PROCESS.....1  
    A. RPX Has Due Process Rights in These Proceedings .....1  
    B. AIT Cites No Authority Authorizing the Panel Change .....3  
II. DISCRETIONARY DENIAL WAS IMPROPER.....9  
III. AIT’S SILENCE ON THE MERITS IS TELLING.....10

## TABLE OF AUTHORITIES

### CASES

<i>Arthrex, Inc. v. Smith &amp; Nephew, Inc.</i> , 941 F.3d 1320 (Fed. Cir. 2019) .....	4
<i>Cuozzo Speed Techs., LLC v. Lee</i> , 136 S. Ct. 2131 (2016) .....	1, 6, 7, 9
<i>ESIP Series 2, LLC v. Puzhen Life USA, LLC</i> , 958 F.3d 1378 (Fed. Cir. 2020) .....	5, 6
<i>GEA Process Eng'g, Inc. v. Steuben Foods, Inc.</i> , IPR2014-0041, Paper 135 (Dec. 23, 2014) .....	3
<i>General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 (Sept. 6, 2017) .....	9
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976) .....	7
<i>SAS Inst. Inc. v. Iancu</i> , 138 S. Ct. 1348 (2018) .....	1
<i>SAS Inst., Inc. v. ComplementSoft, LLC</i> , 825 F.3d 1341 (Fed. Cir. 2016) .....	1, 2
<i>Thryv, Inc. v. Click-to-Call Techs., LP</i> , 140 S.Ct. 1367 (U.S. Apr. 20, 2020) .....	5, 6
<i>TQ Delta, LLC v. DISH Network LLC</i> , 929 F.3d 1350 (Fed. Cir. 2019) .....	1, 2, 9
<i>Withrow v. Larkin</i> , 421 U.S. 35 (1975) .....	1, 2

### STATUTES

35 U.S.C. § 316(a)(10) .....	1
35 U.S.C. § 6(c) .....	4, 5
5 U.S.C. § 554 .....	1, 2

5 U.S.C. § 554 (d) .....	5
5 U.S.C. § 554(b)(3).....	1
5 U.S.C. § 555.....	2
5 U.S.C. § 556.....	1, 2
5 U.S.C. § 557.....	2
5 U.S.C. § 706.....	1

**OTHER AUTHORITIES**

J. Golden, <i>PTO Panel Stacking: Unblessed by the Federal Circuit and Likely Unlawful</i> , 104 Iowa L. Rev. 2447 (2019) .....	7
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Petitioner RPX submits this reply to Patent Owner AIT’s Response (Paper 135) (“Response”) to RPX’s Request for Rehearing (Paper 134) (“Request”).

## **I. REPLY TO AIT’S ARGUMENTS REGARDING DUE PROCESS**

### **A. RPX Has Due Process Rights in These Proceedings**

“IPR proceedings are formal administrative adjudications subject to the procedural requirements of the Administrative Procedure Act (‘APA’),” including 5 U.S.C. § 554 (“adjudications”), § 556 (“Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision”) and § 706 (“Scope of Review”—reviewing court shall hold unlawful and set aside agency action that is “contrary to *constitutional right*” or “without observance of *procedure required by law*”). *TQ Delta, LLC v. DISH Network LLC*, 929 F.3d 1350, 1354 (Fed. Cir. 2019); *see also SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (APA applies to IPRs); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2142 (2016) (same); *Withrow v. Larkin*, 421 U.S. 35, 46 (1975) (the basic due process requirement of a fair trial before a fair tribunal applies to agencies that adjudicate).

AIT asserts that RPX is not entitled to due process because RPX allegedly has no “protected interest” (Response, 2), but cites no authority supporting that extraordinary assertion. IPR petitioners are entitled to due process. *SAS Inst., Inc. v. ComplementSoft, LLC*, 825 F.3d 1341, 1351 (Fed. Cir. 2016) (citing, *inter alia*, 5 U.S.C. § 554(b)(3) and 35 U.S.C. § 316(a)(10)), *rev’d on other grounds*, 138 S. Ct.

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