

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Apple Inc.,
Petitioners,

v.

Rosetta-Wireless Corporation,
Patent Owner.

Case IPR2016-00622¹
Patent 7,149,511 B1

**PATENT OWNER'S REQUEST UNDER 37 C.F.R. § 42.71(d)
FOR REHEARING OF THE FINAL WRITTEN DECISION**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Case IPR2016-00616 has been consolidated with this proceeding.

PATENT OWNERS' EXHIBIT LIST

Exhibit	Description
Ex. 2001	Declaration of William H. Mangione-Smith, Ph.D.
Ex. 2002	ATP Proposal Preparation Kit
Ex. 2003	Email from David Nairn to Ed Bachner
Ex. 2004	"Moving Toward a Future of Ubiquitous Computing," Technology@Intel Magazine
Ex. 2005	"TECHNOLOGY; Verizon Plans Fast Internet for Cellphones," New York Times, Jan. 9, 2004.
Ex. 2006	"Data Over Cellular: A Look at GPRS," Communication Systems Design, April 2000.
Ex. 2007	Telecom & Networking Glossary, 1999.
Ex. 2008	Member benefits (available at https://www.oclc.org/membership/benefits.en.html)
Ex. 2009	"Libraries Hope for Web 2.0 Shake-up with New Site," Washington Internet Daily, Dec. 15, 2006.
Ex. 2010	Email from Sharon Shaffer to Keith Campbell
Ex. 2011	ATP Project Brief: Wireless Replication of Enterprise Data for Instant Access by Mobile Workers
Ex. 2012	"Wireless biz aims to link road warriors to office," Crain's Chicago Business, Jan. 14, 2002.
Ex. 2013	Email chain between Sergio Fogel and Ed Bachner
Ex. 2014	Declaration of Daniel A. Zaheer supporting motion for <i>pro hac</i> <i>vice</i> admission
Ex. 2015	Declaration of Michael Ng supporting motion for <i>pro hac vice</i> admission
Ex. 2016	Declaration of William H. Mangione-Smith, Ph.D. (originally filed as Ex. 2001 in IPR2016-616)
Ex. 2017	Declaration of Edward F. Bachner III
Ex. 2018	"Shrinking the Server," InformationWeek, Jan. 21, 2002
Ex. 2019	"NIST puts money where the risk is," Government Computer News, Nov. 3, 2003
Ex. 2020	"Welcome to WIPS," Wireless Business & Technology, May 2004
Ex. 2021	"New Technology Could Challenge Ubiquitous Blackberry," MBA NewsLink, May 20, 2005
Ex. 2022	Second Declaration of William H. Mangione-Smith, Ph.D.
Ex. 2023	<i>Microsoft Computer Dictionary</i> (5 th ed. 2002)
Ex. 2024	<i>IBM Dictionary of Computing</i> (10 th ed. 1993)
Ex. 2025	<i>Network Dictionary</i> (May 15, 2007)
Ex. 2026	<i>Dictionary of Computer and Internet Terms</i> (10th ed., 2009)

Ex. 2027	<i>Microsoft Press Dictionary</i> (3 rd . ed. 2002)
Ex. 2028	CeRapiInit (Windows CE 5.0), Microsoft Corporation, 2006
Ex. 2029	“Remote API (RAPI),” eTutorial.org
Ex. 2030	Patent Owner’s Demonstratives

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I. Introduction

Pursuant to 37 C.F.R. § 42.71(d), Patent Owner Rosetta-Wireless Corporation (“Rosetta”) respectfully submits this Request for Rehearing of the final written decision for *inter partes* review in the consolidated cases IPR2016-00616 (“the ’616 Petition”) and IPR2016-00622 (“the ’622 Petition”).

First, the Board’s decision with regard to the ’616 Petition violates 35 U.S.C. § 318(a), which provides that the Board must render a final written decision on all claims challenged in the petition. Here, the petition in the ’616 Petition challenged claims 7 and 64, but the Board declined to institute with regard to those claims and its final decision does not address those claims. The Board’s decision with regard to the ’616 Petition is invalid and should be vacated.

Second, the Board’s decision with regard to both of the petitions was made in violation of the Seventh Amendment and Article III of the Constitution. A patent is a property right and the final written decision would operate to extinguish that property right without affording Patent Owner a right to trial by jury or an adjudication of the validity of the patent-in-suit by an Article III court. The final written decision is therefore invalid *in toto* and should be vacated.

II. Standard of Review

The party challenging a decision by the Board bears the burden of showing that the decision should be modified. 37 C.F.R. § 42.71(d).

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