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Filed on behalf of:
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

VOIP-PAL.COM, INC.,

Patent Owner

Case No. IPR2016-01201
U.S. Patent 8,542,815

PATENT OWNER'S OPPOSITION TO APPLE'S REQUEST FOR REHEARING PURSUANT TO BOARD ORDER OF DECEMBER 21, 2018 (CORRECTED)

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Patent Owner Voip-Pal.com, Inc. ("Voip-Pal") hereby opposes Petitioner Apple's Motion for Rehearing (Paper 71) and respectfully requests denial thereof.

I. INTRODUCTION

Petitioner alleges that, following institution of *inter partes* review of U.S. Patent 8,542,815 ("the '815 Patent") (Paper 6) by an original panel of the Board ("First Panel"), a replacement panel of the Board ("Second Panel") erred in ruling against Petitioner in a Final Written Decision ("FWD," Paper 54), specifically because it misapprehended or overlooked Petitioner's arguments. In the present Motion (Paper 71), Petitioner seeks rehearing under 37 C.F.R. § 42.71(d) of the FWD before a new panel ("Third Panel") of the Board as authorized in Paper 70.

Through blanket speculation and mischaracterization of the record, Petitioner tries to mislead the Board into finding error where there has been none. Petitioner mischaracterizes the scope of review by the Board in arriving at the FWD in order to create the illusion that the Board misapprehended and overlooked its arguments. But the evidence shows that the FWD was based on a full review of the entire record, and that Petitioner's attempt at a do-over should be denied—for *multiple* reasons:

First, the Second Panel did *not* misapprehend or overlook Petitioner's motivation to combine argument or the related testimony of Petitioner's expert, but rather, *rejected* it as insufficient and/or implausible in light of the well-supported evidence of Patent Owner's expert evidence—*which was not before the First Panel*;

Second, the Second Panel did *not* misapprehend or overlook the Proposed

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