UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC. and
LG ELECTRONICS U.S.A., INC.
Petitioners,

v.

ROSETTA-WIRELESS CORPORATION,
Patent Owner.

Case IPR2016-01516
Patent 7,149,511

PATENT OWNER'S SUR-REPLY TO PETITIONERS' REPLY

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EXHIBIT LIST

Petitioners' Exhibits

Exhibit	Description
Ex. 1001	U.S. Patent No. 7,149,511 (filed Aug. 31, 2000) (issued on Dec. 12, 2006) (the "'511 patent")
Ex. 1002	"A New File System for Mobile Computing" by John Saldahna, Dissertation, Department of Computer Science and Engineering, University of Notre Dame (November, 1996) ("Saldanha")
Ex. 1003	"Mobile Computing Personae" by A. Banerji, D.L. Cohn, and D.C. Kulkarni, *Proc. 4th Workshop on Workstation Operating Systems*, Napa, CA, October 1993, pp. 21-29
Ex. 1004	Presentation given at IBM Mobile Computing Workshop on January 24, 1994 by David Cohn.
Ex. 1005	"Realizing Mobile Computing Personae," by Michael Raymond Casey, Dissertation, Department of Computer Science and Engineering, University of Notre Dame (April, 1995)
Ex. 1006	"A hybrid model for mobile file systems," by Saldanha, John, and David L. Cohn, *Mobile Computing Systems and Applications, 1994 Proceedings, IEEE* (1994)
Ex. 1007	"A File System for Mobile Computing," by John Saldanha, A Dissertation Proposal, Technical Report 93-17, University of Notre Dame, December 1993
Ex. 1008	Cohn Expert declaration
Ex. 1009	Patent Owner's Preliminary Response, Paper 7, IPR2016-00616
Ex. 1010	Patent Owner's Preliminary Response, Paper 8, IPR2016-00622
Ex. 1011	U.S. Patent No. 5,983,073 (filed Apr. 4, 1997) (issued Nov. 9, 1999) ("Ditzik")
Ex. 1012	Microsoft Networks, SMB File Sharing Protocol, Document Version 6.0p (Jan. 1, 1996) ("Microsoft SMB" or "SMB")
Ex. 1013	WIPO Publication No. WO 91/003024 (filed Aug. 14, 1990) (published Mar. 17, 1991) ("Masden")
Ex. 1014	"A File System for Mobile Computing," by Carl Downing Tait, Dissertation, 1993 Columbia University
Ex. 1015	'511 Prosecution history
Ex. 1016	'511 Reexamination history
Ex. 1017	D.I. 109 (November 10, 2015 Opinion and Order) in Case No. 1-15- cv-00799
Ex. 1018	Mangione-Smith Declaration, Exhibit Rosetta-2001 to Patent Owner's Preliminary Response, Paper 7, IPR2016-00616
Ex. 1019	Mangione-Smith Declaration, Exhibit Rosetta-2001 to Patent Owner's Preliminary Response, Paper 8, IPR2016-00622

Ex. 1020	U.S. Patent No. 5,737,523 (issued Apr. 7, 1998) ("Callaghan Patent")
Ex. 1021	U.S. Patent No. 6,088,730 (filed Jan. 12, 1998) (issued Jul. 11, 2000) ("Kato")
Ex. 1022	Disconnected Operation in the Coda File System, by James J. Kistler and M. Satyanarayanan, ACM Transactions on Computer Systems, Vol. 10, No. 1, February 1992, Pages 3-25 ("Coda")
Ex. 1023	Declaration of Crystal Daugherty
Ex. 1024	Declaration of William Baer
Ex. 1025	Stanski, Peter, Stephen Giles, and Arkady Zaslavsky. "Document archiving, replication and migration container for mobile Web users." Proceedings of the 1998 ACM symposium on Applied Computing. ACM, 1998.
Ex. 1026	PDF of Wayback archive page https://web.archive.org/web/http://www.cse.nd.edu/tech_reports/1993.html
Ex. 1027	NFS Illustrated by Brent Callaghan (ISBN 0-201-32570-5) ("Callaghan Book")
Ex. 1028	D.I. 112 (November 30, 2015 Motion for Reconsideration of Court's Order Regarding Motion to Sever) in Case No. 1-15-cv-00799
Ex. 1029	D.I. 117(December 7, 2015 Minute Entry) in Case No. 1-15-cv-00799
Ex. 1030	D.I. 118 (December 7, 2015 Minute Entry) in Case No. 1-15-cv-00799
Ex. 1031	D.I. 134 (Transcript of Motion Hearing) filed in *Rosetta-Wireless Corp. v. Apple, Inc. et al.*, Case No. 1:15-cv-00799 (N.D. Ill. Jan. 12, 2016)
Ex. 1032	D.I. 29 (Order of the Executive Committee) filed in *Rosetta-Wireless Corp. v. LG Electronics Co. et al.*, Case No. 1:15-cv-10608 (N.D. Ill. Jan. 25, 2016)
Ex. 1033	D.I. 31 (Order) filed in *Rosetta-Wireless Corp. v. LG Electronics Co.et al.*, Case No. 1:15-cv-10608 (N.D. Ill. Jan. 27, 2016)
Ex. 1034	D.I. 32 (Order of the Executive Committee) filed in *Rosetta-Wireless Corp. v. LG Electronics Co. et al.*, Case No. 1:15-cv-10608 (N.D. Ill. Feb. 1, 2016)
Ex. 1035	D.I. 42 (Minute Entry) filed in *Rosetta-Wireless Corp. v. LG Electronics Co. et al.*, Case No. 1:15-cv-10608 (N.D. Ill. Sept. 7, 2016)
Ex. 1036	U.S. District Court for the Northern District of Illinois Internal Operating Procedure 13 – Reassignments and Transfers

Patent Owner's Exhibits

Exhibit	Description
Ex. 2001	Declaration of Daniel Zaheer for *Pro Hac Vice*
Ex. 2002	Declaration of Michael Ng for *Pro Hac Vice*
Ex. 2003	Complaint, No. 1:15-cv-00799 (Dkt. No. 1)
Ex. 2004	Summons and Proof of Service, No. 1:15-cv-00799 (Dkt. No. 12)
Ex. 2005	Motion for Extension of Time, No. 1:15-cv-00799 (Dkt. No. 24)
Ex. 2006	Memorandum in Support of Defendants' Motion to Dismiss, No. 1:15-cv-00799 (Dkt. No. 89)
Ex. 2007	Memorandum in support of Motion to Stay Patent Rule Deadlines, No. 1:15-cv-00799 (Dkt. No. 91)
Ex. 2008	Memorandum in support of Motion to Sever, No. 1:15-cv-00799 (Dkt. No. 93)
Ex. 2009	Rosetta's Response to Motion to Sever, No. 1:15-cv-00799 (Dkt. No. 100)
Ex. 2010	Docket Entry Granting Motion to Stay, No. 1:15-cv-00799 (Dkt. No. 99)
Ex. 2011	Opinion and Order re Motion to Sever and Motions to Dismiss. No. 1:15-cv-00799 (Dkt. No. 109)
Ex. 2012	Complaint in LG Action, No. 1:15-cv-10608 (Dkt. No. 1)
Ex. 2013	LGUSA's Answer, Defenses and Counterclaims, No. 1:15-cv-10608 (Dkt. No. 18)
Ex. 2014	Motion to Consolidate, No. 1:15-cv-00799 (Dkt. No. 115)
Ex. 2015	Excerpt of Transcript from December 8, 2015 hearing in Case No. 1:15-cv-00799
Ex. 2016	Docket Entry and Order Granting Motion to Consolidate, No. 1:15-cv-00799 (Dkt. Nos. 129 & 132)
Ex. 2017	Joint Status Report and Proposed Schedule, No. 1:15-cv-00799 (Dkt. No. 136)
Ex. 2018	Defendants' Motion to Stay, No. 1:15-cv-00799 (Dkt. No. 148)
Ex. 2019	"TECHNOLOGY; Verizon Plans Fast Internet for Cellphones," New York Times, Jan. 9, 2004.
Ex. 2020	"Data Over Cellular: A Look at GPRS," Communication Systems Design, April 2000.

Pursuant to the Board's Order dated December 2, 2016, Patent Owner Rosetta-Wireless Corporation ("Rosetta") respectfully submits this sur-reply to the Reply to Patent Owner's Preliminary Response filed by Petitioners LG Electronics USA, Inc. and LG Electronics, Inc. (collectively, "LG").

Section 315(b) is clear: institution of an *inter partes* review is barred if the petition "is filed more than 1 year after the date on which the petitioner . . . is served with a complaint alleging infringement of the patent." LG has previously attempted to evade that requirement, and the Board has rejected those tactics. In 2015, LG filed a petition more than one year after being served with a complaint that was voluntarily dismissed, but within a year of a second complaint. In a precedential decision, the Board rejected LG's petition as untimely, stating, "We decline LG's invitation to amend § 315(b) by inserting either 'latest' or 'second' [complaint] into the statute." *See LG Elecs., Inc. v. Mondis Tech. Ltd.*, IPR2015-00937, slip op. at 5 (PTAB Sept. 17, 2015) (precedential) (Paper 8).

The same rule applies here. LG's petition was indisputably filed more than one year after service of Rosetta's original complaint. LG and the other defendants filed a motion to dismiss, which the Court denied. They also filed a motion to sever, which Rosetta did not oppose (though Rosetta requested that the cases be

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