

Case IPR2018-00044
Patent No. 7,302,423 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS LLC,
Petitioner

v.

VILOX TECHNOLOGIES, LLC,
Patent Owner

PATENT OWNER'S REQUEST FOR DIRECTOR *DE NOVO* REVIEW

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Per the Federal Circuit’s Oct. 22, 2021, Order in Appeal No. 2019-2057, Patent Owner Vilox Technologies, LLC (“Vilox”) requests *de novo* rehearing by the Director of the Board’s finding in its Final Written Decision (“FWD,” Paper 67). Vilox respectfully requests that this IPR be dismissed because the Director failed to comply with his Constitutional and statutory duties within the time frames required by the AIA and/or because the IPR was not conducted in a manner consistent with the Office’s procedures and binding precedent. *Mobility Workx, LLC v. Unified Patents, LLC*, 2021 WL 4762265, at *8-*9 (Fed. Cir. Oct. 13, 2021). Further, Vilox respectfully asserts that due process requires a *de novo* review by the Director of all issues presented in the IPR, based on all evidence of record. *See United States v. Arthrex, Inc.*, 141 S. Ct. 1970, 1993 (2021) (Gorsuch J., dissenting).

Vilox requests the Director issue a certificate confirming validity of the challenged claims. Alternatively, Vilox requests that the FWD be vacated. Finally, Vilox should be allowed to take discovery regarding whether all real-parties-in-interest (“RPI”) and privies were disclosed as required by 35 U.S.C. § 312(a)(2) and should be allowed to present its evidence at a *de novo* hearing.

I. BACKGROUND

Unified Patents Inc. (“Unified”), allegedly on its own initiative, filed a Petition for Inter Partes Review on October 6, 2017 (Paper 1). An Institution Decision issued on April 19, 2018 (Paper 9). However, the Director did not review the Institution

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