

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC.,
Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,
Patent Owner.

Case IPR2018-00274
Patent No. 7,834,586 B2

Before BRYAN F. MOORE, JON B. TORNQUIST, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*

ORDER TO SHOW CAUSE
37 C.F.R. § 42.5

On August 29, 2018, we entered our Decision Denying Institution of *Inter Partes* Review in this case. Paper 17. 37 C.F.R. § 42.71(d) sets forth the requirements for a rehearing request. Any request for rehearing of our Decision is required to be filed within 30 days of the entry of the Decision. *Id.* Thus, a timely request for rehearing, in accordance with the requirements set forth in 37 C.F.R. § 42.71(d), should have been filed no later than September 28, 2018.

On October 10, 2018, Petitioner filed a rehearing request with a legal memorandum. Paper 18. The caption of Petitioner's request states: "Petitioner's Request for Rehearing (originally submitted on 9/28/18)." *Id.* The Board's electronic filing records do not reflect that Petitioner filed the legal memorandum on September 28, 2018.

Based on the foregoing, it is hereby:

ORDERED that Petitioner shall, within 3 business days of the entry of this order, file a memorandum, not to exceed 3 pages, showing cause why we should not expunge the rehearing request filed on October 10, 2018 as not timely;

FURTHER ORDERED that Patent Owner may file an opposition to Petitioner's memorandum, not to exceed 3 pages, no later than 3 business days after the filing of Petitioner's memorandum;

FURTHER ORDERED that the parties are not authorized to submit any further briefing on this issue.

IPR2018-00274
Patent 7,834,586 B2

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