

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE (USA) INC.,

Petitioner

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,

Patent Owner

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**PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE**

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

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

On October 15, 2018, the Board issued an Order for Petitioner ZTE (USA) Inc. (“ZTE”) to show cause why the Board should not expunge Petitioner’s Request for Rehearing filed on October 10, 2018 as not timely (Paper No. 19).

Petitioner asserts that it timely filed a Request for Rehearing in this case on September 28, 2018, and that any delay in filing was due to an inadvertent filing error. Petitioner filed a Request for Rehearing in this case via the E2E filing portal on September 28, 2018 and received an automated filing confirmation indicating that “[a] Rehearing Request has been filed.” McMahon Dec. ¶¶ 4-6; Ex. A. That same day, shortly after filing, Petitioner served a copy of the Request for Rehearing on Patent Owner’s counsel. McMahon Dec. ¶¶ 7-8; Ex. B. Petitioner’s counsel subsequently received a telephone message from the Board indicating that the filing was missing an attachment. McMahon Dec. ¶ 9. As a result, on October 10, 2018, Petitioner re-filed the Request for Rehearing, originally submitted on September 28, 2018. McMahon Dec. ¶¶ 10-11; Ex. C. The Request for Rearing filed on October 10, 2018 is identical to the Request for Rehearing filed and served on September 28, 2018, with the exception of an updated caption indicating the original submission date. McMahon Dec. ¶¶ 12-14; Ex. D; Ex. E.

Accordingly, Petitioner asserts that its Request for Rehearing in this case was timely filed and respectfully requests the Board’s acceptance thereof.

IPR2018-00274  
Response to Order to Show Cause  
October 18, 2018

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I certify that I sent a copy of Petitioner's Response to Order to Show Cause  
on October 18, 2018 to:

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