

Case IPR2018-01257
Patent No. 8,552,978

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC., SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner

v.

CYWEE GROUP LTD.
Patent Owner

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

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Per the Federal Circuit’s Sep. 23, 2021, Order in Appeal Nos. 2020-1565 and 2020-1567, Patent Owner CyWee Group, Ltd. (“CyWee”) submits its request for *de novo* rehearing by the Director, including whether this IPR must be dismissed because the Director failed to comply with his Constitutional and statutory duties within the required time frame and/or because the proceedings were inconsistent 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). Due process requires a *de novo* review by the Director of all issues presented by CyWee based on all evidence of record. *See United States v. Arthrex, Inc.*, 141 S. Ct. 1970, 1993 (2021) (Gorsuch J., dissenting).

A certificate confirming the challenged claims should be issued because the IPR was not constitutionally instituted within 3 months after CyWee’s Preliminary Response was filed and because the proceedings after institution were inconsistent with the Office’s procedures and binding precedent. Alternatively, the Final Written Decision (“FWD”) must be vacated and CyWee 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 to present its evidence at a *de novo* hearing.

I. BACKGROUND

CyWee initiated infringement actions against various parties (the “Android Defendants”) asserting the patent-at-issue in this IPR, including infringement

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