

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDVINE CORPORATION and SANDVINE INCORPORATED ULC,

PETITIONERS,

V.

PACKET INTELLIGENCE, LLC,

PATENT OWNER.

Case No. IPR2017-00769
U.S. Patent No. 6,651,099

**PATENT OWNER'S OPPOSITION TO PETITIONERS'
REQUEST FOR REHEARING UNDER 37 C.F.R. § 42.71(D)**

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GLOSSARY OF TERMS

Term	Definition
“Decision”	Decision Denying Institution of <i>Inter Partes</i> Review, 37 C.F.R. §42.108 dated July 26, 2017. (Paper 8)
“Patent Owner”	Packet Intelligence, LLC
“Petitioners”	Sandvine Corporation and Sandvine Incorporated ULC
“Petition” or “Pet.”	Petition for <i>Inter Partes</i> Review of Claims 1-10 of U.S. Patent No. 6,651,099 dated January 25, 2017 (Paper 2)
“Response”	Patent Owner’s Preliminary Response dated April 28, 2017 (Paper 6)
“Request”	Request for Rehearing dated August 25, 2017 (Paper 9)

I. INTRODUCTION

Petitioners' Request for Rehearing should be denied. The Board's Decision denying institution of *inter partes* review did not "overlook" or "misapprehend" arguments as Petitioner argues. To the contrary, the Decision correctly understood the arguments presented in the Petition. The Petition and the Rehearing Request fails to show that Engel discloses conversational flow as construed by the Board. Petitioners' Request is nothing more than an attempt to use the Board's Decision as a roadmap to develop and present new arguments not articulated in the Petition. As the Board has recognized in other cases, a request for rehearing is not an opportunity for a party to re-argue its case. Nor is a rehearing request an opportunity to supplement the record and to raise issues for the first time. Petitioners' Request violates all of these principles, fails to show an abuse of discretion by the Board, and must be denied. Furthermore, even if the Board considers Petitioners' new arguments, they do not address the deficiencies identified in the Decision and Patent Owner's Preliminary Response.

II. THE BOARD DID NOT OVERLOOK OR MISAPPREHEND THE ARGUMENTS IN THE PETITION

A. Hash Table Arguments Were Not Raised In The Petition

The primary focus of Patent Owner's Response was that Engel does not disclose "conversational flow." Petitioners' Request argues that the Board allegedly misapprehended or overlooked arguments regarding an "application hash table" in

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