

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner,

v.

BELL NORTHERN RESEARCH, LLC,
Patent Owner.

Case IPR2020-00611
Patent 8,416,862

**Petitioner's Request for Rehearing
Under 37 C.F.R. § 42.71(d)(2)**

TABLE OF CONTENTS

I. STATEMENT OF THE PRECISE RELIEF REQUESTED..... 1

II. LEGAL STANDARD 2

III. STATEMENT OF REASONS FOR RELIEF REQUESTED 2

 A. The Board Overlooked or Misapprehended that Samsung’s
Expert Testimony Outweighs BNR’s Attorney Arguments 3

 B. The Board Improperly Discounted Samsung’s Expert’s
Testimony Based on a Requirement of Personal Knowledge of
the Practices of a Specific Library 7

 C. The Board Improperly Imposed a Requirement That Samsung
Establish the Publication Date of References Citing *Haykin* 11

IV. CONCLUSION..... 14

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>BioMarin Pharma. Inc. v. Genzyme Therapeutic Prods. Ltd. P’ship</i> , IPR2013-00534, Paper 80, 5–6 (Jan. 7, 2015)	7
<i>Google LLC v. IPA Techs. Inc.</i> , IPR2019-00728, Paper 11 (Sept. 4, 2019).....	9
<i>GoPro, Inc. v. Contour IP Holding LLC</i> , IPR2015-01078, Paper 28 (Dec. 28, 2015).....	6
<i>In re Hall</i> , 781 F.2d 897 (Fed. Cir. 1986).....	7
<i>Hulu, LLC v. Sound View Innovations, LLC</i> , IPR2018-01039, Paper 29 (Dec. 20, 2019).....	<i>passim</i>
<i>Jazz Pharms. Inc. v. Amneal Pharms., Inc.</i> , 895 F.3d 1347 (Fed. Cir. 2018).....	4
<i>LG Elecs., Inc. v. Bell N. Research, LLC</i> , IPR2020-00108, Paper 14 (May 20, 2020).....	9, 10
<i>Medtronic, Inc. v. Barry</i> , 891 F.3d 1368 (Fed. Cir. 2018).....	4
<i>RPX Corp. v. IYM Techs. LLC</i> , IPR2017-01888, Paper 16 (May 14, 2018).....	6
<i>Samsung Elecs. Co., Ltd. v. M & K Holdings Inc.</i> , IPR2018-00696, Paper 48 (Sept. 4, 2019).....	11
<i>Seabery North America Inc. v. Lincoln Global, Inc.</i> , IPR2016-00840, Paper 40 (Mar. 15, 2017).....	6
<i>Unified Patents Inc. v. Sound View Innovations, LLC</i> , IPR2018-00599, Paper 50 (Sept. 9, 2019).....	9

Valeo North America, Inc. v. Magna Elecs., Inc.,
IPR2014-01204, Paper 26 (Apr. 10, 2015).....7

Statutes

35 U.S.C. § 102(a).....1

Other Authorities

37 C.F.R. § 42.71(d).....2

37 C.F.R. § 42.108(c).....3

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Samsung Electronics Co., Ltd. (“Petitioner” or “Samsung”) requests rehearing of the Board’s Decision (Paper 11, “Decision”), denying institution of Samsung’s IPR petition (Paper 1, “Petition”) for claims 9-12 of U.S. Patent No. 8,416,862 (“the ’862 patent”). The Board found that Samsung did not establish that *Haykin* (Ex.1010) qualifies as prior art under 35 U.S.C. § 102(a). The Board’s Decision is erroneous in several respects, as Samsung established a reasonable likelihood that *Haykin* qualifies as a printed publication under the totality of the evidence.

Patent Owner Bell Northern Research, LLC (“Patent Owner” or “BNR”) did not submit expert testimony supporting its arguments regarding *Haykin*, yet the Board credited BNR’s attorney arguments concerning details relating to the publication history of *Haykin* over the *expert* testimony of Dr. Ingrid Hsieh-Yee submitted by Samsung. Dr. Hsieh-Yee offered her expert opinion based on a detailed analysis of relevant facts and her two-plus decades of experience in the library sciences. The Board improperly discounted her testimony based on a requirement of personal knowledge of past practices of the Library of Congress, including at the time of publication of the *Haykin* reference. Similarly, the Board provided no legal guidance to support its criticism of Samsung for not sufficiently establishing the publication dates of prior art references citing *Haykin*. The Board

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