Paper No. _____
Filed: September 23, 2020

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 IPR2020-00613
Patent 8,416,862

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

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Other Authorities

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Samsung Electronics Co., Ltd. ("Petitioner" or "Samsung") requests rehearing of the Board's Decision (Paper 10, "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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