

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., LG ELECTRONICS INC., and LG
ELECTRONICS U.S.A., INC.,
Petitioners,

v.

PARUS HOLDINGS, INC.,
Patent Owner.

Case No. IPR2020-00846
U.S. Patent No. 7,076,431

**PATENT OWNER'S REQUEST FOR REHEARING
OF INSTITUTION DECISION**

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Cases

PNY Techs. Inc. v. Phison Elecs. Corp.,
IPR2013-00472, Paper No. 16 (P.T.A.B. Apr. 23, 2014)2

*Sand Revolution II, LLC. v. Continental Intermodal Group –
Trucking LLC*,
IPR2019-01393, Paper No. 24 (P.T.A.B. June 16, 2020)2

Other Authorities

37 C.F.R. § 42.71(c).....2

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TABLE OF EXHIBITS

Exhibit	Description
2001	Order Denying Motion to Stay Pending <i>Inter Partes</i> Review, C.A. No. 6-18-cv-00201
2002	Exhibit A9 Kovatch Claim Chart 7076431
2003	Exhibit C Obviousness Claim Chart 7076431 (Corrected)
2004	Reserved
2005	Reserved
2006	Standing Order Re Scheduled Hearings in Civil Cases, 19-cv-00432
2007	Claim Construction Order, 1-20-cv-00351
2008	Claim Construction Order, 6-19-cv-00532
2009	Claim Construction Order, 6-18-cv-00308
2010	U.S. Patent No. 6,157,705 (Perrone)
2011	Defendants' Corrected Invalidity Contentions, 6-19-cv-00432
2012	Excerpt of Case Docket Sheet, 6-19-cv-00278-ADA
2013	Excerpt of Case Docket Sheet, 6-19-cv-00514-ADA
2014	Excerpt of Case Docket Sheet, 6-19-cv-00515-ADA
2015	Markman Hearing Transcript, 6-19-cv-00432-ADA
2016	Claim Construction Order, 6-19-cv-00432-ADA
2017	Order Consolidating Cases, 6-19-cv-00432-ADA
2018	10/13/2020 Email from the Court
2019	Excerpt of Case Docket Sheet, 6:18-cv-00308-ADA

I. INTRODUCTION

Patent Owner Parus Holdings, Inc. (“Parus”) respectfully submits this Request for Rehearing of Institution Decision pursuant to 37 C.F.R. § 42.71(d). In particular, Parus respectfully requests that the Board reconsider its October 21, 2020 decision to institute *inter partes* review (Paper 9, hereafter “Decision”) of claims 1, 2, 4–7, 9, 10, 13, and 14 of U.S. Patent No. 7,076,431 B2 (“the ’431 Patent”), and instead deny *inter partes* review on those claims. The basis for this request is new facts that have arisen since the Board’s Decision, which decidedly tilt the *Fintiv* factors in favor of denying institution in light of the earlier trial in the Parallel Proceeding in the District Court for Western District of Texas.

In particular, the underlying assumptions on which the Board based its *Fintiv* analysis have now changed. For example, where the Board found factors 2 and 5 neutral because it was unclear whether the trial in the Parallel Proceeding would go forward before the final written decision deadline, that is no longer true. For example, the parties (including the Petitioner) have confirmed to the District Court that they are available and ready to go forward with the trial in July 2021 as proposed by the Court, which is three months before the final written decision deadline. Moreover, since the Decision, jury trials in the Western District of Texas are again moving forward. More specifically, Judge Albright, the presiding Judge in the Parallel Proceeding in the Western District, has been hearing a jury trial in patent

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