Paper 13

Filed: November 21, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC., PETITIONER,

v.

GOTV STREAMING, LLC, PATENT OWNER.

CASE IPR2023-00757 PATENT 8,989,715

PATENT OWNER'S REQUEST FOR REHEARING 37 C.F.R. § 42.71(d)

TABLE OF CONTENTS

TABI	LE OF AUTHORITIES ii
CUR	RENT EXHIBIT LISTiii
I.	INTRODUCTION
II.	RELIEF REQUESTED AND BASIS FOR ITS ENTITLEMENT
III.	LEGAL STANDARD2
IV.	NEW EVIDENCE FOR THE BOARD'S CONSIDERATION4
V.	GOOD CAUSE FOR NEW EVIDENCE
VI.	MATTERS THE BOARD MISAPPREHENDED OR OVERLOOKED AND THE PLACE WHERE EACH MATTER WAS PREVIOUSLY ADDRESSED IN A REPLY
VII.	THE PARTIES CLEARLY CONTESTED THAT THE APPLICATION MUST RUN ON THE SERVER, AND PETITIONER'S CONCESSION THAT IT DOES UPENDS THE BASIS FOR THE BOARD'S INSTITUTION DECISION
VIII.	CONCLUSION15



TABLE OF AUTHORITIES

	_		_	
•	а	C	ρ	C
•	a	. 7	•	.,

Apple Inc. v. Fintiv, Inc., IPR2020-00019-11 (PTAB Mar. 20, 2020) (precedential)	14, 15
Canadian Solar Inc. v. The Solaria Corp., IPR2021-00095-17 (PTAB Sept. 24, 2021)	
Conopco, Inc. v. Procter & Gamble Co., IPR2014-00506-25 (PTAB Dec. 10, 2014) (informative)	2
Facebook, Inc. v. Sound View Innovations, IPR2017-00998-13 (PTAB Sept. 5, 2017)	7
Facebook, Inc. v. Sound View Innovations, IPR2017-01003-14 (PTAB Sept. 1, 2017)	13
Ford Motor Co. v. MIT, IPR2021-00341-17 (PTAB Nov. 21, 2022)	3
GTNX, Inc. v. INTTRA, Inc., 789 F.3d 1309 (Fed. Cir. 2015)	3
OpenSky Indus., LLC v. VLSI Tech. LLC, IPR2021-01064-102 (Oct. 4, 2022) (precedential)	2
Resmed Corp. v. Cleaveland Med. Devices Inc., IPR2023-00565-13 (PTAB Sept. 25, 2023)	14
Samsung Elecs. Co. v. Smart Mobile Techs. LLC, IPR2022-01248-13 (PTAB Jan. 24, 2023)	6
Vector Flow, Inc. v. HID Global Corp., IPR2023-00353-11 (PTAB Aug. 10, 2023) (Director Review)	3, 9
Rules	
37 C.F.R. § 42.11(a)	7
37 C.F.R. § 42.51(b)	
37 C.F.R. § 42.71(c)	2
37 C.F.R. § 42.71(d)	3
Other Authorities	
Consolidated Trial Practice Guide (Nov. 2019)	3. 8



IPR2023-00757 Patent 8,989,715

CURRENT EXHIBIT LIST¹

No.	Brief Description
1001	U.S. Patent No. 8,989,715
1002	Expert Declaration of Ben Bederson ("Bederson")
1003	Curriculum Vitae of Benjamin B. Bederson, Ph.D.
1004	File History of U.S. Patent No. 8,989,715
1005	File History of U.S. Patent No. 8,478,245
1006	U.S. Patent Application Publication No. 2007/0150617 ("Hariki")
1007	U.S. Patent Application Publication No. 2003/0023755 ("Harris")
1008	U.S. Patent No. 7,447,486 ("Tamura")
1009	U.S. Patent No. 6,996,627 ("Carden")
1010	U.S. Patent No. 6,669,564 ("Young")
1011	U.S. Patent No. 6,732,183 ("Graham")
1012	U.S. Patent No. 6,507,727 ("Henrick")
1013	Webpage excerpt from Computer History Museum at https://www.computerhistory.org/tdih/april/6/ (last accessed March 29, 2023)
1014	https://www.webdesignerdepot.com/2009/05/the-evolution-of-cell-phone-design-between-1983-2009/
1015	Excerpts from Dan R. Olsen, Jr., Developing user interfaces (1998)
1016	Alok Sinha, Client-server computing, in Communications of the ACM, 35, 7 (1992)
1017	Tim Berners-Lee, Robert Cailliau, Ari Luotonen, Henrik Frystyk Nielsen, and Arthur Secret, The World-Wide Web, Communications
1018	Eric Kasten, HTML: A Gentle Introduction, Linux Journal (July 1995), available at https://www.linuxjournal.com/article/1081
1019	U.S. Patent Application Publication No. 2013/0124961 ("Linburn")

¹ Relevant portions of exhibits may be highlighted to help the Panel locate cited sections.



IPR2023-00757 Patent 8,989,715

No.	Brief Description
1020	U.S. Patent No. 8,111,326 ("Talwar")
1021	Order re Scheduling Conference, <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , No. 2:22-cv-07556 (C.D. Cal. Feb. 13, 2023) (Doc. 61)
1022	Complaint in GoTV Streaming, LLC v. Netflix, Inc., No. 2:22-cv-07556-RGK-SHK (C.D. Cal. Oct. 17, 2022) (Doc. 1)
1023	Netflix's Memorandum in Opposition to GoTv Streaming, LLC's Motion for Judgment as a Matter of Law, No. 2:22-cv- 07556- RGK-SHK (C.D. Cal. Oct. 26, 2023) (Doc. 406)
2001	CAMPBELL-KELLY ET AL., Mainframes to Smartphones: A History of the International Computer Industry, Ch. 11 (Harvard Univ. Press 2015)
2002	GALAZZO, Timeline from 1G to 5G: A Brief History on Cell Phones (Sept. 21, 2020), available at https://www.cengn.ca/information-centre/innovation/timeline-from-1g-to-5g-a-brief-history-on-cell-phones/
2003	Cingular MEdia Mall Games and Motorola Page (March 23, 2006), available at https://web.archive.org/web/20060323054853/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLDir?c1= 3&dc=0 and https://web.archive.org/web/20060323054841/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLSelectPhone?makeName=motorola&dc=0
2004	Suite, Definition & Meaning - Merriam-Webster, available at https://www.merriam-webster.com/dictionary/suite
2005	U.S. Patent No. 7,380,205 to Bezrukov et al.
2006	TUTENEL ET AL., Rule-Based Layout Solving and Its Application to Procedural Interior Generation, Netherlands Organization for Scientific Research and the Netherlands ICT Research and Innovation Authority (2009)
2007	KRÖNER, Adaptive Layout of Dynamic Web Pages, Deutsches Forschungszentrum für Künstliche Intelligenz GmH (2000)



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