

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC  
Petitioner

v.

IPA TECHNOLOGIES INC.  
Patent Owner

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IPR2018-00476  
Patent No. 6,757,718

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**PETITIONER'S REQUEST FOR REHEARING AND  
SUGGESTION FOR REHEARING BY AN EXPANDED PANEL**

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## I. INTRODUCTION AND RELIEF REQUESTED

Petitioner Google LLC (“Google”) requests rehearing of the Board’s July 20, 2018 decision (“Decision”) declining to institute review of claims 1-27 of U.S. Patent No 6,757,718 (“the ’718 patent”). The Decision hinges on a misapprehension of (1) Google’s basis for asserting that *Cheyser* (Ex. 1012) qualifies as prior art, and (2) controlling Federal Circuit precedent regarding the legal requirements for “public availability.”

Google explained that *Cheyser* was published “on the SRI website by at least 1997,” (Pet. at 4) based on two core points: (1) archived copies of SRI’s website in 1997 showing *Cheyser* was available for viewing (Ex. 1031) in addition to a link that was provided to download it (Ex. 1030); and (2) another pre-critical date publication (Ex. 1029, “*Moran*”), in which the inventors and other authors cited to *Cheyser* and directed the public to SRI’s website to review it (Pet. at 3–4). The evidence on these two points ***alone*** establishes *Cheyser* as a printed publication by 1997. As the Federal Circuit explained in the *Blue Calypso* case cited in the Decision, a “***published article with an express citation to the potentially invalidating reference*** would” provide “a skilled artisan with a sufficiently definite roadmap” to establish the reference is a printed publication. *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1350 (Fed. Cir. 2016) (emphasis added). And as the Board has recognized, “[d]ocumentary evidence generated by the Wayback

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