Paper No. 10 Filed: August 14, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
GOOGLE LLC,
PETITIONER,
V.
IPA TECHNOLOGIES, INC.,
PATENT OWNER.
Case No. IPR2018-00476
U.S. Patent No. 6,757,718

PATENT OWNER'S OPPOSITION TO PETITIONER'S REQUEST FOR REHEARING UNDER 37 C.F.R. § 42.71(D)

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Jazz Pharm., Inc. v. Amneal Pharm., Inc., No. 2017-1671, 2018 U.S. App. LEXIS 19268 (Fed. Cir. July 13, 2018)	4
Power Integrations, Inc. v. Semiconductor Components Industries, LLC, IPR2017-01903, Paper 11 (PTAB July 26, 2018)	7
RedMed Ltd. v. Fischer & Paykel Healthcare Ltd., 2016-01723, Paper 11 (PTAB Mar. 9, 2017)	4
SK Hynix Inc., et al. v. Netlist, Inc., IPR2017-00649, Paper 9 (PTAB Dec. 4, 2017)	2



Sophos Ltd. et al. v. Fortinet, Inc., IPR2015-00910, Paper 10 (PTAB Oct. 26, 2015)	2
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## **GLOSSARY OF TERMS**

Term	Definition
"Decision"	Decision Denying Institution of <i>Inter Partes</i> Review dated July 20, 2018. (Paper 7).
"Patent Owner"	IPA Technologies Inc.
"Petitioner"	Google LLC.
"Petition" or "Pet."	Petition for <i>Inter Partes</i> Review of Claims 1-27 of U.S. Patent No. 6,757,718 dated January 12, 2018 (Paper 1).
"POPR"	Patent Owner's Preliminary Response dated May 4, 2018 (Paper 6).
"Request" or ("Req.")	Request for Rehearing dated July 24, 2018 (Paper 8).



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