

2022-2257, 2022-2258, 2022-2259, 2022-2260

**United States Court of Appeals
for the Federal Circuit**

GUI GLOBAL PRODUCTS, LTD., dba GWEE,
Appellant

v.

APPLE, INC.,
Appellee

*On Appeal from the Patent and Trademark Office, Patent Trial and Appeal Board
in Nos. IPR2021-00470, IPR2021-00471, IPR2021-00472, IPR2021-00473*

**CORRECTED APPELLANT'S COMBINED PETITION FOR PANEL
REHEARING OR REHEARING EN BANC**

April 26, 2024

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UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 22-2257; 22-2258; 22-2259; 22-2260
Short Case Caption GUI Global Products, Ltd. v. Apple, Inc.
Filing Party/Entity Appellant GUI Global Products, Ltd. d/b/a Gwee

- Instructions:**
1. Complete each section of the form and select none or N/A if appropriate.
 2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
 3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
 4. Please do not duplicate entries within Section 5.
 5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 04/26/2024

Signature: /s/ John J. Edmonds

Name: John J. Edmonds

<p>1. Represented Entities. Fed. Cir. R. 47.4(a)(1).</p>	<p>2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).</p>	<p>3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).</p>
<p>Provide the full names of all entities represented by undersigned counsel in this case.</p>	<p>Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.</p> <p><input checked="" type="checkbox"/> None/Not Applicable</p>	<p>Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.</p> <p><input type="checkbox"/> None/Not Applicable</p>
<p>GUI Global Products, Ltd. d/b/a Gwee</p>		<p>GUI Global Management, LLC (Managing General Partner)</p>

Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

None/Not Applicable Additional pages attached

Barrett Reasoner, Gibbs & Brunns, LLP	Mark A. Giugliano, Gibbs & Brunns, LLP	Michael Absmeier, Gibbs & Brunns, LLP
Jorge Gutierrez, Gibbs Bruns, LLP	Ernest ("Butch ") Boyd, Butch Boyd Law Firm	

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes (file separate notice; see below) No N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

None/Not Applicable Additional pages attached

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COUNSEL'S STATEMENT

Based on my professional judgment, I believe the Panel decisions in Appeal Nos. 2022-2158 and 2022-2159 (lead case 2022-2156) are contrary to the following decision(s) of the Supreme Court of the United States or the precedent(s) of this court: *BlephEx, LLC v. Myco Indus., Inc.*, 24 F.4th 1391 (Fed. Cir. 2022); *Chamberlain Grp., Inc. v. Techtronic Indus. Co.*, 935 F.3d 1341 (Fed. Cir. 2019); *Summit 6, LLC v. Samsung Elecs. Co.*, 802 F.3d 1283, 1294 (Fed. Cir. 2015); *Kennametal, Inc. v. Ingersoll Cutting Tool Co.*, 780 F.3d 1376 (Fed. Cir. 2015); *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). The claims at issue in Appeal Nos. 2022-2158 and 2022-2159 overlap those at issue in these appeals. Thus, when the same Panel affirmed unpatentability in Appeal Nos. 2022-2158 and 2022-2159, it dismissed these appeals as moot. *GUI Glob. Prods. v. Apple Inc.*, 2024 U.S. App. LEXIS 8700, *1-2; 2024 WL 1573730 (Fed. Cir. April 11, 2024). If this Court grants relief on rehearing for Appeal Nos. 2022-2158 and 2022-2159, then these appeals will no longer be moot and the Panel's dismissal for mootness should be reversed and the case remanded to the Panel for a decision on the merits.

Dated: April 26, 2024

/s/ John J. Edmonds
John J. Edmonds

EDMONDS & SCHLATHER, PLLC

INTRODUCTION

If this Court grants relief on Appellant’s Petition for rehearing in companion Appeal Nos. 2022-2158 and 2022-2159 (lead case 2022-2156), then these appeals will no longer be moot, and the Panel’s dismissal for mootness should be reversed and these matters remanded to the Panel for decision on the merits. Accordingly, if this Court grants Panel or en banc rehearing with respect to companion Appeal Nos. 2022-2158 and 2022-2159, then it should also grant rehearing with respect to these two appeals.

FACTUAL BACKGROUND

These two appeals involve challenges to the PTAB’s determination of unpatentability of claims 1-5 and 7-13 in U.S. Patent Nos. 10,562,077 (“the ’077 patent”) and 10,589,320 (“the ’320 patent”). These appeals are companions to Appeal Nos. 2022-2158 and 2022-2159 (lead case 2022-2156), which involve separate IPR proceedings involving overlapping claims. In companion Appeal Nos. 2022-2158 and 2022-2159, the same Panel affirmed the PTAB’s determination that all claims, *i.e.*, claims 1-13, of the ’077 and ’320 patents are unpatentable. *GUI Glob. Prods. v. Samsung Elecs. Co.*, 2024 U.S. App. LEXIS 8708; 2024 WL 1564694 (Fed. Cir. April 11, 2024). When the Panel affirmed the PTAB’s finding of unpatentability of all claims of the ’077 and ’320 patents in the Samsung appeals, it dismissed these Apple appeals as moot. *GUI Glob. Prods. v.*

Apple Inc., 2024 U.S. App. LEXIS 8700, *1-2.

Contemporaneously with the filing of this Petition for rehearing, Gwee has petitioned for rehearing with respect to companion Samsung Appeal Nos. 2022-2158 and 2022-2159 involving the ‘077 and ‘320 patents. If Gwee’s Petition for rehearing for companion Appeal Nos. 2022-2158 and 2022-2159 is successful, then these appeals will no longer be moot.

ARGUMENT

As noted above, contemporaneously with the filing of this Petition for rehearing, Gwee has petitioned for rehearing with respect to companion Appeal Nos. 2022-2158 and 2022-2159 involving IPRs filed by Samsung. If Gwee’s Petition for rehearing in companion Appeal Nos. 2022-2158 and 2022-2159 is successful, then these appeals will no longer be moot, because claims 1-13 of the ‘077 and ‘320 patents will not have been adjudged invalid on appeal.

Thus, if this Court grants rehearing for Appeal Nos. 2022-2158 and 2022-2159, then it should also grant rehearing for these appeals of IPRs filed by Apple, including to avoid their finality on mootness grounds.

If the Panel opinion for Appeal Nos. 2022-2158 and 2022-2159 is reversed, modified or remanded on rehearing such that claims 1-13 of the ‘077 and ‘320 patents have no longer been adjudged unpatentable on appeal, then these appeals should be reinstated and remanded to the Panel for reversal of its dismissal and for

decision on the merits, because they will no longer be moot. *See GUI Glob. Prods. v. Samsung Elecs. Co.*, 2024 U.S. App. LEXIS 8708; *GUI Glob. Prods. v. Apple Inc.*, 2024 U.S. App. LEXIS 8700, *1-2.

CONCLUSION

For the foregoing reasons, Appellant Gwee respectfully requests that, if the Court grants Panel rehearing or rehearing in banc for Appeal Nos. 2022-2158 and 2022-2159, then the Court also grant Panel rehearing or rehearing en banc for these two companion appeals, which were dismissed for mootness on account of Appeal Nos. 2022-2158 and 2022-2159.

April 26, 2023

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Certificate of Service

I, John J. Edmonds, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

On April 26, 2024, a copy of the foregoing CORRECTED APPELLANT'S COMBINED PETITION FOR PANEL REHEARING OR REHEARING EN BANC was filed electronically with the Clerk of the Court using the CM/ECF System, which will serve via electronic mail notice of such filing to all counsel registered as CM/ECF users.

Upon acceptance by the Court of the electronically filed document, the proper number of paper copies will be filed with the Court via courier within the time provided by the Court's rules.

April 26, 2024

/s/ John J. Edmonds
John J. Edmonds

EDMONDS & SCHLATHER, PLLC

**Certificate of Compliance with Type-Volume Limitation, Type-Face
Requirements, and Type-Style Requirements**

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 28.1(e)(2)(A), because it contains 705 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii) and Federal Circuit Rule 32(b).

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). This brief has been prepared in a proportionally spaced typeface using Microsoft Word, in 14 Point Times New Roman.

Dated: April 26, 2024

/s/ John J. Edmonds
John J. Edmonds

EDMONDS & SCHLATHER, PLLC

ADDENDUM

NOTE: This order is nonprecedential.

**United States Court of Appeals
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APPLE INC.,
Appellee

2022-2257, 2022-2258, 2022-2259, 2022-2260

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2021-00470, IPR2021-00471, IPR2021-00472, IPR2021-00473.

Before PROST, SCHALL, and REYNA, *Circuit Judges*.

PROST, *Circuit Judge*.

ORDER

Apple Inc. petitioned for inter partes review of claims 1–10 and 16–19 of U.S. Patent No. 10,259,020 (“the ’020 patent”), claims 1, 2, 4–10, 12, 14–17, and 19 of U.S. Patent No. 10,259,021 (“the ’021 patent”), claims 1–5 and 7–13 of U.S. Patent No. 10,562,077 (“the ’077 patent”), and claims 1–5 and 7–13 of U.S. Patent No. 10,589,320 (“the ’320 patent”). In four final written decisions, the Patent Trial and

Appeal Board (“Board”) determined that the challenged claims were unpatentable over the asserted prior art. *Apple Inc. v. GUI Glob. Prods., Ltd.*, No. IPR2021-00470, 2022 WL 3331044 (P.T.A.B. Aug. 11, 2022); *Apple Inc. v. GUI Glob. Prods., Ltd.*, No. IPR2021-00471, 2022 WL 2960347 (P.T.A.B. July 26, 2022); *Apple Inc. v. GUI Glob. Prods., Ltd.*, No. IPR2021-00472, 2022 WL 2959606 (P.T.A.B. July 26, 2022); *Apple Inc. v. GUI Glob. Prods., Ltd.*, No. IPR2021-00473, 2022 WL 3219668 (P.T.A.B. Aug. 9, 2022). GUI Global Products, Ltd. (“Gwee”) timely appealed each final written decision, and we have jurisdiction under 28 U.S.C. § 1295(a)(4)(A).

In a decision issued today in consolidated companion appeals, we affirmed the Board’s determination that all claims of the ’020, ’021, ’077, and ’320 patents were unpatentable. *GUI Glob. Prods., Ltd. v. Samsung Elecs. Co.*, Nos. 22-2156, 22-2157, 22-2158, 22-2159. Gwee’s appeals here are moot in light of that decision. *Cisco Sys., Inc. v. TQ Delta, LLC*, 928 F.3d 1359, 1361 (Fed. Cir. 2019).

IT IS ORDERED THAT:

These appeals are dismissed as moot in light of our affirmance in *GUI Global Products, Ltd. v. Samsung Electronics Co.*, Nos. 22-2156, 22-2157, 22-2158, 22-2159.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

April 11, 2024
Date