

U.S. Patent No. 6,218,930
IPR2013-00092
Customer Number 22,852

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

SONY CORPORATION OF AMERICA; AXIS COMMUNICATIONS AB; and
AXIS COMMUNICATIONS INC.
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

INTER PARTES REVIEW OF U.S. PATENT NO. 6,218,930
Case IPR2013-00092
Administrative Patent Judges Jameson Lee, Joni Y. Chang, and Justin T. Arbes

**PETITIONERS' REQUEST FOR REHEARING
PURSUANT TO 37 C.F.R. § 42.71(d)**

Mail Stop: Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioners Sony Corporation of America, Axis Communications AB, and Axis Communications, Inc. (collectively, "Petitioners") respectfully request rehearing of the Patent and Trial Appeal Board's ("Board") Decision entered May 24, 2013 (Paper 21, the "Decision") determining not to institute an *inter partes* review based on the Petition (Paper 8, the "Petition") filed December 19, 2012.

This request addresses a single issue: whether the sections of U.S. Patent No. 5,345,592 to Woodmas ("*Woodmas*") cited in the Petition for the claimed "data node adapted for data switching" satisfy the Board's construction of that term and were misapprehended or inadvertently overlooked by the Board. Because these sections of *Woodmas* satisfy the Board's construction and were not addressed in the Decision, and because *Woodmas* discloses all elements of the claims as construed by the Board, Petitioners respectfully request rehearing and institution of an *inter partes* review on the ground that *Woodmas* anticipates claims 6, 8, and 9 of U.S. Patent No. 6,218,930 ("the '930 patent") under 35 U.S.C. § 102(b).

II. STATEMENT IDENTIFYING MATERIAL FACTS IN DISPUTE

In accordance with 37 C.F.R. § 42.23(a), Petitioners identify the following material facts in dispute.

1. Whether *Woodmas*'s disclosure cited in the Petition for the "data node adapted for data switching," of independent claim 6 of the '930 patent, satisfies the Board's construction of that term.

2. Whether the Board misapprehended or overlooked the cited portions of *Woodmas*.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

Woodmas discloses a "control station 14" that includes "conventional television production equipment well known to those skilled in the art such as the production switcher, video and audio transmitters, camera monitors, preview monitors, [and] program monitors. . . ." *Woodmas*, col. 2, ll. 44-50 (emphasis added).¹ Control station 14 is configured to send "a plurality of signals" that are "combine[d] and multiplex[ed] . . . onto coaxial cable portion 36 for transmission to camera station 16." *Id.* at col. 2, l. 66 - col. 3, l. 3. Control station 14 is also configured to receive "multiplexed signals over cable portion 36" via signal unit 32. *Id.* at col. 3, ll. 3-6. Each of these sections of *Woodmas* was cited in the

¹ The Patent Owner's Preliminary Response filed March 20, 2013 (Paper 19, the "Preliminary Response") misquotes *Woodmas* so as to omit a reference to the "production switcher" in control station 14. The Preliminary Response recognizes that "Control station 14 includes conventional television production equipment," but fails to complete the sentence in *Woodmas*, which states that control station 14 includes "the production switcher," as well as other components for handling multiple channels of signals. Preliminary Response at 42.

Petition as disclosing the “data node adapted for data switching” of claim 6.

Petition at 28.

An *inter partes* review should be instituted based on *Woodmas* because the portions of *Woodmas* cited in the Petition satisfy the Board's construction of the term “data node adapted for data switching” and were not addressed in the Decision. Moreover, all of the other elements recited in claims 6, 8, and 9 are anticipated by *Woodmas*, including the “low level current,” which the Patent Owner characterizes as a “key phrase” and “key element” in independent claim 6. Preliminary Response at 2, 4.²

Requests for rehearing are judged under an abuse of discretion standard. *Illumina, Inc. v. Trustees of Columbia Univ. in the City of N.Y.*, Case IPR2012-00006 (May 10, 2013), p. 2 (citing 37 C.F.R. § 42.71(c)) (Ex. 1022). The party seeking rehearing bears the burden of demonstrating grounds for the relief it seeks and must “specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” 37 C.F.R. § 42.71(d). Below,

² The Patent Owner suggests that the “low level current” recited in claim 6 is the purportedly inventive aspect of the claim. *See* Preliminary Response at 7-10.

Petitioners explain how the cited features of *Woodmas* satisfy the Board's claim construction and why they appear to have been misapprehended or overlooked.

A. The Cited Features of *Woodmas* Satisfy the Board's Construction of the Claimed "Data Node Adapted for Data Switching"

The Board construed the term "data node adapted for data switching" in claim 6 of the '930 patent to mean "a data switch or hub configured to communicate data using temporary rather than permanent connections with other devices or to route data between devices." Decision at 12. Applying this construction, the Board found that *Woodmas* does not teach a "data node adapted for data switching" for two reasons: (1) *Woodmas* discloses "a one-to-one fixed signaling path" rather than "a data switch or hub" or "communicat[ing] data using temporarily established connections with other devices or rout[ing] data between different devices"; and (2) the control station 14 in *Woodmas* is not "adapted for data switching." *Id.* at 22-23. This is incorrect. *Woodmas* discloses a "production switcher" in the control station 14 and bi-directional communication of "multiplexed" signals using the control station 14, as previously addressed in the Petition. *Woodmas*, col. 2, ll. 44-50; col. 2, l. 66 – col. 3, l. 6; Petition at 27-28. These features of *Woodmas* satisfy both aspects of the Board's construction.

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