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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WINTEK CORPORATION  
Petitioner

v.

TPK TOUCH SOLUTIONS INC.  
Patent Owner

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Case IPR2013-00568  
Patent 8,217,902

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**PETITIONER'S REQUEST FOR REHEARING  
UNDER 37 C.F.R. § 42.71(d)**

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## I. Introduction

Pursuant to 37 C.F.R. § 42.71(d), Wintek Corporation (“Petitioner”) requests a rehearing of certain aspects of the Board’s Decision (Paper 10, February 27, 2014, “Decision”) to institute an *inter partes* review of U.S. Patent No. 8,217,902 (“the ’902 patent”) (Ex. 1001) assigned on its face to TPK Touch Solutions Inc. (“Patent Owner”). Specifically, Petitioner seeks rehearing of the Board’s non-adoption of the rejection as it applies to certain claims in Petitioner’s proposed Ground 4 because the Board appears to have misapprehended or overlooked certain arguments and evidence presented in the Petition. *See* Decision at 24-26. Specifically, Petitioner requests that the Board reconsider the disclosure of *Seguine* (Ex. 1012) and adopt the rejection of claims 17-23, 25-30, 35, 44, and 68 as obvious over *Fujitsu* (Ex. 1005) in view of *Seguine*.

## II. Reasons for Rehearing

In the Decision, the Board concluded that Petitioner’s discussion of *Seguine* did not demonstrate that *Seguine* disclosed measuring capacitance between two conductor cells. Decision at 24. In reaching that conclusion, however, the Board appears to have focused on certain portions of *Seguine* while overlooking other disclosures of *Seguine* identified by Petitioner that demonstrate that *Seguine* discloses the features that the Board believed were missing from the reference.

Specifically, independent claims 17 and 25 recite that “a capacitance

between a first cell of the plurality of first-axis conductor cells and a second cell of the plurality of second-axis conductor cells is measured to detect a position of touch.” Similarly, independent claims 35, 44, and 68 recite “measuring a capacitance between a first cell of the plurality of first-axis conductor cells and a second cell of the plurality of second-axis conductor cells to detect a position of touch.” In the Decision, the Board declined to adopt the obviousness rejection of claims 17-23, 25-30, 35, 44, and 68 as obvious over *Fujitsu* in view of *Seguine*, concluding that *Seguine* did not disclose measurement of capacitance between conductor cells as required by these claims. See Decision at 24-26. Specifically, the Board stated: “After examining Wintek’s citations, we are unable to find a disclosure of measuring capacitance between two conductor cells” in *Seguine*. *Id.* at 24.

In the Decision, the Board focused on ¶¶ 0026, 0029, and 0040 of *Seguine* and stated that “*Seguine* discloses a vertical capacitance (i.e., self-capacitance) between electrodes 301 and 302 and a finger, the sum of which yields capacitance  $C_F$ ” and that “*Seguine* also discloses an edge or parasitic capacitance between the electrodes themselves, designated  $C_p$ .” Decision at 24. The Board relied on *Seguine*’s disclosure that “[d]etermining sensor element activation is then a matter of measuring the change in the capacitance ( $C_F$ ) or capacitance variation” (Ex. 1012, ¶ 0026) to conclude that “the citations indicate that only  $C_F$  (self-

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