

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., GOOGLE INC., and MOTOROLA MOBILITY LLC

Petitioners

v.

ARENDI S.A.R.L.
Patent Owner

Case IPR2014-00208
Patent 7,917,843 B2

REQUEST FOR REHEARING PURSUANT TO 37 C.F.R. § 42.71(c)

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Petitioners respectfully request partial rehearing of the “Decision Instituting Inter Partes Review,” issued June 11, 2014 (“June 11 Decision”). To limit the length of this request, Petitioners have chosen to request rehearing only of the denial of Ground 3 (obviousness in view of Luciw), and only with respect to claims 1, 13, 18-19, and 23, without conceding the correctness of the denials of other claims under Ground 3 or Grounds 1 and 2. Petitioners do not request rehearing of the remainder of the decision.

I. SUMMARY

Petitioners respectfully ask the panel to consider whether the panel applied the proper construction of the phrase “analyzing, in a computer process, first information from the document *to determine if the first information is at least one of a plurality of types of information that can be searched for in order to find second information related to the first information.*”

II. ARGUMENT

A. The June 11 Decision construed the claim term “analyzing, in a computer process...” too narrowly

The June 11 Decision declined to adopt Ground 3 based on the limitation in claim 1 that reads:

while the document is being displayed, analyzing, in a computer process, first information from the document to determine if the first information is at least one of a plurality of types of information that

can be searched for in order to find second information related to the first information[.]

This limitation will be referred to in this request as “the analyzing limitation.”

The June 11 Decision did not expressly construe the analyzing limitation. In considering the analyzing limitation in connection with Ground 3, however, the June 11 Decision stated:

As Patent Owner argues, however, by the act of using a smart field, the user informs the computing device what type of information the user is entering. **No analysis to identify the type of information** is performed or needed.

(June 11 Decision, pp. 13-14) (emphasis added). The June 11 Decision further found:

As Patent Owner points out, Luciw does not teach analyzing the information **to determine information type** in the implicit assist operation. As shown in Luciw’s Figure 3, “Implicit Assist” (step 104) if enacted, results in “Query Database” (step 106), with no intervening step **of determining the type of information.**

(June 11 Decision, p. 14) (emphasis added).

Thus, the June 11 Decision appears to have interpreted the analyzing limitation to require an analysis *to determine the type* of the first information in the document.

The Petitioners respectfully submit, however, that the analyzing limitation is not so narrow. Specifically, the analyzing limitation requires the analysis to be performed “to determine if the first information is at least one of a plurality of types of information that can be searched for in order to find second information.”

Respectfully, nothing in this language requires an analysis *to determine the type of the first information*. Such an analysis would yield a “type” as an answer. The actual claim language, however, requires the system to determine “if” the first information falls into the set of types that can be searched. This determination yields a “yes” or “no” answer: “yes” the information is of a type that can be searched, or “no” it is not. In other words, the quoted language requires only a determination of *whether* the first information (regardless of how its type was determined) is one of the types that can be searched. *How* the system knows the type of the first information is not limited by the claim. Nor does the claim specify how the analysis is performed.

Neither the Patent Owner in its preliminary response nor the June 11 Decision cited to a definition in the specification that would limit the language of the claims beyond its broadest reasonable construction. In an *inter partes* review (unlike in district court proceedings), the panel must not read limitations from the specification into the claims (absent an express definition), where the literal language of the claims could reasonably be read more broadly. *See SAP v.*

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