

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ARENDI S.A.R.L.
Patent Owner

Case IPR2014-00208
Patent 7,917,843 B2

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION
Request for Rehearing
37 C.F.R. § 42.71(d)

INTRODUCTION

In a decision entered June 11, 2014 (Paper 8, “Decision”), the Board granted Petitioner’s request for *inter partes* review as to claims 1, 2, 8, 14-17, 20, 21, 23, 24, 30, 36-39, 42, and 43 of U.S. Patent No. 7,917,843 B2 on the ground of obviousness over Pandit (U.S. 5,859,636). We denied the request with respect to any other challenges. Petitioner has filed a timely motion for rehearing (Paper 10, “Req. Reh’g”).

A request for rehearing must identify specifically all matters the party believes the Board misapprehended or overlooked. 37 C.F.R. § 42.71(d). When rehearing a decision on petition, a panel reviews the decision for an abuse of discretion. 37 C.F.R. § 42.71(c).

For the reasons that follow, the request for rehearing is *denied*.

DISCUSSION

Petitioner requests rehearing with regard to the denial of *inter partes* review of claims 1, 13, 18, 19, and 23 on the ground of obviousness over Luciw (U.S. 5,644,735). Req. Reh’g 1. Petitioner argues that we erred in the interpretation of language present in claim 1. Each of claims 13, 18, 19, and 23 depends from claim 1. Accordingly, our review of the Decision for an abuse of discretion will be limited to consideration of claim 1 in view of Petitioner’s challenge over Luciw.

Petitioner argues that we failed to give certain language in claim 1 its required broadest reasonable interpretation. Req. Reh’g 1-4. Specifically, as we noted at page 13 of the Decision, claim 1 of the ’843 patent recites “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.” The Petition (Paper 1, “Pet”) did not offer any construction for the terms in the language in question. *See* Pet. 6-7. Petitioner notes that neither the Decision nor Patent Owner in its preliminary response cited to a definition in the specification of the ’843 patent that would limit the language to something narrower than its broadest reasonable construction. Req. Reh’g 3-4. Petitioner, for its part, does not point to any special definitions in the specification.

Because the language in question is clear on its face, we disagree with the construction offered in the Request for Rehearing. Petitioner submits that nothing in the language requires an analysis to determine the first type of information. Req. Reh’g 3. According to Petitioner:

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.

Req. Reh’g 3.

We agree with Petitioner to the extent that the “determination” may reduce to a “yes” or a “no” answer. Claim 1 recites, however, “*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*” (emphasis added). The first information is analyzed to determine if the first information is a particular type of information, or “falls

into the set of types that can be searched,” as expressed by Petitioner (*id.*), in order to reach the “yes” or the “no” answer. Petitioner is correct in its assessment that the Decision “appears to have interpreted the analyzing limitation to require an analysis *to determine the type* of the first information in the document.” *Id.* at 2. Petitioner has not, however, demonstrated such interpretation to be in error.

We have reviewed Petitioner’s arguments and re-arguments with respect to how Luciw is deemed to teach the “analyzing” limitation of claim 1. Req. Reh’g 4-10. Because the allegations are premised on an unfounded claim interpretation, we are not persuaded that we misapprehended or overlooked anything in making our determinations. We reiterate that we find Patent Owner’s arguments persuasive as to why, in view of the information presented in the petition, Petitioner failed to demonstrate a reasonable likelihood that it would prevail in its § 103(a) challenge over Luciw. Decision 13-14.

CONCLUSION

In view of the foregoing, Petitioner has not carried its burden of demonstrating that the Board’s Decision misapprehended or overlooked any matters. 37 C.F.R. § 42.71(d).

ORDER

Accordingly, it is

ORDERED that Petitioner’s request for rehearing is *denied*.

IPR2014-00208
Patent 7,917,843 B2

For Petitioner:

David L. Fehrman
Mehran Arjomand
Morrison & Foerster LLP
dfehrman@mofo.com
marjomand@mofo.com

Matthew A. Smith
Zhuanjia Gu
Turner Boyd LLP
smith@turnerboyd.com
gu@turnerboyd.com

For Patent Owner:

Robert M. Asher
Bruce D. Sunstein
Sunstein Kann Murphy & Timbers LLP
rasher@sunsteinlaw.com
bsunstein@sunsteinlaw.com