

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC.,  
Petitioner,

v.

TLI COMMUNICATIONS LLC,  
Patent Owner.

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Case IPR2014-00566  
Patent 6,038,295

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Before JAMESON LEE, BART A. GERSTENBLITH, and  
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING  
*37 C.F.R. § 42.71*

On September 29, 2014, Facebook, Inc. (“Petitioner”) filed a Request for Rehearing (Paper 15, “Req. Reh’g”) of our Decision Denying Institution of *Inter Partes* Review (Paper 14, “Decision”). According to Petitioner, the Decision misapprehended arguments and evidence demonstrating that claims 17 and 21-24 of U.S. Patent No. 6,038,295 (“the ’295 patent,” Ex. 1001) are unpatentable over the cited prior art. Req. Reh’g 1-2.

Petitioner’s basis for requesting rehearing is its contention that we misapprehended Petitioner’s argument with respect to the prior art’s disclosure of the claimed “server.” Req. Reh’g 1-2. Specifically, Petitioner alleges that the Petition establishes that the claimed “server” is found in Witek’s disclosure of computer 12 and other destination storage devices. *Id.* at 3-7. However, we considered the evidence and arguments presented in the Petition and deemed them insufficient to establish a reasonable likelihood that at least one of the challenged claims of the ’295 patent is unpatentable. Dec. 15-18. Disagreement with the Board’s analysis and conclusions is not a sufficient basis on which to request rehearing. It is not an abuse of discretion to have made an analysis or conclusion with which a party disagrees.

Petitioner further asserts that including remote destination storage devices, in addition to storage within computer 12, as part of the “server” is consistent with accepted principles of claim construction. Req. Reh’g 8-10. Petitioner points to no evidence relied on in its Petition in that regard, and also does not indicate where in its Petition it initially made this claim construction argument. Per 37 C.F.R. § 42.71(d), Petitioner must point out where the matter previously was addressed in its Petition. We could not have misapprehended argument or evidence that was not presented. A request for rehearing is not an opportunity to supplement a petition.

Petitioner’s Request for Rehearing is *denied*.

IPR2014-00566  
Patent 6,038,295

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