

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioner,

v.

SAMSUNG ELECTRONICS COMPANY, LTD.,
Patent Owner.

Case IPR2015-01318
Patent 8,252,675 B2

Before JAMESON LEE, PATRICK R. SCANLON, and
JUSTIN BUSCH, *Administrative Patent Judge*.

LEE, *Administrative Patent Judge*.

DECISION
On Request for Rehearing
37 C.F.R. § 42.71

Petitioner requests rehearing of the Decision (“Dec.” Paper 8) denying institution of *inter partes* review of claims 1–15 of the ’675 patent. Paper 9.

As discussed in the Decision, the deficiency in the Petition is that, given the discrepancy between the structures shown in Figure 17(2) and Figure 18(2) of Yamakawa, “Petitioner has not adequately explained how, in an anticipation analysis, it properly can rely on Yamakawa’s embodiment of Figure 18 to account for limitation 1(i) when it has relied on Yamakawa’s embodiment of Figures 16–17 to account for limitations 1(a), 1(b), 1(c), 1(d), 1(e), and 1(h).” Dec. 16–17. We stated: “Yamakawa itself does not appear to make clear what process steps are common between its embodiment of Figure 18 and its embodiment of Figures 16–17, and Petitioner has not provided an adequate explanation.” *Id.* at 17.

As Patent Owner argued (Prelim. Resp. 9–10), the Petition must explain the relationship between the different structures shown and how they relate to the same process and involve the same features. Petitioner has not pointed to an explanation in the Petition that accounts for the different structures shown in Figure 17(2) and Figure 18(2) of Yamakawa, and that sufficiently presents the two illustrations as corresponding to a single embodiment of various steps and features. That explanation cannot be provided, for the first time, in a rehearing request. Although Yamakawa itself constitutes evidence, it was incumbent on Petitioner, in its Petition, to present and explain the evidence. We could not have overlooked evidence that was not identified and explained. The Petition may not be supplemented by explanations first set forth in a rehearing request.

It is ORDERED that Petitioner’s Rehearing Request (Paper 9) is *denied*.

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For PETITIONER:

Bob Steinberg
Clement Naples
Julie Holloway
bob.steinberg@lw.com
clement.naples@lw.com
julie.holloway@lw.com

For PATENT OWNER:

Naveen Modi
Joseph Palys
nVdia-Samsung-IPR@paulhastings.com