

Paper No. _____
Filed: January 20, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC Corporation,
HTC America, Inc.,
LG Electronics, Inc.,
Samsung Electronics Co., Ltd., and
Samsung Electronics America, Inc.
Petitioner

v.

Parthenon Unified Memory Architecture LLC
Patent Owner

Case IPR2015-01501
Patent No. 7,777,753

Petitioner's Request for Rehearing Under 37 C.F.R. § 42.71(d)(1)

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 - A. The Institution Decision improperly read in limitations from the written description in concluding that the multimedia memory 160 does not teach or suggest the shared memory of claims 7-10 and 12.3
 - 1. Claims 7-10 and 12 do not include a limitation that only one single shared memory be present.4
 - 2. Claims 7-10 and 12 do not include a limitation that the shared “memory” must be used regularly or all the time by the central processing unit.6
 - B. The Institution Decision misapprehended the claims and overlooked Petitioner’s argument in concluding that the Petition had not shown “why or how a person of ordinary skill in the art would have modified Gulick’s system in view of MPEG to provide the recited structures for accessing Gulick’s ‘main memory’ or to perform the functions recited for video decoding or decompression.”7
 - 1. Whether “a person of ordinary skill in the art would have modified Gulick’s system in view of MPEG to provide the recited structures for accessing Gulick’s ‘main memory’” is irrelevant because claims 7-10 and 12 simply require “a memory” and not a “main memory.”7
 - 2. The Institution Decision overlooked Petitioner’s support for why “a person of ordinary skill in the art would have modified Gulick’s system in view of MPEG ... to perform the functions recited for video decoding or decompression.”9
- IV. *Inter partes* review of Claims 7-10 and 12 should be instituted based on the aforementioned Gulick grounds14

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I. INTRODUCTION AND PRECISE RELIEF REQUESTED

Petitioner¹ requests rehearing of the Patent Trial and Appeal Board's Decision entered January 6, 2016 ("Institution Decision") denying review of claims 7-10 and 12, which ordered review of claims 1-4 of U.S. Patent No. 7,777,753 ("the '753 patent"). Petitioner specifically requests that the Board reconsider its decision denying *inter partes* review of claims 7-10 of the '753 patent based on Gulick, MPEG, and Shanley, and of claim 12 of the '753 patent based on Gulick, MPEG, Shanley, and Gove.

II. LEGAL STANDARD

"A party dissatisfied with a decision may file a request for rehearing." 37 C.F.R. § 42.71(d). "The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply." *Id.*

Institution decisions are reviewed on rehearing for an abuse of discretion. *See* 37 C.F.R. § 42.71(c). An abuse of discretion occurs when a "decision [i]s based on an erroneous conclusion of law or clearly erroneous factual findings, or . . . a clear error of judgment." *Apple Inc. v. DSS Technology Management, Inc.*,

¹ "Petitioner" refers collectively to HTC Corporation, HTC America, Inc., LG Electronics, Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.

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