

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 7,777,753 B2

Before JAMES B. ARPIN, MATTHEW R. CLEMENTS, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

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

I. INTRODUCTION

HTC Corporation; HTC America, Inc.; LG Electronics, Inc.; Samsung Electronics Co., Ltd.; and Samsung Electronics America, Inc. (collectively, “Petitioner”) filed a Petition requesting *inter partes* review of claims 1–4, 7–10, and 12 (“the challenged claims”) of Patent No. US 7,777,753 B2 (Ex. 1001, “the ’753 patent”). Paper 1 (“Pet.”), 1. Parthenon Unified Memory Architecture LLC (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). Pursuant to 35 U.S.C. § 314, we instituted *inter partes* review with respect to claims 1–4 of the ’753 patent, but denied institution of *inter partes* review with respect to claims 7–10 and 12 of the ’753 patent. Paper 12 (“Dec.”), 34.

Pursuant to 37 C.F.R. § 42.71(d), Petitioner filed a Request for Rehearing (Paper 14, “Reh’g Req.”), seeking reconsideration of our Decision on Institution with respect to claims 7–10 and 12 of the ’753 patent. For the reasons set forth below, Petitioner’s Request for Rehearing is *denied*.

II. DISCUSSION

1. *Standard for Reconsideration*

37 C.F.R. § 42.71(d) provides that

[a] party dissatisfied with a decision may file a single request for rehearing, without prior authorization from the Board. The burden of showing a decision should be modified lies with the party challenging the decision. *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.*

(Emphasis added.) When reconsidering a Decision on Institution, the Board reviews the decision for an abuse of discretion. 37 C.F.R. § 42.71(c). A request for rehearing, however, is not an opportunity merely to disagree with the panel’s

assessment of the arguments or weighing of the evidence, or to present new arguments or evidence.

2. Overview

Petitioner is dissatisfied with our denial of institution of *inter partes* review of claims 7–10 and 12 of the '753 patent, with respect to two asserted grounds of unpatentability:

References	Basis	Claim(s) challenged
Gulick, MPEG, and Shanley	§ 103	7–10 ¹
Gulick, MPEG, Shanley, and Gove	§ 103	12

Reh'g Req. 1. In particular, Petitioner asserts two bases for its Request for Rehearing. First, Petitioner argues that we erred in concluding that “multimedia memory 160 [does not] teach[] or suggest[] the shared . . . ‘memory’ of claim 7” because we “improperly read[] into the claims the requirements that there be *only one shared memory* in the system and that such a memory *be accessed regularly*.” *Id.* at 2–3 (emphases added) (quoting, without citation, Dec. 18); *see id.* at 4–7. Second, Petitioner argues that

in concluding that the Petition had not shown that “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,” *the Institution Decision misapprehended that claim 7 merely requires a “memory,” not a “main memory,” and overlooked detailed evidence and argument as to why and how the memory of Gulick would have been modified as claimed.*

¹ Petitioner also asserted this ground against claims 1–4 of the '753 patent. Pet. 5–6. Petitioner does not request reconsideration of our denial of institution of *inter partes* review of claims 1–4 on this ground. *See* Dec. 20.

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Id. at 3 (emphasis added); *see id.* at 7–14. For the reasons set forth below, we are not persuaded by Petitioner’s arguments.

3. *Improper Reading of Limitations of the Specification into Claim 7*

With regard to its first basis, Petitioner challenges our conclusion that “[b]ecause multimedia memory 160 exists in addition to main memory 110 and because CPU 102 uses multimedia memory 160 only in exceptional circumstances, we are not persuaded that multimedia memory 160 teaches or suggests the shared ‘main memory’ of claim 1 or ‘memory’ of claim 7.” *Id.* at 2 (quoting Dec. 18). In particular, Petitioner argues that we improperly read two additional limitations into the language of claim 7: (1) that there is a “*single*” shared memory; and (2) that the sharing of the memory must be “*regular or all the time.*” *Id.* at 4 (emphases added). However, we did not read either of these limitations into the language of claim 7; Petitioner misunderstands our Decision on Institution.

With regard to the first, allegedly improperly imported limitation, claim 7 recites that an electronic system comprises “a bus coupleable [sic] to a memory,” a decoder “configured to receive data from *the* memory corresponding to at least one previously decoded image and to a current image to be decoded,” “a central processing unit coupled to the bus for accessing *the* memory,” and an arbiter “configured to control access to *the* memory by determining a priority for requests to access the memory.” Ex. 1001, col. 16, ll. 16–33 (emphases added). Generally, the indefinite article “a” means “‘one or more’ in open-ended claims containing the transitional phrase ‘comprising.’” *Harari v. Lee*, 656 F.3d 1331, 1341 (Fed. Cir. 2011) (quoting *Baldwin Graphic Sys., Inc. v. Siebert, Inc.*, 512 F.3d 1338, 1342 (Fed. Cir. 2008)). Consistent with this principle of claim construction, we did *not* construe claim 7 to require a *single* shared memory. *See* Dec. 8–11.

Nevertheless, Petitioner argues that the Decision on Institution describes a “single shared memory.” Reh’g Req. 4. In particular, Petitioner notes that we state that

[t]he ’753 patent describes decoder/encoder 80 and a first device using a single memory. *See, e.g.*, Ex. 1001, Figs. 2–4. Gulick, in contrast, describes main memory 110 in addition to multimedia memory 160. Ex. 1017, Figs. 1, 4, and 6. The system described in Gulick does not, therefore, realize the advantage of sharing a *single* memory described by the ’753 patent. Ex. 1001, col. 5, ll. 13–15, 47–51.

Reh’g Req. 4 (quoting Dec. 17 (emphasis added)). The reference to “a single memory” here refers to the embodiments *depicted* in Figures 2–4 of Exhibit 1001, and was not recited to define the memories recited in claims 1 and 7. Neither party sought construction of the terms: “main memory” (claim 1) or “memory” (claim 7),² and we did not provide an express construction of either term. Dec. 11; *see* Pet. 8–10. Instead, Petitioner misunderstands our analysis of Gulick, regarding whether Gulick taught that these memories are *shared*, as required by claims 1 and 7.

The memory or memories recited in claim 7 must satisfy the requirements of the claim language, as understood in the context of the entire patent, including the Specification. Dec. 8–10. An indispensable attribute of both the “main memory” of claim 1 and the “memory” of claim 7 is that these memories are *shared*. Dec. 16 (citing Ex. 1001, col. 15, ll. 36–45 (Claim 1), col. 16, ll. 17–35 (Claim 7)). Referring to the memories described in the ’753 patent, the Specification of the ’753 patent states that “[a]n advantage of the present invention is the significant cost reduction due to the fact that *the video and/or audio decompression and/or compression device does not need its own dedicated memory but can share a*

² We could not have overlooked or misapprehended an argument not made or evidence not presented. *See* 37 C.F.R. § 42.71(d)

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