

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL PLASTIC INDUSTRIAL CO., LTD.

Petitioner

v.

CANON KABUSHIKI KAISHA

Patent Owner

U.S. Patent No. 8,909,094

Issue Date: December 9, 2014

Title: SEALING MEMBER, TONER ACCOMMODATING CONTAINER
AND IMAGING FORMING APPARATUS

**PETITIONER'S REQUEST FOR REHEARING
PURSUANT TO 37 C.F.R. §42.71(d)**

Case No. IPR2015-01954

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I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.71(d), the Petitioner, General Plastic Industrial Co., Ltd. (“Petitioner”), requests rehearing of the Decision (Paper 9) denying institution of an *inter partes* review of claims 1, 7-9, 11, 16-18, 29, and 38 of U.S. Patent No. 8,909,094 (“the ‘094 patent”) based on Matsuoka U.S. Patent No. 5,903,806 (“Matsuoka”, Ex. 1006) under 35 U.S.C. §102(b) (Ground 1) and §103 (Ground 2). Because the challenged claims do not mention a copier, it is axiomatic that the recited toner supply container can be located either within a copier or outside of a copier. In denying Ground 1, the Board misapprehended or overlooked Federal Circuit caselaw that would allow the element-by-element anticipation analysis to be conducted on the multi-part composite structure formed when the toner cartridge 30 is engaged within Matsuoka’s copier. In denying Ground 2, the Board misapprehended or overlooked the structure and operation of the multi-part composite structure formed by disengaging the rotary power transmitting member 44 from the copier’s turning gear 47, and removing it along with, and still attached to, the toner cartridge 30.

II. LEGAL STANDARDS

A request for rehearing “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 reply.” 37 C.F.R.

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