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Paper No. 10
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,
Patent Owner.

Case IPR2016-00094
Patent 5,894,441

Before BART A. GERSTENBLITH, BARBARA A. PARVIS, and ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Rehearing
37 C.F.R. § 42.71

I. INTRODUCTION

Micron Technology, Inc. ("Petitioner") filed a Request for Rehearing (Paper 9, "Req. Reh'g") of the Decision Denying Institution of *Inter Partes* Review of U.S. Patent No. 5,894,441 (Ex. 1001, "the '441 patent") (Paper 8, "Dec."). Petitioner requests reconsideration of the denial of institution and contends that we misapprehended and overlooked teachings of McAdams

and Minami, as well as the specific rationale for combining these teachings. Req. Reh'g 1.

II. STANDARD OF REVIEW

Under 37 C.F.R. § 42.71(c), "[w]hen rehearing a decision on petition, a panel will review the decision for an abuse of discretion." An abuse of discretion occurs when a "decision was based on an erroneous conclusion of law or clearly erroneous factual findings, or . . . a clear error of judgment." *PPG Indus., Inc. v. Celanese Polymer Specialties Co.*, 840 F.2d 1565, 1567 (Fed. Cir. 1988) (citations omitted). The request must identify, specifically, all matters the party believes the Board misapprehended or overlooked, and the place where each matter was addressed previously in a motion, opposition, or reply. 37 C.F.R. § 42.71(d).

III. DISCUSSION

In our Decision Denying Institution, we determined that Petitioner had not shown sufficiently that the combination of McAdams and Minami teaches "a column redundancy decoder activating said redundant column selection line in response to said first column address when said second word line is activated" ("the column redundancy decoder limitation"), as recited in claim 6. Dec. 13. We further determined that Petitioner did not provide sufficiently an articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* at 16.

In its Request for Rehearing, Petitioner contends that we overlooked or misapprehended "the complete teachings of and contentions regarding McAdams" and "instead incorrectly relied on passages from McAdams 'alone' and 'by itself.'" Req. Reh'g 1. The Petition presented certain

contentions regarding what McAdams discloses. Pet. 42–44. In our Decision Denying Institution, we explained why we were not persuaded by those contentions. Dec. 9–11. Petitioner acknowledged deficiency in the disclosure of McAdams, contending "[w]hat McAdams does not explicitly disclose is whether activating the column redundancy decoder occurs when a word line is activated." Pet. 44. With respect to the column redundancy decoder limitation, however, the Petition did not provide a specific proposed modification of the teachings of McAdams alone or in combination with Minami. Instead, the Petition purported to remedy this deficiency by referencing back to a different claim limitation. *Id.* In the Decision, we explained why the contentions referencing back to the other limitation are deficient. Dec. 11.

In addition, in its Request for Rehearing, Petitioner purports to identify specific contentions that we misapprehended and overlooked. Req. Reh'g at 4–14. For example, Petitioner contends:

> [T]he Board overlooked passages in the Petition that explain how McAdams' redundant decoder is programmable **with any address**, including the first column address and second word line address. Immediately preceding this contention, the Petition describes how the programmed "column and row address" of McAdams would have been understood in this context: "Specifically, [clause 1] while the first column address and first word line activates the normal selection line, [clause 2] the same first column address and second word line activates the redundant column selection line." Pet. 42.

Req. Reh'g 7.

Below is the description in the Petition that Petitioner asserts was overlooked.

> **10.2.7. [6.6] "a column redundancy decoder activating said redundant column**

> **selection line in response to said first column address when said second word line is activated."**
>
> This limitation simply covers the concept of using a redundant bit line to replace only part of a column (a segment). Specifically, while the first column address and first word line activates the normal selection line, the same first column address and second word line activates the redundant column selection line. MICRON-1003, Baker Decl., Appx. A at claim [6.6].

Pet. 42. Contrary to Petitioner's assertion, the immediately preceding description in the Petition pertains to the challenged claim, not McAdams. Furthermore, Petitioner's Request for Rehearing does not identify specific contentions in the Petition pertaining to how McAdams' redundant decoder is programmable with any address that we overlooked or misapprehended.

Upon review of the Request for Rehearing, we are not persuaded by Petitioner that we misapprehended or overlooked contentions in the Petition that were provided with sufficient specificity with respect to the column redundancy decoder limitation. In our Decision Denying Institution, we explained that a deficiency with the Petition and supporting Declaration is excessive referencing back to contentions regarding other claim limitations without specifying sufficiently which of the other contentions relate to the column redundancy decoder limitation and how they relate. Dec. 11–13. We cannot have overlooked or misapprehended contentions that were not specified sufficiently in the Petition as relating to the column redundancy decoder limitation.

Petitioner contends that we did not consider the rationale for combining McAdams and Minami for claim 6 provided in the Petition. Req. Reh'g 13. We considered Petitioner's contentions regarding reasons to

combine presented prior to the element-by-element analysis (Pet. 26–29), and other contentions relating to claim 6 (*id.* at 32–44), to the extent that the contentions were provided with sufficient specificity. Dec. 13–16.

For the foregoing reasons, we determine that our Decision Denying Institution was not "based on an erroneous conclusion of law or clearly erroneous factual findings, or . . . a clear error of judgment." *PPG Indus., Inc.*, 840 F.2d at 1567 (citations omitted).

IV. ORDER

For the foregoing reasons, it is:

ORDERED that Petitioner's Request for Rehearing (Paper 9) is *denied*.

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