UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION
Petitioner

v.

MD SECURITY SOLUTIONS LLC
Patent Owner
_____

IPR2016-00285
Patent 7,864,983
_____

Before SALLY C. MEDLEY, TRENTON A. WARD, and WILLIAM M. FINK
Administrative Patent Judges.

PATENT OWNER'S REQUEST FOR REHEARING

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I. STATEMENT OF FACTS

On December 4, 2015, Petitioner RPX Corporation ("Petitioner") filed a petition ("Petition") for *inter partes* review of claims 1-20 of U.S. Patent No. 7,864,983 (Ex. 1001, the "'983 Patent"). *See* IPR2016-00285, Paper 1. MD Security Solutions LLC ("Patent Owner") filed a preliminary response on March 14, 2016, in which it argued, *inter alia*, that Milinusic[1] does not disclose "a processor" as required by claims 1 and 11 of the '983 Patent. IPR2016-00285, Paper 8 ("Prelim. Resp.") at 16-20.

In its June 6, 2016 Institution Decision, the Board authorized the institution of *inter partes* review for claims 1-20 on the following grounds:

- Claims 1–8, 11, and 18–20 as obvious under 35 U.S.C. § 103(a) over Milinusic and Osann; and

- Claims 9, 10 and 12–17 as obvious under 35 U.S.C. § 103(a) over Milinusic, Osann, and Ozer.[2]

Paper 9 ("Inst. Dec.") at 20. The Board declined to institute *inter partes* review of claims 1-8, 11, and 18-20 on the proposed grounds of obviousness over Lee.[3] *Id.*

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[1] U.S. Patent No. 7,106,333 B1, issued September 12, 2006 (Ex. 1003) ("Milinusic").

[2] U.S. Patent Application Publication No. 2004/0120581 A1, published June 24, 2004 (Ex. 1005) ("Ozer").

[3] U.S. Patent Application Publication No. 2005/0267605 A1, published December 1, 2005 (Ex. 1002) ("Lee").

Claim 1 requires, "a processor . . . arranged to . . . receive the image obtained by said at least one camera." Ex. 1001, Claim 1. Claim 11 similarly requires "a processor which . . . receives the image obtained by the at least one camera." Ex. 1001, Claim 11. In the Institution Decision, the Board found Petitioner's allegations were sufficient to show that Milinusic meets this limitation based on a misquoted sentence in Milinusic at Col. 4, lines 30-32:

> We understand Patent Owner to be arguing that this cited portion does not explicitly require the processor (as opposed to other parts of server 210) to receive the data. We have considered this, but we do not agree because the next sentence in Milinusic, referring to CPU 360, states: '[i]t is also preferably configured to *receive* and distribute surveillance data to a requesting surveillance client 240' (id. at 4:30–32). Because CPU 360 expressly 'receives . . . surveillance data,' Dr. Lavian's conclusion that a person of ordinary skill in the art would have understood CPU 360 is arranged to receive images obtained by a camera (see Ex. 1010 ¶ 128) is supported by the record before us.

Inst. Dec. at 14 (emphasis added).

Milinusic, however, uses the word "*retrieve*," not "receive." At Col. 4, lines 30-32, Milinusic states, "[i]t is also preferably configured to *retrieve* and distribute surveillance data to a requesting surveillance client 240 or based upon predetermined distribution criteria." Ex. 1003, Col. 4, lines 30-32 (emphasis added).

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