Paper No. 53
Filed: September 2, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

UUSI, LLC d/b/a NARTRON,
Patent Owner.

Case IPR2016-00908
Patent No. 5,796,183

**PATENT OWNER'S NARTRON'S
REQUEST FOR DIRECTOR REHEARING**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Other Authorities

If ever a Final Written Decision ("FWD") warranted Director Rehearing, this is it. The FWD in this IPR (Paper 50) completely failed to consider whether a POSITA would have expected success in combining the two foundational references that the Panel used, with a third reference, to find most claims of Nartron's U.S. Pat. No. 5,796,183 (Ex. 1001) obvious. The FWD in this IPR also conflicts with *two* different Panel decisions in related IPRs, rejecting obviousness challenges based on nearly identical art. Director Rehearing is needed so that the PTO can: (i) determine whether a POSITA would have reasonably expected success in combining the two foundational references; and (ii) resolve the Panel conflicts on obviousness. Upon such rehearing, the FWD should be reversed, and all claims should be upheld.

I. BACKGROUND, STATEMENT OF FACTS, CASE HISTORY

A. The '183 Patent Solved a Critical Problem in the Art

The '183 patent relates to closely-spaced capacitive touch arrays. A capacitive touch array is a system that detects user touch by sensing the capacitance change that occurs when a user's finger is brought close to the array. Ex. 1001, 3:11-4:27.

One major problem with closely-spaced touch arrays is that contaminants on the surface (such as skin oils or water) can electrically couple two or more adjacent terminals. *Id.*, 4:14-27. When this happens, a touch at one terminal can register as a touch on the adjacent terminal(s). *Id*. This can destroy the device's usefulness. *Id*.

The inventors of the '183 patent solved this problem. *Id.*, 5:33-53. The

inventors recognized that the impedance of a contaminant layer is generally resistive, while the impedance of the glass array surface is generally capacitive. *Id.*, 8:64-10:9. Because capacitive impedance is frequency-dependent, the inventors realized that they could adjust the impedance of the array surface by adjusting the frequency of the electrical signal used to scan the array's touch terminals. *Id.*, 8:24-34. The "desired" conduction path (*i.e.,* the path to the intended touch terminal) only passes through the glass surface, while the "undesired" conduction path (*i.e.,* the path to the adjacent terminals) passes through the glass surface ***and*** the contaminant layer. Accordingly, the inventors realized they could make the impedance of the desired path low, relative to the impedance of the undesired path, by increasing the frequency of the scan signal. *Id.*, 10:10-11:59. This results in only the desired path registering a touch, solving the problem of inadvertent actuation. *Id.*

The inventors conducted extensive experiments, and ultimately concluded that scan signals in the range of 100-800 kHz optimally achieve this objective. *Id.*. The use of such high-frequency scan signals—directly contrary to conventional wisdom at the time—solved the problem of surface contamination, paving the way for the densely-packed arrays of touch terminals found in virtually all modern smartphones and tablets. Ex. 2010, ¶ 22.

B. Case History – Proceedings in the PTAB and the Federal Circuit

Samsung filed a Petition for *Inter Partes* review of thirty claims of the '183

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