IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME FOCUS CREATIVE SERVICES CANADA INC.,
Petitioner

v.

LEGEND 3D, INC.,
Patent Owner

IPR2016-01243

U.S. Patent No. 7,907,793

PATENT OWNER'S OPPOSITION TO PETITIONER'S REQUEST FOR REHEARING

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
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Alexandria, VA 22313-1450

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Other Authorities

Pursuant to the Board's authorization and in response to Petitioner's Request for Rehearing (the "Request," Paper 55), Patent Owner submits this Opposition to Petitioner's Request and respectfully submits that Petitioner's Request should be denied.

I. INTRODUCTION

Prime's Request is about one thing: Prime's failure to meet its burden to show the alleged combinability of Sullivan with the '670 and '081 patents, and its belated and improper attempt to get a second bite at the apple after the trial has concluded. Prime attempts to blame its failure on the Board (e.g., for allegedly raising a "new theory") and Patent Owner (e.g., for choosing not to rebut the alleged combinability). Yet, the Board raised no new theories – rather, it merely rendered judgment on the record; and Patent Owner was not required to respond to each and every argument in Prime's Petition no matter how half-baked such arguments were. Nevertheless, Prime would have the Board excuse Prime's failure to meet its burden, despite the fact that this burden begins and ends with Prime.

If Prime had its way, the Board would be boxed into its Institution Decision and unable to rule differently at the end of trial to the extent that a patent owner chooses to not respond to each and every argument in a petition. This ignores, *inter alia*, the fact that the Institution Decision is based on a "reasonable

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