UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES INCORPORATED and BAKER HUGHES OILFIELD OPERATIONS, INC., Petitioners

v.

PACKERS PLUS ENERGY SERVICES INC., Patent Owner

.....

Case IPR2016-01506 Patent 7,861,774

EXCLUSIVE LICENSEE RAPID COMPLETIONS LLC'S MOTION TO RECONSIDER INSTITUTION DECISION

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TABLE OF CONTENTS

I.	INTI	RODUCTION	1
II.	PRECISE RELIEF REQUESTED		1
III.	LEGAL STANDARDS		1
IV.	ARGUMENT		
	A.	The Panel Relied on a Legally Erroneous Interpretation of 35 U.S.C. § 314(a)	2
	B.	The Panel Relied on an Erroneous Interpretation of Law in Evaluating Lane-Wells Under § 102(b).	Ç



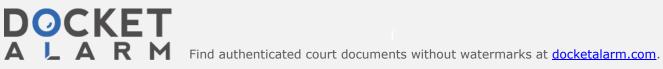
TABLE OF AUTHORITIES

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Arnold Partnership v. Dudas 362 F.3d 1338 (Fed. Cir. 2004)	.2
Blue Coat Sys., Inc. v. Finjan, Inc. IPR2017-01441, Paper 11-12 (PTAB Jan. 23, 2017)	.5
Chao v. Roy's Const., Inc. 517 F.3d 180 (3d Cir. 2008)	8
Conopco, Inc. v. The Proctor & Gamble Co. IPR2014-00628, Paper 21 (PTAB Oct. 20, 2014)	.3
Donovan v. Adams Steel Erection, Inc. 766 F.2d 804 (3d Cir. 1985)	.2
<i>In re Lister</i> 583 F.3d 1307 (Fed. Cir. 2009)	10
In re Magnum Oil Tools Int'l, Ltd. No. 2015-1300, 2016 WL 3974202 (Fed. Cir. July 25, 2016)	.3
LG Elecs. Inc. v. Core Wireless Licensing S.A.R.L. IPR2016-00986, Paper No. 12 (PTAB Aug. 22, 2016)	6
Netapp Inc. v. Crossroads Sys., Inc. IPR2015-00776, Paper 12 (PTAB Sept. 8, 2015)	.8
Nvidia Corp. v. Samsung Elecs. Co. IPR2016-00134, Paper 9 (PTAB May 4, 2016)4,	6
Samsung Elec. Co. v. Rembrandt Wireless Techs., LP IPR2015-00114, Paper No. 14 (Jan. 28, 2015)	.5



Toyota Motor Corp. v. American Vehicular Sciences LLC	
IPR2015-00262, Paper 10 (PTAB Jan. 29, 2015)	3, 4
US Endodontics, LLC v. Gold Standard Instruments, LLC IPR2015-01476, Paper 13 (PTAB Oct. 26, 2015)	7
Statutes	
35 U.S.C. § 102(b)	1, 9
35 U.S.C. § 314(a)	passim
35 U.S.C. § 315(d)	4
35 U.S.C. § 325(d)	2, 3, 4, 5
37 C.F.R. § 42.71(c)	2
37 C.F.R. § 42.71(d)	1



I. INTRODUCTION

The Panel recently issued institution decisions in three IPRs based on similar or identical reasons. IPR2016-01496, IPR2016-01505, IPR2016-01506. While Respondent intends to challenge those reasons in each proceeding as it advances, the Board's decisions also contain two legal errors that justify reconsideration. Specifically, the Panel: (1) mistakenly concluded that discretionary denial of institution under 35 U.S.C. § 314(a) requires a showing of "substantial similarity;" and (2) it applied the incorrect legal test when evaluating whether Lane-Wells qualifies as prior art under 35 U.S.C. § 102(b). Respondent requests that the Board reconsider its decision regarding those issues and deny institution.

II. PRECISE RELIEF REQUESTED

Respondent requests rehearing and reversal of the institution decisions in IPR2016-01496, IPR2016-01505, IPR2016-01506 as to all claims and grounds.¹

III. LEGAL STANDARDS

"A party dissatisfied with a decision may file a request for rehearing, without prior authorization from the Board." 37 C.F.R. § 42.71(d). "The request 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 a reply." *Id.*

¹ For ease of reading, Respondent files this identical motion in each proceeding.



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