

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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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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