UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

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IPR2018-00282
Patent 7,092,671 B2

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Before MIRIAM L. QUINN, CHARLES J. BOUDREAU, and
GARTH D. BAER, *Administrative Patent Judges.*

BAER, Administrative Patent Judge.

DECISION
Denying Patent Owner's Request for Rehearing
37 C.F.R. § 42.71

I.   INTRODUCTION

Patent Owner, Uniloc 2017 LLC, filed a Request for Rehearing (Paper 31, "Req. Reh'g") of our Final Written Decision (Paper 30, "Decision" or "Dec.") addressing the patentability of claims 1–7 and 9–15 of U.S. Patent 7,092,671 (Ex. 1001, "the '671 patent"). In its Request, Patent Owner seeks reconsideration of our Final Written Decision. Req. Reh'g 1. For the reasons provided below, Patent Owner's Request is *denied*.

II.   ANALYSIS

A request for rehearing "must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed." 37 C.F.R. § 42.71(d). The party challenging a decision bears the burden of showing the decision should be modified. *Id.*

In our Decision, we concluded Petitioner had met its burden of showing claims 1–6 and 9–14 would have been obvious over Yun and Kikinis and that claims 7 and 15 would have been obvious over Yun, Kikinis, and Inoue. Dec. 24. Petitioner had also shown by a preponderance of the evidence that claims 1–7 and 9–15 would have been obvious over Harris and Kikinis. *Id.*

Patent Owner raises three arguments in contesting our determination. First, Patent Owner asserts that we misapprehended or overlooked argument and evidence responsive to Petitioner's claim construction. Req. Reh'g 1. Second, Patent Owner asserts that we overlooked or misunderstood argument and evidence responsive to the application of Yun. *Id.* at 4. Third, Patent Owner asserts that we overlooked or misunderstood argument and evidence responsive to Petitioner's Harris mapping. *Id.* at 7. We disagree.

As to Patent Owner's first argument directed to Petitioner's claim construction, Patent Owner asserts the disputed limitation, "controlling the telephone using the handheld computer system to cause the telephone to dial the specific number," is separate and distinct from the step of "transferring the specific telephone number from the handheld computer system to the telephone using a wireless communication." Req. Reh'g 2. Patent Owner reasons that "the recitation of two separate and distinct 'transferring' and 'controlling' steps precludes reliance upon the mere transfer of a telephone number to provide the requisite *control*." *Id.* Patent Owner asserts that the "Board appears to have misunderstood the explanation for why cited intrinsic evidence supports Patent Owner's position" and that the Board overlooked why the prosecution history supports Patent Owner's position. *Id.* at 3–4.

Patent Owner's arguments are not persuasive, because they are best characterized as disagreements with the Board's Decision rather than identifying anything misapprehended or overlooked. Specifically, we addressed Patent Owner's argument that "both the Specification and the prosecution history support its 'separate and apart' construction," in the Decision. Dec. 10–11 ("At most, however, the cited passages describe transferring a number and controlling a telephone to dial the number as separate steps, not as separate commands."). A rehearing request is not an opportunity to reargue issues that the Board already addressed.

We likewise addressed Patent Owner's second argument—that reference to Yun's "dial request" in support of any finding is improper as being based on "an argument not raised in the petition"—in the Decision. There, we disagreed with Patent Owner's argument and found that both the

Petition and the Declaration of Petitioner's declarant, Dr. Medvidović, cited the Specification's dial request passage. Dec. 14 n.1 (citing Pet. 12; Ex. 1003 ¶ 66). We also addressed this by stating that "Petitioner's reliance on Yun's dial request in its Reply (*see* Reply 10–13) is permissible because it is responsive to Patent Owner's claim construction argument." *Id.* Further, we addressed Patent Owner's argument that "Yun is deficient and teaches away" from the "controlling" claim language. Req. Reh'g 6–7. Specifically, we pointed out that "Yun's on-hook functionality teaches the claimed control feature." Dec. 14–15. Patent Owner's disagreements with the Board's Decision does not identify anything we misapprehended or overlooked.

Patent Owner's third argument as to Harris is similar to the arguments for the claim construction that the "transferring" step is separate and distinct from the "controlling" step. Req. Reh'g 7. We already addressed this argument in the Decision, where we found it unpersuasive because "it relies on Patent Owner's overly narrow construction of the control limitation, which we decline to adopt for the reasons explained above." Dec. 20. We also found that Patent Owner's narrow construction "does not distinguish over Harris because Harris teaches both transmitting a number and commanding a telephone to dial the number." *Id.* In short, Patent Owner's arguments represent a disagreement with the Decision but fail to identify anything we misapprehended or overlooked.

III. CONCLUSION

Having considered Patent Owner's Request, Patent Owner has not persuaded us, for the reasons discussed, that we misapprehended or

overlooked any matter. Thus, Patent Owner has not demonstrated we should modify our Decision with respect to any of claims 1–7 and 9–15.

IV. ORDER

Accordingly, it is:

ORDERED that Patent Owner's Request for Rehearing is *denied*.

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