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Paper 24
Entered: August 9, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., AND LG ELECTRONICS, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2018-00361
Patent 6,216,158 B1

Before, JENNIFER S. BISK, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

DECISION
ON PATENT OWNER'S REQUEST FOR REHEARING
37 C.F.R. § 42.71(d)

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I. INTRODUCTION

On June 19, 2019, the Board issued a Final Written Decision in this proceeding. Paper 22 ("Final Dec."). In that Final Written Decision, we determined that Petitioner had shown by a preponderance of the evidence that claims 1, 2, 6–9, 12, 14, and 15 of the '158 patent are unpatentable as obvious over Riggins[1] and Devarakonda.[2] *Id.* at 48. We determined that Petitioner had not shown by a preponderance of the evidence that claim 20 of the '158 is unpatentable. On March 4, 2019, Patent Owner filed a Request for Rehearing. Paper 22 (Req. Reh'g). Patent Owner argues a single issue: that, in the claims shown to be unpatentable, we misapprehended or overlooked that the limitation "description of the service" is not met by Riggins. *Id.* at 2.

According to 37 C.F.R. § 42.71(d), "[t]he burden of showing a decision should be modified lies with the party challenging the decision," and the "request must specifically identify all matters the party believes the Board misapprehended or overlooked." The burden here, therefore, lies with Patent Owner to show we misapprehended or overlooked the matter it requests that we review. We are not persuaded that Patent Owner has shown that we misapprehended or overlooked the matter raised in the Request for Rehearing.

We construed the limitation "description of the service," recited in claim 1, and similarly recited in claims 8 and 20, as "information that describes the service." Final Dec. 16. We also determined that that the

[1] U.S. Patent No. 6,131,116 (Exhibit 1008).
[2] U.S. Patent No. 6,757,729 B1 (Exhibit 1009).

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"plain meaning of the surrounding claim language specifies that the description of the service is in a directory of services and that the description includes the recited reference to program code." *Id.*

Patent Owner argues that we misapprehended that accessing a "description of the service" cannot be access to "a mere list of services." *Id.* at 2. The "description of the service" must "*itself* include 'a reference to the program code.'" *Id.* at 3. But, according to Patent Owner, Riggins merely lists the "name" of a service, with no reference to program code. *Id.* Patent Owner's arguments do not point out something we misapprehended or overlooked. Rather, the arguments reflect a disagreement with our determination that Riggins teaches accessing a directory of the service.

We found that Riggins maintains configuration data at the master server. Final Dec. 32. The configuration data teaches the "directory of services." That configuration data comprises a "list" of services available for a roaming user. *Id.* The "list" contains the information regarding the services and describes the services. *Id.* The Roam Page accesses the configuration data that is stored in the server to display the service options to the user, such as "e-mail." *Id.* Thus, Riggins teaches accessing the information ("description of the service") in the configuration data ("directory of services") from the master server. Patent Owner appears to argue on rehearing that we pointed to the Roam Page alone as itself being the "description of the service." Req. Reh'g 2 (arguing that "the Board pointed to the assertion that Riggins' 'Roam Page', copied below, displays the name of the service that is available."). But our Decision points to the "list" of services and the information *in the configuration data* that is used by the Roam Page to display the service options. For instance, our Decision

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states that the "information that is displayed on the 'Roam Page' is derived from the configuration data, which includes not only the identification of the service, i.e., that e-mail is an available service, but also a service prompt corresponding to an applet." Final Dec. 32. Thus, Patent Owner's arguments are unpersuasive.

Patent Owner further argues that Riggins's Roam Page causes a particular "result," but the claim is directed to a "specifically-defined *description* itself." Req. Reh'g 3. Again, Patent Owner misses the point. We stated in our Decision that "the configuration data, which is further displayed on the Roam page, includes at a minimum, the name of the service that is available *and the selectable service prompt*." Final Dec. 32 (emphasis added). Our Decision points to the Roam Page as displaying the name of the service, but reiterated that the configuration data accessed by the Roam Page also specifies a service address and identifies the service prompt corresponding to an applet. *Id.* Patent Owner's arguments do not address our determination that the information contained in the configuration data of Riggins teaches the "description of the service" including the reference to the program code, which is the selectable service prompt. Thus, Patent Owner's arguments are unpersuasive.

Lastly, Patent Owner alleges that Riggins's client does not access "a directory of services." Req. Reh'g 4. This argument by Patent Owner could not have been overlooked or misapprehended because it was not presented during trial, and has been presented for the first time in the rehearing request. Nevertheless, there is no evidence that Riggins uses "locally" stored information to assemble the Roam Page to display the name of the service and the service prompt corresponding to the applet. This

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information is obtained from the configuration data located at the master server. Arguments to the contrary mischaracterize Riggins and our Decision. The reference in Riggins to generating the Roam Page at the remote client refers to where the Roam Page is eventually displayed and has no bearing on the fact that Riggins's client must access the configuration data from the server in order to generate the Roam Page for the client. *See* Ex. 1008, 6:52–55.

In conclusion, we are not persuaded that Patent Owner has shown that we misapprehended or overlooked the matters raised on rehearing and we see no reason to disturb our Final Written Decision in this proceeding.

II. ORDER

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

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