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Paper 22
Entered: February 19, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner.

IPR2018-00394
Patent 6,622,018 B1

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 Luxembourg, S.A., filed a Request for Rehearing (Paper 21, "Req. Reh'g") of our Final Written Decision (Paper 20, "Decision" or "Dec.") addressing the patentability of claims 1–27 of U.S. Patent 6,622,018 (Ex. 1001, "the '018 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 1–7, 9, and 10 would have been obvious over Ben-Ze'ev and Idiot's Guide; claim 8 would have been obvious over Ben-Ze'ev, Idiot's Guide, and Dara-Abrams; claims 11–17, 19–25, and 27 would have been obvious over Ben-Ze'ev, Idiot's Guide, and Osterhout; and claims 18 and 26 would have been obvious over Ben-Ze'ev, Idiot's Guide, Osterhout, and Dara-Abrams. Dec. 23.

Patent Owner's sole argument raised in contesting our determination is that we "overlooked or misunderstood argument and evidence presented during trial explaining why Petitioner failed to meet its burden to prove Ben-Ze'ev discloses 'broadcasting a message, said message for locating remote devices within range of said transceiver.'" Req. Reh'g 1. We disagree.

Patent Owner asserts that "broadcasting" has a different meaning than Ben-Ze'ev's "interrogating," and we "have overlooked argument and evidence distinguishing this acknowledged understanding of *broadcasting* from *interrogating*." Req. Reh'g 2. In support of this assertion, Patent Owner relies on the testimony and documents provided by its expert, Dr. Easttom. *Id.* at 2–5. Patent Owner also asserts that we "have overlooked the rebutted fact that '018 patent disparages and distinguishes an interrogation approach that involves grouping devices into a network of some sort." *Id.* at 6.

Patent Owner's arguments are not persuasive, because they are best characterized as disagreements with the Board's Decision rather than identifying anything we misapprehended or overlooked. The Decision addressed Patent Owner's arguments set forth on pages 6–11 of the Patent Owner Response (Paper 10). *See* Dec. 5, 7–9. Specifically, we addressed Patent Owner's claim construction arguments (Paper 10 at 6–8) as these arguments apply to the term "broadcasting" under the "Claim Construction" section of the Decision. Dec. 5. In addition, we disagreed with Patent Owner's argument that "Ben-Ze'ev's interrogation signal is not a broadcast message" (Paper 10 at 9) and addressed why we agreed with Petitioner and Petitioner's declarant, Dr. Houh, on this issue. *Id.* at 7–9. A rehearing request is not an opportunity to reargue issues that the Board already addressed.

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 1–27.

IV. ORDER

Accordingly, it is:

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

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