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Paper 22
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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 LUXEMBOURG, S.A.,
Patent Owner.

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IPR2018-00395
Patent 6,622,018 B1

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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 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 and 9 would have been obvious over Leichiner and Idiot's Guide; claim 8 would have been obvious over Leichiner, Idiot's Guide, and Dara-Abrams; claim 10 would have been obvious over Leichiner, Idiot's Guide, and Bell; claims 11–17, 19, 21, 22, 24, 25, and 27 would have been obvious over Leichiner, Idiot's Guide, and Osterhout; claims 18 and 26 would have been obvious over Leichiner, Idiot's Guide, Osterhout, and Dara-Abrams; and claims 20 and 23 would have been obvious over Leichiner, Idiot's Guide, Osterhout, and Bell. Dec. 24.

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 the conventional polling mentioned in Leichiner 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 Leichiner's "polling," and we "have overlooked argument and evidence confirming there is a meaningful distinction between *broadcasting* and *polling*." Req. Reh'g 2. Patent Owner contends that we "overlooked certain testimony and supportive evidence offered through Uniloc's expert, Dr. Easttom." *Id.* at 2–5. Patent Owner also asserts that we "misunderstood the significance" of Leichiner's disclosure of plural or multiple polling messages in contrast to broadcasting a message in the singular. *Id.* at 5–6.

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. Specifically, we addressed Patent Owner's argument that "there is a meaningful distinction between *broadcasting* and *polling,"* in the Decision. Dec. 7–8. There, we addressed why we were not persuaded by Dr. Easttom's testimony and found that "Leichiner's description of plural 'polling messages' and 'polling to each of the controlled devices' (Ex. 1027 ¶¶ 11, 22) does not undermine that its polling message is broadcast to multiple devices." *Id.* at 8. 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*.

PETITIONER:

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