

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASSA ABLOY AB, ASSA ABLOY INC., ASSA ABLOY RESIDENTIAL
GROUP, INC., AUGUST HOME, INC., HID GLOBAL CORPORATION,
ASSA ABLOY GLOBAL SOLUTIONS, INC.,
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY LTD.,
Patent Owner.

Case IPR2022-01006
Patent 9,665,705

JOINT REQUEST FOR REHEARING

Pursuant to 37 C.F.R. § 42.71(d)(1) and the Board’s email of December 12, 2022, the parties jointly submit this request for rehearing of the decision granting institution in this matter (“the Decision”) (Paper 23).

This request for rehearing is respectfully submitted to alert the Board of an error in the Decision relating to the “Mathiassen” reference relied on in the present Petition. In particular, the “Mathiassen” reference relied on as a secondary reference in the present Petition is WO 02/28067 to Camilla Mathiassen (“Mathiassen-067”). Ex. 1004. This reference was correctly identified on page 10 of the Decision, which sets forth the grounds in the Petition. However, within its discussion of Petitioner’s Ground 1, the Board included a discussion of a different Mathiassen reference that is included in Apple’s petition in related IPR2022-00602 (“the ’602 Apple petition”). *See* Decision at 50-51. That reference is US Pub 2004/0123113 to Svein Mathiassen et al. (“Mathiassen-113”). Moreover, on page 15, the Decision states that “Mathiassen is the only reference common to both the ’602 Apple petition and the Petition in the case now before us.” This statement is incorrect because the Mathiassen references are different, and neither is common to both the ’602 Apple petition and the present Petition.

It is noted that both Mathiassen-067 and Mathiassen-113 coincidentally share the same exhibit number (Ex. 1004) in their respective proceedings. As

suggested in the Board’s email of December 12, 2022, this may have contributed to the apparent confusion.

In response to the parties jointly providing notice of this issue to the Board, the Board’s email of December 12, 2022 indicated as follows: “The preferred procedure to allow the Board to correct this error is for Patent Owner, or the parties jointly, to request rehearing of the 01006 decision.” This is consistent with the requirement that institution be based solely on the grounds and prior art raised in the petition (*see e.g., Sirona Dental Sys. GMBH v. Institut Straumann AG*, 892 F.3d 1349, 1356 (Fed. Cir. 2018)). Accordingly, the parties request that the Board re-issue a decision that “fully and fairly consider[s]” the correct Mathiassen reference. *See* Board’s email of December 12, 2022.

Respectfully submitted this 15th day of December 2022,

<p><u>/Andrew C. Ryan/</u> Andrew C. Ryan (Reg. No. 43,070) Steven M. Coyle (<i>pro hac vice</i>) Nicholas A. Geiger (<i>pro hac vice</i>) CANTOR COLBURN LLP 20 Church Street, 22nd Floor Hartford, CT 06103 aryan@cantorcolburn.com scoyle@cantorcolburn.com ngeiger@cantorcolburn.com</p> <p><i>Attorneys for Patent Owner</i></p>	<p><u>/ Dion Bregman /</u> Dion Bregman Andrew Devkar James J. Kritsas Morgan, Lewis & Bockius LLP 1400 Page Mill Road Palo Alto, CA 94304 HID-IPRs@morganlewis.com</p> <p><i>Attorneys for Petitioners</i></p>
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on this 15th day of December, 2022, service of the foregoing document was made on the counsel of record for the Petitioner by filing this document through the PTAB's P-TACTS platform as well as delivering a copy via electronic mail to the following address:

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Dated: December 15, 2022

By: /Andrew C. Ryan/
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