

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
(d/b/a ON SEMICONDUCTOR),
Petitioner,

v.

POWER INTEGRATIONS, INC.,
Patent Owner.

Case IPR2016-00995
Patent 6,538,908 B2

Before THOMAS L. GIANNETTI, DANIEL N. FISHMAN, and
KERRY BEGLEY, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

ORDER

Denying Patent Owner's Request for Rehearing
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Power Integrations, Inc. (“Patent Owner”) requests rehearing (Paper 27, “Req.”) of our Final Written Decision (Paper 26, “Dec.” or “Decision”) determining that the challenged claims (26 and 27) of U.S. Patent No. 6,538,908 B2 (“’908 patent”) are unpatentable as anticipated by MC33362¹. For the reasons below, the request is *denied*.

II. LEGAL STANDARD

When rehearing a decision whether to institute *inter partes* review, we review the decision for an “abuse of discretion.” 37 C.F.R. § 42.71(c). “The burden of showing a decision should be modified lies with the party challenging the decision,” and “[t]he request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed” in the record. 37 C.F.R. § 42.71(d). A request for rehearing is not an opportunity to present new arguments. *See id.* An abuse of discretion may arise if a decision is based on an erroneous interpretation of law, if a factual finding is not supported by substantial evidence, or if the decision represents an unreasonable judgment in weighing relevant factors. *Star Fruits S.N.C. v. United States*, 393 F.3d 1277, 1281 (Fed. Cir. 2005); *Arnold P’ship v. Dudas*, 362 F.3d 1338, 1340 (Fed. Cir. 2004); *In re Gartside*, 203 F.3d 1305, 1315–16 (Fed. Cir. 2000).

¹ HIGH VOLTAGE SWITCHING REGULATOR (Motorola 1996) (Ex. 1005, “MC33362”).

III. DISCUSSION

Patent Owner argues our Decision agreed with Patent Owner’s interpretation that the “control circuit” and the “multi-function circuit” recited in the challenged claims must be “separate and distinct,” but misapprehended Patent Owner’s argument “that an alleged multi-function circuit cannot be ‘separate and distinct’ from the control circuit if its non-use would render the control circuit wholly inoperable.” Req. 5. Patent Owner argues that,

if the mere disconnection of [the alleged multi-function terminal, i.e.,] Pin 6 [of MC33362,] and the attendant non-operation of the [multi-function circuit, i.e., the] current mirror [of MC33362,] renders the entire control circuit inoperable and unable to regulate, then the alleged multi-function circuit and the alleged control circuit cannot be said to be ‘separate and distinct’ circuits.

Id. at 6 (citing Paper 15, 49–50).

We are not persuaded that we misapprehended Patent Owner’s arguments. Our claim construction made clear in interpreting “multi-function circuit” that we agree with Patent Owner that the circuit is separate and distinct from the recited “control circuit” in the sense that the claim recites two distinct elements. Dec. 18. However, our interpretation further determined that although we agree “that the multi-function circuit and the control circuit are separate and distinct components in the claims, the claim language does not require that the *functions* performed by the two distinct circuits must be similarly separate and distinct.” *Id.* at 22. We further observed that, contrary to Patent Owner’s assertions, the Specification of the ’908 patent mentions certain functions of the multi-function circuit that are clearly tightly coupled to the “core regulation”

function of the recited “control circuit.” *Id.* at 24–25 (e.g., shutting down the power supply in response to detecting over-voltage or under-voltage conditions).

Thus, our Decision is consistent with our interpretation of “multi-function circuit” and expressly disagrees with Patent Owner’s arguments that the functions of the two circuits must also be separate and distinct.

Furthermore, as a panel of the Board has explained,

[a] request for rehearing is not an opportunity merely to disagree with the panel’s assessment of the arguments or weighing of the evidence, or to present new arguments or evidence. It is not an abuse of discretion to have performed an analysis or reached a conclusion with which Petitioner disagrees, and mere disagreement with the Board’s analysis or conclusion is not a proper basis for rehearing.

Sophos, Inc. v. Finjan, Inc., Case IPR2015-01022, slip op. at 3–4 (PTAB Jan. 28, 2016) (Paper 9). Patent Owner’s Request for Rehearing amounts to little more than expressing its disagreement with our Decision rather than identifying any issues we overlooked or misapprehended.

Accordingly, we are not persuaded that our Decision overlooked or misapprehended Patent Owner’s arguments regarding the separate and distinct nature of the recited circuits.

IV. ORDER

In view of the foregoing discussion, it is hereby:

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

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Patent 6,538,908 B2

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