

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUTCHINSON TECHNOLOGY INC.,
HUTCHINSON TECHNOLOGY OPERATIONS (Thailand) CO., LTD.,
Petitioners,

v.

NITTO DENKO CORPORATION,
Patent Owner.

Case IPR2017-01499
Patent 7,923,644

Before THOMAS L. GIANNETTI, CHRISTA P. ZADO, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION
Denying Request for Rehearing
37 C.F.R. § 42.71(d)

Petitioner requests rehearing of our Decision (Paper 8, “Dec.”) denying its request to institute an *inter partes* review of claims 1–4 and 6 of U.S. Patent 7,923,644 (“the ’644 patent”). Paper 9 (“Req. Reh’g”), 1. Petitioner requests only that we reconsider our Decision not to institute an *inter partes* review of claims 1–4 and 6 as anticipated by Pro. *Id.* Petitioner does not challenge our Decision to deny institution of an *inter partes* review on the other grounds asserted. *See id.*

On rehearing, the burden of showing that the Decision should be modified lies with Petitioner, the party challenging the Decision. *See* 37 C.F.R. § 42.71(d). “The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” *Id.* “When rehearing a decision on petition, a panel will review the decision for an abuse of discretion.” *See* 37 C.F.R. § 42.71(c).

Petitioner contends we overlooked evidence cited in its Petition (Paper 2; “Pet”) that Pro (Ex. 1006) discloses the third line “connected to said first electrode pad” and the seventh line “connected to said third electrode pad.” Req. Reh’g 2. Petitioner asserts “the Decision erroneously alleges that Petitioners solely rely on Fig. 2A of Pro” as disclosing the third and seventh lines are connected to first and third terminal pads and overlooked specific citations to other portions of Pro that disclose these elements. *Id.* at 2. Specifically, Petitioner argues we overlooked evidence the jumper constructions disclosed in Pro facilitate the use of an interleaved trace configurations and that the jumper configurations are part of the transmission pathway between the terminal connector pads 40 and the head connector pads 44. *See id.* at 3–4. Petitioner further argues that it is clear from the cited teachings in Pro that Pro discloses the jumper constructions

are the transition between the interleaved section 26 and the two traces that are connected to the connector pads to form the transmission pathway between the terminal pads 40 and head connector pads 44. *Id.* at 5–6. Petitioner argues that Pro, therefore, discloses that trances 122a and 122b are part of the electrical connection to terminal connector pads 40 in Fig. 1 (the claimed first and third electrode pads). *Id.* at 6. Petitioner concludes that our Decision erroneously found the third and seventh line limitations were not disclosed by Pro because we overlooked additional sections of Pro cited in the Petition that disclose these elements. *Id.* at 6.

We are not persuaded of error in our Decision that Petitioner failed to establish Pro discloses the claimed “third” and “seventh” lines connected to first and third electrode pads, respectively. *See* Dec. 17. We disagree that we overlooked any arguments presented in the Petition with respect to these limitations. Petitioner’s brief analysis for these elements relied solely on its assertions Pro discloses the jumper constructions shown in Figs. 2A–2B may be located near the terminal connector pads 40 and therefore the third/seventh lines may be seen in Fig. 2A as connected to terminal connector pads 40 (constituting the first and third electrode pads respectively). *See* Pet. 55, 57. As noted in our Decision, Petitioners’ assertions are not supported by the cited Figure. *See* Dec. 17.

In its rehearing request, Petitioner now newly argues that we overlooked portions of Pro cited in its analysis for different limitations of claim 1, that when taken together in aggregate allegedly support its assertion Pro discloses the recited third and seventh lines connected to first and third electrode pads, respectively. *See* Req. Reh’g 3–6 (citing e.g., Pet. 48–52, 58–59). But Petitioner’s new explanation on how these various sections of Pro disclose the third and seventh line limitations was not presented in the

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Petition, and, therefore, could not have been overlooked. It is not our role to cobble together cited sections of a reference to meet a specific claim limitation. Rather, a petition must itself include “a detailed explanation of the significance of the evidence.” 37 C.F.R. § 42.22(a)(2); *see also* 37 C.F.R. § 42.104(b)(5) (we give no weight to evidence where a party fails to state its relevance). Such an explanation for the third and seventh line limitations was lacking in the Petition. We decline to reconsider and reverse our decision to deny institution based on the new arguments raised in the rehearing request.

We conclude that Petitioner has not identified adequately any matter that we misapprehended or overlooked, much less in a manner that constitutes an abuse of discretion.

In view of the foregoing, it is:

ORDERED that Petitioner’s Request for Rehearing is *denied*.

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