

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPSON AMERICA, INC.,
Petitioner,

v.

CASCADES PROJECTION LLC,
Patent Owner.

Case IPR2015-01206
Patent 7,688,347 B2

Before HOWARD B. BLANKENSHIP, THOMAS L. GIANNETTI, and
ROBERT L. KINDER, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

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

Patent Owner Cascades Projection LLC filed a Request for Rehearing (Paper 17, "Request" or "Req. Reh'g") of the Board's Institution of *Inter Partes* Review entered December 1, 2015 (Paper 15, "Decision"). The requirements for a rehearing are set forth in 37 C.F.R. § 42.71(d), which

provides in relevant part:

A party dissatisfied with a decision may file a single request for rehearing, without prior authorization from the Board. The burden of showing a decision should be modified lies with the party challenging the decision. 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.

Patent Owner in its Request first re-argues a point that we found not persuasive. Patent Owner submits that the Petition (Paper 1) addressed “shape” but not the “size” limitation recited in claim 32. Req. Reh’g 2–4. Although we did not find counsel’s arguments in the Preliminary Response (Paper 6) persuasive, Patent Owner is free to provide evidence in support of the position in its Patent Owner Response (37 C.F.R. § 41.120; Due Date 1).

Patent Owner in its Request also argues certain of our claim constructions are erroneous because we misapprehended Patent Owner’s arguments with respect to Figure 65 of the ’347 patent as it relates to Figure 66. Req. Reh’g 4–9 (addressing means plus function limitations). In particular, Patent Owner submits that its argument that the Figure 65 embodiment requires “light beam segment steering” prisms does not rely on the ’347 patent’s description of Figure 66. *Id.* Patent Owner, however, in its Preliminary Response and in its Request, does not point to any disclosure in the ’347 patent, or to any other evidence, that refers to the prisms of Figure 65 as “light beam segment steering” prisms. Again, Patent Owner is free to provide evidence in support of its position in its Patent Owner Response.

Finally, Patent Owner alleges that we erred in our determination that the ’347 patent will expire prior to the end of the one-year period allotted for

an *inter partes* review. Req. Reh’g 11–15. Patent Owner argues that the prosecution history of the ’347 patent compels that the patent will expire later than the Title Page and the text of the patent indicate. However, we considered and addressed the prosecution history in reaching our determination. Decision 4–7. Patent Owner in its Request provides new information that it filed a request for a Certificate of Correction prior to institution of trial. Req. Reh’g 14–15 (referencing Ex. 2002 in related case IPR2015-01846). This new information was not presented in the Preliminary Response. The Board could not have misapprehended or overlooked it in instituting a trial. There is no indication in this record, moreover, as to whether that request has been granted or denied. We do not find this new information persuasive.

Patent Owner’s request for rehearing is *denied*.

IPR2015-01206
Patent 7,688,347 B2

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