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Paper 8
Entered: July 24, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

IBEX PT HOLDING CO., LTD.,
Patent Owner.

Case IPR2017-00101
Patent 8,654,855 B2

Before LYNNE E. PETTIGREW, BARBARA A. PARVIS, and KIMBERLY McGRAW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Rehearing
37 C.F.R. § 42.71

I. INTRODUCTION

Petitioner, Samsung Electronics Co., Ltd., requests rehearing of our decision (Paper 6, "Decision" or "Dec.") denying institution of *inter partes*

review of claims 1–5 of U.S. Patent No. 8,654,855 B2 (Ex. 1001, "the '855 patent"). Paper 7 ("Request" or "Req."). For the reasons given below, we deny the Request.

II. DISCUSSION

The party challenging a decision in a request for rehearing bears the burden of showing the decision should be modified. 37 C.F.R. § 42.71(d). 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." *Id.*

In the Decision, we construed three limitations in claim 1 of the '855 patent in accordance with § 112, sixth paragraph.[1] Dec. 5–14. We determined that each limitation recites a non-generic computer-implemented function, and therefore the corresponding structure for each limitation is a special purpose processor programmed to implement the algorithm disclosed in the specification for performing the recited function. *Id.* at 6–9 (citing *Aristrocrat Techs. Austl. Pty Ltd. v. Int'l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008)). For one such limitation, "merge mode motion information decoding unit," we identified the claimed function as "*decod[ing] motion information* using available spatial and temporal merge candidates when a motion information encoding mode of a current block indicates a merge mode." *Id.* at 9 (quoting Ex. 1001, 16:54–58). We then determined that the

[1] Section 4(c) of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) ("AIA"), re-designated 35 U.S.C. § 112, sixth paragraph, as 35 U.S.C. § 112(f). Because the '855 patent has a filing date before September 16, 2012 (effective date of AIA), we cite § 112, sixth paragraph.

specification of the ’855 patent discloses three algorithms for performing the recited function, corresponding to three different embodiments (*see* Figures 5–7) of merge mode motion information decoding unit 230 (*see* Figure 4). *Id.* at 9–12 (citing Ex. 1001, 10:3–14:51, Figs. 4–7).

In its Request, Petitioner contends that we erred in construing “merge mode motion information decoding unit.” Req. 3–7. Petitioner argues, as it did in the Petition, that the disclosed algorithm for “decoding motion information,” the function recited in the claim, is limited to the process associated with motion information generation unit 238, which is one component of the embodiment of merge mode information decoding unit 230 shown in Figure 5. *Id.* at 5. According to Petitioner, the Decision erroneously included the processes performed by blocks 231–237 in Figure 5 as part of the disclosed algorithm corresponding to the claimed merge mode motion information decoding unit. *Id.* at 3–5. In Petitioner’s view, the processes associated with blocks 231–237 are unnecessary to perform the recited function of “decod[ing] motion information” and thus were imported improperly into the claim. *Id.* at 3–4.

Petitioner has not persuaded us that the construction of “merge mode motion information decoding unit” in the Decision was erroneous. As we explained in the Decision, Figure 4 of the ’855 patent and the related textual description refer to block 230 in Figure 4 as a “merge mode motion information decoding unit,” the exact language recited in the claim limitation at issue. Dec. 9; *see* Ex. 1001, 8:60–63. Thus, we concluded the written description indicates that merge mode motion information decoding unit 230 corresponds to the “merge mode motion information decoding unit” recited in claim 1. *See* Dec. 10. We also pointed out in the Decision that

Petitioner's declarant, Mr. Bross, testified that "merge mode motion information decoding unit 230 . . . *decodes motion information using available spatial and temporal merge candidates when a motion information encoding mode of a current block indicates a merge mode*," i.e., that block 230 performs the precise function recited in the claim. *Id.* (quoting Ex. 1002 ¶ 24 (emphasis added)). Although Mr. Bross's testimony was not part of a claim construction analysis, *see* Req. 7, it nevertheless evidences Mr. Bross's understanding of the '855 patent and the corresponding structure required to perform the claimed "decod[ing]" function.

In arguing that block 238 alone is corresponding structure for the claimed merge mode motion information decoding unit, Petitioner contends that only block 238 is necessary to perform the recited "decoding motion information" function. Req. 3–4. As explained in the Decision, however, motion information generating unit 238 selects a merge predictor from a list generated by merge candidate list generation unit 236 and then *determines* motion information of the selected merge predictor as motion information of a current block. Dec. 11 (citing Ex. 1001, 12:56–61). We are not persuaded by Petitioner's attempt to equate the "determining" function performed by motion information generating unit 238 with the "decod[ing]" function recited in the claim, particularly when the '855 patent refers to the entirety of Figure 5 (i.e., blocks 231–238) as a "merge mode motion information decoding unit." *See* Req. 5.

Petitioner also contends that blocks 231–236 cannot be said to perform the claimed function of "decod[ing] motion information *using available spatial and temporal merge candidates*" because the available merge candidates are generated by merge candidate list generation unit 236.

Id. at 4. We disagree with the premise of Petitioner's argument, namely that the claimed function "*presupposes* that 'merge candidates' have been determined to be available" before the decoding function begins. *Id.* (emphasis added). The requirement that the recited function of "decod[ing] motion information" use available spatial and temporal merge candidates does not preclude the corresponding algorithm for performing the recited function from including steps for generating a list of merge candidates. Nothing in the language of claim 1 requires determining merge candidates prior to the decoding performed by the claimed merge mode motion information decoding unit.

Finally, contrary to Petitioner's argument, our Decision did not improperly import or incorporate unclaimed processes into the claim. Rather, we determined that the algorithm disclosed in the specification for performing the recited function of "decod[ing] motion information" includes all of the steps associated with blocks 231–238. Dec. 9–12. In other words, the corresponding algorithm for the "decod[ing]" function comprises the steps performed by the entire apparatus of Figure 5, one of the disclosed embodiments of merge mode motion information decoding unit 230, rather than just the steps performed by motion information generation unit 238.

For these reasons, Petitioner has not demonstrated error in our construction of "merge mode motion information decoding unit" and therefore has not shown the Decision should be modified.

III. ORDER

Accordingly, it is:

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

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