

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYRINIX, INC.,
Petitioner,

v.

BLACOH FLUID CONTROL, INC.,
Patent Owner.

Case IPR2018-00414
Patent 7,219,553 B1

Before SCOTT C. MOORE, CHRISTA P. ZADO, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Syrinix, Inc. (“Petitioner”) filed a Petition (Paper 1; “Pet.”) to institute an *inter partes* review of claims 1–21 of U.S. Patent No. 7,219,553 B1 (Ex. 1001; “the ’553 patent”). Blacoh Fluid Control, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 7; “Prelim. Resp.”). We entered a decision (Paper 8, “Decision” or “Dec.”) that granted the Petition upon determining there is a reasonable likelihood that the Petitioner would prevail with respect to at least one of the claims challenged in the petition. Patent Owner filed a request for rehearing of the Decision. Paper 11 (“Req. Reh’g”). For the reasons discussed below, Patent Owner’s request is denied.

II. STANDARD OF REVIEW

In relevant part, the rules regarding requests for reconsideration or rehearing in an IPR provide:

(d) Rehearing. 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. 37 C.F.R. § 42.71(d) (2018). To be entitled to relief, the party seeking rehearing must demonstrate that the Board abused its discretion. 37 C.F.R. § 42.71(c) (2018); *see also PNY Techs., Inc. v. Phison Elecs. Corp.*, No. IPR2013–00472, slip op. at 2 (PTAB April 24, 2014) (Paper 16) (available at <https://go.usa.gov/xQUuS>). A decision based on an erroneous interpretation of law, a factual finding that is not supported by substantial evidence, or an unreasonable judgment in weighing relevant factors may

represent an abuse of discretion. *Star Fruits S.N.C. v. United States*, 393 F.3d 1277, 1281 (Fed. Cir. 2005); *In re Gartside*, 203 F.3d 1305, 1315–16 (Fed. Cir. 2000).

III. DISCUSSION

Patent Owner contends, “the Board correctly understood Patent Owner’s argument that [the ‘transient’] term covers a ‘**broad category of fluctuating pressures**’ which, includes both fast transients (*e.g.*, less than one second) and slower transients.” Req. Reh’g 3 (citing Decision 11, 14). According to Patent Owner, we went astray, however, and “misapprehended that Patent Owner was seeking to limit the term “transient” to pressure fluctuations lasting less than one second.” *Id.* at 3 (citing Decision 12 (internal quotes omitted)). Patent Owner argues this misapprehension caused us to overlook “[the claimed] sensor[s] must detect all pressure fluctuations falling within this ‘broad category of fluctuating pressures,’ including fast transients lasting less than one second.” *Id.* We did not misapprehend Patent Owner’s argument.

In the Decision, we noted “that Patent Owner’s proposed interpretation broadly defines ‘dynamic transient pressures; to include ‘*both* fast transients (*e.g.*, less than one second) *and* slower transients.’” Dec. 10 (quoting Prelim. Resp. 10). “Patent Owner’s proposed construction, therefore, does not *limit* ‘transient’ to ‘fluctuations lasting less than one second,’ but instead is an *inclusive* construction that encompasses fluctuations lasting more than one second.” *Id.* at 11. Nevertheless, after considering Patent Owner’s challenge to Petitioner’s unpatentability arguments, we understood Patent Owner to be asserting “the term ‘transient’ *requires* a configuration that detects/monitors

pressure fluctuations lasting less than one second.” *Id.* at 12. The Decision identifies that “Patent Owner asserts the inventor disavowed a broader understanding of the claims ‘by limiting them to systems that necessarily account for pressure fluctuations lasting less than one second.’” *Id.* at 12 (quoting Prelim. Resp. 10). Ultimately, after carefully considering the intrinsic record, the Decision “reject[ed] Patent Owner’s assertion that the claimed invention, as a whole, is limited to a configuration that detects/monitors pressure fluctuations lasting less than one second.” *Id.* at 16. In view of the foregoing, Patent Owner has not shown that we either misapprehended or overlooked the arguments made in the Preliminary Response.

IV. CONCLUSION

Because Patent Owner fails to show that we misapprehended or overlooked a matter, or abused our discretion, we conclude that Patent Owner is not entitled to the relief it seeks.

V. ORDER

Accordingly, it is

ORDERED, that Patent Owner’s request for rehearing is *denied*.

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