

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAPTIONCALL, LLC,
Petitioner,

v.

ULTRATEC, INC.,
Patent Owner.

IPR2020-01215
Patent 10,469,660 B2

Before LYNNE E. PETTIGREW, NATHAN A. ENGELS, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Rehearing
37 C.F.R. § 42.71(d)(2)

I. INTRODUCTION

Petitioner filed a Petition challenging claims 1–45 of U.S. Patent No. 10,469,660 on 12 grounds. Paper 1. The Board entered a Decision Denying Institution of *Inter Partes* Review. Paper 6. Petitioner filed Request for Rehearing Pursuant to 37 C.F.R. §42.71(d). Paper 7.

For the reasons explained below, Petitioner’s Request for Rehearing is *denied*.

II. ANALYSIS

A. Grounds 9–12

Addressing Grounds 9–12, which rely on Engelke (Ex. 1009) as the primary reference, Petitioner contends the Board misapprehended the scope of the following limitation of independent claim 1, and similar limitations of independent claims 25 and 38:

the appliance processor configured to: upon answering an incoming call, while at least one of the mobile device and the appliance is used by the assisted user to communicate via voice signals with the hearing user’s device, *independent of any user action to associate the mobile device and the appliance subsequent to the call being received*, receive text originating at the relay, the text corresponding to a transcript of the hearing user’s voice signal originating at the hearing user’s device, wherein the text signal is received from the relay.

Req. Reh’g 2–8 (emphasis added). Petitioner’s arguments regarding claim scope are untimely, as the Petition did not affirmatively address the scope of this limitation in its Petition. Tellingly, the Petition addressed this claim limitation with two sentences, while Petitioner’s Request for Rehearing devotes over five pages to this limitation. *Compare* Pet 47, *with* Req. Reh’g 2–8.

Moreover, contrary to Petitioner's suggestion that the Decision overlooked relevant portions of the record, the Decision already addresses the cited portion of both Engelke and Petitioner's declarant. Decision 20–22 (citing Ex. 1009 ¶¶ 38, 39, 42; Ex. 1019 ¶ 144).

B. Grounds 3, 4, 6, and 8

Addressing Grounds 3, 4, 6, and 8, which rely on McLaughlin '795 as the primary reference, Petitioner reargues its position that McLaughlin '795 teaches (i) a wireless mobile device that includes a mobile device display and (ii) an appliance that includes a display configured to display text captions. Req. Reh'g 8–10. Contrary to Petitioner's suggestion that the Board misapprehended or overlooked the relevant portions of the Petition (Req. Reh'g 8), the Decision already addresses Petitioner's arguments (Decision 14–16).

C. Grounds 1, 2, 5, and 7

Addressing Grounds 1, 2, 5, and 7, which rely on McLaughlin '169 and McLaughlin '795 as incorporated by reference, Petitioner reargues its position that the references teach (i) a wireless mobile device that includes a mobile device display and (ii) an appliance that includes a display configured to display text captions. Req. Reh'g 11–15. Contrary to Petitioner's suggestion that the Board misapprehended or overlooked the relevant portions of the Petition (Req. Reh'g 11–12, 14–15), the Decision already addresses Petitioner's arguments (Decision 16–18).

III. CONCLUSION

For the reasons set forth above, Petitioner has not persuaded us that the outcome of our Decision should be modified.

IV. ORDER

In consideration of the foregoing, it is hereby:

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

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