

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

IPR2023-00581
Patent 8,886,772 B2

Before KEVIN F. TURNER, ROBERT J. WEINSCHENK, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION

Denying Patent Owner's Request on Rehearing of
Decision Granting Institution of *Inter Partes* Review
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Koninklijke KPN N.V. (“Patent Owner”) filed a Request for Rehearing (Paper 11, “Req. Reh’g”) of the Decision Granting Institution of *Inter Partes* Review (Paper 8, “Decision” or “Dec.”) of claims 2–6, 11, 14, and 16 (“the challenged claims”) of U.S. Patent No. 8,886,772 B2 (Ex. 1001, “the ’772 patent”). For the reasons set forth below, the Request for Rehearing is *denied*.

II. ANALYSIS

When considering a request for rehearing of a decision whether to institute an *inter partes* review, the Board reviews its decision for an abuse of discretion. 37 C.F.R. § 42.71(c). The party requesting rehearing bears the burden of showing that the decision should be modified, and “[t]he request must specifically identify all matters the party believes the Board misapprehended or overlooked.” 37 C.F.R. § 42.71(d).

Claim 1 recites “wherein the ACSMD is configured, responsive to receiving the request, to: . . . identify an ACS from the plurality of ACSs in accordance with the identification of the manageable electronic device to provide configuration data to the manageable electronic device.” Ex. 1001, 9:66–67, 10:5–8. In the Decision, we stated that Petitioner presents evidence that Angelot’s central server identifies a configuration server from the plurality of configuration servers in accordance with the network entity’s MAC address. Dec. 20. We also stated that Patent Owner does not dispute that Angelot discloses this limitation of claim 1. *Id.*

Patent Owner contends that we overlooked its argument in the Preliminary Response (Paper 5, “Prelim. Resp.”) that Angelot does not disclose identifying a configuration server from a plurality of configuration

servers. Req. Reh’g 4–12 (citing Prelim. Resp. 6, 61–63). Specifically, Patent Owner argues that “Angelot might be interpreted as teaching at most to ‘identify [*a service provider*] from the plurality of [*service providers*],” but “a ‘service provider’ cannot be equated with a ‘configuration server’ in Angelot.” Req. Reh’g 9–10; Prelim. Resp. 6. Patent Owner points out that “each of ‘service provider[s] 18a and 18b’ are shown in FIG. 3a to include multiple ‘configuration servers.’” Req. Reh’g 11; Prelim. Resp. 62. Thus, according to Patent Owner, “[i]f the identified ‘service provider’ happens to be ‘service provider 18a,’ then, according to FIG. 3a, an extra, undisclosed step appears to be required to further identify a ‘configuration server’ from among the five configuration servers in the ‘first mapping table.’” Req. Reh’g 11; Prelim. Resp. 63.

Even if Patent Owner is correct that the Decision overlooked this particular argument in the Preliminary Response, Patent Owner does not show sufficiently that the Decision should be modified. Specifically, we are not persuaded by Patent Owner’s argument that each of Angelot’s service providers include multiple configuration servers. The portions of Angelot cited by Petitioner disclose an embodiment in which each service provider includes one configuration server. Pet. 36–38 (citing Ex. 1006 ¶¶ 23, 52, 54). For example, Angelot states that there is “*a* configuration server 20a, 20b *or* 20c, associated with the appropriate service provider.” Ex. 1006 ¶ 54 (emphases added); *see also id.* ¶ 47 (“an appropriate configuration server 20a, 20b, or 20c associated with one of the server providers 18a, 18b, 18c”). This description is consistent with Angelot’s Figure 1, which is reproduced below.

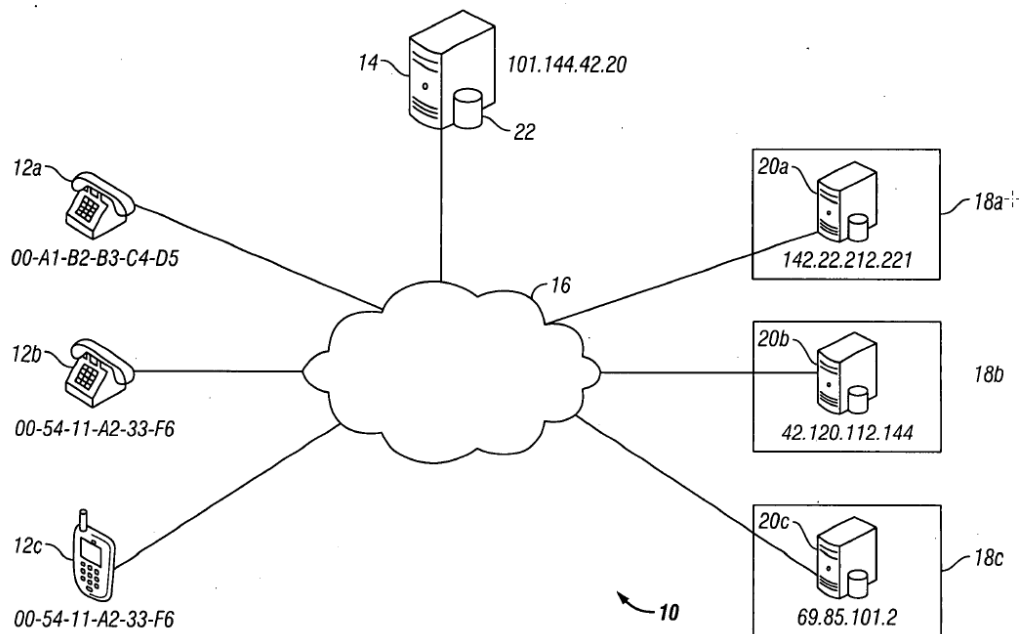


FIG. 1

Id. at Fig. 1. Angelot's Figure 1 shows that each service provider 18a, 18b and 18c includes one configuration server 20a, 20b or 20c. *Id.*

For the foregoing reasons, after considering Patent Owner's arguments in the Request for Rehearing, Petitioner still shows sufficiently that Angelot's central server identifies a configuration server from the plurality of configuration servers.

III. CONCLUSION

The Request for Rehearing does not demonstrate that the Decision should be modified.

IV. ORDER

It is hereby

ORDERED that the Request for Rehearing is *denied*.

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