

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

FENDGO, LLC,
Patent Owner.

IPR2024-00114
Patent 11,265,404 B2

Before, SCOTT C. MOORE, JON M. JURGOVAN, and
AARON W. MOORE, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

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

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Petitioner”) request rehearing (Paper 33, “Req. Reh’g”) of our Final Written Decision (Paper 32, “Final Dec.”) entered in the subject *inter partes* review at the conclusion of trial pursuant to 35 U.S.C. § 318(a). In the Final Written Decision, we determined that Petitioner had not demonstrated unpatentability of claims 1–8 of U.S. Patent No. 11,265,404 B2 (Ex. 1001, the “’404 patent”).

A party dissatisfied with a decision of the Board is permitted to file a request for rehearing. 37 C.F.R. § 42.71(d). The requesting party, in this case, Petitioner, 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, and the place where each matter was previously addressed.” *Id.*

The subject of Petitioner’s request for rehearing is limitation 1[d] of claim 1 of the ’404 patent, recited as follows:

a panic button, adapted to, when activated, ready itself to perform the following panic button functions: (1) dialing a public or private network for an emergency purpose and (2) activating the transmitting unit.

The recited functions are referred to as “panic button” functions (1) and (2).

Petitioner criticizes the Final Written Decision for stating that Petitioner did not meet its burden to explain how Strack’s button press collects and transmits audio, video, and location data that would ready the panic button to perform recited “panic button” functions (1) and (2). *Id.* (citing Final Dec. 22). Petitioner asserts this reflects misapprehension of the Petition because Petitioner “did not rely on Strack for a teaching of a button

press that readies the button to perform the claimed functions.” *Id.*

Petitioner asserts that it relied on DiPerna964 to disclose that activating the panic button causes it to perform “panic button” functions (1) and (2) recited in limitation 1[d], and Strack teaches an “arming and timer technique” that would have been obvious to apply to DiPerna964, such that their combined teachings render the challenged claims, including limitation 1[d], obvious.

Petitioner overlooks that Strack’s “arming and timer technique” is initiated by the button press, triggering the “duress timer” and the recording of audio and video data, as Petitioner acknowledged in the Petition. Pet. 15. Hence, Strack’s “arming and timer technique” and what happens after the button press are one and the same, and Petitioner’s quibbling with the language of the Final Written Decision is not sufficient to warrant rehearing, let alone modification.

Moreover, Petitioner overlooks that the Final Written Decision states “neither DiPerna964, nor Strack nor their combination teach or suggest limitations 1[d] and 1[e].” Final Dec. 22. For example, Petitioner did not show by a preponderance of the evidence that the combination of DiPerna964 and Strack teaches or suggests a panic button that “readies itself” to perform panic button functions (1) and (2).

In addition, Petitioner focuses on limitation 1[d] in its Request for Rehearing, but we also found limitation 1[e] to be missing from the combination. *Id.* at 21. Even if we agreed with Petitioner’s argument with respect to limitation 1[d], which we do not, we still would deny rehearing because Petitioner does not challenge our finding with respect to limitation 1[e].

For the foregoing reasons, we are not persuaded that Petitioner's Request for Rehearing has established that the Board misapprehended or overlooked any matters, or otherwise committed prejudicial error, in the Final Written Decision.

ORDER

For the foregoing reasons, it is

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

Summary before Request for Rehearing:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claim(s) Shown Unpatentable	Claim(s) Not shown Unpatentable
1–8	103	DiPerna964, Strack		1–8

Summary after Request for Rehearing:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claim(s) Shown Unpatentable	Claim(s) Not shown Unpatentable
1–8	103	DiPerna964, Strack		1–8

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For PETITIONER:

Ali Sharifahmadian
Patrick Reidy
ARNOLD & PORTER KAYE SCHOLER LLP
ali.sharifahmadian@arnoldporter.com
patrick.reidy@arnoldporter.com

For PATENT OWNER:

James Nuttall
Katherine Johnson
Katherine Cappaert
STEPTOE & JOHNSON LLP
jnuttall@steptoe.com
kjohnson@steptoe.com
kcappaert@steptoe.com