

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILICON LABORATORIES, INC.,
Petitioner,

v.

CRESTA TECHNOLOGY CORPORATION,
Patent Owner.

Case IPR2014-00728
Patent 7,075,585 B2

Before PHILLIP J. KAUFFMAN, GREGG I. ANDERSON, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

DECISION
Request for Rehearing
37 C.F.R. § 42.71(d)

I. INTRODUCTION

On May 5, 2014, Silicon Laboratories, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) seeking *inter partes* review of claims 1–3, 5, 10, 13, 14, and 16–19 of U.S. Patent No. 7,075,585 B2 (“the ’585 patent”). In our Decision dated October 24, 2014 (Paper 9, “Dec.”), we instituted review of claims 1–3, 5, 10, and 16–19, but did not institute review of claims 13 and 14. Petitioner now requests rehearing of our decision not to institute review of claims 13 and 14. Paper 15 (“Req. Reh’g”).

The applicable standard for a request for rehearing is set forth in 37 C.F.R. § 42.71(d), which provides in relevant part:

A party dissatisfied with a decision may file a 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.

II. ANALYSIS

Petitioner argues that in not instituting review of claims 13 and 14, we misapprehended its obviousness argument based on the combination of Thomson, Harris, and Balaban. Req. Reh’g, 3–4. Claim 13, which depends from claims 1 and 10, recites, *inter alia*, “a standard selection circuit coupled to said signal processor, said standard selection circuit generating a select

signal indicative of a format of said input RF signal.” Claim 14 depends from claim 13.

As Petitioner notes, its Petition included a ground challenging claim 13 as obvious over Thomson and Harris that contended Thomson “inherently” discloses a “standard selection circuit.” *Id.* at 5–6; *see* Pet. 39–40. We determined that Petitioner did not demonstrate a reasonable likelihood of prevailing on that challenge because “[n]either Petitioner nor Petitioner’s declarant, Dr. Holberg, provides sufficient reasoning or evidence to support its inherency contention.” Dec. 19. Petitioner does not contend that we misapprehended or overlooked any matter in our consideration of that challenge.

Petitioner also included a ground challenging claims 13 and 14 as obvious over Thomson, Harris, and Balaban that repeated its contention that “Thomson *inherently* discloses to a [person of ordinary skill in the art] a standard selection circuit,” but acknowledged that “Thomson is silent as to the *implementation details* of that [standard] selection circuit.” Pet. 47–48 (emphases added). Petitioner relied on Balaban as “describ[ing] such an implementation.” *Id.* at 48.

In its Request for Rehearing, Petitioner disavows this reliance on an inherent disclosure by Thomson of a “standard selection circuit.” Petitioner justifies this disavowal by arguing that, while its declarant, Dr. Holberg, “is of the opinion that Thomson alone inherently discloses to a [person of ordinary skill in the art] such a circuit, his obviousness opinion is not

premised on that.” Req. Reh’g, 9. Petitioner now wishes to characterize its earlier argument as one that does not rely on an inherent disclosure by Thomson of a “standard selection circuit.” Petitioner attempts to support its new argument as consistent with the testimony of Dr. Holberg: “it is [Dr. Holberg’s] opinion that claim 13 is obvious in further view of Balaban *regardless of whether Thomson inherently disclosed that circuit.*” *Id.* (citing Ex. 1009 ¶ 72) (emphasis added).

Petitioner’s new argument is belied by the testimony of Dr. Holberg on which it relies: “[O]ne skilled in the art would have naturally looked to Balaban for ideas on *how to implement* the particular ‘Television Standard’ selection circuit *inherently disclosed* in Thomson.” Ex. 1009 ¶ 72 (emphases added). Instead, Dr. Holberg’s testimony is consistent with the Petition’s original argument that Thomson inherently discloses a “standard selection circuit,” and that Petitioner relies on Balaban for describing an “implementation” absent from Thomson. Petitioner’s original argument is addressed in our Decision. Dec. 22–23.

III. CONCLUSION

Petitioner has not carried its burden of demonstrating that our decision not to institute *inter partes* review of claims 13 and 14 misapprehended or overlooked any matters. 37 C.F.R. § 42.71(d). Accordingly, Petitioner’s request is *denied*.

IPR2014-00728
Patent 7,075,585 B2

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