

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SZ DJI TECHNOLOGY CO., LTD.,
Petitioner,

v.

AUTEL ROBOTICS USA LLC,
Patent Owner.

IPR2019-00846
Patent 9,260,184 B2

Before ERICA A. FRANKLIN, JENNIFER MEYER CHAGNON, and
Avelyn M. Ross, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

DECISION

Denying Petitioner's Request for Rehearing of
Decision Granting Patent Owner's Non-Contingent Motion to Amend
37 C.F.R. § 42.71(d)

I. INTRODUCTION

SZ DJI Technology Co., Ltd. (“Petitioner”) filed a Request for Rehearing under 37 C.F.R. § 42.71(d). Paper 34 (“Reh’g Req.”). Petitioner’s Request for Rehearing seeks reconsideration of the Final Written Decision granting Autel Robotics USA LLC’s (“Patent Owner”) non-contingent motion to amend U.S. Patent Number 9,260,184 B2 (Ex. 1001, “the ’184 patent”), thereby cancelling original claims 3 and 4 and adding substitute claims 12 and 13. Paper 33 (“Dec.” or “Decision”).

As explained below, we have considered the arguments presented by Petitioner in its Request for Rehearing, but we discern no reason to modify the Decision granting the motion to amend. Accordingly, we *deny* Petitioner’s Request for Rehearing.

II. STANDARD OF REVIEW

The party challenging a decision in a request for rehearing bears the burden of showing the decision should be modified. 37 C.F.R. § 42.71(d). A request for rehearing “must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed.” *Id.*

III. ANALYSIS

In the Decision, we determined that Patent Owner had demonstrated the proposed substitute claims meet the statutory and regulatory requirements (*see* 35 U.S.C. § 316(d); 37 C.F.R. § 42.121) and that Petitioner had not demonstrated by a preponderance of the evidence that proposed substitute claims are unpatentable over the asserted combinations

of references — Sasaki¹ and Sokn²; Sasaki and Philistine³; Sasaki and Obrist⁴; and Sasaki and EP067⁵. *See* Dec. 8–47. We, therefore, granted Patent Owner’s Revised Motion to Amend (Paper 17). Dec. 47. In its Request for Rehearing, Petitioner contends the Decision violated the Administrative Procedure Act (“APA”). *See* Reh’g Req. 2–6, 10–11, 13–14. Petitioner also argues that Patent Owner’s amendments enlarge the scope of the claims of the ’184 patent, in violation of 35 U.S.C. § 316(d)(3). *Id.* at 14–15. Finally, Petitioner contends that we erred in our substantive obviousness determinations regarding the asserted combinations of references. *Id.* at 4–14. We address each of these arguments in turn.

A. Petitioner’s Arguments regarding the Board’s Alleged APA Violation

According to Petitioner, the Final Written Decision rejected Petitioner’s obviousness grounds by relying on various arguments and theories not raised by Patent Owner. *See* Reh’g Req. 2, 4 (citing Dec. 35), 5–6, 10–11 (citing Dec. 41), 13–14. In particular, Petitioner contends that we concluded the cited motivations to combine were based on hindsight and introduced new arguments regarding the asserted combinations of references, and that we did so *sua sponte*. *Id.* Petitioner argues that our “failure to provide [Petitioner] notice and a chance to be heard on these new

¹ JP Appl. Publ’n No. H06-17511, published January 14, 1991 (Ex. 1005; Ex. 1006 (certified translation)).

² U.S. Patent No. 5,133,617, issued July 28, 1992 (Ex. 1007).

³ U.S. Patent No. 6,929,226 B1, issued August. 16, 2005 (Ex. 1026).

⁴ U.S. Patent No. 2,470,517, issued May 17, 1949 (Ex. 1017).

⁵ European Patent Appl. No. EP 0 921 067 A2, published June 9, 1999 (Ex. 1018).

arguments abrogated the process due [to Petitioner] and violated the Administrative Procedure Act.” *Id.* at 2 (citing *Genzyme Therapeutic Prods. L.P. v. Biomarin Pharm. Inc.*, 825 F.3d 1360, 1366 (Fed. Cir. 2016)).

Petitioner’s argument is not persuasive.

We agree with Petitioner that, “[a]s formal administrative adjudications, [*inter partes* review proceedings] are subject to the APA.” *Hamilton Beach Brands, Inc. v. f’real Foods, LLC*, 908 F.3d 1328, 1338 (Fed. Cir. 2018) (citing *Dell Inc. v. Acceleron, LLC*, 818 F.3d 1293, 1298, 1301 (Fed. Cir. 2016)). Petitioner also is correct, that in general, “the Board may not change theories midstream without giving the parties reasonable notice of its change.” *Hamilton Beach Brands*, 908 F.3d at 1338 (citing *Belden, Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1080 (Fed. Cir. 2015)); *see* Reh’g Req. 4. The Federal Circuit has indicated that “[t]he critical question for compliance with the APA and due process is whether [a party] received *adequate notice* of the issues that would be considered, and ultimately resolved.” *Genzyme Therapeutic Prods.*, 825 F.3d at 1367 (internal quotations omitted, emphasis added).

The Federal Circuit recently addressed the question of notice in *FanDuel, Inc. v. Interactive Games LLC*, 966 F.3d 1334 (Fed. Cir. 2020). In *FanDuel*, the petitioner (FanDuel) argued on appeal that the Board violated the APA “by adopting in its final written decision a ‘new theory’ . . . which the patent owner never raised during the proceeding.”⁶ *Id.* at 1339. The Federal Circuit rejected this argument. *See id.* at 1339–42. In doing so, the

⁶ During the *inter partes* review at issue in *FanDuel*, the Board rejected the petitioner’s obviousness challenge, finding insufficient disclosure in the asserted references, although the patent owner did not raise this specific issue during the proceeding. *See FanDuel*, 966 F.3d at 1339–40.

Federal Circuit noted that “the burden of proving invalidity in an IPR remains on the petitioner throughout the proceeding.” *Id.* at 1341 (citations omitted). Because “a patent owner carries no obligation to raise any objection to the petitioner’s challenges at all . . . a patent owner’s response, alone, does not define the universe of issues the Board may address in its final written decision.” *Id.* at 1342 (citations omitted). Instead, “in an IPR, ‘the *petitioner’s* contentions . . . define the scope of the litigation all the way from institution through to conclusion.’” *Id.* (quoting *SAS Inst., Inc. v Iancu*, 138 S. Ct. 1348, 1357 (2018)).

The Federal Circuit in *FanDuel* characterized the “sole issue” in the *inter partes* review as being “whether FanDuel proved its theory as to how [the asserted references] combined to make [the challenged claim] obvious.” *Id.* at 1342. According to the Federal Circuit,

[t]his central question remained, regardless what aspects of that issue the patent owner and the Board chose to address in their respective response and initial decision. From the moment FanDuel filed its petition, it was on notice that the Board would ultimately decide whether those references taught what FanDuel claimed they taught.

Id. The Federal Circuit found that “[n]o APA violation results” from the Board making such a decision. *Id.*

Likewise, here, in the context of a Motion to Amend, “the petitioner bears the burden of proving that the proposed amended claims are unpatentable by a preponderance of the evidence.” *Bosch Auto. Serv. Sols., LLC v. Matal*, 878 F.3d 1027, 1040 (Fed. Cir. 2017) (as amended on rehearing) (cited at Dec. 9). Once Petitioner raised arguments relating to the alleged obviousness of the proposed substitute claims, it was on notice that we would decide whether Petitioner had shown the asserted references

would have rendered these claims obvious. In other words, the issue for us to decide in our obviousness analysis, was whether Petitioner demonstrated by a preponderance of the evidence that proposed substitute claims 12 and 13 are unpatentable over the asserted combinations of references. In our Decision, we determined Petitioner had not met this burden. Dec. 21–47. In view of *FanDuel*, Petitioner has not shown persuasively that it was an APA violation to decide this question based on aspects of the obviousness issue not raised in Patent Owner’s briefing. *See FanDuel*, 966 F.3d at 1342.

B. Petitioner’s Arguments that the Proposed Substitute Claims Enlarge the Scope of the Claims of the Patent

Petitioner argues that Patent Owner’s proposed substitute claims 12 and 13 improperly enlarge the scope of claims 3 and 4 of the ’184 patent and that we erred in ruling otherwise in the Decision. Reh’g Req. 14. In the Decision, we determined that because “[p]roposed substitute claims 12 and 13 are dependent claims, and, therefore, include all of the limitations of independent claim 1 . . . , they do not enlarge the scope of the *claims of the patent* such that the proposed substitute claims would encompass apparatuses outside the scope of the original claims.” Dec. 20 (emphasis added); *see also* 35 U.S.C. § 316(d)(3) (“An amendment . . . may not enlarge the scope of the claims of the patent . . .”). Petitioner contends that this determination is in error, arguing “the Board overlooked that it had *already ruled* that claim 1 of the ’184 patent is unpatentable.” Reh’g Req. 14 (citing

Ex. 1031,⁷ 62). According to Petitioner, we “overlooked that the two dependent claims no longer depended from a patentable claim. Thus, the enlargement of those claims would encompass matter that no longer fell within ‘the scope of the claims of the challenged patent.’” *Id.* at 15. Petitioner argues that “if the Board fails to give *some* preclusive effect to *its own* decision in the ’343 IPR, that would mean that claim 1 of the ’184 patent is alive for purposes of this action but dead for purposes of other actions before the Board.” *Id.* (citing *Ex Parte Fong Pong*, Appeal 2016-002217, 2017 WL 5714381, at *3 (PTAB Nov. 6, 2017)) (emphasis Petitioner’s).

In *Ex Parte Fong Pong*, cited by Petitioner, the panel found that “under the law of the case, [the Board] must give respect and force to legal decisions rendered by earlier panels.” 2017 WL 5714381, at *3. Petitioner has not shown persuasively that the law of the case doctrine applies here in the manner Petitioner contends. “The doctrine of law of the case generally bars retrial of issues that were previously resolved.” *Intergraph Corp. v. Intel Corp.*, 253 F.3d 695, 697 (Fed. Cir. 2001). The patentability of claim 1 is not at issue in this proceeding. We do not see an inconsistency between our prior determination that Petitioner has shown claim 1 to be unpatentable

⁷ Claims 1, 2, 5–9, and 11 of the ’184 patent were held unpatentable in IPR2019-00343. *See SZ DJI Tech. Co. v. Autel Robotics USA LLC*, IPR2019-00343, Paper 40 (PTAB May 21, 2020). We refer to IPR2019-00343 IPR as “the 343 IPR” herein. Petitioner includes the Final Written Decision of the 343 IPR as Exhibit 1031 in this proceeding. The 343 IPR Final Written Decision is currently on appeal at the Federal Circuit. *See* 343 IPR, Paper 41. A certificate of cancellation has not been issued for the claim 1, or any other claim, of the ’184 patent. *See* 35 U.S.C. § 318(b); 37 C.F.R. § 42.80. Petitioner concedes as much. *See* Reh’g Req. 15.

based on the references asserted in the 343 IPR and our determination here that proposed substitute claims 12 and 13 are not broader than claim 1.

For these reasons, Petitioner has not shown persuasively that our prior finding that proposed substitute claims 12 and 13 do not enlarge the scope of the claims of the patent was in error.

C. Petitioner's Arguments regarding our Obviousness Determinations

Petitioner argues that we erred in finding that the record failed to establish a motivation to combine for each of the asserted combinations of references. *See* Reh'g Req. 4–14. We address Petitioner's arguments in turn.

1. Whether the Board erred in finding that the record failed to establish a motivation to combine Sasaki and Sokn

Petitioner argues that we erred in finding that the record failed to establish a motivation to combine Sasaki and Sokn. *See* Reh'g Req. 4–10. Petitioner contends we overlooked evidence in three specific areas. *Id.* We address each in turn. For the reasons discussed, Petitioner has not shown persuasively that our prior determination that the record failed to establish a motivation to combine Sasaki and Sokn was in error.

a) Whether the Board overlooked evidence showing that mis-installation of Unmanned Aerial Vehicle (UAV) blades was a known problem, and "mistake-proofing" and keyed design were known motivations in rotor design

Petitioner contends it "established that mis-installation of rotor blades was a known problem in UAV design before the '184 patent." Reh'g Req. 7. Petitioner also points to evidence that "mistake-proofing by means

of a ‘keyed’ connection was not novel and was a motivating concern to those skilled in the art at the time of the purported invention.” *Id.* Petitioner in particular notes that, in the related 343 IPR, “the Board concluded [Microdrones,⁸ which was cited in the Petition,] anticipated claim 1 of the ’184 patent.” *Id.* (citing Ex. 1031, 62). Petitioner also argues that Dr. Reinholtz “agreed in both his declaration and deposition testimony that mis-installation was a known problem.” *Id.* at 8 (citing Ex. 1027, 35:16–19, 37:1–8; Ex. 2001 ¶ 70). According to Petitioner, “[t]he Board nevertheless overlooked this evidence and discounted this motivation.” *Id.*

We are not persuaded by Petitioner’s arguments. We considered Petitioner’s evidence that mis-installation of rotor blades was a known problem and that mistake-proofing by means of a “keyed” connection also was known. *See, e.g.*, Dec. 30 (citing Ex. 1027, 37:1–13; Ex. 1028 ¶ 41). Despite Petitioner’s assertion that “the evidence here was *undisputed*” (Reh’g Req. 8), simply knowing that blade mis-installation is a problem, would not necessarily have led one of ordinary skill in the art to use a “mistake-proof” design. Instead, for example, more care could have been used during installation to ensure the correct rotor blade is being installed onto the driveshaft. *See, e.g.*, Ex. 2001 ¶ 54 (Dr. Reinholtz describing that “[o]n the Phantom 3 [drone], clockwise rotor blades are designated with a black hub tip and counterclockwise rotor blades are designated with a silver hub tip” and “the clockwise driveshafts have black tips and the counterclockwise driveshafts have silver tips”).

⁸ Microdrones User Manual for md4-200 (Version 2.2) (May 2009) (Ex. 1016).

As discussed in our Decision, the evidence of record does not persuasively show that Sasaki teaches a mistake-proof rotor design. *See* Dec. 30–34. And, importantly, this assertion is the premise on which Petitioner’s challenge was based. Throughout the briefing, Petitioner argued that the combination *maintained the “mistake-proofing”* of Sasaki. *See, e.g.*, Pet. 28 (“Because of th[e] directional threading [disclosed in Sasaki], . . . Sasaki’s threaded coupling mechanism is ‘mistake-proof.’” (citing Ex. 1003 ¶ 96)); *id.* at 29 (arguing that a person of ordinary skill in the art “would have been motivated to replace Sasaki’s directionally-threaded mechanism with a mechanism that . . . *maintains the ‘mistake-proofing’* of the prior art” (emphasis added) (citing Ex. 1003 ¶ 100)); *id.* at 36 (“Sokn’s coupling mechanism *maintains the ‘mistake-proofing’* of Sasaki’s prior art directionally threaded screw fastener without suffering from overtightening” (emphasis added) (citing Ex. 1003 ¶ 111)); Paper 21 (Petitioner’s Opposition, “Opp.”), 3 (“[A person of ordinary skill in the art], looking at Sasaki, would have been motivated to improve the threaded design *while maintaining the mistake-proofing feature.*” (emphasis added) (citing Ex. 1030 ¶ 37)); *see also* Ex. 1028 ¶ 41 (Dr. Ducharme testifying: “Using opposite-threaded blades achieves the well-known design goal of ‘mistake-proofing’ the lock mechanism so that the wrong blade is not installed on the wrong propeller.”).

Based on the evidence of record, we determined that the conventional threaded attachment mechanism taught by Sasaki was not “mistake-proof,” contrary to Petitioner’s assertions. *See* Dec. 32–34. Because we were not persuaded that Sasaki teaches a “mistake-proof” design, we also were not persuaded by Petitioner’s motivation to combine arguments premised on

maintaining the alleged “mistake-proof” teachings of Sasaki. *Id.* at 34–35; *see also Bosch*, 878 F.3d at 1040 (“[P]etitioner bears the burden of proving that the proposed amended claims are unpatentable by a preponderance of the evidence.”).

b) Whether the Board overlooked evidence in the record that skilled artisans would have been motivated to increase flexibility and usability

Petitioner contends that we erred in discounting its motivation of “providing increased design flexibility” and “improved usability.” Reh’g Req. 9. In particular, Petitioner notes that Dr. Ducharme testified that Sokn provides these advantages, and Patent Owner did not dispute this argument nor provide contradicting testimony from Dr. Reinholtz. *Id.* Petitioner argues that it “was an abuse of discretion” to “disregard[] this undisputed evidence.” *Id.*

Petitioner has not shown persuasively that we overlooked evidence in the record that skilled artisans would have been motivated to increase flexibility and usability. Instead, as discussed in the Decision, we considered this evidence and were “not persuaded that these rationales, *alone*, [we]re sufficient to support a finding that a person of ordinary skill in the art would have been motivated to modify Sasaki with the connection mechanism of Sokn, as proposed by Petitioner.” Dec. 37 (emphasis added).

c) Whether the Board overlooked evidence that the use of radial stops to address overtightening was known

Petitioner contends that we overlooked the testimony of Dr. Reinholtz “that the use of radial stops to prevent overtightening was not just ‘common knowledge’ but ‘common sense,’ well known to a 2013 [person of ordinary

skill in the art].” Reh’g Req. 10 (citing Ex. 1029, 67:20–25). We disagree. In the cited testimony, Dr. Reinholtz testified that it was generally known that “positive nonfrictional stops require stop elements that abut radially rather than axially.” *See* Ex. 1029, 67:11–25 (discussing his declaration testimony at Ex. 2007 ¶ 28). We considered this testimony, as well as the evidence presented by Petitioner, but found persuasive Dr. Reinholtz’s testimony that the stop features of Sokn (relied upon by Petitioner in the asserted combination) are not radial stops at all, but are instead axial stops. *See* Dec. 35–37 (citing, *inter alia*, Ex. 2007 ¶¶ 28–30); Ex. 2007 ¶ 30 (Dr. Reinholtz testifying that a “[person of ordinary skill in the art] would understand that *an axial stop, such as . . . the assembly disclosed by Sokn [is a] frictional stop[]* that can easily be over tightened due to the mechanical advantage offered by the threads.” (emphasis added)).

2. *Whether the Board erred in finding that the record failed to establish a motivation to combine Sasaki and Philistine*

Petitioner argues that we erred in finding that the record failed to establish a motivation to combine Sasaki and Philistine. Reh’g Req. 10–12. In particular, Petitioner contends that we erred in requiring it to show that “Sasaki and Philistine could be physically combined—a requirement the Federal Circuit has long rejected as ‘basically irrelevant.’” Reh’g Req. 11 (citing *In re Etter*, 756 F.2d 852, 859 (Fed. Cir. 1985) (en banc)). Petitioner contends that we “overlooked undisputed record evidence that UAV designers addressed mis-installation by using different techniques for ‘mistake-proofing.’” *Id.* (citing Dec. 41).

As discussed above, we were not persuaded by Petitioner’s arguments and evidence that Sasaki teaches a “mistake-proof” design. *See supra*

Section III.C.1.a). We, thus, also were not persuaded by Petitioner’s motivation to combine arguments premised on *maintaining* the alleged “mistake-proof” teachings of Sasaki. *See* Dec. 41.

Further, we found that

Petitioner does not describe *how* receiving member 116 of Philistine—which includes “channel 123 that is defined by a pair of opposing, parallel guide rails 121 [that] . . . extend longitudinally (in the x direction) and provide inner guide surfaces 125 that make up the walls of channel 123” (Ex. 1026, 2:50–54)—would be “attached or integrated onto the shaft” (Opp. 21) of Sasaki.

Dec. 41 (citing *TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1066 (Fed. Cir. 2016)). As Petitioner argues (Reh’g Req. 11), we recognize that physical combinability of the references is not required. But, given the differences in the structures of Sasaki and Philistine (i.e., mounting onto a rotor shaft as compared to surface mounting (*see* Dec. 40–41)), Petitioner’s bare assertion that “Philistine’s receiving member is attached or integrated into the shaft” (Opp. 21⁹), without further explanation, was insufficient to persuade us that Petitioner had met its burden to show how a person of ordinary skill in the art would have combined the references with a reasonable expectation of success. *See* Dec. 40–41; *see also TQ Delta*, 942 F.3d at 1359 (““a conclusory assertion with no explanation is inadequate to support a finding that there would have been a motivation to combine’ because ‘[t]his type of finding, without more, tracks the *ex post* reasoning *KSR* warned of

⁹ Petitioner cites to Dr. Ducharme’s testimony here. Ex. 1028 ¶ 59. Dr. Ducharme’s testimony, however, mirrors the conclusory language of the Petition. *Cf. TQ Delta, LLC v. CISCO Sys., Inc.*, 942 F.3d 1352, 1358 (Fed. Cir. 2019) (“Conclusory expert testimony does not qualify as substantial evidence.”).

and fails to identify any actual *reason* why a skilled artisan would have combined the elements in the manner claimed” (quoting *In re Van Os*, 844 F.3d 1359, 1361–62 (Fed. Cir. 2017) (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 421 (2007))); *Bosch*, 878 F.3d at 1040 (“[P]etitioner bears the burden of proving that the proposed amended claims are unpatentable by a preponderance of the evidence.”).

For these reasons, Petitioner has not shown persuasively that we erred in finding that the record failed to establish a motivation to combine Sasaki and Philistine.

3. *Whether the Board erred in finding that the record failed to establish a motivation to combine Sasaki and Obrist or EP067*

Petitioner argues that we erred in finding that the record failed to establish a motivation to combine Sasaki and Obrist or EP067. Reh’g Req. 12–14. In particular, Petitioner contends that we overlooked its explanation that the asserted “combination is implemented by integrating the attachment mechanism (and *only* the attachment mechanism) of Obrist or EP067 into the propeller and shaft of Sasaki.” Reh’g Req. 12 (citing Opp. 22–23). According to Petitioner, our Decision “implied that this combination relies on the propellers or hub disclosed in Obrist and EP067,” which “it plainly does not.” *Id.* at 12–13 (citing Dec. 44–46). We disagree.

Our discussion of the propellers and hub of Obrist and EP067 was to illustrate the difference in the forces present on the attachment mechanisms in Obrist and EP067, as compared to the forces present on the attachment mechanism in Sasaki. *See* Dec. 42–46. As discussed in the Decision, both Obrist and EP067 related to “variable-pitch propellers.” *Id.* at 42–44. The attachment mechanisms in Obrist and EP067 attach single-blade propellers

to a hub; the attachment mechanisms are subject to radial forces (i.e., centrifugal forces) when the hub rotates. *See* Ex. 2007 ¶¶ 20–22. The attachment mechanisms in Sasaki on the other hand, attach a two-blade propeller to the distal end of a UAV driveshaft; the attachment mechanisms are subject to rotational forces during use. *See* Ex. 2001 ¶¶ 45–46.

As we noted in our Decision, “Petitioner contends that ‘[b]oth Obrist and EP067 explain that the force in rotation of the propeller maintains the lugs in position.’ Opp. 20 (citing Pet. 19–20; Ex. 1017, 2:55–3:4; Ex. 1018 ¶ 11).” Dec. 45. Petitioner, however, did not address the difference in radial versus rotational forces, noted above. *See id.* at 45–46. Petitioner’s bare assertion that a person of ordinary skill in the art “would understand how to apply the teachings of Obrist and EP067 to the rotational forces experienced by the blades in a UAV, such as Sasaki” (Opp. 20¹⁰), without further explanation, was insufficient to persuade us that Petitioner had met its burden to show how a person of ordinary skill in the art would have combined the references with a reasonable expectation of success. *See* Dec. 42–46; *see also TQ Delta*, 942 F.3d at 1359; *Bosch*, 878 F.3d at 1040. For these reasons, Petitioner has not shown persuasively that that we erred in finding that the record failed to establish a motivation to combine Sasaki and Obrist or EP067.

¹⁰ Petitioner cites to Dr. Ducharme’s testimony here. Ex. 1028 ¶ 56. Dr. Ducharme’s testimony, however, again mirrors the conclusory language of the Petition. *Cf. TQ Delta*, 942 F.3d at 1358 (“Conclusory expert testimony does not qualify as substantial evidence.”).

IV. CONCLUSION

For the foregoing reasons, Petitioner has not demonstrated that we misapprehended or overlooked any issue in granting Patent Owner's Revised Motion to Amend in this case.

V. ORDER

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

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