

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VALEO NORTH AMERICA, INC., VALEO S.A., VALEO GMBH,  
VALEO SCHALTER UND SENSOREN GMBH, AND CONNAUGHT  
ELECTRONICS LTD.,  
Petitioner,

v.

MAGNA ELECTRONICS, INC.,  
Patent Owner.

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Case IPR2014-00220  
Patent 7,859,565 B2

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Before JAMESON LEE, PHILLIP J. KAUFFMAN, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

### Introduction

On January 14, 2015, the Board expunged Patent Owner's Motion to Exclude, Petitioner's Opposition to Patent Owner's Motion to Exclude, and Patent Owner's Reply to Petitioner's Opposition to Patent Owner's Motion to Exclude, as well as all exhibits associated with those papers. Paper 48. The basis for the Order was that Patent Owner's Motion to Exclude did not comply with our Order dated June 20, 2014 (Paper 20). Paper 48.

On January 28, 2015, Patent Owner filed a Request for Rehearing, explaining why it thinks its Motion to Exclude complies with the Order dated June 20, 2014, and arguing that, even assuming that the submission was non-compliant, expunging the entire Motion to Exclude on the basis of some non-compliant content was disproportionate to the non-compliance. Paper 51.

In its Request for Rehearing, Patent Owner proposes that it be allowed to file a Revised Motion to Exclude, which would be free of the content that it now understands the Order dated June 20, 2014, was intended to cover. On January 29, 2015, Petitioner requested an opportunity to file an opposition to Patent Owner's Request for Rehearing.

### Discussion

We deny Petitioner's request to file an opposition to Patent Owner's Request for Rehearing. The Board's Order on January 14, 2015, was not the result of any motion or request from Petitioner, but a *sua sponte* action. Consequently, the only question now at issue is whether Patent Owner, in its rehearing request, can satisfy our concern sufficiently to authorize a revised filing. Petitioner is not entitled to file an opposition paper.

We are unpersuaded that Patent Owner's Motion to Exclude complied with the Order dated June 20, 2014. Even as characterized in the Rehearing Request, the Motion to Exclude indisputably contained arguments alleging that Petitioner's Reply was beyond the proper scope of a reply, and not just arguments directed solely to the evidence in support of the Reply. Nevertheless, Patent Owner's explanation is sufficient to justify an opportunity for the Patent Owner to file a Revised Motion to Exclude, which would be the same as the Motion to Exclude but with the inappropriate material removed, as Patent Owner has offered in the Request for Rehearing.

In the interest of avoiding further confusion and non-compliance, a joint telephone conference call will be held to confirm precisely what content will be removed from the Revised Motion to Exclude, what revised opposition will be filed by Petitioner, and what revised reply will be filed by Patent Owner.

#### Conclusion

It is

ORDERED that Patent Owner's Request for Rehearing is *granted*, to the extent that Patent Owner seeks to file a Revised Motion to Exclude; and

FURTHER ORDERED that Patent Owner will initiate a joint conference call with the Board within two business days of the date of this Order, to confirm the permissible contents of Patent Owner's Revised Motion to Exclude, Petitioner's Opposition to the Revised Motion to Exclude, and Patent Owner's Reply to Petitioner's Opposition to Patent Owner's Revised Motion to Exclude.

IPR2014-00220  
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For PETITIONER:

Tammy J. Terry  
Seema Mehta  
Aly Z. Dossa  
OSHA LIANG LLP  
[terry@oshaliang.com](mailto:terry@oshaliang.com)  
[mehta@oshaliang.com](mailto:mehta@oshaliang.com)  
[dossa@oshaliang.com](mailto:dossa@oshaliang.com)

For PATENT OWNER:

Timothy A. Flory  
Terence J. Linn  
GARDNER, LINN, BURKHART, & FLORY, LLP  
[flory@glbf.com](mailto:flory@glbf.com)  
[linn@glbf.com](mailto:linn@glbf.com)

David K.S. Cornwell  
STERNE, KESSLER, GOLDSTEIN, & FOX PLLC  
[davidc-PTAB@skgf.com](mailto:davidc-PTAB@skgf.com)