

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HIGH 5 GAMES, LLC,
Petitioner,

v.

KONAMI GAMING, INC.,
Patent Owner.

Case IPR2015-01939
Patent 8,622,810 B2

Before JOSIAH C. COCKS, MEREDITH C. PETRAVICK, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

High 5 Games, LLC (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–15 of U.S. Patent No. 8,622,810 B2 (Ex. 1001, “the ’810 patent”) pursuant to 35 U.S.C. §§ 311–319. Paper 1 (“Pet.”). Konami Gaming, Inc. (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4(a). Pursuant to § 314(a) an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons described below, we determine that Petitioner fails to demonstrate that there is a reasonable likelihood that it would prevail with respect to at least one of the challenged claims. Accordingly, we do not institute an *inter partes* review.

B. Related Proceedings

The parties indicate that the ’810 patent is at issue in *Konami Gaming, Inc. v. PTT, LLC, d/b/a High 5 Games.*, Case No. 2:15-cv-01485 and *Konami Gaming, Inc. v. Marks Studios, LLC d/b/a Gimmie Games*, Case No. 2:15-cv-01485, both in the U.S. District Court for the District of Nevada. Pet. at 58–59; Paper 6 at 2.

The ’810 patent is a continuation of U.S. Patent Nos. 8,096,869 B2 and 8,366,540 B2, which are the subject of IPR2015-01935 and IPR2015-01936, respectively. Paper 6 at 2. U.S. Patent No. 8,616,955 B2 is also a

continuation of U.S. Patent Nos. 8,096,869 B2 and 8,366,540 B2 and is the subject of IPR2015-01937. *Id.*

C. The '810 Patent

The '810 patent is titled “Gaming Machine with Replacement of Runs of Symbols Containing Identical Symbols with New Identical Symbols” and issued on January 7, 2014 from an application filed on Nov. 26, 2012. Ex. 1001, [22], [45], [54].

The '810 patent discloses a gaming machine for the playing of games of chance. *Id.* at 1:21–22. Figure 1 of the '810 patent is reproduced below.

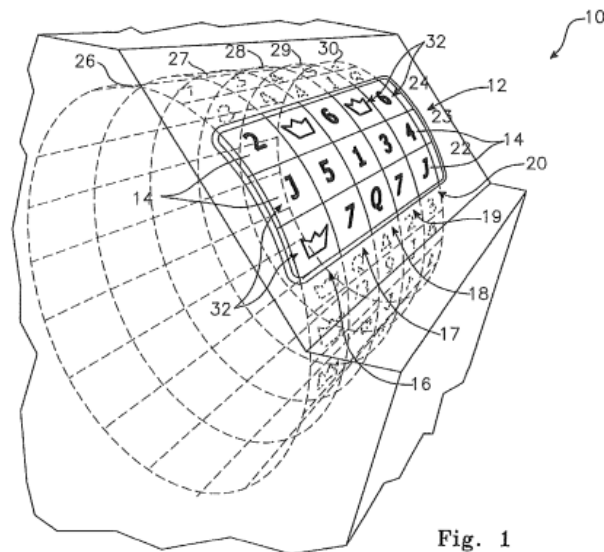


Figure 1 depicts gaming machine 10. *Id.* at 3:57–50. Gaming machine 10 has display 12, which shows portions of adjoining simulated reels 26–30. *Id.* at 4:19–21. The simulated reels are divided into a number of elements 14, such as 256 elements, and each element displays one symbol 32. *Id.* at 4:21–28.

In one embodiment, the sequence of symbols in the elements remains fixed except for, on the first or left-most reel, at least one run of identical symbols in each of a number of consecutive elements. *Id.* at 4:28–30, 38–41, 5:3–7.

Figure 2 of the '810 patent is reproduced below.

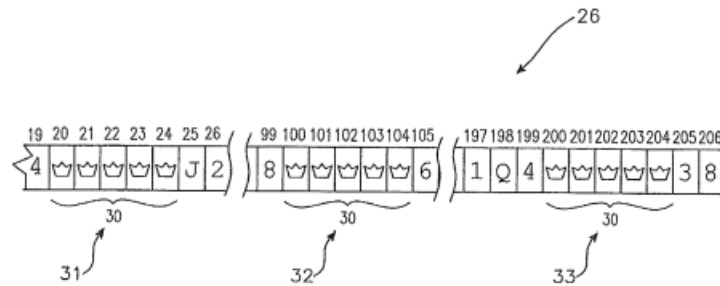


Fig. 2

Figure 2 depicts a schematic representation of the symbols of simulated reel 26. Simulated reel 26 has three runs 31, 32, and 33 of five elements having identical crown symbols. *Id.* at 4:38–50. The selection of the identical symbol is made “through a notional rotation of an ‘inner reel,’” which “is in effect a look-up table and is not displayed.” *Id.* at 4:54–62. The selection of the identical symbol is performed anew for each new play of the game. *Id.* at 5:3–7. The identical symbol is selected from a subset of game symbols that appear on simulated reel 26 and each symbol in the subset is assigned a probability of selection. *Id.* at 4:63–66, 5:8–14; Fig. 3.

As the reels spin during a play of the games, a player will notice the runs of identical symbols passing through the display and have a heightened interest because the odds of a winning arrangement appearing on the display will increase. *Id.* at 5:15–21.

In an alternative embodiment, simulated reels 27–30 of gaming machine 10 may also have at least one run of consecutive identical elements. *Id.* at 5:23–6:7.

The '810 patent has three independent claims. Independent claim 1 recites a method, independent claim 8 recites a corresponding apparatus, and independent claim 15 recites a corresponding computer-readable medium. Claim 1 is illustrative of the subject matter at issue and is reproduced below.

1. A gaming machine comprising:

a memory device configured to store data representing a reel, the reel having a predetermined number of symbol positions, wherein each symbol position has an associated symbol from a set of symbols, the reel having a run of consecutive symbol positions, the run of consecutive symbol positions being initially populated with a first identical symbol from the set of symbols prior to initiation of a first instance of a game;

a display device configured to display a matrix having a plurality of display elements arranged in a column, the number of display elements in the column being less than the predetermined number of symbol positions in the reel, and the display device being further configured to display a portion of the reels such that the symbols associated with some of the symbol positions of the reel are displayed in the matrix when the reel is in a stop position; and

a game controller configured to (i) initiate the first instance of a game using the reel, (ii) randomly select a second identical symbol from the set of symbols, (iii) replace each of the first identical symbols in the run of consecutive symbol positions of the reel with the second identical symbol, and (iv) initiate a second instance of the game using the reel having the run of consecutive symbol positions populated with the second identical symbol.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Ground	Claims	Prior Art
§103	1–15	Nagao ¹ and Sekine ²
§103	1–15	Yoseloff ³ and Sekine
§103	1–15	Nagao and Bennett ⁴
§103	1–15	Yoseloff and Bennett

Petitioner proffers a Declaration of Dr. William Bertram to support its analysis regarding patentability in the Petition. Ex. 1010 (“Bertram Decl.”).

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, the Board interprets claim terms in an unexpired patent according to the broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 84 U.S.L.W. 3218 (U.S. Jan. 15, 2016) (No. 15-446). Under that standard, and absent any special definitions, we give claim terms their ordinary and customary meaning, as they would be understood by one of ordinary skill in

¹ U.S. Patent App. No. 2003/0181240 A1 (published Sept. 25, 2003) (Ex. 1006).

² U.S. Patent No. 8,246,047 B1 (issued Aug. 21, 2012) (Ex. 1007).

³ U.S. Patent No. 6,159,096 (issued Dec. 12, 2000) (Ex. 1008).

⁴ U.S. Patent No. 8,360,840 B2 (issued Jan. 29, 2013) (Ex. 1009).

the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes constructions for the following claim terms: “randomly select,” “subset of a said plurality of symbols,” “identical symbol,” “probability of selection,” and “virtual reel.” Pet. 8–10. Patent Owner disputes that Petitioner’s proposed constructions are the broadest reasonable constructions, but does not propose constructions, itself. Prelim. Resp. 3–14. Patent Owner argues that the terms should be given their plain and ordinary meaning and that no explicit construction is required. *Id.*

An explicit construction of any claim term is not necessary for the purposes of this Decision.

B. Grounds of Unpatentability

Section 103(a) forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966); *see KSR*, 550 U.S. at 407 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”).

A determination of obviousness cannot be based on mere conclusory statements; “instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Against this general background, we consider the references, other evidence, and arguments on which the parties rely.

i. Overview of the Prior Art

a. Nagao

Nagao is a U.S. patent application publication titled “Method of Controlling Gaming Machine, Gaming Machine, and Gaming Machine Control Program.” Ex. 1006, [54]. Nagao discloses a gaming machine that displays symbols in symbol display sections 7–9. *Id.* ¶ 83. A player wins the game when a predetermined combination of symbols is displayed on a pay line. *Id.* ¶ 85. Figure 3 of Nagao is reproduced below.

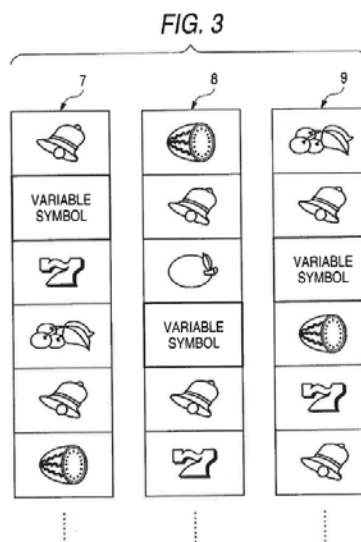


Figure 3 depicts a layout of symbol display sections 7–9. *Id.* ¶ 75. The symbols are selected by a lottery device. *See id.* ¶¶ 53, 125. As can be

seen from the figure above, the symbols include a variable symbol. *Id.* ¶ 92. When the variable symbol is selected to be displayed, a further selection is made. *Id.* ¶¶ 92–93. In this regard, Nagao states:

Namely, at the moment of operating the start lever 11, the symbol to be displayed and stopped on the symbol display sections 7 to 9 is determined by the selection. When the variable symbol is to be displayed and stopped according to the result of the selection, the further selection is performed to determine the numeral from the range of 0 to 9. Specifically, it is determined to display and stop the variable symbol on the active line (i.e. pay line) of the symbol display section 7 according to the selection, one numeral is determined from the range of 0 to 9. Further, it is determined to display and stop the variable symbol on the active line (i.e. pay line) of the symbol display section 8 according to the selection, one numeral which is equal to or greater than the numeral determined at the symbol display section 7 and falls within range of 0 to 9 is determined. Further, it is determined to display and stop the variable symbol stand still on the active line (i.e. pay line) of the symbol display section 9 according to the selection, one numeral which is equal to or greater than the numeral determined at the symbol display section 8 and falls within range of 0 to 9 is determined. For these determining processing, the CPU 30 executes the program while transmitting and receiving the signal to and from the ROM 31, RAM 32 and the random number generating circuit 34. Therefore, these processing is performed in an instant.

Id. ¶ 93.

b. Yoseloff

Yoseloff is a U.S. patent titled “Method and Apparatus for Configuring a Slot-type Wagering Game.” Ex. 1008, [54]. Yoseloff discloses an electromechanical reel-slot wagering device that has a plurality of mechanical reels rotatable about a central axis and mounted for rotation in

a cabinet, a visual display with a pay line, and a microprocessor. *Id.* at 4:21–26, 5:20–26. “Electromechanical reel-slot machines are equipped with random number generators which select numbers assigned to each angular position on the reel. Electromechanical reel-slot machines include a device to stop the reel at the selected angular position.” *Id.* at 1:66–2:3. Yoseloff’s preferred embodiment has three mechanical reels with twenty physical reel-stop positions, and “the microprocessor determines the symbols that will be displayed, and then instructs a braking device to stop the reel at a position corresponding to the selected symbol.” *Id.* at 5:30–35, 12:60–61.

The microprocessor is programmed with a plurality of game outcome templates, which are “a combination of X variables which are defined by the random selection of symbols from a subset of games symbols assigned to the selected template.” *Id.* at 4:29–31, 60–61, 6:38–41. Each outcome template represents one or more possible combinations of symbols, some of which produce a win, from which the microprocessor selects an outcome for a game. *See id.* at 6:41–43, 13:7–9.

c. Sekine

Sekine is a U.S. patent titled “Display for Game and Gaming Machine.” Ex. 1007, [54]. Sekine discloses a gaming machine, such as a panchinko gaming machine or a slot machine. *Id.* at 1:7–9. The gaming machine has three rotatable reels 4L, 4C, 4R in a cabinet with reel sheets 100L, 100C, and 100R attached to the three rotatable reels. *Id.* at 5:26–28, 6:20–26. The gaming machine also has display window 3 having a plurality of winning lines 5. *Id.* at 6:8–10, Fig. 2.

Figure 1 of Sekine is reproduced below.

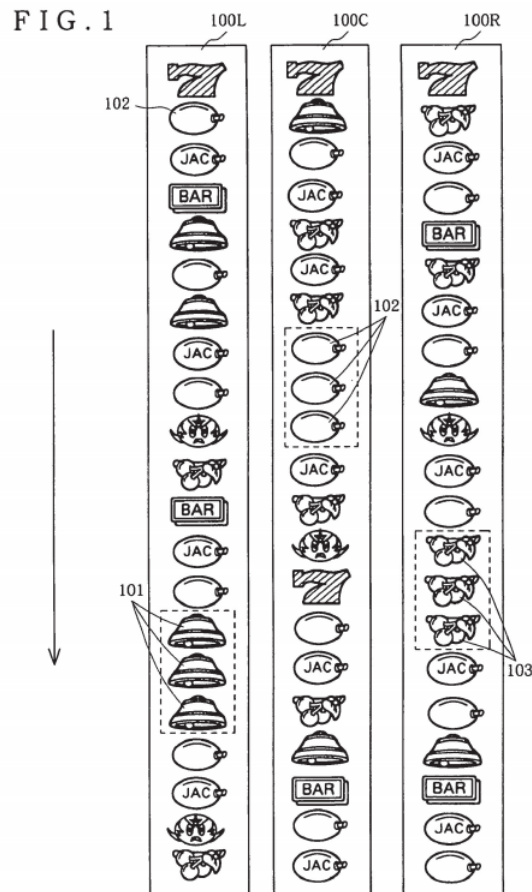


Figure 1 depicts reel sheets 100L, 100C, and 100R. Arranged on the reel sheets are a predetermined sequence of a plurality of symbols. *Id.* at 5:28–33. As can be seen from the figure above, the sequence includes a set of sequential identical symbols, such as a bell, plum, or cherry. *Id.* at 3:36–49, 5:60–58.

A player can sequentially stop the three reels from rotating using three stop buttons 6L, 6C, and 6R. *Id.* at 6:43–46. For example, a player may first push button 6L and stop reel 4L at a time when a plum symbol appears in a winning line of display window 3. *Id.* at 6:54, Fig. 3. The player next attempts to push button 6C to stop reel 4C at a time when one of

the three plum symbols of reel 4C appears on the winning line. *Id.* at 6:62–7:4, Fig. 4. The player then attempts to win by pushing button 6R so that reel 4R stops at a time when a plum symbols again appears on the winning line. *Id.* at 7:15–17, Fig. 5.

Recognition of symbols becomes easy for a player by the sequential placement of a plurality of identical symbols. *Id.* at 8:27–30. A player can try to stop the reel so that one of the identical symbols is or is not on the pay line as needed to form a winning combination. *See id.* at 8:33–52.

d. Bennett

Bennett is a U.S. patent titled “Gaming Machine with Enhanced Feature Indicator.” Ex. 1009, [54]. Bennett discloses a gaming machine with a display and gamming controller that controls images of symbols on the display during games. *Id.* at 1:43–46. A base game may be a spinning reel game, which simulates the rotation of a number of spinning reels, with a bonus feature. *Id.* at 2:15–16, 3:48–49. The bonus feature may be a series of free spinning reel games with a special symbol substituted for an existing symbol on a reel. *Id.* at 2:15–26. The substitute symbol may be “positioned adjacent a prior occurrence of the symbol on the reel strip so that it becomes, visually, readily apparent to the player that at least one further substitute symbol has been added.” *Id.* at 2:33–37.

An example of a bonus feature is depicted in Figure 4, reproduced below.

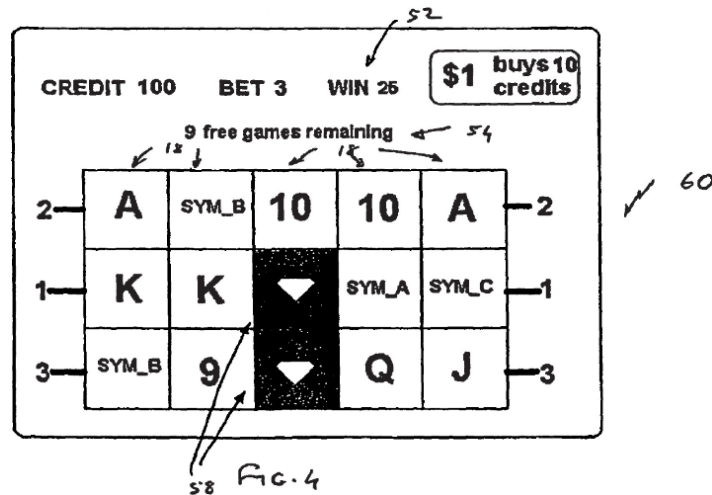


Figure 4 depicts a display screen after a first bonus game following a base game. *Id.* at 3:33–34. As can be seen from the above, the display screen shows two consecutive substitute diamond symbols 58. *Id.* at 4:36–37, 5:39–41. For successive bonus games, more consecutive substitute symbols may be added to the reel to increase the chances of winning. *Id.* at 6:14–59.

ii. Claims 1–15 over Nagao and Sekine

Petitioner contends that claim 1 is unpatentable over a combination of Nagao and Sekine. Pet. 13–18. Patent Owner disputes Petitioner’s contention because neither Nagao nor Sekine disclose “the reel having a run of consecutive symbol positions, the run of consecutive symbol positions being initially populated with a first identical symbol . . . prior to initiation of a first game,” (Ex. 1001, 7:60–64) and the game controller configured to, after the first game and prior to the initiation of a second instance of the game, “replace each of the first identical symbols in the run of consecutive

symbols positions of the reel with the second identical symbol,” (*id.* at 8:7–16), as required by claim 1. Prelim. Resp. 21–25.

It is not disputed that Nagao fails to disclose a reel having a run of consecutive symbol positions populated by an identical symbol. Petitioner relies upon Sekine to cure this deficiency of Nagao. Pet. 15 (citing Ex. 1007, 5:35–36, 39–40, 42–43, 47–49). Sekine discloses reel sheets attached to mechanical reels. Ex. 1007, 5:26–28, 6:20–26. Arranged on the reel sheets are a predetermined sequence of a plurality of symbols, which includes a set of sequential identical symbols, such as a bell, plum, or cherry. *Id.* at 3:36–49, 5:28–33, 60–58.

Sekine does not disclose replacing each of the identical symbols with a second identical symbol after a first game and prior to the initiation of a second game. Petitioner relies upon Nagao to teach this limitation. Pet. 17–18 (citing Ex. 1006 ¶¶ 90, 93). Petitioner equates Nagao’s variable symbol to the claimed identical symbol. Pet. 16–17.

Nagao discloses replacing the variable symbol with another symbol during the first game “when the variable symbol is to be displayed and stopped on the symbol display section 7 to 9.” Ex. 1006 ¶ 92, 93. When the variable symbol is not displayed, the first game proceeds as a normal reel-type game. *See id.* ¶¶ 97–99. Nagao, however, does not disclose replacing the variable symbol with another symbol after a first game and prior to the initiation of a second game.

Contrary to Petitioner’s contentions, neither Nagao nor Sekine discloses replacing each identical symbol, in a run of consecutive symbols, with a second identical symbol after a first game and prior to the initiation of a second game. *See* Ex. 1006 ¶ 93 (disclosing replacing a single variable

symbol during a first game); Ex. 1007, 6:20–26 (disclosing fixed reel sheets); Prelim. Resp. 21–25.

Further, neither Petitioner nor its declarant Dr. Bertram provides any other adequate explanation or rationale as to why a person of ordinary skill in the art (“POSITA”) would have found these limitations obvious in light of Nagao or Sekine. See Pet. 13–14; Ex. 1001 ¶¶ 45–57, 79–80. Petitioner contends that

it would have been obvious to a POSITA to use the express suggestion in Nagao to combine its random selection lottery system, performed by a microprocessor, with a machine that allows for the stoppage of symbols in a column in displaying rows of those symbols, like Sekine, to arrive at the claimed invention in the ’810 Patent

and

it would have been obvious to apply the randomize generation of symbols in Nagao with the displaying of sequential identical symbols in Sekine with a reasonable expectation of successfully increasing player interest.

Pet. 13–14. Similarly, Petitioner’s declarant Dr. Bertram testifies that

it would have been obvious to a POSITA at the time of invention to combine (i) Nagao’s “random number generating circuit” to select symbols from a range of symbols to fill variable symbol positions in the display “at the moment of operating the start lever” Nagao [0093] with (ii) Sekine’s consecutive run of identical symbols as claimed in Claim 1.

Bertram Decl. ¶ 80. As can be seen from the above, Petitioner and Dr. Bertram assert that a skilled artisan would combine Nagao and Sekine, but they fail adequately to explain how or why a POSITA would have found it obvious to arrive at the claimed reel that has a run of consecutive identical symbols that are each replaced with a second identical symbol after a first game and prior to the initiation of a second game.

Petitioner, thus, fails to establish a reasonable likelihood that claim 1, and claims 2–7, dependent thereon, are unpatentable over Nagao and Sekine. Independent claims 8 and 15 correspond to claim 1 and recite limitations substantively identical to those at issue above. *See* Ex. 1001, 8:39–44, 52–61, 9:16–20, 11–19. Petitioner contends that claims 8 and 15 are unpatentable over Nagao and Sekine for the same reasons as discussed above. *See* Pet. 13–14, 19–24. We find those contentions to be unpersuasive for the same reasons stated above in connection with independent claim 1.

Accordingly, we determine that Petitioner also fails to show that there is a reasonable likelihood that claims 8, and 15, and claims 9–14, dependent thereon, are unpatentable over Nagao and Sekine.

iii. Claims 1–15 over Nagao and Bennett

Petitioner contends that claims 1–15 are unpatentable over a combination of Nagao and Bennett. Pet. 36–48. Patent Owner again disputes Petitioner’s contention because neither Nagao nor Sekine discloses “the reel having a run of consecutive symbol positions, the run of consecutive symbol positions being initially populated with a first identical symbol . . . prior to initiation of a first game” (Ex. 1001, 7:60–64) and the game controller configured to, after the first game and prior to the initiation of a second instance of the game, “replace each of the first identical symbols in the run of consecutive symbols positions of the reel with the second identical symbol” (*id.* at 8:7–16), as required by claim 1. Prelim. Resp. 30–31.

Similar to its contention that claims 1–15 are unpatentable over Nagao and Sekine, Petitioner relies upon Bennett as disclosing a reel having a consecutive run of identical symbols (Pet. 37–39) and Nagao to teach replacing the sequence of identical symbols with a second sequence of identical symbols after a first game and prior to the initiation of a second game (*id.* Pet. 40). Petitioner contends that

it would have been obvious to a POSITA to use the express suggestion in Nagao to combine its random selection lottery system with a machine that allows for the stoppage of symbols in a column in displaying rows of those symbols, like Bennett, to arrive at the claimed invention in the '810 Patent

and

it would have been obvious to apply the randomize generation of symbols in Nagao with the displaying of sequential identical symbols in Bennett with a reasonable expectation of successfully increasing player interest.

Pet. 36–37; *see also* Bertram Decl. ¶¶ 73, 82.

For similar reasons as discussed with regards to the ground based upon Nagao and Sekine, Petitioner fails to establish a reasonable likelihood that claims 1, 8, and 15, and claims 2–7 and 9–14, dependent thereon, are unpatentable over Nagao and Bennett. Nagao does not disclose a reel having a run of consecutive symbol positions populated by an identical symbol or replacing the identical symbol with another symbol after a first game and prior to the initiation of a second game. Like Sekine, Bennett also does not cure this deficiency of Nagao. Although Bennett discloses a reel with a run of consecutive identical symbols (Ex. 1009, 5:17–21, 37–41), Bennett does not disclose replacing the identical symbol with another symbol after a first game and prior to the initiation of a second game. *See*

Prelim. Resp. 30–31. Further, Petitioner and Dr. Bertram assert that a skilled artisan would combine Nagao and Bennett, but they fail adequately to explain how or why a POSITA would have found it obvious to combine Nagao and Bennett to arrive at the claimed reel that has a run of consecutive identical symbols that are each replaced with a second identical symbol after a first game and prior to the initiation of a second game. *See id.* at 31–32.

Accordingly, we determine that Petitioner fails to show that there is a reasonable likelihood that claims 1, 8, and 15, and claims 2–7 and 9–14, dependent thereon, are unpatentable over Nagao and Bennett.

iv. Claims 1–15 over Yoseloff and Sekine and over Yoseloff and Bennett

Petitioner contends that claim 1 is unpatentable over Yoseloff and Sekine (Pet. 24–29) and, alternatively, that claim 1 is unpatentable over Yoseloff and Bennett (*id.* at 48–52). Patent Owner disputes Petitioner’s contention because none of Yoseloff, Sekine, or Bennett discloses a reel that has a consecutive run of identical symbols and a game controller configured replace each identical symbol with a second identical symbol. Prelim. Resp. 25–31.

For each ground, Petitioner argues that Yoseloff discloses replacing each identical symbol in a consecutive run on a reel with a second identical symbol, as required by claim 1 (*see* Ex. 1001, 7:60–64, 8:7–16). Pet. 27–28, 51–52. According to Petitioner, “in Yoseloff, reel templates contain positional restrictors (symbol changers) that are initially activated before populating the rest of the reel.” Pet. 28, 51. Contrary to Petitioner’s argument, Yoseloff discloses mechanical reels with physical reel-stop positions and a microprocessor that then instructs a braking device to stop

the reel at a reel-stop position corresponding to selected symbols. *Id.* at 5:30–35, 12:60–61.

Yoseloff discloses “outcome templates,” which are “a combination of X variables which are defined by the random selection of symbols from a subset of games symbols assigned to the selected template.” Ex. 1008, 4:29–31, 60–61, 6:38–41. Each outcome template represents one or more possible combinations of symbol, some of which produce a win. *See id.* at 6:41–43, 13:7–9. The microprocessor selects the symbols at which to stop the reel from the outcome templates. *See id.* at 12:49–13:9. Petitioner conflates these disclosures of Yoseloff to re-characterize Yoseloff’s “outcome templates” as “reel templates.” The symbols on Yoseloff’s fixed mechanical reels, however, never change during game play.

Petitioner does not rely upon Sekine or Bennett to cure this deficiency of Yoseloff or provide any other adequate explanation or rationale as to why a POSITA would have found such a limitation obvious in light of Yoseloff, Sekine, or Bennett. As discussed above, neither Sekine nor Bennet disclose replacing each identical symbol in a consecutive run on a reel with a second identical symbol.

Accordingly, we determine that Petitioner fails to show that there is a reasonable likelihood that claims 1, 8, and 15, and claims 2–7 and 9–14, dependent thereon, are unpatentable over Yoseloff and Sekine or Yoseloff and Bennett.

III. CONCLUSION

We determine that Petitioner fails to demonstrate a reasonable likelihood of prevailing on at least one of the challenged claims.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that pursuant to 35 U.S.C. § 314(a), *inter partes* review of the '810 patent is DENIED.

IPR2015-01939
Patent 8,622,810 B2

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