

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QIAGEN INC.,
Petitioner,

v.

OXFORD IMMUNOTEC LTD.,
Patent Owner.

Case IPR2016-01556
Patent 8,216,795 B2

Before SHERIDAN K. SNEDDEN, SUSAN L. C. MITCHELL, and
JOHN J. LEE, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

Qiagen Inc. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–22 (Paper 1; “Pet.”) of US 8,216,795 B2 (Ex. 1001; “the ’795 patent”). Oxford Immunotec Ltd. (“Patent Owner”) filed a Patent Owner Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Based on the record before us, we are not persuaded that the information presented in the Petition demonstrates a reasonable likelihood that Petitioner will prevail in proving that at least one challenged claim would have been obvious under 35 U.S.C. § 103(a) based on the cited references. Accordingly, we deny the Petition and do not institute an *inter partes* review.

A. *Related Proceedings*

The parties indicate that the following judicial matter may affect or be affected by a decision in this proceeding: *Oxford Immunotec Ltd. V. Qiagen N.V. et al.*, Case No. 1:15-cv-13124 (D. Mass. filed Aug. 10, 2015). Pet. 1–2; Paper 5, 2.

Petitioner has sought *inter partes* review for related patents in the following proceedings: Case IPR2016-01543 (U.S. Patent No. 9,005,902 B2), Case IPR2016-01548 (U.S. Patent No. 8,507,211 B2), Case IPR2016-01562 (U.S. Patent No. 7,901,898 B2), and IPR2016-01575 (U.S. Patent No. 8,617,821).

B. *The ’795 patent (Ex. 1001)*

The ’795 Patent relates to a method of diagnosing infection by *Mycobacterium tuberculosis* in a host. Ex. 1001, 1:32–35. According to the

specification, one available prior art method was the tuberculin skin test (TST), which detects a delayed type hypersensitivity (DTH) response to an intradermal administration of a Purified Protein Derivative (PPD) of *M. tuberculosis*. *Id.* at 1:42–54. TST, however, was known to have low specificity in that it provides false positives of tuberculosis infection in patients who had been vaccinated with BCG, a widespread tuberculosis vaccine, because BCG is closely related to *M. tuberculosis*. *Id.* Further, the TST also was known to have low sensitivity because it provides false negatives in some patients with active tuberculosis infections due to cutaneous immune anergy (i.e., lack of normal immune response to the antigen in skin). *Id.*

Instead of *M. tuberculosis* PPD, the '795 Patent describes the use of peptides from a protein expressed in *M. tuberculosis* named ESAT-6, which is recognized by the T cells (a type of immune system cells) of patients with tuberculosis. *Id.* at 1:55–67. According to the specification, a diagnostic test using a panel of peptides (i.e., protein fragments) from the ESAT-6 protein demonstrates high specificity and sensitivity. *Id.* Advantageously, BCG does not have the ESAT-6 gene, and a test based on ESAT-6 can, thus, distinguish between tuberculosis infection and prior BCG vaccination. *Id.* at 2:1–4.

C. Challenged Claims

Petitioner challenges all of the claims of the '795 Patent. Independent claims 1 and 17 are illustrative of the challenged claims and are reproduced below:

1. A method of in vitro diagnosis which distinguishes between (a) exposure of a human host to *Mycobacterium tuberculosis* and

(b) vaccination of the human host with BCG, comprising determining whether T cells isolated from said host show a recognition response to a peptide panel comprising one or more epitopes contained within peptide SEQ ID NO: 1, wherein the presence of T cells that show said recognition response indicates that the host has been exposed to *Mycobacterium tuberculosis*, and wherein T cells from a host vaccinated with BCG but not exposed to *Mycobacterium tuberculosis* lack the recognition response.

17. A kit for in vitro diagnosis which distinguishes between (a) exposure of a human host to *Mycobacterium tuberculosis* and (b) vaccination of the human host with BCG, comprising a peptide panel, wherein the peptide panel comprises peptide SEQ. ID. No: 1.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 4–5):

References	Basis	Claims Challenged
Converse, ¹ Brandt, ² and Vordermeier ³	§ 103	1, 3–17, 19–22
Converse, Pollock, ⁴ Brandt, and Vordermeier	§ 103	1, 3–16

¹ Paul J. Converse et al., *Comparison of a Tuberculin Interferon- γ Assay with the Tuberculin Skin Test in High-Risk Adults: Effect of Human Immunodeficiency Virus Infection*, 176 J. INFECTIOUS DISEASES 144 (1997) (Ex. 1008, “Converse”).

² Lise Brandt et al., *Key Epitopes on the ESAT-6 Antigen Recognized in Mice During the Recall of Protective Immunity to Mycobacterium tuberculosis*, 157 J. IMMUNOLOGY 3527 (1996) (Ex. 1010, “Brandt”).

³ H. M. Vordermeier, *T-cell recognition of mycobacterial antigens*, 8 EUR. RESPIRATORY J. 657s (1995) (Ex. 1015, “Vordermeier”).

⁴ John M. Pollock & Peter Andersen, *The Potential of the ESAT-6 Antigen Secreted by Virulent Mycobacteria for Specific Diagnosis of Tuberculosis*, 175 J. INFECTIOUS DISEASES 1251 (1997) (Ex. 1012, “Pollock”).

References	Basis	Claims Challenged
'077 Patent, ⁵ Vordermeier, and Brandt	§ 103	1, 3–16
Converse, Brandt, Vordermeier, and Adler ⁶	§ 103	2, 18

In addition to the above references, Petitioner also relies on the Declaration of Joel D. Ernst, M.D. (Ex. 1004, “Ernst Decl.”).

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016). Under the broadest reasonable construction standard, claim terms are generally given their “ordinary and customary meaning,” as would be understood by one of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005)).

We determine that no claim term requires express construction for purposes of deciding whether to institute a review in this case. *See Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

⁵ U.S. Patent No. 5,955,077, filed June 5, 1995, issued Sep. 21, 1999 (Ex. 1011, “the ’077 Patent”).

⁶ Sabine Adler et al., *T cell epitope analysis with peptides simultaneously synthesized on cellulose membranes: fine mapping of two DQ dependent epitopes*, 352 FEBS LETTERS 167 (1994) (Ex. 1025, “Adler”).

B. Alleged Unpatentability Under § 103(a)

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter 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; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Additionally, the obviousness inquiry typically requires an analysis of “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (requiring “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)); see *In re Warsaw Orthopedic, Inc.*, 832 F.3d 1327, 1333 (Fed. Cir. 2016) (citing *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006)).

1. Obviousness in View of Converse, Brandt, and Vordermeier

Petitioner contends claims 1, 3–17 and 19–22 are obvious in light of the combined teachings of Converse, Vordermeier, and Brandt. Pet. 28–44. Based on the evidence and arguments presented in the Petition, however, Petitioner has failed to demonstrate a reasonable likelihood of prevailing on this ground, as explained below.

Independent claims 1 and 17 recite a method and kit, respectively, for *in vitro* diagnosis which distinguishes between (a) exposure of a human host to *Mycobacterium tuberculosis* and (b) vaccination of the human host with BCG using a peptide panel that comprises the peptide of SEQ. ID. NO: 1 disclosed in the '795 patent. The Petition presents identical arguments for both claims. *Id.*

The Petition relies on Converse for its disclosure of *in vitro* diagnosis of tuberculosis infection by measuring the release of interferon- γ (IFN- γ), a cytokine involved in the immune response, by T cells exposed to PPD. *See* Pet. 29. Converse discusses research in which a diagnostic assay for tuberculosis in humans, QuantiFERON-TB, was tested and compared to TST results in human subjects. Ex. 1008, 144. The QuantiFERON-TB assay used in the study measured IFN- γ release in human blood samples in response to exposure to PPD. *Id.* Converse also mentions ESAT-6, noting that “[t]his antigen is not expressed by any vaccine strains; however, whether it is also sufficiently immunogenic in the [QuantiFERON-TB] assay system remains to be determined.” *Id.* at 149.

The Petition relies on Brandt for a teaching of detecting a recognition response to ESAT-6 peptides. Pet. 30 (citing Ex. 1010, 3531). Brandt discusses research in which T cells of mice infected with *M. tuberculosis* were stimulated with ST-CF (short-term culture filtrate) of *M. tuberculosis*, whole ESAT-6 protein, and nine ESAT-6 *peptides*, and their recognition response was measured in the form of IFN- γ release. *See* Ex. 1010, 3527–28. These experiments were conducted on six genetically different strains of mice, which corresponded to five different H-2 haplotypes (i.e., mice with

five different variations in genes related to their major histocompatibility complex (MHC)⁷ proteins). *See id.* at 3529–30.

Significant IFN- γ release was detected in response to whole ESAT-6 protein in four of the five haplotypes. *Id.* at 3530, Fig. 2. When ESAT-6 *peptides* were tested, significant IFN- γ release was detected in response to two of the peptides, indicating that ESAT-6 has at least two T cell epitopes (i.e., binding sites for T cells) located in those two fragments of ESAT-6. *See id.* at 3530–31, Fig. 4 (showing significant IFN- γ release for the “p1” and “p6” peptides); *see also id.* at Fig. 3 (showing which amino acid sequences of ESAT-6 correspond to each peptide tested). The “p1” peptide elicited a significant response from two of the five haplotypes (H-2b and H-2d) whereas the “p6” peptide elicited a significant response from two other haplotypes (H-2a and H-2k). *See id.* at Fig. 4. According to Petitioner, the “p1-15” peptide (subsequence of “p1” peptide) is identical in sequence to SEQ ID NO: 1 recited in the claims of the ’795 Patent. Pet. 30.

The Petition relies on Vordermeier for its alleged teaching of replacing PPD with peptides in tuberculosis diagnostic methods. *Id.* (citing Ex. 1015, 663s). Vordermeier states that, due to the false-positives in BCG-vaccinated patients, “it would be desirable to seek to supplement or replace PPD with a diagnostic antigen preparation which is molecularly defined, specific and sensitive, and *could be composed of recombinant proteins or synthetic peptides.*” Ex. 1015, 663s (emphasis added). According to

⁷ Both parties agree that T cell recognition of an antigen is mediated by the binding of the antigen to the body’s MHC. The MHC-antigen complex is presented to T cells, enabling the T cells to recognize the antigen and precipitate the immune response to the antigen.

Vordermeier, “[t]he finding that many mycobacterial T-cell epitopes are recognized in a *genetically permissive* way is also encouraging for the development of peptide-based reagents.” *Id.* (emphasis added).

According to Petitioner, an artisan of ordinary skill would have been motivated to combine the teachings of the asserted references to use the “p1-15” peptide of Brandt in place of PPD in the diagnostic method of Converse. Pet. 31–32. Petitioner’s motivation is based on three assertions: (1) use of ESAT-6 in the method of Converse would elicit a T cell response in samples obtained from human subjects exposed to *M. tuberculosis* but not in samples obtained from humans vaccinated with BCG but not exposed to *M. tuberculosis*; (2) Vordermeier suggests using a peptide instead of PPD; and (3) synthetic peptides yield lower production costs, easier standardization, and lack of any risk of infection or immunotoxicity. *Id.* Based on the available evidence, however, the evidence presented does not support these assertions.

Although Petitioner relies on Vordermeier as teaching the replacement of PPD with peptides, Vordermeier undermines Petitioner’s asserted reasoning to combine the asserted references. Although Vordermeier suggests replacing PPD with “recombinant proteins or synthetic peptides,” only proteins or peptides that are “specific and sensitive” are recommended for such replacement. Ex. 1015, 663s. In addressing “peptide-based reagents” in particular, Vordermeier describes as “encouraging” only mycobacterial epitopes that “are recognized in a genetically permissive way.” *Id.* As Patent Owner notes (Prelim. Resp. 42–43), Vordermeier distinguishes “permissive” recognition from “restricted” recognition—“restricted” recognition is defined as “recognized . . . in the context of only

one or two MHC class II alleles,” whereas “permissive” recognition exhibits broader recognition (i.e., with respect to more than two MHC genetic types). Ex. 1015, 658s. Thus, Vordermeier supplies a reason to combine diagnostic assays with permissively-recognized proteins and peptides, but not those exhibiting only restricted recognition.

Based on Vordermeier, both of the ESAT-6 peptides that yielded recognition responses in Brandt, including the “p1” peptide, appear to demonstrate *restricted* recognition—i.e., a recognition response was elicited in only two MHC haplotypes. See Ex. 1010, 3531, Fig. 4. Thus, to the extent an artisan would have been motivated to replace the ESAT-6 protein in the Converse assay with an ESAT-6 peptide, Vordermeier does not support Petitioner’s reasoning that the artisan would have selected the peptides identified in Brandt. Although Dr. Ernst concluded in his declaration that a skilled artisan would have been motivated to combine Pollock’s assay with the “p1-15” peptide from Brandt, he does not address Vordermeier’s distinction between permissive and restricted epitopes, or whether the peptides in Brandt were permissive or restricted. See Ex. 1004 ¶¶ 66–67.

Finally, the sole support for Petitioner’s assertion that peptides offer the advantages of “lower production costs, easier standardization, and lack of any risk of infection or immunotoxicity” is Dr. Ernst’s testimony. Pet. 14 (citing Ex. 1004 ¶ 48). His testimony on this point, however, is conclusory and does not present any supporting facts or data. Ex. 1004 ¶ 58. Thus, this testimony is entitled to little or no weight. See 37 C.F.R. § 42.65(a).

For the reasons explained above, the arguments and evidence presented in the Petition fail to provide sufficient reasoning with rational

underpinnings to support Petitioner's contention that a person of ordinary skill would have been motivated to combine the teachings of Converse, Brandt, and Vordermeier to arrive at the invention recited in claims 1 and 17 of the '795 Patent. Therefore, the Petition has not demonstrated a reasonable likelihood of success in challenging claims 1 and 17 on this ground of unpatentability.

Each of the remaining challenged claims depends, either directly or indirectly, from claim 1 or claim 17. The Petition does not present any information with respect to dependent claims 3–18 and 20 that addresses the deficiencies discussed above regarding the independent claims. Thus, the Petition also has not demonstrated a reasonable likelihood of success in challenging the dependent claims as obvious in view of the combined teachings of Converse, Brandt, and Vordermeier.⁸ *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

2. *Obviousness in View of Converse, Pollock, Brandt, and Vordermeier*

Petitioner contends claims 1 and 3–16 are obvious in light of the combined teachings of Converse, Pollock, Brandt, and Vordermeier. Pet. 44–50. The Petition relies on Pollock for essentially the same teachings as Converse in the first asserted ground discussed above, namely *in vitro*

⁸ We note that claims 10–16 depend from claim 2 (which, in turn, depends from claim 1). Petitioner does not, however, assert this ground of unpatentability against claim 2, or present any arguments or evidence to show that the limitations of claim 2 are taught or suggested by the asserted prior art. Thus, also for this reason, the Petition fails to show a reasonable likelihood of success with respect to claims 10–16 on this ground.

diagnosis of tuberculosis infection by measuring IFN- γ release by T cells, although Pollock uses ESAT-6 as the antigen in the diagnostic assay rather than PPD. *See* Pet. 45. Based on the evidence and arguments presented in the Petition, however, Petitioner has failed to demonstrate a reasonable likelihood of prevailing on this ground, as explained below.

According to Petitioner, Pollock teaches a method of diagnosing tuberculosis in cattle by measuring the recognition response of T cells incubated with ESAT-6 protein. *Id.* (citing Ex. 1012, 1253). Pollock discloses research in which peripheral blood mononuclear cells (PBMCs) from cattle infected with bovine tuberculosis were stimulated with recombinant ESAT-6 to measure the release of IFN- γ . *See* Ex. 1012, 1251–52. Dr. Ernst testified that PMBCs include T cells. Ex. 1004 ¶¶ 23–24. As Patent Owner noted, Pollock does not, however, teach or suggest the use of ESAT-6 *peptides*. *See* Prelim. Resp. 36 (“Notably, the only asserted references to discuss ESAT-6 as potential diagnostic reagent (*see* Pollock; Converse) did so based on experiments using ESAT-6 *protein*; neither reference taught or suggested the use of ESAT-6 *peptides*.”)

Pollock also cites Brandt. Ex. 1012, 1253. Specifically, Pollock states the following:

[O]ur results . . . suggest that ESAT-6 is broadly recognized in genetically different animals. This finding is in agreement with the recent demonstration [in Brandt] that ESAT-6 contains two T cell epitopes, both of which are recognized by inbred mice of various haplotypes. Therefore, data from cattle and mice suggest widespread recognition of particular epitopes of this antigen,

which is promising for the practical application of an ESAT-6-based test.

Id. As Patent Owner notes, however, Pollock does not propose the use of ESAT-6 *peptides*. Prelim. Resp. 52.

Even accepting *arguendo* Petitioner’s assertion that a person of ordinary skill would have been motivated to replace PPD with ESAT-6 *protein* based on Converse’s brief mention of ESAT-6, Petitioner relies on essentially the same reasoning and evidence to support combining Converse with the “p1-15” peptide of Brandt as it does for combining Pollock. *See id.* at 39–40. The Petition does not present any information relating to Converse or Pollock that addresses the flaws discussed above regarding that alleged motivation to combine, including Vordermeier’s teachings that would have steered a skilled artisan toward *permissively* recognized peptides rather than the apparently *restricted* peptides of Brandt. Thus, for the same reasons explained above, Petitioner has failed to demonstrate a reasonable likelihood of prevailing against any challenged claim on this ground as well.⁹

3. *Obviousness in View of the ’077 Patent, Brandt, and Vordermeier*

Petitioner contends claims 1 and 3–16 are obvious in light of the combined teachings of the ’077 Patent, Brandt, and Vordermeier. Pet. 50–54. Based on the evidence and arguments presented in the Petition,

⁹ As with the asserted ground based on Pollock, the Petition also does not assert this ground against claim 2, and presents no evidence or argument regarding the limitations of claim 2 despite challenging claims 10–16, which depend from claim 2. Thus, the Petition fails to demonstrate a reasonable likelihood of prevailing as to claims 10–16 for this reason as well.

however, Petitioner has failed to demonstrate a reasonable likelihood of prevailing on this ground, as explained below.

The '077 Patent relates to vaccines and diagnostic methods for tuberculosis that involve certain polypeptides (i.e., proteins or smaller amino acid chains). Ex. 1011, 1:52–67. A diagnostic assay is described where a blood sample comprising T cells is exposed to one or more such polypeptides, and T cell proliferation or cytokine release (e.g., INF- γ) is measured to detect infection. *Id.* at 14:35–47. ESAT-6 is mentioned as “one polypeptide of the invention,” and as being “correlated with the virulence of the mycobacteria from the tuberculosis complex.” *Id.* at 14:18–53.

The Petition relies on the '077 Patent for essentially the same teachings as Converse in the first asserted ground discussed above, namely *in vitro* diagnosis of tuberculosis infection by measuring IFN- γ release by T cells exposed to ESAT-6 protein. *See* Pet. 47–48. In addition, Petitioner alleges that the '077 Patent “teaches that ESAT-6, and importantly subsequences of ESAT-6, can be used to diagnose mycobacterial infection or exposure and to distinguish between virulent mycobacterial exposure and benign BCG vaccination.” Pet. 50 (citing Ex. 1011, 14:24–32). Petitioner does not, however, identify any evidence indicating that a person of ordinary skill would have understood these general descriptions to apply to any specific “subsequences” of ESAT-6.

Again, Petitioner cites Brandt for its teaching of a specific ESAT-6 peptide (“p1-15”) that meets the requirements of the challenged claims. Pet. 51. Petitioner does not, however, explain sufficiently why a person of ordinary skill would have linked Brandt’s peptide with the subsequences of the '077 Patent, which are described as “having the same immunological

characteristics” as the full polypeptide. Ex. 1011, 2:50–53. To the contrary, Brandt indicates that the “p1” peptide produced a recognition response in only two of five MHC haplotypes, whereas whole ESAT-6 protein produced a response in four of the five haplotypes (in five of six mouse strains). Ex. 1010, Figs. 2, 4. Thus, the teachings regarding “subsequences” of ESAT-6 in the ’077 Patent do not supply sufficient evidence of a reason to combine the assay taught in the ’077 Patent with the “p1-15” peptide in Brandt. Petitioner otherwise relies on the same rationale to combine references that it advances for its other asserted grounds of unpatentability, which is insufficient for the same reasons discussed above. Thus, Petitioner has failed to demonstrate a reasonable likelihood of prevailing against any challenged claim on this ground.¹⁰

4. Obviousness in View of Converse, Brandt, Vordermeier, and Adler

Petitioner contends dependent claims 2 and 18 are obvious in view of the combined teachings of Converse, Brandt, Vordermeier, and Adler. Pet. 54–59. Claim 2 depends from claim 1 and additionally recites including another peptide in the peptide panel selected from a *Markush* group of three additional peptides. This ground is similar to the previous ground based on Converse, but further includes Adler to address the additional requirements of claim 2. *See id.* Based on the evidence and arguments presented in the Petition, however, Petitioner has failed to demonstrate a reasonable likelihood of prevailing on this ground.

¹⁰ Petitioner asserts this ground of unpatentability against claims 10–16, but not against claim 2 from which they depend. Thus, similar to the other grounds discussed above, the Petition fails to demonstrate a reasonable likelihood of prevailing as to claims 10–16 for this reason as well.

The Petition relies on Adler for its alleged teaching of “T cell epitope mapping using overlapping peptides [that] are 15 amino acids in length, overlap by 10 amino acids and cover the length of the antigen of interest.” Pet. 55 (citing Ex. 1025, 168–69, Fig. 2). According to Petitioner, “a skilled artisan would readily arrive at the peptide sequences in claim 2 and 18 and use them in the diagnostic” panel by applying the teachings of Adler. *Id.* The Petition, however, does not present information sufficient to overcome the deficiencies discussed above with respect to the similar ground based on Converse as asserted against the independent claim. Thus, for the same reasons discussed above, Petitioner has failed to demonstrate a reasonable likelihood of prevailing on this ground.

CONCLUSION

For the foregoing reasons and on the present record, we determine that the information presented in the Petition does not demonstrate there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–22 of the ’795 Patent.

ORDER

It is

ORDERED that the Petition is *denied*.

Case IPR2016-01556

Patent 8,216,795 B2

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