

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIMELIGHT NETWORKS, INC.,
Petitioner,

v.

AKAMAI TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2016-01631
Patent 8,122,102 B2

Before GREGG I. ANDERSON, JENNIFER MEYER CHAGNON, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Limelight Networks, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–9 of U.S. Patent No. 8,122,102 B2 (Ex. 1001, “the ’102 patent”). Akamai Technologies, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 7. Pursuant to 35 U.S.C. § 314(a), we determined the Petition showed a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–9, and instituted an *inter partes* review of those claims. Paper 8, (“Inst. Dec.”) 15. Patent Owner filed a Patent Owner Response (Paper 15, “PO Resp.”) and Petitioner filed a Reply to Patent Owner’s Response (Paper 16, “Reply”). Patent Owner also filed a Motion to Exclude certain evidence. Paper 19. An oral hearing was held before the Board. Paper 33.

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. Having considered the record before us, we determine Petitioner has shown by a preponderance of the evidence that claims 1–9 of the ’102 patent are unpatentable, as explained below. See 35 U.S.C. § 316(e).

II. BACKGROUND

A. RELATED PROCEEDINGS

The parties assert the ’102 patent is involved in co-pending litigation captioned *Limelight Networks, Inc. v. XO Communications, LLC*, No. 3:15-cv-00720 (E.D. Va. filed Nov. 30, 2015). Pet. 1; Paper 4, 3.

B. THE ’102 PATENT

The ’102 patent relates to delivering objects in content delivery networks (CDNs). Ex. 1001, 1:19–22. A CDN is network of geographically

distributed content delivery nodes that service providers use for delivering digital content on behalf of third party content providers. *Id.* at 1:18–22. The CDN’s content delivery infrastructure usually comprises a set of distributed content servers located at strategic locations for delivering copies of frequently-accessed content to requesting end users, so that requests may be serviced more quickly than if a content provider’s origin server has to service all requests. *Id.* at 1:22–26, 31–35, 42–44.

According to Petitioner’s expert, claim 1, the ’102 patent’s only independent claim, has “several basic CDN elements,” including (1) establishing a CDN comprising a distributed network of content servers, (2) mapping a user’s request for content to an appropriate CDN content server using a domain name service (“DNS”), and (3) validating requesting content with an origin server before serving it. Ex. 1003 ¶ 47; Ex. 1001, 22:4–36.

C. ILLUSTRATIVE CLAIM

Of the challenged claims, only claim 1 is independent. Claim 1 is reproduced below:

1. A method of content delivery, comprising:
establishing a content delivery network on behalf of participating content providers, the content delivery network managed by a content delivery network service provider and comprising a plurality of content servers and a domain name service (DNS);
associating a content provider domain or subdomain with a domain managed by the content delivery network service provider so that DNS queries to the content provider domain or subdomain are resolved by the content delivery network domain name service;

resolving a DNS query to the content provider domain or subdomain to an IP address associated with a given content server in the plurality of content servers, wherein the DNS query is resolved by the content delivery network domain name service using the domain managed by the content delivery network service provider in lieu of the content provider domain or subdomain;

at the given content server of the plurality of content servers in the content delivery network, receiving a request for a piece of content;

determining whether the piece of content is available to be served from the given content server in the content delivery network;

if the piece of content is available to be served from the given content server, having the given content server issue a validation request to an origin server that is authoritative for the piece of content; and

upon receipt at the given content server of an indication that the origin server has validated the piece of content in response to the validation request, serving the piece of content from the given content server.

Ex. 1001, 22:4–36.

D. INSTITUTED GROUNDS OF UNPATENTABILITY

We instituted *inter partes* review on the following grounds of unpatentability.

Reference(s)	Basis	Challenged Claims
Leighton 703 ¹ and HTTP/1.1 ²	§ 103(a)	1, 2, 4, 6, and 7
Leighton 703, HTTP/1.1, and RFC 2109 ³	§ 103(a)	3, 5, 8, and 9

¹ U.S. Patent No. 6,108,703 (Aug. 22, 2000) (Ex. 1004, “Leighton 703”).

² Fielding, R. et al., *Hypertext Transfer Protocol -- HTTP/1.1*, Request for Comments: 2068 (1997) (Ex. 1005, “HTTP/1.1”).

Inst. Dec. 15.

III. ANALYSIS

A. PRINCIPLES OF LAW

Petitioner bears the burden of proving unpatentability of the challenged claims, and that burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). To prevail, Petitioner must establish the facts supporting its challenge by a preponderance of the evidence. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d).

A patent claim is unpatentable under 35 U.S.C. § 103(a) if 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 to a person of ordinary skill in the art at the time the invention was made. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). Obviousness is resolved based on 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 ordinary skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 550 U.S. at 416. As explained in *KSR*:

If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same

³ Kristol, D., *HTTP State Management Mechanism*, Request for Comments: 2109 (1997) (Ex. 1006, “RFC 2109”).

reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

Id. at 417. Accordingly, a central question in analyzing obviousness is “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.*

B. CLAIM CONSTRUCTION

We conclude no express claim construction is necessary for our determination whether the challenged claims are unpatentable. *See Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (“[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.”).

C. ASSERTED PRIOR ART

1. Leighton 703

Leighton 703 describes a CDN that distributes and manages content over a large network. Ex. 1004, Abstract. Figure 3 of Leighton 703 is reproduced below.

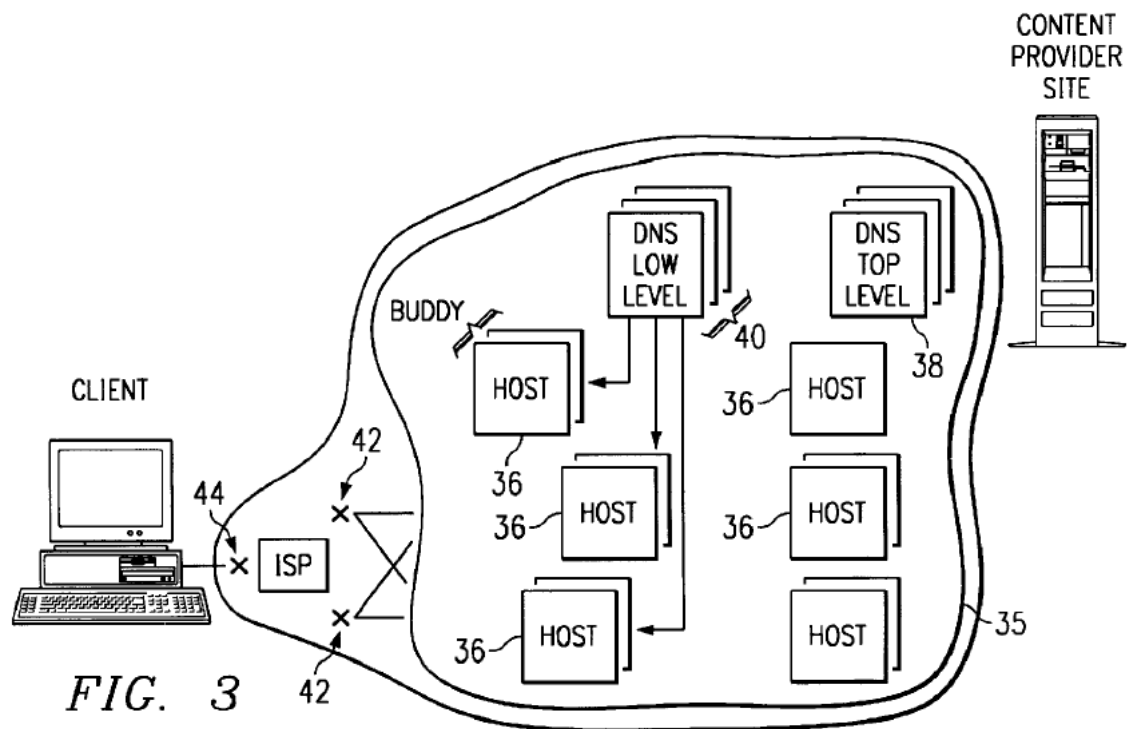


Figure 3 is a high level diagram of Leighton 703's global hosting system. *Id.* at 4:45. The hosting system (35) comprises a set of widely-deployed servers (or server resources) to serve Web content efficiently, effectively, and reliably to end users. *Id.* at 5:43–47. The servers may be deployed globally or across any desired geographic regions, thus providing a distributed architecture for intelligently routing and replicating a content provider's content. *Id.* at 5:47–51. The global hosting system (35) has three basic types of servers: hosting servers (36), top-level DNS servers (38), and low-level DNS servers (40). *Id.* at 5:51–54.

According to Leighton 703, a given Web page (comprising a base HTML document and a set of embedded objects) is served in a distributed manner. *Id.* at 6:22–23. Instead of serving requested objects from the content provider's site, the hosting servers (36) (i.e., hosting servers that are near the client machine that initiated the request) serve the requested objects.

Id. at 6:22–29. Leighton 703 describes using a DNS server to determine which hosting server will serve content to a particular user. *Id.* at 3:17–65. Leighton 703 also notes the need for “[n]o stale content.” *Id.* at 16:36–37.

2. HTTP 1.1

HTTP 1.1 is a specification for the Hypertext Transfer Protocol (HTTP), used for distributed, collaborative, hypermedia information systems. Ex. 1005, Abstract. HTTP 1.1 was developed as a standard by the Internet Engineering Task Force (IETF) and the World Wide Web Consortium (W3C). Ex. 1003 ¶ 87. HTTP is a “generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extensions of its request methods.” Ex. 1005, Abstract. Petitioner relies on HTTP 1.1’s disclosure of authentication and validation mechanisms when responding to requests for content. In particular, HTTP 1.1 describes several ways of validating content to ensure servers maintain up-to-date resources and avoid serving stale resources when responding to client requests. *See id.* at §§ 13.3, 14.24 (describing if-modified-since (“IMS”) requests and a “Validation Model”); *see also* Ex. 1003 ¶¶ 120–130. HTTP 1.1 also describes a challenge-response mechanism that a server may use to authenticate clients requesting content. *See* Ex. 1005 § 11.

3. RFC 2109

Petitioner relies on RFC 2109’s disclosure of an HTTP state management protocol that uses cookies for cache resource control and management. *See* Ex. 1006 § 4.2.3. Websites use cookies to remember and record information about a user and their activity. Ex. 1003 ¶ 99. Cookies

can be used also to force a user or server to identify itself to be authenticated and authorized to access a website or content within a website. *Id.*

D. GROUNDS OF UNPATENTABILITY

1. Obviousness of Claims 1–9 over Leighton 703, HTTP 1.1, and RFC 2109

Petitioner contends claims 1, 2, 4, 6, and 7 would have been obvious over Leighton 703 and HTTP 1.1. Pet. 34–45; *see id.* at 19–34. Petitioner also contends claims 3, 5, 8, and 9 would have been obvious over Leighton 703, HTTP 1.1, and RFC 2109. *Id.* at 46–54. Based on our review of the arguments and evidence in the Petition, Response, and Reply, we determine Petitioner has demonstrated, by a preponderance of the evidence, that the subject matter of claims 1, 2, 4, 6, and 7 would have been obvious over Leighton 703 and HTTP 1.1., and that the subject matter of claims 3, 5, 8, and 9 would have been obvious over Leighton 703, HTTP 1.1, and RFC 2109, as explained below.

a. Petitioner Has Shown the Combination of Leighton 703, HTTP 1.1, and RFC 2109 Discloses Each Element in Claims 1–9

Patent Owner does not dispute that the asserted prior art references teach each element in claims 1–9. *See* PO Resp. 14–28; Paper 33, 48:16–49:22. Based on our review of the arguments and evidence in the Petition, we agree with Petitioner that the combination of Leighton 703, HTTP 1.1, and RFC 2109 discloses each element in claims 1–9, as outlined below.

i. Claim 1

Petitioner has shown Leighton 703 discloses “[a] method of content delivery.” *See* Pet. 19–20 (citing Ex. 1004, Abstract, 1:10–14, 2:49–52, 2:55–57; Ex. 1003 ¶ 107). Petitioner has shown Leighton 703 discloses “establishing a content delivery network on behalf of participating content providers, the content delivery network managed by the content delivery

network service provider and comprising a plurality of content servers and a domain name service (DNS).” *See id.* at 20–22 (citing Ex. 1004, Fig. 3, 5:42–6:13; Ex. 1003 ¶ 108). Petitioner has shown Leighton 703 discloses “associating a content provider domain or subdomain with a domain managed by the content delivery network service provider so that DNS queries to the content provider domain or subdomain are resolved by the content delivery network domain name service.” *See id.* at 22–24 (citing Ex. 1004, 9:7–67; Ex. 1003 ¶ 109). Petitioner has shown Leighton 703 discloses “resolving a DNS query to the content provider domain or subdomain to an IP address associated with a given content server in the plurality of content servers, wherein the DNS query is resolved by the content delivery network domain name service using the domain managed by the content delivery network service provider in lieu of the content provider domain or subdomain.” *See id.* at 24–26 (citing Ex. 1004, 9:7–67; Ex. 1003 ¶ 110). Petitioner has shown Leighton 703 discloses “at the given content server of the plurality of content servers in the content delivery network, receiving a request for a piece of content.” *See id.* at 26–27 (citing Ex. 1004, 12:26–38; Ex. 1003 ¶ 111). Petitioner has shown Leighton 703 discloses “determining whether the piece of content is available to be served from the given content server in the content delivery network.” *See id.* at 27–28 (citing Ex. 1004, 12:26–38; Ex. 1003 ¶ 112). Petitioner has shown HTTP 1.1 teaches “if the piece of content is available to be served from the given content server, having the given content server issue a validation request to an origin server that is authoritative for the piece of content.” *See id.* at 39–42 (citing Ex. 1005 §§ 13.3, 14.24; Ex. 1003 ¶ 133). Petitioner has shown HTTP 1.1 teaches “upon receipt at the given content server of an

indication that the origin server has validated the piece of content in response to the validation request, serving the piece of content from the given content server.” *See id.* at 42–43 (citing Ex. 1005 §§ 13.3, 13.5.3; Ex. 1003 ¶¶ 133–135).

ii. Claim 2

Petitioner has shown Leighton 703 teaches “the content provider domain or subdomain is associated with the domain managed by the content delivery network service provider through a DNS canonical name,” as claim 2 requires. *See* Pet. 31–33 (citing Ex. 1004, 6:40–46, 8:2–12, 8:59–61, 9:8–16, 19:31–32, 19:43–44; Ex. 1003 ¶¶ 116, 117).

iii. Claim 3

Petitioner has shown RFC 2109 teaches the additional limitation recited in claim 3: “wherein a cookie is associated with the validation request.” *See* Pet. 48–50 (citing Ex. 1006 § 4.2.3; Ex. 1003 ¶¶ 154–155).

iv. Claim 4

Petitioner has shown HTTP 1.1 teaches “an if-modified-since (IMS) request,” as recited in claim 4. *See* Pet. 39–40 (citing Ex. 1005 § 14.24; Ex. 1003 ¶ 133).

v. Claim 5

Petitioner has shown RFC 2109 teaches the additional limitation recited in claim 5: “wherein the validation request is associated with a cookie authentication scheme.” *See* Pet. 50 (citing Ex. 1006 § 4.2.3; Ex. 1003 ¶¶ 157–159).

vi. Claim 6

Petitioner has shown HTTP 1.1 teaches the additional limitation recited in claim 6: “wherein the validation request is associated with an

HTTP authentication scheme.” See Pet. 44–45 (citing Ex. 1005 § 11; Ex. 1003 ¶¶ 141–143).

vii. Claim 7

Petitioner has shown Leighton 703 teaches the additional limitation recited in claim 7: “wherein the piece of content is one of: a markup language page, an embedded object of a markup language page, a media file, and a software download.” See Pet. 34 (citing Ex. 1004, Abstract, Fig. 2, 5:23–41, 12:26–38; Ex. 1003 ¶¶ 118–119).

viii. Claim 8

Petitioner has shown RFC 2109 teaches the additional limitation recited in claim 8: “specifying a content control to be applied to the piece of content prior to serving the piece of content from the content delivery network; and communicating the content control for the piece of content to the plurality of content servers in the content delivery network.” See Pet. 50–52 (citing Ex. 1006 § 4.2.3; Ex. 1003 ¶¶ 161–163).

ix. Claim 9

Petitioner has shown RFC 2109 teaches the additional limitation recited in claim 9: “wherein the content control specifies that the validation request should be issued to the origin server.” See Pet. 52–54 (citing Ex. 1006 § 4.2.3; Ex. 1003 ¶¶ 165–167).

b. Rationale for Combining the References

In addition to showing the combination of Leighton 703 and HTTP 1.1 teaches the individual elements in claims 1, 2, 4, 6, and 7 and the combination of Leighton 703, HTTP 1.1, and RFC 2109 teaches the individual elements in claims 3, 5, 8, and 9, Petitioner articulated sufficient reasoning with some rational underpinning to support the legal conclusion

that its proffered combination of references would have been obvious. *See KSR*, 550 U.S. at 418. In particular, Petitioner explains, with relevant support from its expert, that it would have been obvious for one skilled in the art to combine Leighton 703 with HTTP 1.1 because “a POSITA seeking to implement the CDN architecture of Leighton 703 would have needed to serve fresh/valid content instead of stale/invalid content” and “the HTTP/1.1 specification disclosed several common, predictable, and routine ways of validating content before serving it.” Pet. 36 (citing Ex. 1003 ¶¶ 120–130); *see id.* at 37–38. We agree that Petitioner’s proposed combination amounts to an obvious combination of familiar elements according to known methods (i.e., Leighton 703’s CDN architecture and HTTP/1.1’s known validation techniques), yielding only the predictable result of avoiding serving stale or invalid content when responding to client requests using a CDN. *See KSR*, 550 U.S. at 416.

Petitioner also explains one skilled in the art would use HTTP 1.1’s basic authentication scheme in Leighton 703’s CDN architecture to “protect[] web objects at the origin server from unauthorized access when the CDN attempts to validate such objects.” Pet. 45 (citing Ex. 1003 ¶¶ 141–142). Here too, we agree that Petitioner’s proposed combination amounts to an obvious combination of familiar elements according to known methods (i.e., Leighton 703’s CDN architecture and HTTP/1.1’s challenge-response authentication mechanism), yielding only the predictable result of protecting web objects at the origin server from unauthorized access.

Last, Petitioner explains one skilled in the art would have been motivated to combine RFC 2109’s teaching of using cookie-based authentication to Leighton 703 and HTTP 1.1 because it was a known

technique to prevent unauthorized access to protected web content. *Id.* at 47 (citing Ex. 1006 § 4; Ex. 1003 ¶¶ 147–150); *see also id.* at 49–50 (explaining the predictable result of the proffered combination as “a modified CDN architecture that used cookies as a way to ensure that protected web objects could be cached while simultaneously ensuring that requests for such objects would be validated with the origin server before being served”). We agree with Petitioner that its proffered combination is simply “a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field,” yielding only the predictable result of preventing unauthorized access to protected content within a CDN. *KSR*, 550 U.S. at 416.

Patent Owner raises three arguments in challenging Petitioner’s proffered reason for combining prior art references. First, Patent Owner asserts that one skilled in the art would not combine Leighton 703 with HTTP 1.1’s validation methods because Leighton 703 “*already* teaches its own hashing technique that ‘serves to protect against serving stale and out-of-date content from the ghost servers.’” PO Resp. 16 (quoting Ex. 1004, 9:3–5). According to Patent Owner, “[a] POSITA would have had no motivation to change what was already working in [Leighton 703].” *Id.* We disagree with Patent Owner’s argument. Although Leighton 703 employs hashing, Patent Owner does not explain how Leighton 703 discourages other approaches. *See DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1327 (Fed. Cir. 2009) (“A reference does not teach away . . . if it merely expresses a general preference for an alternative invention but does not criticize, discredit, or otherwise discourage investigation into the invention claimed.”) (internal quotation marks omitted). Accordingly, we

are not persuaded that Leighton 703 teaches away from HTTP 1.1's validation methods. In addition, "[i]t is well-established that a determination of obviousness based on teachings from multiple references does not require an actual, physical substitution of elements." *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012). Petitioner relies on Leighton 703 to evidence a skilled artisan knew of Leighton 703's CDN architecture, separate and apart from its teaching of hashing to validate data. So long as HTTP 1.1's validation techniques could improve Leighton 703's basic CDN architecture by protecting against serving stale data, it is irrelevant whether that improvement would be enough to justify modifying a physical embodiment of Leighton 703 that already employed a different known method (i.e., hashing) to avoid serving stale data.

Second, Patent Owner asserts "[t]he proposed combination would impermissibly and illogically change the basic principles under which [Leighton 703]'s CDN was designed to operate, by requiring it to make a validation request to the origin server when it already had—and knew it had—the fresh (not stale) content available for service." PO Resp. 22–23 (citing *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984); *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959); and *Plas-Pak Indus. v. Sulzer Mixpac AG*, 600 Fed. Appx. 755, 760 (Fed. Cir. 2015)). We disagree with Patent Owner's characterization of hashing as a basic principle of operation in Leighton 703. Leighton 703 describes its basic principle of operation as "provid[ing] a computer network comprising a large number of widely deployed Internet servers that form an organic, massively fault-tolerant infrastructure designed to serve Web content efficiently, effectively, and reliably to end users." Ex. 1004, 2:26–31; *see also id.* at 2:32–3:3 (describing the general object of the

invention as a distributed network for providing web content reliably and efficiently). Nothing in Leighton 703 indicates that the distributed network is unique to its hashing validation implementation. Petitioner's proposed change does not destroy Leighton 703's principle of operation because it changes only *how* the reference accomplishes its operability, not the operation itself. *Compare In re Mouttet*, 686 F.3d at 1332 (finding that replacing optical components with electrical ones did not change a programmable arithmetic processor's basic principle of operation).

Last, Patent Owner asserts that the Petition "fails to provide any articulated reasons with rational underpinnings" for combining HTTP 1.1's authentication scheme with the CDN architecture disclosed in Leighton 703. PO Resp. 28. We disagree. As outlined above, Petitioner explains one skilled in the art would use HTTP 1.1's authentication scheme in Leighton 703's CDN architecture to "protect[] web objects at the origin server from unauthorized access when the CDN attempts to validate such objects." Pet. 45. Thus, Petitioner articulated sufficient reasoning with some rational underpinning to support the legal conclusion of obviousness. *See KSR*, 550 U.S. at 418.

c. Conclusion

Based on our review of the arguments and evidence in the Petition, Response, and Reply, we determine Petitioner has shown, by a preponderance of the evidence, claims 1, 2, 4, 6, and 7 would have been obvious over Leighton 703 and HTTP 1.1 and claims 3, 5, 8, and 9 would have been obvious over Leighton 703, HTTP 1.1, and RFC 2109.

IV. PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE

Patent Owner filed a Motion to Exclude Exhibits 1009, 1010, and 1011, which are three claim charts cited in Petitioner's expert declaration, Ex. 1003. Paper 19, 1. Patent Owner argues Petitioner failed to discuss any of these exhibits in its Petition or Reply and according to Patent Owner, "the Petition does not include these claim charts in its Word Count Certificate of Compliance" and "[u]se of these exhibits now would exceed the word count and be improper incorporation by reference." *Id.* Upon considering Patent Owner's arguments (Paper 19, 1) Petitioner's Opposition (Paper 29, 1–10), and Patent Owner's Reply to Petitioner's Opposition (Paper 30, 1–4), we deny Patent Owner's Motion to Exclude. The Petition explains how the asserted prior art teaches each limitation. *See, e.g.*, Pet. 19–31 (explaining how the prior art teaches each element in claim 1). The challenged exhibits are simply evidence supporting those arguments—limitations from the '102 patent's claims, copied in a left column, and corresponding full passages from the prior art, copied in a right column. *See, e.g.*, Ex. 1009, 1–12 (reproducing prior art passages corresponding to each limitation in claim 1); Ex. 1010, 1–12 (same), Ex. 1011, 1–12 (same). We agree with Petitioner that that the challenged claim charts are not arguments improperly incorporated into the Petition. *See* Paper 29, 1–5.

Patent Owner also moves to exclude Exhibit 1014, which is deposition testimony from Philip Lisiecki, as hearsay, irrelevant, and beyond the permissible scope of reply evidence. Paper 19, 1–2. Because this Decision does not rely on that testimony, we deny Patent Owner's Motion to Exclude Exhibit 1014 as moot.

V. CONCLUSION

In conclusion, Petitioner has shown by a preponderance of the evidence claims 1, 2, 4, 6, and 7 are unpatentable under 35 U.S.C. § 103(a) over Leighton 703 and HTTP 1.1 and claims 3, 5, 8, and 9 are unpatentable under 35 U.S.C. § 103(a) over Leighton 703, HTTP 1.1, and RFC 2109.

VI. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner has shown by a preponderance of the evidence that claims 1–9 of the '102 patent are unpatentable; and

FURTHER ORDERED that Patent Owner's Motion to Exclude Exhibits 1009, 1010, 1011, and 1014 (Paper 19) is DENIED; and

FURTHER ORDERED that, because this is a Final Written Decision, the parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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