

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP INC.,
Petitioner,

v.

TRIPLAY, INC.,
Patent Owner.

Case IPR2016-01661
Patent 9,055,416 B2

Before THU A. DANG, JOSIAH C. COCKS, and MICHAEL R. ZECHER,
Administrative Patent Judges.

DANG, *Administrative Patent Judge.*

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

I. INTRODUCTION

A. *Background*

WhatsApp Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–12 of U.S. Patent No. 9,055,416 (Ex. 1001, “the ’416 patent”). Paper 2 (“Pet.”). TriPlay, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Taking into account the arguments presented in the Preliminary Response, we determined that the information presented in the Petition established that there was a reasonable likelihood that Petitioner would prevail in challenging claims 1–12 of the ’416 patent on the basis that these claims are unpatentable under 35 U.S.C. § 103. Pursuant to 35 U.S.C. § 314, we instituted this *inter partes* review on March 13, 2017, as to all the challenged claims. Paper 7 (“Dec. on Inst.”).

Upon instituting this proceeding, a conference call was held on August 1, 2017, between the panel and counsel for the respective parties, during which Patent Owner confirmed that it waived its right to file a Response. Paper 18, 2–3. As discussed during the call, the record now before the panel reflects that the arguments and supporting evidence in the Petition stand unopposed as a part of the trial that was instituted. *Id.*

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–12 of the ’416 patent. For the reasons discussed below, we hold that Petitioner has demonstrated by a preponderance of the evidence that claims 1–12 of the ’416 patent are unpatentable under 35 U.S.C. § 103.

B. Related Proceedings

The parties indicate that the '416 patent is the subject of a pending district court case captioned *TriPlay, Inc. v. WhatsApp Inc.*, No. 1:13-cv-1703-LPS (D. Del.). Pet. 1; Paper 4, 2. Claims 13–15 of the '416 patent are the subject of Case IPR2016-01662. Pet. 2. Petitioner further states that a related patent to the '416 patent, U.S. Patent No. 8,332,475 (“the '475 patent”), is the subject of Case IPR2015-00740; and related U.S. Patent No. 8,874,677 (“the '677 patent”), the child of the '475 patent, is the subject of Cases IPR2016-00717 and IPR2016-00718. *Id.* at 1–2. Petitioner also has filed petitions requesting an *inter partes* review of U.S. Patent No. 9,049,574, which claims priority to the '677 and '475 patents, in Cases IPR2016-01659 and IPR2016-01660. *Id.* at 2.

C. The '416 Patent

The '416 patent issued June 9, 2015, from an application filed September 11, 2014, that claims priority to three provisional applications, the earliest of which was filed August 22, 2005. Ex. 1001, at [45], [22], and [60]. The '416 patent is directed to “cross-platform messaging,” and describes a messaging system that converts the formats and layouts of messages sent between communication devices that may have different communication and display capabilities. *Id.* at [57], 11:53–56. Figure 1, reproduced below, illustrates a network architecture in which the messaging system may be used.

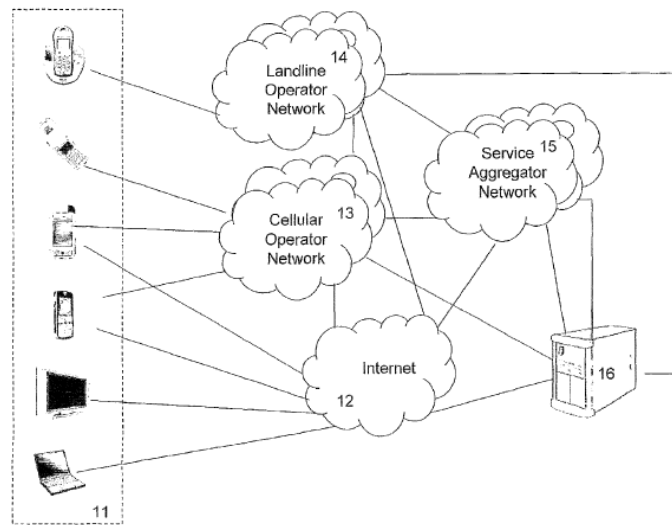


Figure 1

Figure 1 depicts various communication devices 11 (e.g., cell phone, personal computer (“PC”)) connected to at least one of Internet 12, Cellular Operator Network 13, etc. *Id.* at 11:30–40. Messages from an originating device to a destination device pass through messaging system 16, where at least one of the devices is assigned to a user registered in the system. *Id.* at 12:12–13. Messaging system 16 supports a variety of message formats, such as text, video, and image. *Id.* at 12:16–21. The message content may include a text and/or media items to be transmitted to another party, wherein the media item may include text files, image files, moving picture files, sound files, hyperlinks, electronic signatures, etc. in any available formats. *Id.* at 10:51–55. Some messages may also comprise metadata describing, for example, a structure and/or semantics of the contained media items. *Id.* at 10:62–64. The metadata may carry rules and instructions, a counter and any other information which may aid in protecting or initiating commercial or non-commercial interaction with the message. *Id.* at 10:64–11:2.

Figure 6, reproduced below, depicts an example of the messaging system’s operation.

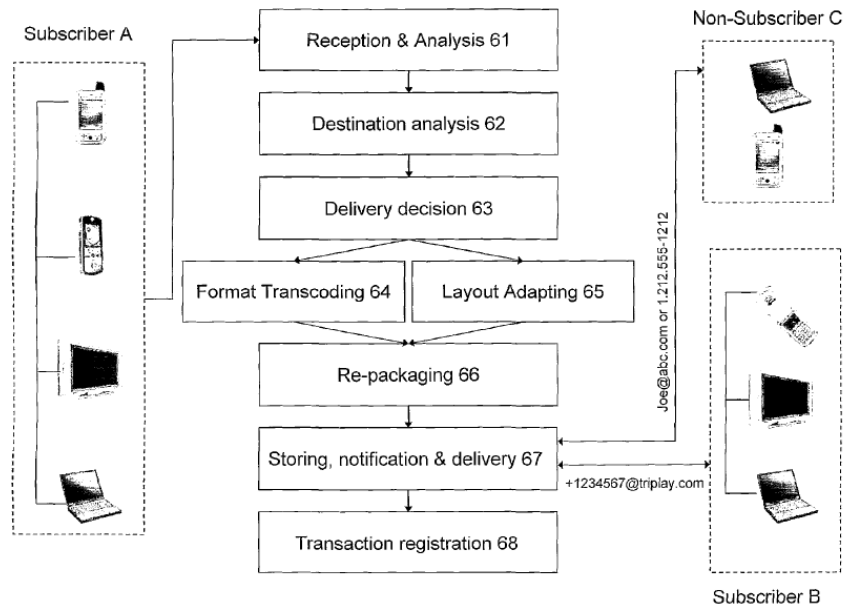


Figure 6

As shown in Figure 6, Subscriber A composes a message at one of the assigned communication devices and sends the message to Subscriber B and Non-subscriber C. *Id.* at 16:46–49. The system analyzes the destination device 62 and takes a delivery decision 63 accordingly. *Id.* at 16:53–58. The delivery decision comprises delivering instructions, e.g., the content, format and/or layout of the message to be delivered. *Id.* at 16:63–17:4. In accordance with the delivery decision, the system provides transcoding of the message format 64 and/or adapting message layout 65 and appropriate repackaging 66, if necessary (for example, if limitations of the communication media or destination device require deleting or replacing some of the media items in the message). *Id.* at 17:6–12.

Figure 2, reproduced below, depicts an example of a functional architecture of the messaging system.

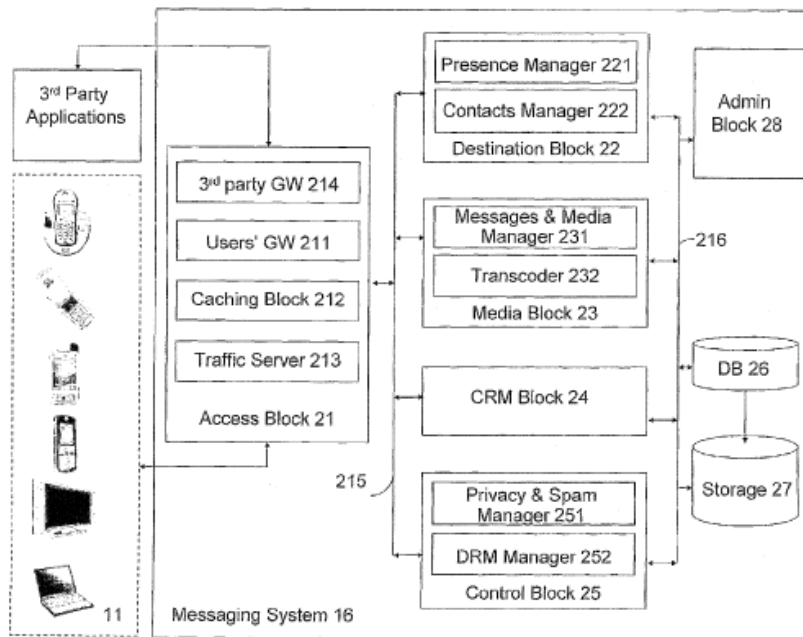


Figure 2

As shown in Figure 2, communication devices 11 are operatively coupled with destination communication devices via messaging system 16, wherein at least one communication device is assigned to a user registered in the messaging system (subscriber). *Id.* at 12:8–13. Messaging system 16 may support communication devices with different capabilities, as well as communicate with third party applications. *Id.* at 12:13–16. Messaging system 16 comprises access block 21 operatively coupled (via buses 215) with the following interconnected functional blocks: destination block 22, media block 23, customer relationship management (“CRM”) block 24 and control block 25. *Id.* at 12:62–66. The functional blocks are operatively coupled (via buses 216) with database 26, storage device 27 and administrative block 28. *Id.* at 12:66–13:1. In certain embodiments, the system is configured to store one or more media items contained in the message in storage device 27, and to store at least part of the metadata

related to the message (e.g., tags, threads, etc.) in database 26. *Id.* at 14:16–22.

The '416 patent further describes facilitating composing messages using “pre-defined templates.” *Id.* at 19:49–51. The '416 patent describes different template “types,” each having different “content structure[s].” *Id.* at 19:50–66 (Table 2). Each type of template and/or each template is provided with a unique identifier that can be recognized by the message system and/or client and stored in the message metadata. The template layout may depend on the “capabilities of [the] destination device.” *Id.* at 20:50–52. Table 2 of the '416 patent, reproduced below, describes a “General” template type with different layouts for PC, Web, and cell-phone display.

TABLE 2

Templates* type	Layout for PC	Layout for Web	Layout for cell-phone
General	Basic frame graphics Sender's avatar Text List of clickable media thumbnails Media display area Controls for playing all media continuously Save media controls Reply controls Forward controls	Basic frame graphics Sender's avatar Text List of clickable media thumbnails Media display area, reduced for web Controls for playing all media continuously Save media controls Reply controls Forward controls	Basic frame graphics Sender's name Text For images: list of clickable media, reduced for device For audio/ video: list of clickable icons into reduced media Reply controls Forward controls
Greeting- like	Basic frame graphics Sender's avatar Predefined animated graphics with text Reply controls Forward controls	Basic frame graphics Sender's avatar Predefined animated graphics with text on Reply controls Forward controls	Basic frame graphics Sender's name Text Predefined reduced animated image Reply controls Forward controls
Interactive initial	Basic frame graphics Sender's avatar Text List of images Controls to select one or more of the images Reply controls	Basic frame graphics Sender's avatar Text List of images, reduced for web Controls to select one or more of the images Reply controls	Basic frame graphics Sender's name Text List of images, reduced for device Controls to select one of the images Reply controls
Interactive reply	Basic frame graphics Sender's avatar Text List of images Indication for selected images Reply controls	Basic frame graphics Sender's avatar Text List of images, reduced for web Indication for selected images Reply controls	Basic frame graphics Sender's name Text Selected image, reduced for device Reply controls
Email	Basic frame graphics Sender's details Text, truncated Links to attachments Reply controls Forward controls	Basic frame graphics Sender's details Text, truncated Links to attachments Reply controls Forward controls	Basic frame graphics Sender's details Text, truncated Reply controls Forward controls

As shown in Table 2, for images, the cell phone layout contains a list of clickable media reduced for the device, for example. *See Id.* at 21:24–66. “Among advantages of certain aspects of the present invention is reduction in need of content analysis and ability to provide layout-related delivery instructions based on pre-defined rules and parameters (e.g., in a form of a look-up table).” *Id.* at 21:10–14.

D. The Challenged Claims

Of the challenged claims, claim 1 is the only independent claim at issue. Claim 1 is illustrative of the challenged claims, and is reproduced below:

1. A method of communication via a communication system between an originating communication device associated with a sender and a destination communication device associated with a receiver, the method comprising:
receiving, by the communication system from the originating communication device, a communication that is addressed to the destination communication device and that includes a media item;
based on receipt of the communication, parsing, by the communication system, the media item from the communication;
based on parsing the media item from the communication, storing, in one or more electronic storage devices accessible by the communication system, the media item and metadata related to the media item;
replacing, in the communication by the communication system, the media item with a clickable media that is reduced for the destination communication device and that is clickable to access a version of the media item reduced for the destination communication device;
sending, by the communication system to the destination communication device, a notification of the communication that includes the clickable media;

after sending the notification of the communication, receiving, by the communication system from the destination communication device, a request for content of the media item resulting from selection of the clickable media; and

based on receipt of the request for content of the media item, facilitating, by the communication system, delivery of content of the media item by:

adapting, by the communication system, the media item in the communication based on at least one of:

i) criterion related to communication capabilities of the destination communication device with regard to communication capabilities of the originating communication device,

ii) criterion related to displaying capabilities of the destination communication device with regard to displaying capabilities of the originating communication device, and

iii) criterion related to communication media between the originating and destination communication devices, and

sending, by the communication system to the destination communication device, the adapted media item.

Ex. 1001, 23:2–48.

E. Instituted Grounds of Unpatentability

We instituted trial on the following specific grounds (Pet. 4–5):

References	Basis	Claims Challenged
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Bellordre, ¹ Gang, ² Coulombe, ³ Laumen, ⁴ and Doron ⁵	§ 103	1–12
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Petitioner also relies on the testimony of David Klausner. Ex. 1002.

II. ANALYSIS

A. *Claim Construction*

In the Decision on Institution, we addressed the parties’ proposed constructions for the following two claim terms: (1) “metadata related to media item” (all challenged claims); and (2) “clickable media” (all challenged claims). Dec. on Inst. 9–13. Upon reviewing the ’416 patent in its entirety, at institution, we construed these claim terms as follows:

Claim Terms	Constructions
“metadata related to media item”	data about the media item
“clickable media”	media that is clickable

We discern no reason to further discuss our bases for these initial constructions or to alter them in this Final Written Decision.

B. *Principles of Law*

¹ Bellordre et al., US 2006/0176902 A1; pub. Aug. 10, 2006 (Ex. 1003, “Bellordre”).

² Gang et al., US 2004/0153517 A1; pub. Aug. 5, 2004 (Ex. 1004, “Gang”).

³ Coulombe, US 2003/0236892 A1; pub. Dec. 25, 2003 (Ex. 1005).

⁴ Laumen et al., US 7,574,203 B2; iss. Aug. 11, 2009 (Ex. 1006, “Laumen”).

⁵ Doron, WO 02/44828 A2; pub. June 6, 2002 (Ex. 1007).

A claim is unpatentable under 35 U.S.C. § 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) when in evidence, objective indicia of non-obviousness (i.e., secondary considerations).⁶ *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966). We analyze this asserted ground based on obviousness with the principles identified above in mind.

C. Level of Skill in the Art

There is evidence in the record before us that enables us to determine the knowledge level of a person of ordinary skill in the art. Petitioner's declarant, Mr. Klausner, testifies that “a person of ordinary skill in the art as of August 2005 would possess at least a bachelor's degree in electrical engineering or computer science (or equivalent degree or experience) with at least two years of experience in the design and implementation of systems for sending and receiving messages over a communication network, such as the Internet.” Ex. 1002 ¶ 16. We adopt Mr. Klausner's assessment because it is consistent with the '416 patent and the asserted prior art, and apply it to our obviousness evaluation below.

⁶No evidence pertaining to “secondary considerations” has been offered by either party in connection with this proceeding.

D. Claims 1–12 — Asserted Obviousness over Bellordre, Gang, Coulombe, Laumen, and Doron

Petitioner alleges that claims 1–12 would have been obvious over Bellordre, Gang, Coulombe, Laumen, and Doron. Pet. 12–67. We consider Petitioner’s contentions regarding the challenged claims by first providing brief overviews of Bellordre, Gang, Coulombe, Laumen, and Doron.

1. Bellordre

Bellordre, titled, “Method of Processing a Multimedia Message, a Storage Medium, and an Associated Processing System,” published on August 10, 2006, from an application filed on February 7, 2005. Ex. 1003, at [54], [43], [22]. Bellordre relates to “a method of processing a multimedia message and a corresponding processing system.” Ex. 1003 ¶ 1. Multimedia messages may contain text, picture, audio, and/or video objects. *Id.* ¶ 4. Bellordre’s message-processing system receives a multimedia message from a receiver, extracts any audio or video object from the message, “adapt[s] the format, sound and size of the audio and video objects to the technical features of the destination module,” and stores the adapted message. *Id.* ¶¶ 17–19, 57, 47, and 69. Adapting a video object may entail “modifying its size (number of pixels) to adapt it to the size of the screen of the [receiving terminal], or reducing its size (number of bytes) to take account of the object reception characteristics.” *Id.* ¶ 62. The system then sends to the intended recipient a “substitute message.”

Figure 1, reproduced below, shows a system for processing a multimedia message.

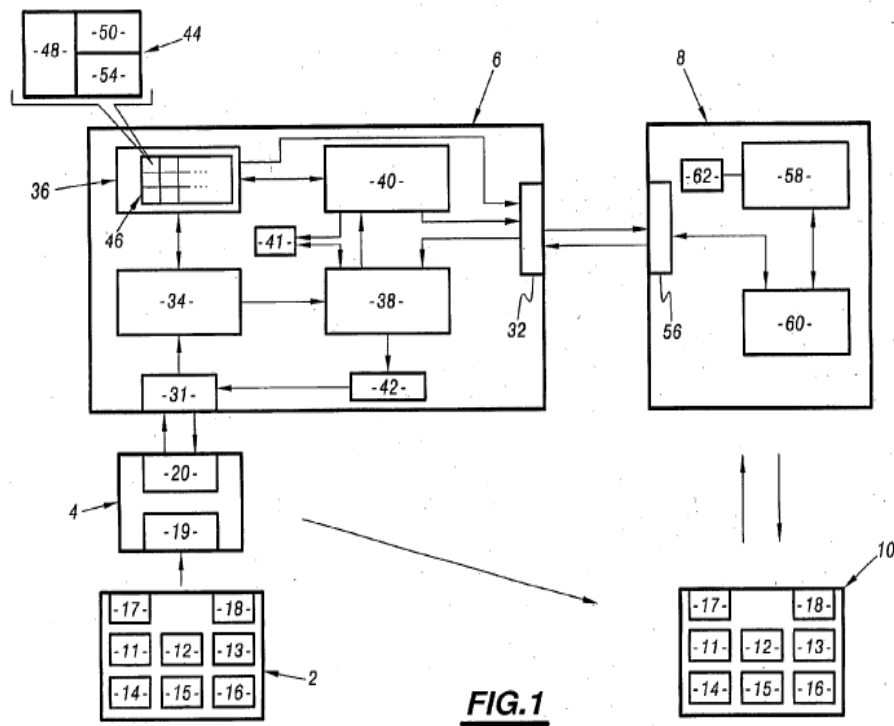


Figure 1 depicts a messaging processing system comprising telecommunications terminal 2 of a party sending a multimedia message, multimedia server 4, application server 6, streaming server 8, and telecommunications terminal 10 of the recipient of the multimedia message sent by terminal 2. *Id.* ¶ 41.

In application server 6, data storage means 36 comprises database 46 in which information files 44 are stored for each recipient who has subscribed to the server provided by multimedia server 44. *Id.* ¶ 55. Each file 44 contains information 48 identifying terminal 10 of the recipient including technical information 54 relating to recipient's terminal 10. *Id.* Technical information 54 is used to adapt the format, sound and size of the audio and video objects to the technical features of the destination terminal. *Id.* ¶ 57.

Add/extraction module 38 (or add/drop module) extracts the audio or video object contained in the message. *Id.* ¶ 58. It also sends the message minus audio or video objects to temporary storage memory 41 and communicates each extracted audio or video object to audiovisual processing module 40. *Id.* Processing module 40 analyzes the video or audio object in order to extract from it a representative sequence, wherein the representative image might be the first image of the video or the most meaningful image of the video. *Id.* ¶ 63. Add/extraction module 38 constructs a substitute message by searching memory 41 for the sequence and the message using the element identifying the recipient's terminal. *Id.* ¶ 59. Add/extraction module 38 then creates a substitute message from the message using the identification element and multimedia objects of the type other than audio or video objects, and substitutes the Session Description Protocol ("SDP") definition file sent by the server 8 for the audio or video object. *Id.* ¶ 27. Add/extraction module 38 also inserts the sequence from memory 41 into the new message created. *Id.* ¶ 60. Streaming server 8 comprises communications interface 56 for using memory 58 for storing audio and video objects and means 60 for generating an SDP definition file. *Id.* ¶ 68.

Figures 3 and 4, reproduced below, compare the initial message and substitute message:

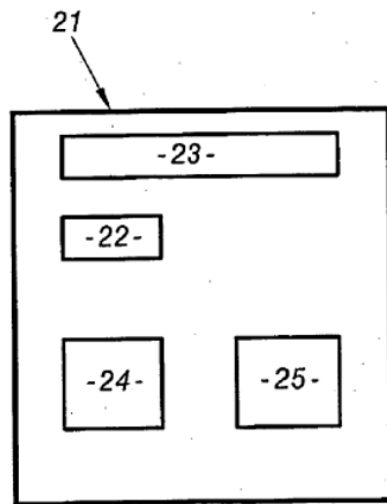


Fig. 3

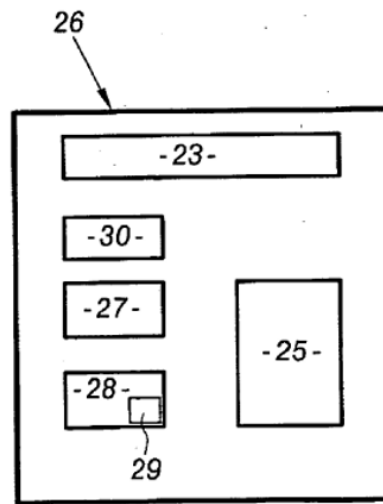


Fig. 4

Figure 3 depicts multimedia message 21 comprising identification element 23 identifying the terminal receiving the message, audio or video object 24, and text object 25. *Id.* ¶ 46. Figure 4 depicts substitute message 26, which retains identification element 23 and text object 25, and further contains sequence 27 and “SDP definition file 28 replacing the audio or video object 24.” *Id.* ¶ 47. SDP definition file 28 contains uniform resource locator (“URL”) hyperlink address 29 of the storage location of the audio or video object 24 in memory 58 sent by application server 6, as well as other information not visible to the recipient. *Id.* ¶¶ 49, 71. SDP definition file 28 may also contain information on the audio or video object 24, for example its format, or information on connection to the streaming server 8. *Id.* ¶ 71.

2. *Gang*

Gang, titled, “Handling a Multimedia Object Associated with an Electronic Message,” published on August 5, 2004, from an application filed on November 18, 2003. *Ex.* 1004, at [54], [43], [22]. *Gang* describes

handling multimedia objects associated with an electronic message, which includes identifying an embedded multimedia object or an attached multimedia object in response to a sent electronic message, separating the embedded multimedia object from the electronic message, and then automatically saving the separated multimedia object to a repository for subsequent use by a user. *Id.* at [57]. Gang discloses that the described invention enables the user “to select and use the multimedia object in multiple applications without having to upload the multimedia object to the repository.” *Id.* ¶ 13.

In addition to saving the multimedia object in the repository, other information related to the multimedia object also may be stored, such as metadata for each of the types of multimedia objects. *Id.* ¶ 24. Figure 3, reproduced below, shows a communications system.

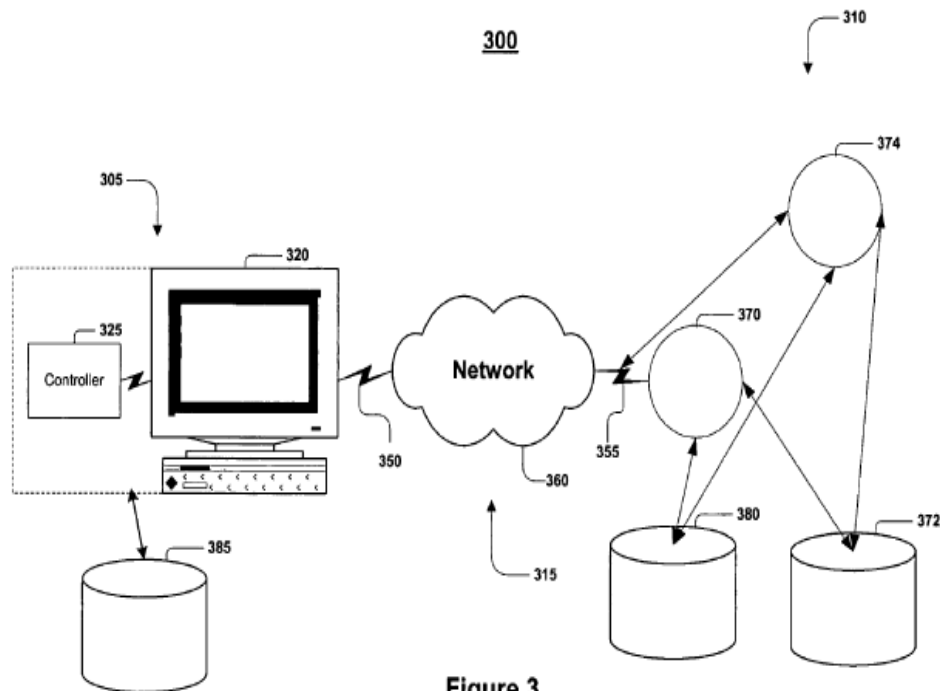


Figure 3

Figure 3 shows communications system 300 that includes provider system 310, which, in turn, includes multimedia object process server 370, multimedia access server 374, multimedia object repository 380, and metadata database 372. *Id.* ¶ 45. Gang discloses that multimedia object process server 370 is configured to process communicated electronic messages, which includes identifying and separating a multimedia object from an electronic message and sending the multimedia object to multimedia object repository 380 for storage and subsequent access. *Id.* ¶ 47. The metadata that may be associated with each of the multimedia objects may be stored in a repository, such as metadata database 372. *Id.* ¶ 50.

3. *Coulombe*

Coulombe, titled, “System for Adaptation of SIP Messages Based on Recipient’s Terminal Capabilities and Preferences,” published on December 25, 2003, from an application filed on May 31, 2002. Ex. 1005, at [54], [43], [22]. Coulombe describes a system for adaptation of session initiation protocol (“SIP”) messages based on the recipient’s terminal capabilities and preferences. *Id.* at [57]. Coulombe discloses that the described invention “tries to overcome the problem of interoperability between terminals and to improve the end user experience by providing a framework for making SIP messages conform to the recipient’s terminal capability and characteristics.” *Id.* ¶ 7. For example, Coulombe describes message size reduction and format adaptation for delivery to the destination terminal. *Id.* Coulombe further discloses that “adaptation is any manipulation or modification of the message content based on the terminal capabilities, user preferences, network conditions, or any characteristics of the user, his terminal or his environment.” *Id.* ¶ 63.

4. *Laumen*

Laumen, titled, “Method for Retrieving and Delivering Multimedia Messages Using the Session Initiation Protocol,” published on August 11, 2009, from a Patent Cooperation Treaty (“PCT”) application filed on November 6, 2003. Ex. 1006, at [54], [43], [22]. Laumen describes a technique for retrieving a multimedia messaging service (“MMS”) message. *Id.* at [57]. Laumen discloses that, as soon as the MMS server receives an MMS message which belongs to a subscribed event package, it sends an MMS notification to the MMS user agent informing it that the MMS message has arrived at the MMS server. *Id.* at 4:7–10.

5. *Doron*

Doron, titled, “System and Method for Media Stream Adaptation,” published on June 6, 2002, from a PCT application filed on November 28, 2001. Ex. 1007, at [54], [43], [22]. Doron describes a system and method which “allows data stream to be manipulated, processed and distributed remotely from the server, to allow for different client and network capabilities.” *Id.* at 1:32–2:2. Doron discloses a “streaming adapter” that “inputs the data stream from the server and outputs the modified data stream.” *Id.* at 10:18–20.

6. *Independent Claim 1*

Petitioner primarily relies on Bellordre’s method and system for processing a multimedia message to teach and suggest all the limitations of independent claim 1. Pet. 19–49. To the extent Bellordre does not teach all the limitations of independent claim 1, Petitioner relies on either Gang, Coulombe, Laumen, or Doron to teach certain limitations. *Id.* at 14–15, 17–19, 30–32, 38–39, 40–42, and 44–49. For instance, Petitioner contends

Gang teaches storage of “the media item and metadata related to the media item.” *Id.* at 14–15, 30–32 (citing Ex. 1001, 23:16–17). Petitioner relies on Coulombe to teach a clickable graphical icon that could be “**reduced for the destination communication device**.” *Id.* at 38–39 (citing Ex. 1001, 23:22).

Petitioner turns to Laumen to teach sending “a notification of the communication that includes the clickable media,” as an alternative theory “if” a “separate ‘notification’ is required” under the “broadest reasonable interpretation” of the claims. *Id.* at 17, 40–42 (citing Ex. 1001, 23:24–25). Petitioner also relies on Doron to teach a media item that is adapted “**based on receipt of the request for content of the media item**.” Pet. 17–19, 44–49 (citing Ex. 1001, 23:31–32). Petitioner further relies on Doron as teaching “adaptions based on certain enumerated criteria.” *Id.* at 49–52 (citing Ex. 1001, 23:19–21).

Petitioner asserts that one of ordinary skill in the art would have combined Gang’s teachings of storing metadata in the server memory or in a database, with the apparatus and method of Bellordre. Pet. 31–32. In particular, Petitioner asserts that “a person of ordinary skill in the art would have appreciated that having such metadata stored on the server memory **58**, or in a database, would provide more centralized storage and management of metadata.” *Id.* (citing Ex. 1002 ¶ 80). Similarly, Petitioner asserts that one of ordinary skill in the art would have combined Coulombe’s teachings of “reduction adaption,” to the messaging system of Bellordre for “the benefit of increased interoperability.” *Id.* at 39–40 (citing Ex. 1002 ¶ 92). Further, Petitioner asserts that one of ordinary skill in the art would have appreciated that “the notification of Laumen could provide the intended recipient of the [Multimedia Messaging Service (“MMS”)] message (**26**) in Bellordre

additional flexibility.” *Id.* at 41–42 (citing Ex. 1002 ¶ 97). Petitioner then asserts that one of ordinary skill in the art would have appreciated that “the metadata of Gang could be retrieved to facilitate the adaptations taught by Doron, such as transcoding.” *Id.* at 46–48 (citing Ex. 1002 ¶ 108; Ex. 1007, 10:13–20). Petitioner’s assertions are supported by Dr. Klausner’s testimony. Ex. 1002.

We have reviewed Petitioner’s explanations and supporting evidence regarding all of the limitations of independent claim 1, and we agree with and adopt them as our own. We have also reviewed Petitioner’s reasoning as to why a person of ordinary skill in the art would have had sufficient reasons to combine or modify the teachings of the references, and we agree with and adopt them as our own. *See, e.g.*, Pet. 19–24, 31–32, and 39–52. As noted above, Patent Owner elected not to file any Patent Owner Response, and, as a result, the Petitioner’s positions on the unpatentability of independent claim 1 stand unopposed as a part of this trial. Based on the record during trial, Petitioner has demonstrated by a preponderance of the evidence that independent claim 1 would have been obvious over the combination of Bellordre, Gang, Coulombe, Laumen, and Doron.

7. *Dependent Claims 2–12*

Dependent claims 2–12 recite additional aspects of the method of claim 1, relating to adapting format and layout of the media item based on various criteria, replacing the media item with a clickable icon, wherein the media item is an image, and registering users. Ex. 1001, 24:49–26:5. Relying on the supporting testimony of Mr. Klausner, Petitioner contends Doron, Coulombe, and Bellordre teach and suggest all of the limitations of these dependent claims, and provides reasoning as to why one of ordinary

skill in the art would have sufficient reason to combine or modify the teachings of the references. Pet. 52–67 (citing Ex. 1002 ¶¶ 120, 121, 129, 130, 132, 133, 142–145, 147, and 148). Once again, Patent Owner elected not to file any Patent Owner Response, and, as a result, the Petitioner’s positions on the unpatentability of dependent claims 2–12 stand unopposed as a part of this trial. Based on the record during trial, we conclude that Petitioner has demonstrated by a preponderance of the evidence that Bellordre, Gang, Coulombe, Laumen, and Doron teach or suggest the limitations of dependent claims 2–12, and that Petitioner has provided articulated reasoning with rational underpinnings that would support a conclusion of obviousness.

III. CONCLUSION

Petitioner has demonstrated by a preponderance of the evidence that claims 1–12 are unpatentable under 35 U.S.C. § 103 as obvious over the combined teachings of Bellordre, Gang, Coulombe, Laumen, and Doron.

IV. ORDER

In consideration of the foregoing, it is
ORDERED that claims 1–12 of the ’416 patent are held to be unpatentable; and

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

IPR2016-01661
Patent 9,055,416 B2

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