

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONOS, INC.,
Petitioner,

v.

D&M HOLDINGS INC.,
Patent Owner.

Case IPR2017-01044
Patent 7,987,294 B2

Before JONI Y. CHANG, JENNIFER S. BISK, and
JON M. JURGOVAN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Petitioner, SONOS, Inc., filed a Petition requesting an *inter partes* review of claims 1–4, 10, 11, 13–20, and 25–27 of U.S. Patent No. 7,987,294 B2 (Ex. 1001, “the ’294 patent”). Paper 1 (“Pet.”). Patent Owner, D&M Holdings, Inc., filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 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.” Upon consideration of the Petition and Preliminary Response, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to the challenged claims. Therefore, we do not institute an *inter partes* review as to the challenged claims of the ’294 patent.

A. Related Matters

Patent Owner asserted U.S. Patent Nos. 8,788,080, 7,571,014, 8,588,949, and D559,197 against Petitioner in *Sonos, Inc. v. D&M Holdings, Inc.*, No. 1:14-cv-01330 (D. Ct. Del. filed October 21, 2014). Pet. 2, Ex. 1002. In addition to the stated patents, Patent Owner asserted U.S. Patent Nos. 7,792,311, 7,805,682, 8,024,055, 8,843,224, 8,923,997, 8,370,678, 8,689,036, and 8,938,637 against Petitioner in a Second Amended Complaint filed in the above-referenced. Petitioner sought leave to amend its Answer to add counterclaims, alleging infringement of the ’294 patent in addition to U.S. Patent Nos. 7,343,435, 6,539,210, 7,305,694, 6,469,633, 8,755,667, 6,473,441, 7,734,850, and 7,995,899.¹

¹ Based on this amendment, Patent Owner argues that this Petition is time-barred under 35 U.S.C. § 315(b). Prelim. Resp. 2–6. Because we conclude that Petitioner has not established a reasonable likelihood that it would prevail with respect to the challenged claims, we do not address this argument.

On March 7, 2016, Patent Owner's motion to amend was granted and the counterclaims severed into a new case, No. 1:16-cv-00141. Mandatory Notice, Paper No. 4.

The '294 patent is also involved in IPR2017-01045. U.S. Patent No. 6,473,441 was involved in IPR2017-01043, which has been terminated at the request of the parties.

B. The '294 Patent

The '294 patent is directed to wireless audio systems with wireless speaker subsystem units that autonomously form a single wireless audio system having its own control interface. Ex. 1001, Abstract. The control interface can be used to apply operational changes, such as volume adjustment, across the wireless audio system. *Id.*

Figure 2 of the '294 patent (below) shows a wireless audio system 210.

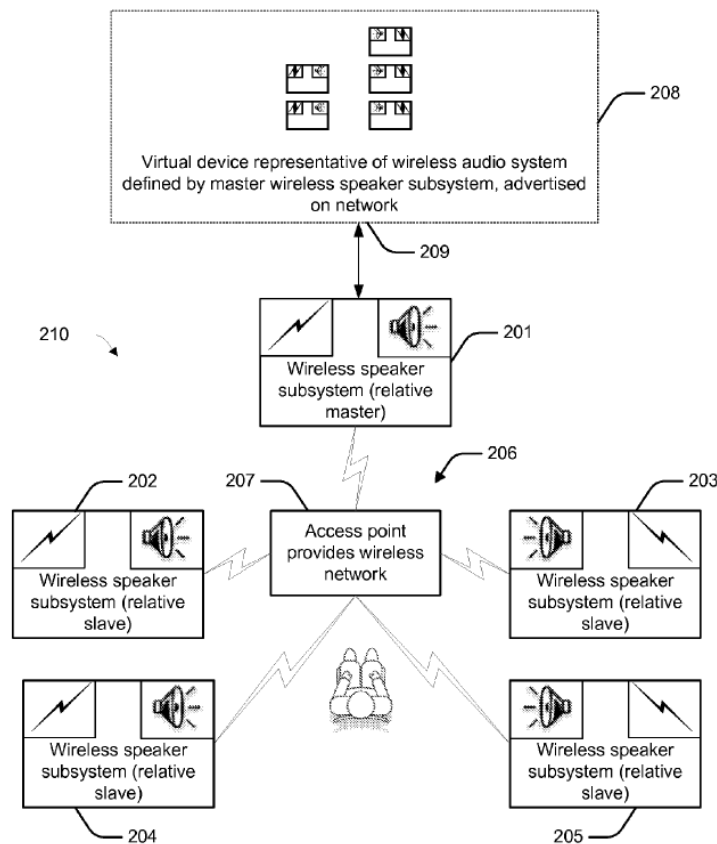


FIG. 2

Figure 2 of the '294 patent shows a wireless audio system 210 with wireless speaker subsystems 201–205, connected in a network 206 by access point 207, which together form a group 208.

Wireless speaker subsystems 201–205 automatically connect to wireless network 206, which is provided by access point 207. Ex. 1001, 6:32–35. Together, these devices define a discoverable group 208 for wireless audio system 210. Group 208 exists within and shares the hardware of the relative group leader, or master, wireless speaker subsystem 201. *Id.* at 6:54–57. Master subsystem 201 provides a system control interface 209 to receive system control signals for implementing operations changes across wireless audio system 210. *Id.* at 6:41–48. Groups of

devices, such as group 208, can be unified into a single, autonomous zone with its own control interface, and operational changes may be applied across the zone. *Id.* at 3:66–4:6.

C. Illustrative Claim

Of the challenged claims, claims 1, 13, 18, 19, and 25 are independent.

Claim 1 is illustrative:

1. A method for providing a multimedia system including a plurality of networked multimedia devices, the method including the steps of:

discovering the plurality of devices on a computer network;

defining at least two groups, each group being representative of a networked multimedia system including two or more devices;

providing, for each group, a system control interface for receiving, from a control device, a system control signal indicative of an operational change to the group, wherein each group has a relative group leader configured to:

(i) receive the system control signal; and

(ii) in response to the system control signal, define respective corresponding device control signals, and provide those device control signals to the devices thereby to implement the operational change across the group;

defining at least one zone, the zone being representative of a networked multimedia system including two or more groups;

providing, for the zone, a system control interface for receiving, from a control device, a zone control signal indicative of an operational change to the zone, wherein the zone has a relative zone leader

configured to:

- (i) receive the zone control signal; and
- (ii) in response to the zone control signal, define respective corresponding device control signals, and provide those device control signals to the devices thereby to implement the operational change across the zone.

Ex. 1001, 20:41–21:5.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art reference:

Deslippe US 2005/0289224 A1 Dec. 29, 2005 (Ex. 1011)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Challenged Claims	Basis	Reference
1–4, 10, 13, 14, 17–20, and 25–27	§ 102(a)/(e) ²	Deslippe
11 and 15–17	§ 103(a)	Deslippe

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

² Because the claims at issue have an effective filing date prior to March 16, 2013, the effective date of the applicable provisions of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), we apply the pre-AIA versions of 35 U.S.C. §§ 102 and 103 in this Decision.

they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (adopting the broadest reasonable interpretation standard as a reasonable exercise of the Office’s rulemaking authority). Under the broadest reasonable interpretation standard, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

In this section, we construe certain claim terms to the extent necessary to resolve the controversy. *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.”) In our construction analysis, we have considered the parties’ proposed constructions for certain claim terminology. Pet. 6–7; Prelim. Resp. 14–15.

The ’294 patent defines a “group” as “one or more wireless speaker systems . . . form[ing] a single wireless audio system . . . having its own control interface . . . to apply operational changes, . . . such as volume adjustment,” “across the wireless audio system.” Ex. 1001, 3:56–61. The parties proffer no interpretation of this term. Because the Specification is the best source for interpreting claim language, we adopt this definition of “group” in construing the claims in our Decision. *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583 (“the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a [] term.”)

Patent Owner contends the term “relative group leader” or “group leader relative to one or more complementary devices” is a master multimedia device which is a member of a group, which controls slave multimedia devices within the group. Prelim. Resp. 33. Petitioner proffers no interpretation to define this term.

Accordingly, we adopt Patent Owner’s interpretation. As shown in Figure 2 of the ’294 patent, for example, group 208 is referenced as a virtual device representative of the wireless audio system 210 defined by a master wireless speaker subsystem 201, which is labeled a “relative master” of slave multimedia devices 202–205. Figure 2 shows the master subsystem 201 includes a speaker, and is thus a multimedia device. Other references to “relative group leader” in the Specification are consistent with the described usage of the term. *Id.* at 2:14–31, 6:54–62, 8:31–42, claims 1, 13, 18, and 25.

One of Petitioner’s patentability challenges to claim 1 is predicated on interpretation of “providing, for each group, a system control interface” as meaning that one system control interface can control multiple groups of multimedia devices. Pet. 6–7. Similarly, Petitioner’s challenge requires interpretation of claim 1’s language of “defining at least two groups” and “each group has a group leader” as meaning one group leader may control multiple groups. Patent Owner interprets this language to require a separate system control interface and group leader for each of multiple groups. Prelim. Resp. 28.

We agree with Patent Owner and interpret the claim language as requiring the groups to have distinct system control interfaces and group leaders. In this regard, we can find no mention in the ’294 patent of a device serving as system control interface and group leader for multiple groups. Also, under similar facts in *Microsoft Corp. v. Proxyconn, Inc.*, 789 F.3d 1292, 1298–99 (Fed. Cir. 2015), the Federal Circuit construed claims reciting a “gateway,” “caching computer,” and “at least two other computers” to be four separate elements, finding the Board’s construction permitting the “two other computers” to include the “caching computer” unreasonably broad in light of the language of the claims and specification. Similarly, in the case of *In re Smith International, Inc.*, No. 2016-

2303, slip op. at 11–14 (Fed. Cir. Sept. 26, 2017), the Federal Circuit found the Board’s interpretation of the term “body” as a generic element encompassing the “body,” “mandrel,” and “cam sleeve” of a prior art reference to be unreasonably broad in light of the specification and claims.

In view of these cases, and in the absence of any statement in the Specification or claims that a “system control interface” and “group leader” can be the same device for multiple groups, we construe the language of claim 1 to require distinct system control interfaces and group leaders for each of the groups recited in the claim.

B. Anticipation by Deslippe

Petitioner contends Deslippe anticipates claims 1–4, 10, 13, 14, 17–20, and 25–27 under 35 U.S.C. § 102(a) and (e). Pet. 17–50.

1. Principles of Law

An anticipatory reference must show all of the limitations “arranged or combined in the same way as in the claim.” *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). A claim is anticipated when “the four corners of a single, prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation.” *Advanced Display Sys., Inc. v. Kent State Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000).

2. Deslippe Overview

Deslippe discloses a multi-zone audio communication network including a master device and slave devices. Ex. 1011, ¶ 3. The master device receives a

command from a remote control or buttons on a device, and transmits the command to the slave devices. *Id.*

In the exemplary embodiment of Figure 1A of Deslippe, the system 100 includes master device 110 and slave device 112A in first room 120, slave devices 112B and 112C in a second room 122, and slave devices 112D–112F in a third room 124. Ex. 1011, ¶ 42. Master device 110 can include a stand-alone control console such as a desktop, laptop, or handheld computer. *Id.* Slave devices 112A–112D can include a speaker, an electronic device with an audio playback or recording capability, or a device collecting and /or displaying information about an audio stream. *Id.* A user can control master device 110 and slave devices 112A–112F either directly using control buttons on the devices, or using remote controls 130, 132. *Id.* ¶¶ 43, 44. Such control includes commands pertaining to volume, mute, and unmute. *Id.* ¶ 26. Figure 1A of Deslippe is reproduced below.

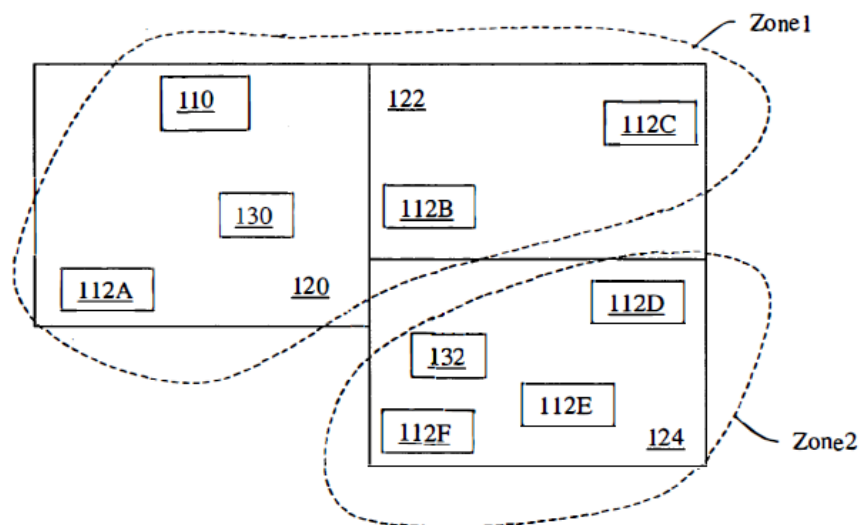


FIG. 1A

Figure 1A of Deslippe shows audio network control system 100 including master device 110 and slave devices 112A–112F controlled by remote controls 130, 132 in a multi-room environment including Zone 1 and Zone 2.

Deslippe discloses that, in some implementations, the audio network control system 100 may include more than one master device. *Id.* at ¶ 47. Also, some slave devices can themselves be systems and include control integration for other connected devices. *Id.* ¶ 28.

3. Claim 1

The preamble of claim 1 recites “[a] method for providing a multimedia system including a plurality of networked multimedia devices.” Ex. 1001.

Claim 1 also recites, in relevant part, the following:

defining at least two groups, each group being representative of a networked multimedia system including two or more devices;

providing, for each group, a system control interface for receiving, from a control device, a system control signal indicative of an operational change to the group, wherein each group has a relative group leader configured to:

(i) receive the system control signal; and

(ii) in response to the system control signal, define respective corresponding device control signals, and provide those device control signals to the devices thereby to implement the operational change across the group.

Ex. 1001, 20:46–59.

Claim 1 recites a “relative group leader” which, for reasons explained in Section II.A, *supra*, we interpret as a master multimedia device which is a member of a group, which controls slave multimedia devices within the group. Petitioner contends Deslippe’s master device 110 is a “relative group leader” as claimed. Pet. 22. However, as Patent Owner observes, “[t]he master console device 110 is not

disclosed in Deslippe as capable of playing media and thus is not a multimedia device.” Prelim. Resp. 25. We agree with Patent Owner’s assertion.

In this regard, the ’294 patent states “[t]he master device 110 can include, for example, a stand-alone control console or a control program using communication abilities of a computer (e.g., desktop, laptop, or handheld computer).” Ex. 1001, ¶ 42. Deslippe also states “[t]he slave devices 112A–112D can include any of a variety of devices including a speaker, an electronic device with an audio playback and/or recording capability, or a device collecting and/or displaying information about an audio stream.” *Id.* Thus, because Deslippe’s master device 110 is not a multimedia device (whereas its slave devices 112 are), Deslippe does not disclose the claimed “relative group leader,” and thus does not anticipate claim 1.

Petitioner also contends the claimed “system control interface” and “relative group leader” is provided by Deslippe’s master device 110. Pet. 22. According to Petitioner, master device 110 can be shared by multiple zones, which Petitioner considers to be the claimed “groups.” *Id.* at 24. Petitioner also notes that Deslippe discloses that audio network control system 100 can include more than one master device. *Id.* In addition, Petitioner states that Deslippe discloses that any one of the slave devices on the network could be an additional master device for controlling other network-connected devices. *Id.* at 24–25.

As explained in Section II.A, *supra*, however, proper construction of the claim language calls for each group of devices to have its own “system control interface” and “relative group leader.” This construction precludes Deslippe’s master device 110 from serving as the “system control interface” and “group leader” for both Zones 1 and 2 because it is one device, not two separate devices, as required by the claim language. *See Microsoft*, 789 F.3d at 1298–99. Although

Petitioner and its Declarant contend that that the master device has the ability to act as if it were two different master devices (Ex. 1012, ¶ 83), Deslippe discloses that it is, in fact, not two different devices, but one. Ex. 1011, ¶¶ 42, 56.

Although Petitioner contends Deslippe discloses that audio network control system 100 can include more than one master device (Pet. 24–25), Petitioner does not identify any disclosure in Deslippe which establishes that a master device is provided for each of multiple zones (which, again, Petitioner considers to be the claimed “groups”). Absent such disclosure, Deslippe cannot be considered to anticipate the claim.

Furthermore, as indicated, Petitioner mentions Deslippe’s disclosure that a slave device could be a master device for other connected devices. Pet. 24–25. However, Petitioner does not explain how this disclosure satisfies the claim limitations of defining multiple groups of multimedia devices each with their own “system control interface” and “group leader.”

Accordingly, Petitioner has not established a reasonable likelihood to prevail in its contention claim 1 is unpatentable.

4. Claim 13

Claim 13, in relevant part, recites

determining whether the device is a group leader relative to the one or more complementary devices; and

in the case that the device is the group leader:

defining a group representative of the networked multimedia system including the device and the one or more complementary devices;

providing, for the group, a system control interface for receiving, from a control device, a system control signal indicative of an operational change to the group;

receiving the system control signal; and

being responsive to the system control signal for defining respective corresponding device control signals and providing those device control signals to the devices thereby to implement the operational change across the group.

Ex. 1001, 21:47–61.

Petitioner contends Deslippe discloses claim 13 for the same reasons stated with respect to claim 1. Pet. 45. Patent Owner contends that Petitioner has not shown that Deslippe’s master device is itself responsive to the system control signal to affect the operational change. Prelim. Resp. 40–41. We agree with Patent Owner’s contention that the language of claim 13 noted above requires that the group leader is one of the devices in the group of multimedia devices, and that the “group leader,” like the other devices in the group, is responsive to the system control signal to affect the operational change (such as volume adjustment). *See* Section II.A, *supra*.

Specifically, claim 13 recites “determining whether the device is a group leader,” “defining a group representative of the networked multimedia system including the device and the one or more complementary devices,” and “being responsive to the system control signal for defining respective corresponding device control signals and providing those device control signals to the devices.” Ex. 1001. This claim language establishes the group leader is a device that is responsive to a device control signal, i.e., that it is a multimedia device that can be controlled to implement an operational change. Petitioner does not show that Deslippe’s master device is itself responsive to a system control signal to affect an operational change, such as a volume adjustment, which the claim language requires.

Accordingly, we agree with Patent Owner that Petitioner has not shown a reasonable likelihood to prevail in showing claim 13 is unpatentable.

5. *Claim 18*

Claim 18 contains the identical language noted above for claim 13. Ex. 1001. Petitioner contends that claim 18 substantively tracks the language of claims 1 and 13, and, thus, for the same reasons as stated with respect to those claims, Deslippe anticipates claim 18. Pet. 47–48. Patent Owner contends Petitioner has not shown a reasonable likelihood to prevail in its challenge of claim 18 for the reasons stated with respect to claims 1 and 13. Prelim. Resp. 47–48.

For the reasons stated with respect to claims 1 and 13, we are not persuaded Petitioner has shown that Deslippe anticipates claim 18. Particularly, Petitioner has not shown Deslippe’s master device is “a group leader relative to one or more complementary devices” that is a multimedia device that is itself responsive to the system control signal to implement an operational change. *See* Section II.A, *supra*. Thus, we are not persuaded Petitioner has shown a reasonable likelihood to prevail in showing claim 18 is unpatentable.

6. *Claim 19*

Independent claim 19 recites a non-transitory computer-readable medium to carry out “a method for providing a multimedia system including two or more networked multimedia devices.” In relevant part, claim 19 further recites

defining a group, the group being representative of a networked multimedia system including the devices;

providing, as a relative group leader for the group, a system control interface for receiving, from a control device, a system control signal indicative of an operational change to the group;

receiving the system control signal;

being responsive to the system control signal for providing respective corresponding device control signals to the devices to implement the operational change across the group.

Ex. 1001, 23:10–20.

Petitioner contends that claim 19, while not identical, substantively tracks the language of claims 1 and 13, and thus is anticipated for the reasons stated with respect to those claims. Pet. 48. Patent Owner contends Deslippe fails to anticipate claim 19 for the same reasons stated with respect to claims 1 and 13. Prelim. Resp. 48.

For similar reasons as stated with respect to claims 1 and 13, we are not persuaded Deslippe anticipates claim 19. As explained in Section II.A, the “relative group leader” of claim 19 is required to be a multimedia device within the defined group of multimedia devices. Deslippe’s master device 110 is not a multimedia device: rather, it is a computer that has not been shown to have multimedia capabilities. Ex. 1012, ¶ 42.

Also, Deslippe’s master device 110 is not a member of a group of multimedia devices. Accordingly, Deslippe does not disclose “a relative group leader” that is itself a “multimedia device” as recited in claim 19.

Accordingly, we are not persuaded Petitioner has shown a reasonable likelihood of prevailing in the challenge to patentability of claim 19 as anticipated by Deslippe.

7. Claim 25

Independent claim 25 recites

a plurality of networked multimedia playback devices including a relative group leader, the group leader providing a system control interface for receiving, from a control device, a system control signal indicative of an operational change to the multimedia system, wherein the group leader is responsive to the system control signal for providing respective corresponding device control signal to each of the multimedia playback devices to implement the operational change across the multimedia system.

Ex. 1001, 24:54–63.

Petitioner states that Deslippe anticipates claim 25 for the reasons stated with respect to claim 1. Pet. 49. Patent Owner argues Deslippe fails to anticipate claim 25 for the reasons stated with respect to claim 1. Prelim. Resp. 49–50.

We agree with Patent Owner that claim 25 requires that the group leader is one of the multimedia playback devices. Because Deslippe has not been shown to disclose that the master device 110 is a multimedia device that is a group leader for a group of multimedia devices, we are not persuaded Deslippe anticipates claim 25. Accordingly, we are not persuaded Petitioner has shown a reasonable likelihood that claim 25 is anticipated by Deslippe.

8. Claims 2–4, 10, 14, 17, 20, 26, and 27

These claims are dependent from independent claims 1, 13, 18, 19, and 25, and thus incorporate all of their limitations. 35 U.S.C. § 112 ¶ 4. For the same reasons stated with respect to their independent claims, Petitioner has not established a reasonable likelihood of prevailing in showing that any of these claims are anticipated by Deslippe.

C. Obviousness Ground based on Deslippe

1. Principles of Law

A patent 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 ordinary skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

2. *Level of Ordinary Skill in the Art*

Petitioner’s Declarant states “a person having ordinary skill in the art relevant to the ’294 Patent at the time of the alleged invention, would have the equivalent of a four-year degree from an accredited institution (usually denoted as a B.S. degree) in computer science, computer engineering, electrical engineering, or the equivalent, and approximately 2–4 years of professional experience in the fields of networking and consumer audio systems, or an equivalent level of skill and knowledge.” Ex. 1012, ¶ 46. Patent Owner does not dispute this characterization of the level of ordinary skill in the art. Accordingly, we adopt this statement as describing the level of ordinary skill in the art pertinent to the ’294 patent in our obviousness analysis.

3. *Scope and Content of Deslippe*

Petitioner asserts that claims 11 and 15–17 of the ’294 patent are unpatentable under 35 U.S.C. § 103(a) over Deslippe. Pet. 50. The disclosure of Deslippe was addressed previously.

4. *Analysis of Obviousness Ground based on Deslippe*

Claim 11 recites “[a] method as recited in claim 1 wherein the system control interface is provided in accordance with an open networking protocol.” Ex. 1001, 21:31–33. Claim 11 thus incorporates the limitations of claim 1. 35 U.S.C. § 112 ¶ 4. As noted, Deslippe differs from claim 1 in that its master device 110 has not been shown to be a “relative group leader” that is a multimedia device, such as a speaker, that is one of a group of multimedia devices responsive to a system control signal to implement an operational change, such as a volume

adjustment. Petitioner's contentions with respect to claim 11 do not address this difference or explain why it would have been obvious to a person of ordinary skill in the art. Pet. 50–51. Accordingly, we are not persuaded Petitioner has shown a reasonable likelihood of prevailing in showing obviousness of claim 11 in view of Deslippe.

Claim 15 is similar to claim 11 but depends from claim 13 and thus incorporates all of its limitations. 35 U.S.C. § 112 ¶ 4. Petitioner has not shown that Deslippe's master device 110 is one of a group of multimedia devices that is responsive to the system control signal it generates to implement an operational change, such as a volume adjustment. Petitioner has not explained why this difference between claim 15 and Deslippe would have been obvious to a person of ordinary skill. Accordingly, we are not persuaded Petitioner has shown a reasonable likelihood to prevail in showing claim 15 is unpatentable.

Claim 16 depends from claim 15 and thus incorporates its limitations. 35 U.S.C. § 112 ¶ 4. For the reasons stated in the preceding paragraph, Petitioner has not shown a reasonable likelihood to prevail in showing claim 16 is obvious over Deslippe.

Claim 17 recites “[a] method as recited in any preceding claim, wherein at least some of the devices include a radio interface and wherein the network includes a wireless network.” Ex. 1001, 22:23–25. Petitioner's contentions with respect to this claim (Pet. 45–47) do not address the noted deficiencies of independent claims 1 and 13, which are incorporated in multiple-dependent claim 17. Accordingly, we are not persuaded Petitioner has shown a reasonable likelihood to prevail in showing claim 17 is obvious over Deslippe.

III. CONCLUSION

In light of the foregoing, Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertion that (1) claims 1–4, 10, 13, 14, 17–20, and 25–27 are anticipated under 35 U.S.C. § 102(a) or (e) based on Deslippe, and (2) claims 11 and 15–17 are unpatentable under 35 U.S.C. § 103(a) over Deslippe.

IV. ORDER

For the foregoing reasons, it is

ORDERED that the Petition is denied as to all challenged claims of the '294 patent.

IPR2017-01044
Patent 7,987,294 B2

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