Trials@uspto.gov
571-272-7822

Paper 52
Date: May 4, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STRYKER CORPORATION and
WRIGHT MEDICAL TECHNOLOGY, INC.,
Petitioner,

v.

OSTEOMED LLC,
Patent Owner.

IPR2021-01451
Patent 9,351,776 B2

Before SHERIDAN K. SNEDDEN, RICHARD H. MARSCHALL, and JAMIE T. WISZ, *Administrative Patent Judges.*

SNEDDEN, *Administrative Patent Judge*.

JUDGEMENT
Final Written Decision on Remand
Determining Some Challenged Claims Unpatentable
35 U.S.C. §§ 144, 318

I. INTRODUCTION

This proceeding is on remand from the United States Court of Appeals for the Federal Circuit. The court issued its decision in *Stryker Corp. v. OsteoMed LLC*, No. 2023-1925, 2025 WL 2814019 (Fed. Cir. Oct. 3, 2025) ("*Stryker*") (Paper 49),[1] affirming-in-part, reversing-in-part, vacating and remanding-in-part our Final Written Decision (Paper 46, "FWD") for further proceedings. In its opinion, the Federal Circuit reversed our finding of no anticipation as to independent claims 1 and 10 of U.S. Patent 9,351,776 B2 ("the '776 patent," Ex. 1001), and vacated and remanded for further proceedings to evaluate whether dependent claims 2–6 and 8, 9 and 11–13 (the "Remanded Claims") are unpatentable in view of Petitioner's challenges relying on the Slater reference. *Stryker*, slip op. 14–15.

We have jurisdiction under 35 U.S.C. § 6. We issue this Final Written Decision on Remand pursuant to 35 U.S.C. §§ 144, 318 and 37 C.F.R. § 42.73 in an *inter partes* review involving Stryker Corporation and Wright Medical Technology, Inc. (collectively, "Petitioner") and OsteoMed LLC ("Patent Owner"). For the reasons discussed below, after considering the entirety of the record in light of the Federal Circuit's directives in *Stryker*, we find by a preponderance of the evidence that claims 6, 8, 9, and 13 are unpatentable. We also conclude that Petitioner has not demonstrated, by a preponderance of the evidence, that claims 2–5, 11, and 12 are unpatentable.

A. Procedural Posture

Petitioner filed a Petition requesting an *inter partes* review of claims 1–6 and 8–13 of the '776 patent. Paper 2 ("Pet."). Patent Owner filed a

[1] This decision references the slip opinion at Paper 49.

Preliminary Response to the Petition. Paper 5. We instituted trial on all claims and grounds set forth in the Petition. Paper 6. Following institution, Patent Owner filed a Response to the Petition (Paper 23, "PO Resp."), Petitioner filed a Reply to Patent Owner's Response (Paper 27, "Reply"), and Patent Owner filed a Sur-Reply (Paper 33, "Sur-Reply"). On December 15, 2022, the parties presented arguments at an oral hearing. The transcript of the hearing has been entered into the record. Paper 42.

On March 8, 2023, we issued a Final Written Decision holding that Petitioner had not shown that claims 1–6 and 8–13 were unpatentable over the cited prior art. Paper 46 ("Final Written Decision" or "FWD"). Patent Owner appealed the Final Written Decision to the Federal Circuit. Paper 47. On October 3, 2025, the Federal Circuit issued an opinion reversing our finding of no anticipation as to independent claims 1 and 10 of the '776 patent, vacating and remanding "the Board's determinations regarding anticipation or obviousness of the dependent claims for reconsideration consistent with this opinion." *Stryker*, slip op. at 2.

With our authorization, the parties filed an authorized joint notice detailing the parties' positions as to whether the outcome of the dependent claims was effectively addressed by the Federal Circuit's decision or whether the Board's input is required to resolve the dispute between the parties and listing specific locations within the record that they believed identified evidence and arguments relevant to the current dispute. Paper 51.[2]

[2] Our authorization to file the joint notice did not permit the submission of new arguments and evidence not already in the record, and to the extent that the parties submission includes any such material, we do not consider it in our analysis on remand.

B. Related Matters

Petitioner has filed petitions for *inter partes* review in IPR2021-01450, IPR2021-01452, and IPR2021-01453 for related U.S. Patent Nos. 8,529,608; 9,763,716; and 10,245,085. Pet. 1–2; Paper 4, 1–2. Petitioner has also filed petitions for *inter partes* review in IPR2022-00189, IPR2022-00190 and IPR2022-00191 for U.S. Patent Nos. 8,529,608, 9,351,776 and 9,763,716, respectively. Paper 50, 1–2.

The parties indicate that the '776 patent is asserted against Petitioner in *OsteoMed LLC v. Stryker Corporation*, Case No. 1:20-cv-06821 (N.D. Ill.) and in *OsteoMed LLC v. Wright Medical Technology, Inc.,* Case No. 1:20-cv-1621 (D. Del.). Pet. 1–2; Paper 4, 1–2; Paper 50, 1.

C. The '776 patent (Ex. 1001)

The '776 patent discloses a "system for securing bones together across a joint." Ex. 1001, Abstract. The system may be used for reconstructing a joint that has been damaged due to bone or soft tissue trauma, in which a surgeon may need to fuse the bones of the joint together in a configuration that approximates the natural geometry of the joint. *Id*. at 1:21–25.

The '776 patent discloses that its system has "the ability to tightly couple the bones of a joint together" by including a transfixation screw that is inserted across the joint through a bone plate. *Id*. at 2:31–35. More specifically, the '776 patent discloses that the presence of the transfixation screw across the joint "may increase the contact pressure on the bony interface of the joint, increasing the probability of a positive fusion." *Id*. at 2:46–50. According to the '776 patent, by having the transfixation screw passing from the first bone to the second bone, a "tension band" construct is created "that enables the transfixation screw to absorb a portion of the

mechanical stress that would otherwise be imposed upon the plate above the joint when a load is applied to the joint," thereby enhancing the integrity and reliability of the plate and increasing the load that the plate may support without increasing plate thickness. *Id*. at 2:54–61.

Figure 2, reproduced below, shows "a bone plate being used in conjunction with a transfixation screw to repair the failed metatarso-phalangeal joint" and immediately below it is Figure 3, which shows "a more detailed isometric view of the bone plate." *Id.* at 3:9–14.

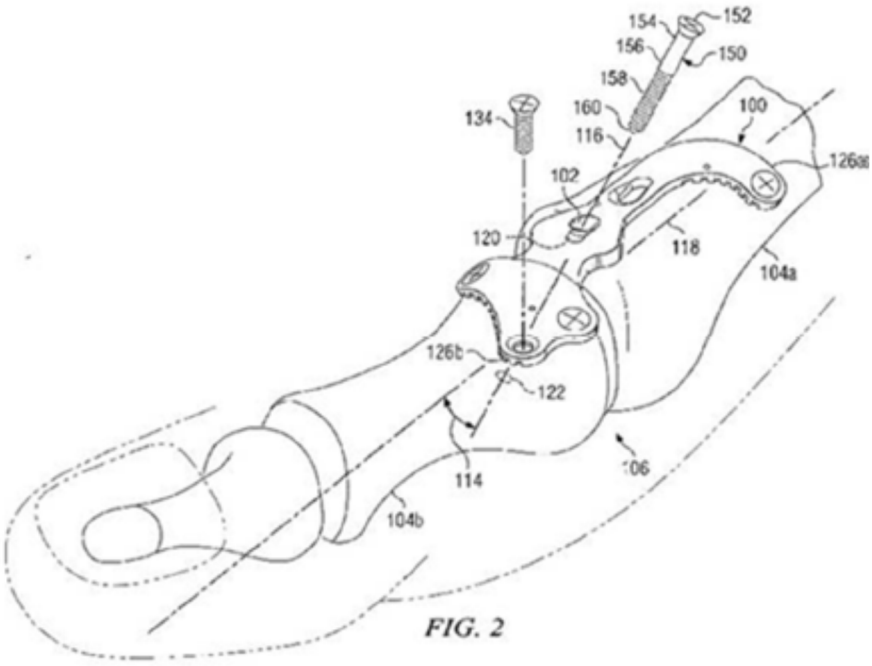

FIG. 2

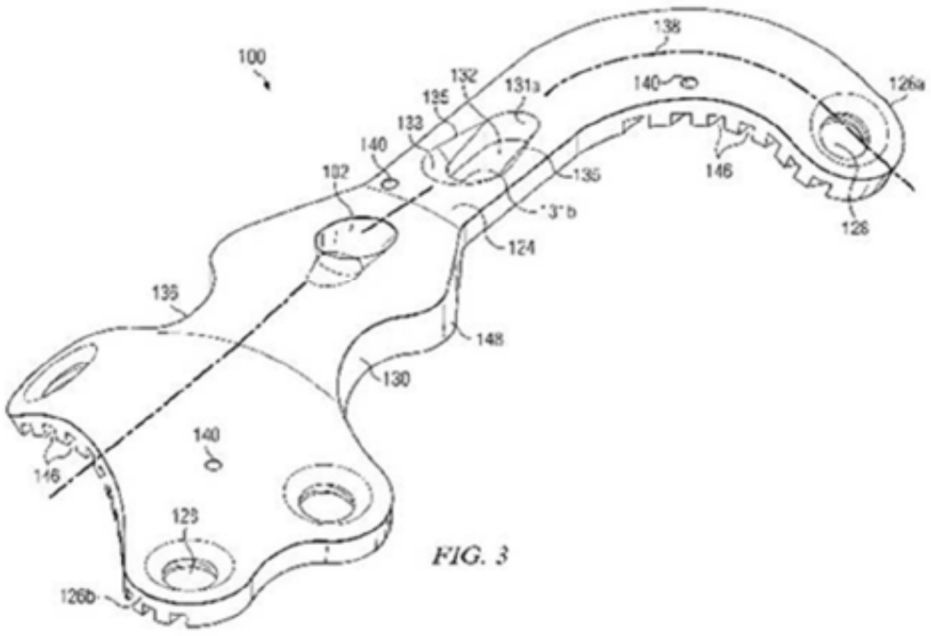

FIG. 3

Figure 2 shows bone plate 100 and transfixation screw 150 applied to a failed metatarso-phalangeal joint. *Id*. at 4:13–15. Transfixation screw 150 is inserted through transfixation screw hole 102 of bone plate 100 and into both first bone 104a and second bone 104b "in order to fuse joint 106." *Id*. at 4:26–30. Figure 3 shows bone plate 100 having elongated spine 124 and bridge portion 130 between first end 126a and second end 126b that can span across joint 106. *Id*. at 7:25–33. First end 126a includes attachment point 128 "for attaching first end 126a to bone 104a" and second end 126b includes another attachment point 128 "for attaching second end 126b to bone 104b." *Id*. The '776 patent discloses that bridge portion 130 "is free of voids such as positioning holes or screw holes that could potentially reduce the bending strength of bridge portion 130" and may include thickened section 136 of bone plate 100 "to increase the bending strength of bridge portion 130." *Id*. at 8:9–16.

D. Illustrative Claims

Independent claims 1 and 10, reproduced below, are illustrative of the claimed subject matter of the '776 patent.

> 1. A system for securing two discrete bones together across a joint between the two bones, comprising:
>
> an elongate spine having:
>
> a first end comprising:
>
> at least one fixation point for attaching the first end to a first discrete bone on a first side of an intermediate joint; and
>
> a first inner surface configured to substantially conform with a geometry of the first discrete bone;
>
> a second end comprising:
>
> at least one fixation point for attaching the second end to a second discrete bone on a second side of the joint; and
>
> a second inner surface configured to substantially conform with a geometry of the second discrete bone; and
>
> a bridge portion disposed between the first end and the second end, the bridge portion configured to span across the joint, at least a portion of said bridge portion having a depth greater than at least a portion of the depth of either the first end or the second end; and
>
> a transfixation screw hole disposed along the spine, the transfixation screw hole comprising an inner surface configured to direct the transfixation screw through the transfixation screw hole such that the transfixation screw extends the bridge portion at a trajectory configured to pass through a first position on the first discrete bone, a portion of the joint, and a second position on the second discrete bone once the plate is placed across the joint; and
>
> a transfixation screw comprising a head configured to abut the inner surface of the transfixation screw hole and a shaft configured to contiguously extend through the first discrete bone, through the joint, and into the second discrete bone so

as to absorb tensile load when the second discrete bone is loaded relative to the first discrete bone thereby transferring the tensile load from the second discrete bone, through the screw into said head and said bridge portion.

10. A plate for securing two discrete bones together across an intermediate joint, comprising:

an elongate spine having:

a first end comprising:

at least one fixation point for attaching the first end to a first discrete bone on a first side of a joint; and

a first inner surface configured to substantially conform with a geometry of the first bone;

a second end comprising:

at least one fixation point for attaching the second end to a second discrete bone on a second side of the joint; and

a second inner surface configured to substantially conform with a geometry of the second bone; and

a bridge portion disposed between the first end and the second end, the bridge portion configured to span across the joint; and

a transfixation screw hole disposed along the spine, the transfixation screw hole comprising an inner surface configured to direct a transfixation screw through the transfixation screw hole such that the transfixation screw extends alongside the bridge portion at a trajectory configured to pass through a first position on the first bone and a second position on the second bone once the plate is placed across the joint, enabling said screw to absorb tensile load when the second bone is loaded permitting transfer of the tensile load through said screw into said bridge, wherein at least a portion of said bridge portion and said transfixation screw hole has a depth greater than at least a portion of said first and second ends.

Ex. 1001, 11:64–12:36, 13:3–14:4.

Claims 2–6, 8, and 9 depend from independent claim 1. *Id.* at 12:37–54, 12:60–13:2. Claims 11–13 depend from independent claim 10. *Id.* at 14:5–16.

E. Remanded Grounds of Unpatentability

We reconsider the following challenges set forth in the Petition in view of the Federal Circuit's directives in *Stryker*.

Remanded Grounds	Remanded Claims	35 U.S.C. §	Reference(s)/Basis
1	2–5, 9, 11–13	102	Slater[3]
2	6, 8	103	Slater, Weaver[4]

Petitioner relies upon the Declarations of Dr. Kenneth A. Gall (Ex. 1002 and Ex. 1027) to support its contentions.

Patent Owner relies upon the Declaration of Mr. Mark B. Sommers (Ex. 2002).

F. Summary of Cited Prior Art

1. Summary of Slater (Ex. 1005)

Slater relates to an ankle fusion plate for fusion of the anterior ankle. Ex. 1005, 1:6–7. Slater discloses that orthopedic devices can repair diseased bones and bone fractures. *Id*. at 1:21–22. Slater explains that bones that have been fractured must be kept together for lengthy periods of time to permit recalcification and bonding. *Id*. at 3:1–3. According to Slater, internal fixation techniques require "the fracture be stable axially, torsionally and rotationally." *Id*. at 3:19–25; 7:1–2. To achieve such objectives, Slater

[3] Ex. 1005, Slater, WO 2007/131287 A1, published Nov. 22, 2007 ("Slater").
[4] Ex. 1009, Weaver et al., US 6,623,486 B1, issued Sept. 23, 2003 ("Weaver").

discloses a fixation screw and plate design in which "the plate depth changes at different locations" so that "the depth at the beginning a[n]d end points of the L shaped contour [of the plate] over the ankle joint in the second region will be at it[s] maximum thickness." *Id*. at 8:27–34. Slater further discloses that "[t]he plate will taper at least one but preferably two different points of the plate" and that "[t]hese points will preferably resemble and conform to the typical geometry of the anatomical region." *Id*. at 9:3–4, 11–12.

Figure 1, reproduced below, shows a side elevation view of a plate attached via fixation screws "to an abbreviated ankle joint (dotted lines)." *Id*. at 9:28–30.

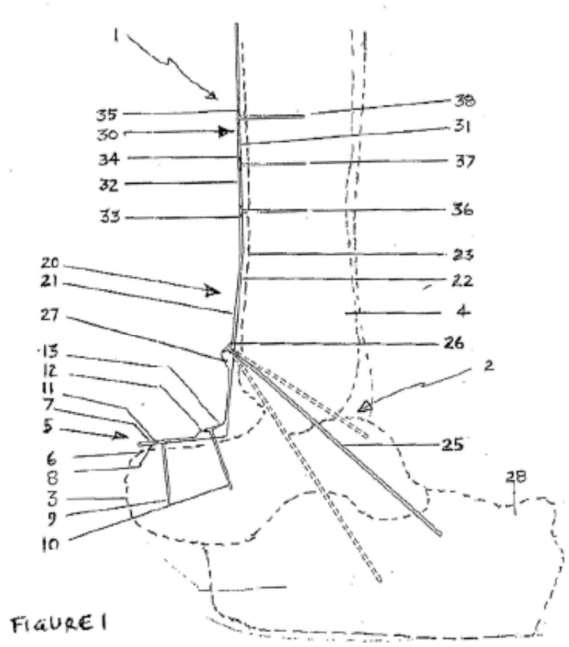

Figure 1 shows fusion plate 1 attached to the talus bone 3 and the tibial bone 4 that form ankle joint 2. *Id*. at 11:1–4. Fusion plate 1 includes portion 5 "disposed in a first plane which generally aligns with" anterior surface 6 of the talus bone 3 for fixation thereto. *Id*. at 11:5–8. Disposed in portion 5 are fixation screws 9 and 10 which pass through openings 11 and 12 of portion 5 to engage the talus bone 3. *Id*. at 11:8–9. Portion 20 of

fusion plate 1 has formation 27 with opening 26 disposed therein for allowing fixation screw 25 to pass therethrough. *Id*. at 11:18–21. "Formation 27 is configured so that [fixation] screw 25 is implanted at an angle within a predetermined allowable angular range" such that fixation screw 25 engages the tibia bone 4, the talus bone 3, and the calcaneus bone 28. *Id*. at 11:21–24. Portion 30 of fusion plate 1 includes openings 33, 34, and 35 which receive fastening screws 36, 37, and 38 to engage tibia bone 4. *Id*. at 11:27–31.

2. Summary of Weaver (Ex. 1009)

Weaver is directed to a bone plating system for fracture fixation, which includes a bone plate having plate holes for both locking and non-locking screws. Ex. 1009, 1:10–13. Weaver discloses that "[s]ecuring the screws to the plate provides a fixed angle relationship between the plate and screw and reduces the incidence of loosening" and such screws are called "locking screws." *Id*. at 1:46–49. According to Weaver, a known locking screw has threading on an outer surface of its head that mates with corresponding threading on the surface of a plate hole to lock the screw to the plate. *Id*. at 1:49–54. Weaver discloses that "locking screws provide a high resistance to shear or torsional forces." *Id*. at 1:56–58. However, existing bone plating systems under high stress and loading conditions may have a locking plate hole that is distorted and allows the fixed angular relationship between the locking screw and plate to change. *Id*. at 2:20–22. Weaver purports to resolve such deficiencies in its bone plating system. *Id*. at 2:28–29.

Figure 3, reproduced below, shows a side view of an exemplary bone plate. *Id*. at 3:25.

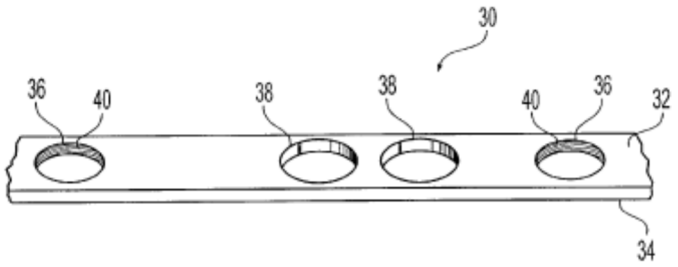

Fig. 3

Figure 3 shows bone plate 30 including first plate holes 36 and second plate holes 38. *Id*. at 4:45–46. Each first plate hole 36 has thread 40 that mates with thread 24 on head 22 of locking screw 20 (shown in Figure 2) to secure locking screw 20 to bone plate 30 at a temporally fixed angular orientation whereas second plate holes 38 are not threaded and receive non-locking screws 10 with non-threaded heads 12 (shown in Figure 1). *Id*. at 4:47–53. Weaver discloses that "first plate holes 36 are preferably conical in shape" and that "threads 40 on first plate holes 36 are also preferably double lead threads" which enable engagement "while maintaining a low profile." *Id*. at 5:1–5.

II. ANALYSIS

A. Ground 1: Anticipation of Dependent Claims 2–5, 9, and 11–13 by Slater

1. Dependent Claims 2–5, 11, and 12

The Federal Circuit affirmed our determination that dependent claim 8 of the '085 patent is not anticipated by Slater. *Stryker*, slip op. at 15. Claim 8 of the '085 patent does not recite the Tensile Transfer Limitations, but requires a "central axis of the inner surface of the transfixation screw hole" that "defines a [screw] trajectory"—the "Central Axis Limitation." *Id*. In affirming our finding of lack of anticipation for claim 8 of the '085 patent, the Federal Circuit relied on our explanation that "Slater knew how to describe other holes as having a fixed angle but deliberately described

transfixation hole 26 using different language, making clear that '[o]pening is meant to be a variable angle hole.'" *Id.* The court explained that "[t]his provides substantial evidence support for the Board's conclusion that '[w]ithout any predetermined angle, hole 26 lacks a central axis that *defines* a screw [trajectory] as [claim 8] requires.'" *Id.*

Similar to claim 8 of the '085 patent, each of claims 2–5, 11, and 12 of the '776 patent recite the Central Axis Limitation, a fact undisputed by the parties. *See* Paper 51, 1–2, 5–6. Specifically, claim 2 depends from claim 1 and further recites, "a central axis of the inner surface of the transfixation screw hole defines the trajectory; and the trajectory is configured to cross a neutral bending axis of the joint once the plate is placed across the joint." Ex. 1001, 12:37–41. Claims 3, 4, and 5 depend from claim 2. *Id.* at 12:42–51. Claim 11 depends from claim 10 and further recites, "a central axis of the inner surface of the transfixation screw hole defines the trajectory; and the trajectory is configured to cross a neutral bending axis of the joint once the plate is placed across the joint." *Id.* at 14:5–10. Claim 12 depends from claim 11. *Id.* at 14:11–13.

Accordingly, for the same reasons expressed in our previous decision addressing the '085 patent and by the court's analysis in *Stryker*, we conclude that Slater does not anticipate claims 2–5, 11, and 12 of the '776 patent because Slater deliberately describes a variable angle hole that lacks a single predetermined angle—that is, Slater describes a transfixation screw hole that does not have a central axis defining the trajectory.

2. Dependent Claim 9

Claim 9 of the '776 patent depends from claim 1 and further recites, "wherein the transfixation screw comprises a lag screw having: at a first end

of the shaft adjacent to the head, an unthreaded portion configured to extend through the first bone; and at a second end of the shaft adjacent to the tip, a threaded portion configured to extend into the second bone." Ex. 1001, 12:64–13:2. "The parties agree that claim 9 is likely anticipated by Slater in light of the Federal Circuit's affirmance of the Board's finding that claim 3 of the '085 patent is anticipated by Slater." Paper 51, 4–5 ("Dependent claim 9 includes the same limitations found in dependent claim 3 of the '085 patent."); *see also Stryker* at 17 (the court affirming our finding that claim 3 of the'085 patent is unpatentable as anticipated by Slater).

Petitioner argues that Slater anticipates dependent claim 9. Pet. 32. Petitioner addresses each limitation of claim 9, and cites to declarant testimony for support. *See id.* (citing Ex. 1002 ¶¶ 145–47). With the exception of its arguments as to independent claim 1, Patent Owner does not address Petitioner's argument and evidence as to claim 9. PO Resp. 43.

We have reviewed Petitioner's arguments and evidence as to the undisputed limitations of claim 9 and find that Petitioner establishes that Slater discloses these limitations for the reasons provided by Petitioner. We adopt Petitioner's arguments and evidence as to these limitations as our own. *See* Pet. 32. Based on the foregoing, Petitioner proves by a preponderance of the evidence that Slater anticipates claim 9.

3. Dependent claim 13

Claim 13 depends from claim 10 and further recites, "wherein the trajectory is configured to pass through the joint at a transfixation angle of about 50 degrees measured from the neutral bending axis." Ex. 1001, 14:13–15. "The parties agree that claim 13 was not effectively addressed by

the Federal Circuit and requires the Board's input on remand." Paper 51, 5–6.

Petitioner argues that Slater anticipates dependent claim 13. Pet. 31–32, 36. Petitioner addresses each limitation of claim 13, and cites to declarant testimony for support. *See id.* (citing Ex. 1002 ¶¶ 139–144, 165). Petitioner contends that, "[a]s shown in Figure 9, Slater discloses an embodiment where the central axis of the transfixation hole defines a trajectory that is configured to pass through the joint at a transfixation angle of 34° measured from the axis of the bone plate, which approximates the direction of the neutral bending axis." Pet. 31. (citing Ex. 1002 ¶141; Ex. 1005, 15:23-25, Fig. 9). Petitioner further contends that,

> In addition, in Figure 1, Slater discloses three different transfixation angles for screw 25: 31°, 47° and 57°, all of which fall within the claim 4 range of between about 30 and 70 degrees measured from the neutral bending axis of the joint. (Ex. 1002, ¶142). The 47° angle is a transfixation angle of "about 50 degrees," as recited in claim 5.

Pet. 31.

In the Patent Owner Response, Patent Owner does not address Petitioner's argument and evidence specific to claim 13 with the exception of its arguments as to independent claim 10. PO Resp. 43. Relevant to our analysis of claim 13, Patent Owner directs our attention to Figure 1 of Slater, and contends that this Figure "depicts, in phantom, the use of a screw that passes through the tibia and terminates in the talus." PO Resp. 10 (citing Ex. 2002 ¶ 55). Furthermore, "[t]he hole that the screw 25 passes through is constructed in a manner that allows the angle of the screw to be modified as the plate is affixed to the ankle joint." *Id.* (citing Ex. 2002 ¶ 56; Ex. 1005, 11:21–22). Patent Owner contends that "[t]his hole is described as 'slotted,'

meaning that at least a portion of the hole towards the inner surface of the plate is oblong in one direction in order to allow the screw 25 to pass through at multiple angles." *Id.* at 11 (citing Ex. 2002 ¶ 56; Ex. 1005, 24:4–8); *see also* Ex. 1005, 16:28–30 ("One significant advantage of the plate described is the oblique screw portal allowing for various angles and the ability to incorporate more joints into the arthrodesis as required."), Fig. 1.

Patent Owner also contends that Slater "provides no detail regarding the structure of the inner surface of the hole" because a surgeon using Slater's plate "determines the path in situ with a range of options available." PO Resp. 32–34 (citing Ex. 1005, Fig 1; Ex. 2002 ¶ 97). That is, "Slater describes a plate that intentionally allows for varied angles through the same hole." *Id.* at 34–35 (citing Ex. 1005, 16:28–30 ("[o]ne significant advantage of the plate described [in Slater] is the oblique screw portal allowing for various angles and the ability to incorporate more joints into the arthrodesis as required"); Ex. 2002 ¶ 103)).

We have reviewed the parties' arguments and evidence relevant to claim 13 and find that Petitioner has established that Slater discloses each element of claim 13 for the reasons articulated by the Board in *Stryker Corporation et al. v. OsteoMed LLC*, IPR2021-01453, Paper 46 (March 15, 2023) and affirmed by the Federal Circuit in *Stryker*. In particular, the majority of the Board found that Slater discloses the claim limitation "transfixation screw hole comprising an inner surface configured to direct a transfixation screw . . . at a trajectory." *See* IPR2021-01453, Paper 46 at 34, n.10. The Majority further found that "Petitioner fully addresses the limitation and provides credible declarant support along with citations to relevant portions of Slater." *See id*. (citations omitted). The Federal Circuit

affirmed, finding every independent claim of all four challenged OsteoMed patents to be anticipated by Slater notwithstanding its acknowledgement that Slater discloses a transfixation screw hole "configured to allow a screw 25 to be implanted at an angle within a predetermined angular range." *Stryker*, slip op. 7–8. Accordingly, we determine that Petitioner has demonstrated by a preponderance of evidence that claim 13 is anticipated by Slater.

B. Ground 2: Obviousness of Claims 6 and 8 over Slater and Weaver

Petitioner contends that claims 6 and 8 are unpatentable for obviousness over Slater and Weaver. Pet. 37–39. Claims 6 and 8 depend from claim 1 and further recite that the inner surface of the transfixation screw hole is configured to lockably engage the head of the transfixation screw (claim 6) and that at least one attachment point comprises a threaded screw hole to lockably engage a locking bone screw (claim 8).). Ex. 1001, 12:52–54, 12:60–64. "The parties agree that claim 6 is likely obvious in view of *Slater* and *Weaver* in light of the Federal Circuit's affirmance of the Board's finding that claim 4 of the '085 patent is unpatenable." Paper 51, 2 ("Dependent claim 6 includes the same limitations found in dependent claim 4 of the '085 patent."); *see also Stryker* at 17 (the court affirming our finding that claim 4 of the'085 patent is unpatentable). The parties also agree that "claim 8 was not effectively addressed by the Federal Circuit and requires the Board's input on remand." Paper 51, 2–3.

In its Petition, Petitioner contends that Weaver discloses the limitations in claim 6 and that it would have been obvious to add Weaver's features to Slater's plate to provide a more secure fixation between the screws and the plate. Pet. 36–39; Ex. 1002 ¶¶ 169–74. Specifically, Petitioner contends that configuring Slater's transfixation screw hole

(claim 6) or at least one of Slater's attachment points (claim 8) as a threaded screw hole to lockably engage the head of a locking screw would have been an obvious design choice "because locking screws 'provide a high resistance to shear or torsional forces' and reduce the incidence of screw loosening." Pet. 39 (quoting Ex. 1009, 1:57–58); Ex. 1009, 1:46–48; Ex. 1002 ¶¶ 169–74. Petitioner otherwise relies on its anticipation analysis for claim 1 discussed above. Pet. 36.

Patent Owner raised no separate argument regarding the patentability of claims 6 and 8, instead relying solely on its argument that Slater does not anticipate independent claim 1, on which claims 6 and 8 depend. PO Resp. 43; Reply 5 ("Patent Owner does not challenge the combination of Slater and Weaver for claims 6 and 8.").

We have reviewed Petitioner's arguments and evidence as to the undisputed limitations of claims 6 and 8 and find that Petitioner establishes that the combination of Slater and Weaver discloses all of the limitations of claims 6 and 8, and that one of ordinary skill in the art would have been motivated to combine Slater and Weaver for the reasons provided by Petitioner. We adopt Petitioner's arguments and evidence as to these limitations as our own. *See* Pet. 36–39.

III. CONCLUSION

In summary:

Remanded Claims	35 U.S.C. §	Reference(s)/ Basis	Remanded Claims Shown Unpatentable	Remanded Claims Not Shown Unpatentable
2–5, 9, 11–13	102	Slater	9, 13	2–5, 11, 12
6, 8	103	Slater, Weaver	6, 8	

Remanded Claims	35 U.S.C. §	Reference(s)/ Basis	Remanded Claims Shown Unpatentable	Remanded Claims Not Shown Unpatentable
Overall Outcome			6, 8, 9, 13	2–5, 11, 12

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 6, 8, 9, and 13 of the '776 patent are determined to be unpatentable;

FURTHER ORDERED that claims 2–5, 11, and 12 of the '776 patent have not been shown to be unpatentable; and

FURTHER ORDERED that this is a final written decision of the Board under 35 U.S.C. § 318(a). Parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.22.

For PETITIONER:

Sharon Hwang
Robert Surrette
Scott McBride
Sean Sparrow
MCANDREWS, HELD & MALLOY LTD
shwang@mcandrews-ip.com
bsurrette@mcandrews-ip.com
smcbride@mcandrews-ip.com
ssparrow@mcandrews-ip.com

For PATENT OWNER:

Jason Engel
Katherine Allor
Devon C. Beane
Erik Halverson
Anna Hill
K&L GATES LLP
jason.engel.ptab@klgates.com
katy.allor@klgates.com
devon.beane@klgates.com
erik.halverson@klgates.com
rebekah.hill@klgates.com