

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

BILLJCO LLC,
Patent Owner.

IPR2022-00129
Patent 8,566,839 B2

Before LYNNE H. BROWNE, STACEY G. WHITE, and GARTH D.
BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)
Denying as Moot Patent Owner's Motion to Exclude
37 C.F.R. § 42.64

I. INTRODUCTION

A. BACKGROUND

Apple Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–3, 8, 20, 21, 23–27, 32, 44, 45, 47, and 48 (“the challenged claims”) of U.S. Patent No. 8,566,839 B2 (Ex. 1001, “the ’839 patent”). BillJCo, LLC (“Patent Owner”) filed a Preliminary Response (Paper 5, “Prelim. Resp.”) to the Petition. Pursuant to 35 U.S.C. § 314, we instituted this *inter partes* review as to all of the challenged claims and all grounds raised in the Petition. Paper 7 (“Institution Dec.”).

Following institution, Patent Owner filed a Response. Paper 13 (“PO Resp.”). Subsequently, Petitioner filed a Reply to Patent Owner’s Response (Paper 23, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 26, “PO Sur-reply”). Patent Owner also filed a Motion to Strike (Paper 27), which Petitioner opposes (Paper 33). On February 23, 2023, we held an oral hearing. A transcript of the hearing is included in the record. Paper 37.

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision issued pursuant to 35 U.S.C. § 318(a). For the reasons we discuss below, we determine that Petitioner has proven by a preponderance of the evidence that claims 1–3, 8, 20, 21, 23–27, 32, 44, 45, 47, and 48 are unpatentable.

B. RELATED PROCEEDINGS

The parties indicate that the ’839 patent is the subject of the following district court cases: 1) *BillJCo, LLC v. Apple Inc.*, No. 6:21-cv-00528 (W.D. Tex.) (“District Court Litigation”); 2) *BillJCo, LLC v. Cisco Systems, Inc.*, No. 2:21-cv-00181 (E.D. Tex.); and 3) *BillJCo, LLC v. Hewlett Packard Enterprise Co.*, No. 2:21-cv-00183 (E.D. Tex.). Pet. 1; Paper 4, 2.

C. REAL PARTY IN INTEREST

The parties identify themselves as the only real parties in interest.
Pet. 1; Paper 4, 2.

D. THE '839 PATENT

The '839 patent relates to “managing information for automatic presentation or distribution.” Ex. 1001, 1:31–37. The '839 patent states that “[c]onventional advertising formats are handled with a specialized operating system for how to process the advertisement so that the source . . . ensures or maximizes its messaging while the recipient . . . is also able to control to a somewhat lesser extent when presentation is desired.” *Id.* at 4:33–38. According to the '839 patent, “[t]he problem is the same advertisement may be treated differently at a different operating system,” and, thus, “[t]he originator . . . of the advertisement loses automatic control over how the advertisement should be presented at any operating system.” *Id.* at 4:38–42. To address this alleged deficiency, the '839 patent describes “encoding information associated with the advertisement for how any receiving operating system is to present it.” *Id.* at 4:42–49. This technique “has the advantage of supporting heterogeneous operating systems with unique advertisement presentation capabilities based on a recipient’s preferences relative to an originator[’s] . . . intent, while doing so according to privileges, and in a ‘user-friendly’ manner.” *Id.* at 4:49–54.

E. CHALLENGED CLAIMS

Of the challenged claims, claims 1 and 25 are independent. Claim 1 is reproduced below:

1. A method for information presentation by a receiving data processing system, said method comprising:

receiving, by said receiving data processing system, an object, said object containing information and instructions for presenting said information, said instructions including an event specification to be monitored by said receiving data processing system for triggering when to present said information, said event specification including a whereabouts condition and a condition for detecting a particular user action by a user of said receiving data processing system, said whereabouts condition determining if a location of said receiving data processing system is in a vicinity of another data processing system;

storing, by said receiving data processing system, said information in a memory of said receiving data processing system;

processing, by said receiving data processing system, said instructions upon said receiving, by said receiving data processing system, said object;

configuring, by said receiving data processing system, a trigger event for said event specification in response to said processing, by said receiving data processing system, said instructions;

monitoring, by said receiving data processing system, said trigger event in response to said configuring, by said receiving data processing system, said trigger event;

recognizing, by said receiving data processing system, said trigger event, after said monitoring, by said receiving data processing system, said trigger event; and

presenting, by said receiving data processing system, said information, based at least in part by said whereabouts condition, upon said recognizing, by said receiving data processing system, said trigger event.

Ex. 1001, 64:59–65:26.

F. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner asserts the following grounds of unpatentability. Pet. 4.

Claims Challenged	(35 U.S.C. §) ¹	Reference(s)/Basis
1–3, 8, 21, 23–27, 32, 45, 47, 48	103	Lutnick ²
20, 44	103	Lutnick, Rankin ³
23, 47	103	Lutnick, Evans ⁴
24, 28	103	Lutnick, Bluetooth Core ⁵

Petitioner also relies on a declaration from Dr. Thomas La Porta (Ex. 1003).

II. PRELIMINARY MATTERS

A. LEVEL OF ORDINARY SKILL

Petitioner contends a person of ordinary skill in the art would have had “at least a bachelor’s degree in computer science, computer engineering, or an equivalent, and two years of experience relating to wireless communications.” Pet. 5–6 (citing Ex. 1003 ¶¶ 39–40). Patent Owner does not dispute Petitioner’s formulation. PO Resp. 6. We adopt Petitioner’s description as it is consistent with the prior art and patent specification before us and supported by credible expert testimony. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (prior art itself may reflect an appropriate level of skill).

¹ Because the parties agree that the challenged claims of the challenged patent have an effective filing date before March 16, 2013, we apply the pre-AIA (“America Invents Act”) version of § 103. Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011).

² US 2008/0167106 A1, published July 10, 2008 (Ex. 1005, “Lutnick”).

³ US 2002/0137462 A1, published Sept. 26, 2002 (Ex. 1006, “Rankin”).

⁴ US 6,327,535 B1, issued Dec. 4, 2001 (Ex. 1026, “Evans”).

⁵ *Specification of the Bluetooth System: Wireless Connections Made Easy*, Volume 0 (Nov. 4, 2004) (Ex. 1007, “Bluetooth Core”).

B. CLAIM CONSTRUCTION

Petitioner proposes construing the phrase “object containing information and instructions for presenting said information” in claim 1 and a similar phrase in claim 25 to mean “a self-contained object with both the information for presentation and the instructions describing under what conditions to present that information.” Pet. 8–10. Patent Owner does not propose an express construction for any claim terms. We find no claim terms require express construction to determine unpatentability. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Matal*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’”) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

C. SUMMARY OF PRIMARY ASSERTED PRIOR ART REFERENCE

Lutnick, titled “System for Managing Promotions,” teaches displaying promotions on mobile gaming devices (MGDs). Ex. 1005, code (57). According to Lutnick, “a promotion may be triggered as a MGD comes into proximity of a store.” Ex. 1005 ¶ 256.

III. UNPATENTABILITY ANALYSIS

A. OBVIOUSNESS OF CLAIM 1

Petitioner argues that claim 1 would have been obvious over Lutnick. Pet. 10–38. For the reasons explained below, we find Petitioner has shown by a preponderance of evidence that claim 1 would have been obvious over Lutnick.

1. “said object containing information and instructions for presenting said information”

Claim 1 requires “receiving, by said receiving data processing system, an object, said object containing information and instructions for presenting said information.” Ex. 1001, 64:61–63. Petitioner explains that Lutnick teaches this feature because Lutnick’s mobile gaming device receives a promotion (i.e., information) and instructions for presenting the promotion. Pet. 20–22 (citing Ex. 1005 ¶¶ 119, 128, 184, 290). According to Petitioner, Lutnick teaches receiving a single object with information and instructions because Lutnick “describes situations where it would be beneficial to pre-download a program or software and promotions, for example in case there are connectivity issues between” a mobile gaming device and a casino server. *Id.* at 22–23 (citing Ex. 1005 ¶ 289). Petitioner argues that a person of ordinary skill in the art would have appreciated or found it obvious that “in this scenario, the promotions are transmitted with the program or software, such that this package is a ‘self-contained’ object because it is a single package including both the program or software and the promotions.” *Id.* at 22–25 (citing Ex. 1003 ¶¶ 86–90). We agree with Petitioner that Lutnick teaches “receiving, by said receiving data processing system, an object, said object containing information and instructions for presenting said information,” as claims 1 and 25 require.

Patent Owner raises several arguments contesting Petitioner’s showing, none of which we find convincing. First, Patent Owner argues that the portions of Lutnick that Petitioner relies on teach transmitting a promotion and instructions to a casino server, rather than to a mobile gaming device. PO Resp. 10–12. We disagree. Lutnick expressly teaches that “the casino

server may transmit instructions *to a mobile gaming device*” that “tell the mobile gaming device to present a promotion when, or only when the mobile gaming device is in a particular area of a casino.” Ex. 1005 ¶ 119 (emphasis added). Lutnick’s teaching that its casino server also receives information and instructions does not undermine this disclosure. In addition, as Petitioner explains, Lutnick teaches an embodiment in which the casino server “may not be necessary” because the mobile gaming device can perform the casino server’s functions. Pet. Reply 8 (quoting Ex. 1005 ¶ 66). We agree with Petitioner that “when the casino server is removed . . . the object sent from the marketer device to the casino server would now be transmitted directly to the [mobile gaming device].” *Id.* at 8.

Next, Patent Owner argues that Petitioner’s obviousness case fails because “[n]othing within the cited disclosures of Lutnick describes or suggests an advantage to combining transmission of a promotion with programming combined within an object.” PO Resp. 13. We disagree. First, because Lutnick teaches that “some steps may be performed simultaneously despite being described or implied as occurring non-simultaneously” and that its promotional data includes “an authorization code,” we agree with Petitioner that one skilled in the art would understand that Lutnick teaches that its promotions and instructions for presenting the promotions may be combined in a single transmission. *See* Pet. Reply 9, 12 (quoting Ex. 1005 ¶¶ 48, 93). Because Lutnick teaches the claimed single-object feature, it does not matter whether Lutnick also suggests an advantage for doing so. Moreover, even if Lutnick did not teach transmitting a promotion and instructions in a single object, Petitioner presents sufficient evidence that one skilled in the art would have found it obvious to do so. *See* Pet. 22–25 (citing

Ex. 1003 ¶¶ 86–90). For example, Petitioner presents evidence that transmitting a promotion and instructions in a single object would have allowed the mobile gaming device to display a promotion even when there are connectivity issues between the mobile gaming device and a casino server. Pet. 24 (citing Ex. 1003 ¶ 90; Ex. 1005 ¶ 289). Given this analysis, Petitioner has articulated sufficient reasoning with rational underpinning to support its assertion that including the claimed information and instructions in a single object would have been obvious to one skilled in the art, regardless of whether Lutnick discloses that rationale. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 419 (2007).

2. “detecting a particular user action”

Claim 1 requires “detecting a particular user action by a user of said receiving data processing system.” Ex. 1001, 64:67–65:2. Petitioner explains that Lutnick teaches this feature because it teaches detecting when a mobile gaming device user “achieves a winning outcome.” Pet. 27 (quoting Ex. 1005 ¶¶ 250, 251–254). Patent Owner argues that “winning a game is not a ‘particular user action *by a user* of said receiving data processing system’; instead, it is a category of responses by the mobile gaming device, not the user.” PO Resp. 18. We disagree. Lutnick teaches that “a promotion may be presented to a player *if the player has achieved* a winning outcome.” Ex. 1005 ¶ 250 (emphasis added). Lutnick’s use of the phrase “the player has achieved” indicates that the promotion is triggered by the user’s action, not just a response by the mobile gaming device. *Id.* Thus, we agree with

Petitioner that Lutnick teaches “detecting a particular user action by a user of said receiving data processing system,” as the challenged claims require.⁶

3. Additional Undisputed Elements in Claim 1

Petitioner asserts that Lutnick teaches the additional elements in claim 1. Petitioner presents evidence that Lutnick teaches a method for displaying promotions on a mobile gaming device, and thus teaches “[a] method for information presentation by a receiving data processing system,” as claim 1 requires.⁷ Pet. 14–15 (citing Ex. 1005, code (57), ¶¶ 92, 193). Petitioner also presents evidence that Lutnick’s mobile gaming device receives a promotion and instructions for presenting the promotion, and thus meets claim 1’s requirement for “receiving . . . [an] object containing information and instructions for presenting said information.” Pet. 20–22 (citing Ex. 1005 ¶¶ 119, 128, 184, 290).

Claim 1 further requires “said instructions including an event specification to be monitored by said receiving data processing system for triggering when to present said information, said event specification including a whereabouts condition and a condition for detecting a particular user action by a user of said receiving data processing system, said whereabouts condition determining if a location of said receiving data

⁶ Petitioner also asserts that Lutnick teaches detecting a particular user action by detecting a user’s advertising preferences or detecting when a user comes into range of a beacon. Pet. 26–27. Because we agree with Petitioner that detecting a winning outcome is sufficient, we need not rely on those additional teachings.

⁷ Because Petitioner presents evidence that the prior art teaches the recitations in the preamble of claim 1, we need not decide whether the preamble is limiting.

processing system is in a vicinity of another data processing system.”

Ex. 1001, 64:63–65:5. Petitioner presents evidence that Lutnick teaches presenting a promotion when a mobile gaming device is in proximity of another electronic device (i.e., a whereabouts condition). Pet. 25–26 (citing Ex. 1005 ¶¶ 141, 241, 255–256). As explained above, Petitioner also presents evidence that Lutnick teaches presenting a promotion when a mobile gaming device user achieves a winning outcome (i.e., a particular user action). *Id.* at 26–27 (citing Ex. 1005 ¶¶ 250–254).

Claim 1 further recites “storing, by said receiving data processing system, said information in a memory of said receiving data processing system.” Ex. 1001, 65:6–8. Petitioner presents evidence that Lutnick teaches this feature because it teaches downloading a promotion to a mobile gaming device. Pet. 29–30 (citing Ex. 1005 ¶¶ 289–290).

Claim 1 further recites “processing, by said receiving data processing system, said instructions upon said receiving, by said receiving data processing system, said object.” Ex. 1001, 65:9–11. Petitioner presents evidence that Lutnick’s mobile gaming device includes this feature because it executes instructions for presenting a promotion. Pet. 30–31 (citing Ex. 1005 ¶¶ 55–56).

Claim 1 further recites “configuring, by said receiving data processing system, a trigger event for said event specification in response to said processing, by said receiving data processing system, said instructions.” Ex. 1001, 65:12–15. Petitioner presents evidence that Lutnick teaches this feature because it teaches triggering a promotion when a mobile gaming device is in proximity of a specific location. Pet. 32–34 (citing Ex. 1005 ¶¶ 184, 209, 255–256, 392).

Claim 1 further recites “monitoring, by said receiving data processing system, said trigger event in response to said configuring, by said receiving data processing system, said trigger event.” Ex. 1001, 65:16–18. As discussed above, Petitioner presents evidence that Lutnick teaches this feature because it teaches triggering a promotion when a mobile gaming device is in proximity of a specific location. Pet. 32–35 (citing Ex. 1005 ¶¶ 184, 209, 255–256, 392). Petitioner also presents evidence that a person of ordinary skill in the art “would have appreciated that, in order to cause the promotion to be ‘triggered’ based on a player’s location, the [mobile gaming device] monitors the event that triggers the promotion display.” *Id.* at 34–35 (citing Ex. 1003 ¶ 109).

Claim 1 recites “recognizing, by said receiving data processing system, said trigger event, after said monitoring, by said receiving data processing system, said trigger event.” Ex. 1001, 65:20–22. Petitioner presents evidence that Lutnick teaches this feature because it teaches recognizing when a mobile gaming device is in proximity of a specific location. Pet. 36–37 (citing Ex. 1005 ¶¶ 255–256, 277, 392).

Claim 1 recites “presenting, by said receiving data processing system, said information, based at least in part by said whereabouts condition, upon said recognizing, by said receiving data processing system, said trigger event.” Ex. 1001, 65:23–26. Petitioner presents evidence that Lutnick teaches this feature because it teaches presenting a promotion when a mobile gaming device is in proximity of a specific location. Pet. 37–38 (citing Ex. 1005 ¶¶ 242, 256, 392).

4. Objective Indicia of Nonobviousness

Patent Owner asserts that objective evidence of nonobviousness demonstrates that the challenged claims were not obvious. *See* PO Resp. 20–30. We address Patent Owner’s arguments below.

a. Copying

Patent Owner suggests that evidence of copying supports that the challenged claims are not obvious. PO Resp. 21–26. According to Patent Owner, we should infer copying based on Petitioner’s access to the ’839 patent and Petitioner’s release of products that embody the challenged claims. *Id.* at 21–26 (citing *Liqwd, Inc. v. L’Oreal USA, Inc.*, 941 F.3d 1133, 1138 (Fed. Cir. 2019)). As the court in *Liqwd* recognized, access to a patent coupled with circumstantial evidence showing changes to a competitor’s design can be sufficient to support copying. *Liqwd, Inc. v. L’Oreal USA, Inc.*, 941 F.3d 1133, 1138 (Fed. Cir. 2019). This may happen when, for example, “the defendant’s engineering design team had settled on one design and ‘suddenly changed direction’ to adopt a feature disclosed in the patent as soon as it issued.” *Id.* (quoting *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1328 (Fed. Cir. 2009)).

Here, we find the circumstantial evidence is not sufficient to suggest that Petitioner copied the patented technology. As Petitioner notes, the only alleged access involves unsolicited communications between 2010 and 2014 sent to Petitioner’s agent seeking to monetize Patent Owner’s then-pending patent applications. *See* Pet. Reply 23; PO Resp. 22–23. Patent Owner further alleges that “[i]n or around June 2013,” Petitioner “publicly announced its rollout of [] iOS7,” which Patent Owner alleges embodies the challenged claims. PO Resp. 23–26. These general allegations are not

sufficient to infer that Petitioner changed its design to incorporate the patented features based on its access to Patent Owner's technology. *See Liqwd*, 941 F.3d at 1138 (noting the "primary concern . . . to avoid treating mere infringement as copying simply because the claims of a patent arguably read on a competitor product").

b. Commercial Success

Patent Owner suggests that evidence of commercial success further supports that the challenged claims are not obvious. Specifically, according to Patent Owner, the claimed features were commercially successful because "Petitioner touted the claimed features of the invention in connection with products using the iBeacon technology covered by the '839 patent." PO Resp. 26. In addition, Patent Owner asserts that several companies "have licensed the patented technology covered by the '839 patent." *Id.* at 28.

We find Patent Owner's evidence unconvincing for several reasons. First, the alleged touting relates to the products' functionality, not their commercial success. *See* PO Resp. 26–27 (citing Exs. 2024, 2025). In addition, Patent Owner's licensing is unconvincing because, as Petitioner notes, the asserted licenses address some 30+ patents, only one of which is the '839 patent, and Patent Owner "failed to provide any evidence regarding the weight or importance of the '839 Patent to these agreements." Pet. Reply 25.

In sum, we have reviewed Patent Owner's arguments and evidence regarding objective evidence of non-obviousness and, for the reasons outlined above, do not find them persuasive enough to outweigh Petitioner's evidence that the challenged claims would have been obvious.

5. Claim 1 Conclusion

Other than the arguments addressed above, Patent Owner does not additionally challenge Petitioner's showing. We have reviewed Petitioner's arguments and evidence and, based on Petitioner's analysis outlined above, we find that Petitioner has shown by a preponderance of the evidence that claim 1 would have been obvious over Lutnick.

B. *OBVIOUSNESS OF CLAIMS 2, 3, 8, 21, 23–27, 32, 45, 47, AND 48*

Independent claim 25 recites limitations similar to those discussed above for claim 1. Dependent claims 2, 3, 8, 21, 23, 24, 26, 27, 32, 45, 47, and 48 depend, directly or indirectly, from claims 1 or 25. Petitioner presents evidence that Lutnick teaches the limitations of claims 2, 3, 8, 21, 23–27, 32, 45, 47, and 48. Pet. 13–48. Other than the arguments discussed above for claim 1, Patent Owner does not additionally challenge Petitioner's obviousness showing. Having reviewed the arguments and weighed the evidence, we find that Petitioner has shown by a preponderance of the evidence that claims 2, 3, 8, 21, 23–27, 32, 45, 47, and 48 would have been obvious over Lutnick.

C. *OBVIOUSNESS OF CLAIMS 20 AND 44*

Petitioner argues that claims 20 and 44 would have been obvious over Lutnick and Rankin. Pet. 49–51. Petitioner identifies evidence indicating that the Lutnick and Rankin combination teaches the limitations of claims 20 and 44, and that a person of ordinary skill in the art would have had reason to combine these references. *Id.* Other than the arguments discussed above, Patent Owner does not additionally challenge Petitioner's showing. Having reviewed the arguments and weighed the evidence, we find that Petitioner has

shown by a preponderance of the evidence that claims 20 and 24 would have been obvious over Lutnick and Rankin.

D. OBVIOUSNESS OF CLAIMS 23 AND 47

Petitioner argues that claims 23 and 47 would have been obvious over Lutnick and Evans. Pet. 51–56. Petitioner identifies evidence indicating that the Lutnick and Evans combination teaches the limitations of claims 23 and 47, and that a person of ordinary skill in the art would have had reason to combine these references. *Id.* Other than the arguments discussed above, Patent Owner does not additionally challenge Petitioner’s showing. Having reviewed the arguments and weighed the evidence, we find that Petitioner has shown by a preponderance of the evidence that claims 23 and 47 would have been obvious over Lutnick and Evans.

E. OBVIOUSNESS OF CLAIMS 24 AND 48

Petitioner argues that claims 24 and 48 would have been obvious over Lutnick and Bluetooth Core. Pet. 56–61. Petitioner identifies evidence indicating that the Lutnick and Bluetooth Core combination teaches the limitations of claims 24 and 48, and that a person of ordinary skill in the art would have had reason to combine these references. *Id.* Other than the arguments discussed above, Patent Owner does not additionally challenge Petitioner’s showing. Having reviewed the arguments and weighed the evidence, we find that Petitioner has shown by a preponderance of the evidence that claims 24 and 48 would have been obvious over Lutnick and Bluetooth Core.

IV. PATENT OWNER’S MOTION TO EXCLUDE EVIDENCE

Patent Owner filed a Motion (Paper 27) seeking to exclude Dr. La Porta’s supplemental declaration (Ex. 1027) and “all argument’s in

Petitioner’s Reply based on the Supplemental Declaration.” Paper 27, 2. Because this decision does not rely on the supplemental declaration or arguments based on the declaration in question, we deny Patent Owner’s motion as moot.

V. CONCLUSION

For the foregoing reasons, we determine Petitioner has demonstrated by a preponderance of the evidence that claims 1–3, 8, 20, 21, 23–27, 32, 44, 45, 47, and 48 of the ’839 patent are unpatentable.⁸ Our conclusions are summarized in the following table.

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
1–3, 8, 21, 23– 27, 32, 45, 47, 48	103	Lutnick	1–3, 8, 21, 23– 27, 32, 45, 47, 48	
20, 44	103	Lutnick, Rankin	20, 44	
23, 47	103	Lutnick, Evans	23, 47	
24, 28	103	Lutnick, Bluetooth Core	24, 28	

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner’s attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

Overall Outcome			1–3, 8, 20, 21, 23–27, 32, 44, 45, 47, 48	
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VI. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1–3, 8, 20, 21, 23–27, 32, 44, 45, 47, and 48 of the '839 patent are unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, 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; and

FURTHER ORDERED that Patent Owner's Motion to Strike (Paper 27) is DENIED as moot.

IPR2022-00129
Patent 8,566,839 B2

PETITIONER:

Larissa S. Bifano
Jonathan Hicks
Zachary Conrad
DLA PIPER LLP (US)
larissa.bifano@dlapiper.com
jonathan.hicks@dlapiper.com
zack.conrad@us.dlapiper.com

PATENT OWNER:

Brian R. Michalek
Joseph M. Kuo
Brian R. Landry
SAUL EWING ARNSTEIN & LEHR LLP
brian.michalek@saul.com
joseph.kuo@saul.com
brian.landry@saul.com