

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WALT DISNEY PARKS AND RESORTS U.S., INC.,
Petitioner,

v.

RAVEN SUN CREATIVE, INC.,
Patent Owner.

IPR2022-01605
Patent 9,266,028 B2

Before HYUN J. JUNG, WILLIAM A. CAPP, and MICHAEL L. WOODS,
Administrative Patent Judges.

WOODS, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Petitioner, Walt Disney Parks and Resorts U.S., Inc., filed a Petition for *inter partes* review of claims 1 and 2 (the “Challenged Claims”) of U.S. Patent No. 9,266,028 B2 (Ex. 1001, “the ’028 patent”). Paper 2 (“Pet.”). Patent Owner, Raven Sun Creative, Inc., filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). With our authority, Petitioner also filed a Reply (Paper 10, “Reply”) and Patent Owner filed a Sur-Reply (Paper 11, “Sur-Reply”).

Under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we have authority to institute an *inter partes* review if “the information presented in the petition . . . and any response . . . 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.” 35 U.S.C. § 314(a). After considering the Petition, the Preliminary Response, the Reply, the Sur-Reply, and the evidence of record, we determine the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the Challenged Claims of the ’028 patent. Accordingly, we institute an *inter partes* review of claims 1 and 2 of the ’028 patent on the grounds asserted in the Petition.

II. BACKGROUND

A. *Real Parties-in-Interest*

The parties identify themselves as the only real parties-in-interest. Pet. 56; Paper 4, 2.

B. Related Matters

The parties identify *Raven Sun Creative, Inc. v. Walt Disney Parks & Resorts U.S., Inc.*, No. 6:21-cv-01864 (M.D. Fla. Nov. 9, 2021) (“Parallel Litigation”). Paper 4, 2; Pet. 56.

C. Overview of the '028 Patent

The '028 patent is titled “Tower Ride.” Ex. 1001, code (54). The '028 patent describes an “amusement ride . . . that moves a rider in a manner that is synchronized with a video image being displayed on a screen visible to the rider.” *Id.* at code (57). To illustrate an embodiment of the “tower ride” described in the '028 patent, Petitioner submits an annotated version of Figure 8 (Pet. 2), a copy of which we reproduce below:

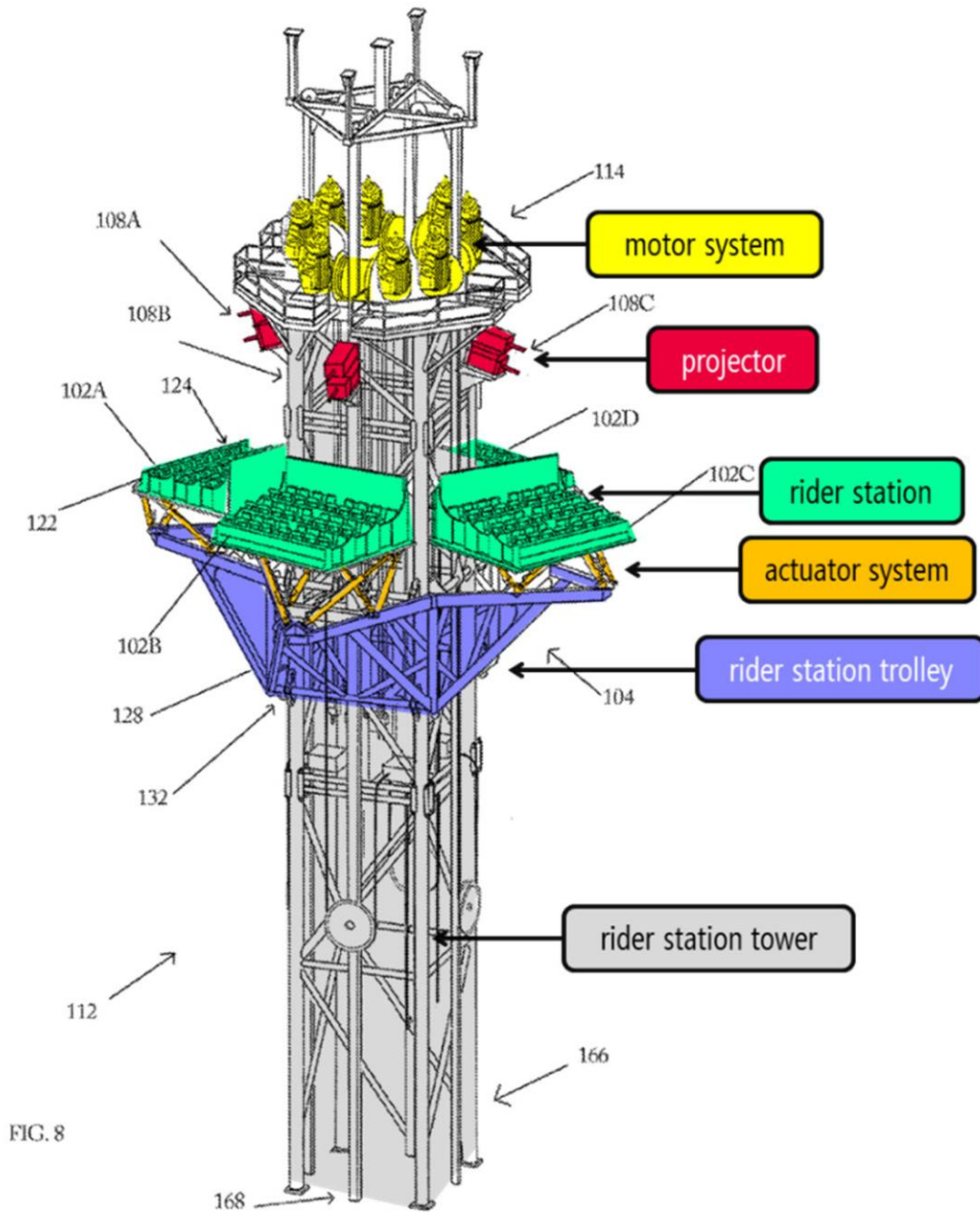


Figure 8 depicts a tower structure with a tower ride. *See* Ex. 1001, 4:53–55. In particular, Figure 8 depicts amusement park ride, or tower ride 100, comprising: four rider stations (102A–102D); rider trolley 104 that supports the rider stations; four actuator systems (106A–106D) used to move the rider stations relative to the rider trolley; four projector systems (108A–108D),

each associated with a rider station and used to project an image on a screen visible to a rider situated in the rider station; four projector trolleys (110A–110D), each supporting a projector system; tower structure 112 that engages the rider trolley and the projection trolleys and constrains the trolleys to vertical movement up and down the tower structure; motor system 114 for moving the rider trolley together with the rider stations; screens (116A–116D), each associated with one of the rider stations; and controller 118 that synchronizes movement of the rider stations with an image being projected on the screens. *Id.* at 8:51–9:7. Petitioner annotates Figure 8 to illustrate the “motor system” (yellow), “projector” (red), “rider stations” (green), “actuator system” (orange), “rider station trolley” (purple), and “rider station tower” (grey). Pet. 2.

D. Challenged Claims

Petitioner challenges claims 1 and 2 of the ’028 patent. Pet. 1–2. Claim 1 is the sole independent claim, with claim 2 depending directly therefrom. Ex. 1001, 14:40–15:20. We reproduce those claims, below:

1. An amusement ride apparatus comprising:
 - a rider station for supporting a rider in a predetermined position;
 - a rider station trolley for supporting the rider station;
 - a rider station tower operatively engaged with the rider station trolley such that the rider station trolley can move vertically along the rider station tower;
 - a motor system operatively engaged with the rider station trolley for vertically moving the rider station trolley and the rider station along the rider station tower;
 - an actuator system for moving the rider station relative to the rider station trolley;
 - a screen located for viewing by a rider supported in the predetermined position in the rider station;

a projector for projecting imagery on the screen; and
a controller operatively engaged with the projector, the motor system, and the actuator system and adapted to cause:
(a) the motor system to vertically position the rider station along the rider station tower so as to coordinate the vertical position of the rider station with imagery produced by the projector and displayed on the screen and (b) the actuator system to position the rider station relative to the rider station trolley so as to coordinate the position of the rider station relative to the rider station trolley with imagery produced by the projector and displayed on the screen;

wherein, in coordinating the position of the rider station relative to the rider station tower and the rider station trolley with imagery being displayed on the screen, the controller is capable of causing:

(a) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously maintain a position of the rider station relative to the rider station trolley,

(b) the motor system to maintain the position of the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley, and

(c) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley.

2. An amusement ride apparatus, as claimed in claim 1, wherein:

the actuator system is capable of providing a combination of surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley.

Id.

E. Asserted Grounds of Unpatentability

Petitioner asserts that the Challenged Claims are unpatentable based on the following grounds (Pet. 1–2):

Claims Challenged	35 U.S.C. § ¹	References
1, 2	103	Schreibfeder ²
1, 2	103	Threlkel, ³ Schreibfeder

Petitioner also relies on the Declaration of Mr. Alan J. Arena (Ex. 1003). *See, e.g.*, Pet. v.

III. ANALYSIS

A. Discretion Under 35 U.S.C. § 314(a)—Fintiv⁴

Patent Owner argues that we should exercise discretion under 35 U.S.C. § 314 and deny institution under *Fintiv* based on the Parallel Litigation. *See* Prelim. Resp. 19; *see also id.* at 22–25; *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential, “*Fintiv*”).

Petitioner, on the other hand, submits that “*Fintiv* [] favors institution . . . [as] the current trial date in the concurrent litigation is in April 2024 and the case is in its early stages.” Pet. 56. Petitioner also stipulates,

¹ The AIA version of 35 U.S.C. applies to this proceeding. *See* Ex. 1001, code (60).

² US 2013/0012327 A1, published Jan. 10, 2013 (Ex. 1005, “Schreibfeder”).

³ WO 03/082421 A2, published Oct. 9, 2003 (Ex. 1006, “Threlkel”).

⁴ Patent Owner merges its arguments for discretionary denial based on the Parallel Litigation under *Fintiv* and discretionary denial based on prior prosecution under 35 U.S.C. § 325(d). *See* Prelim. Resp. 19–29. We address these arguments separately.

Defendant Walt Disney Parks and Resorts U.S., Inc. (“WDPR”) hereby stipulates that, if the Patent Trial and Appeal Board (“PTAB”) institutes the pending *inter partes* review petition in IPR2022-01605 challenging the patentability of claims 1 and 2 of U.S. Patent Number 9,266,028, then *WDPR will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned litigation, 6:21-cv-01864.*

Ex. 1021 (emphasis added).

Under § 314(a), the Director has discretion to deny institution of an *inter partes* review. *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) (“[T]he PTO is permitted, but never compelled, to institute an IPR proceeding”); *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director”). In determining whether to exercise discretion to deny institution under 35 U.S.C. § 314(a), the Board considers whether the circumstances of a parallel district court proceeding are a basis for exercising such discretion. *Fintiv* 5–6.

A Memorandum from Director Vidal titled *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation* (USPTO June 21, 2022) (“Interim Procedure”)⁵ sets forth the following:

the PTAB will not deny institution of an IPR or PGR under *Fintiv* (i) when a petition presents compelling evidence of unpatentability; (ii) when a request for denial under *Fintiv* is based on a parallel ITC proceeding; or (iii) *where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.*

⁵ Available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf.

Interim Procedure 9 (emphasis added); *see also* PO Sur-Reply 5 (acknowledging that Petitioner stipulated after the Patent Owner’s Preliminary Response was filed).

Under the Interim Procedure, “the PTAB will not deny institution of an IPR . . . where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.” Interim Procedure 9 (citing *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A)). This is what Petitioner stipulates. Ex. 1021; *see* Reply 4 n.1 (stating that Petitioner is filing a “*Sotera* stipulation,” which “precludes discretionary denial” under the Interim Procedure); Sur-Reply 5.

Accordingly, we decline to deny institution under *Fintiv*.

B. Discretion Under 35 U.S.C. § 325(d)

Patent Owner argues that we should exercise our discretion under 35 U.S.C. § 325(d) to deny institution on the basis that “the same or substantially the same prior art or arguments . . . were previously presented to the Office.” Prelim. Resp. 19–22. Patent Owner contends that because Schreibfeder and Threlkel “fall within the same classification already searched by the Examiner,” the “Petition’s grounds are ‘the same or substantially the same prior art or arguments previously presented to the Office’ [and] discretionary denial is warranted.” *Id.* at 21–22. In other words, Patent Owner explains, “[b]ecause the Patent Office already considered art . . . *within the classes and terms searched*, that is the same or substantially the same as the art included in the Petition, the first prong of *Advanced Bionics* is met.” Sur-Reply 3 (emphasis added).

Petitioner points out that “Patent Owner proclaims cumulateness, but offers no *evidence* to show that the Office ever actually considered Schreibfeder, Threlkel, or any other reference that is, in fact, cumulative to Schreibfeder or Threlkel.” Reply 1. Petitioner argues that simply because Schreibfeder and Threlkel “fall within the same classification of prior art already searched,” this does not mean that these references are “the same or substantially the same” as art considered during prosecution. *See id.* (quoting Prelim. Resp. 4–5, 21–22).

35 U.S.C. § 325(d) provides that, in determining whether to institute an *inter partes* review, “the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.” 35 U.S.C. § 325(d). The Board uses a two-part framework in determining whether to exercise its discretion under Section 325(d), specifically:

- (1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office; and
- (2) if either condition of [the] first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.

Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential) (“*Advanced Bionics*”).

Turning to the first prong of *Advanced Bionics*, neither Schreibfeder nor Threlkel was cited during prosecution of the ’028 patent. *See* Ex. 1002; *see also* Ex. 1001, code (56). Further, we do not find anything in the

prosecution history of the '028 patent, such as an office action on the merits, that suggests the Examiner considered “the same or substantially the same prior art” as these references. *See* Ex. 1002. We disagree with Patent Owner that the Examiner considered “the same prior art” simply because Schreibfeder or Threlkel may have fallen within the same classes searched by the Examiner. *See* Sur-Reply 3. We are aware of no authority, and Patent Owner cites none, to support this position.

Because we do not find that the same or substantially the same art or arguments previously were presented to the Office, nor do we find that the same or substantially the same arguments previously were presented to the Office, the first prong of *Advanced Bionics* is not satisfied, and we decline to exercise our discretion to deny institution under 35 U.S.C. § 325(d).

C. Level of Ordinary Skill in the Art

Petitioner contends that a person of ordinary skill in the art at the time of the invention (“POSITA” or “POSA”)

would have had a minimum of a B.S. in engineering or a related field, as well as four to six years of industry experience designing or building amusement rides or motion simulator systems. Higher education by way of advanced degrees in a related field could substitute for years of experience.

Pet. 6 (citing Ex. 1003 ¶ 43).

Patent Owner does not dispute Petitioner’s definition of a POSITA. *See generally*, Prelim. Resp.

For purposes of this Decision, we adopt Petitioner’s assessment of the level of ordinary skill in the art as we find that it is consistent with the '028 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

D. Claim Construction

In this *inter partes* review, we apply the same claim construction standard that would be used in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b) (2019). In applying this standard, we generally give claim terms their ordinary and customary meaning as would be understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

Petitioner and Patent Owner both address “controller” in their papers. *Compare* Pet. 7–9, with Prelim. Resp. 12–15.

1. “controller”

Petitioner submits that “for purposes of this proceeding,” the term “controller” “should be construed as ‘one or more computer-based devices that issue control signals to engage and control the projector, the motor system, and actuator system.’” Pet. 7 (citing Ex. 1020).

Patent Owner similarly proposes that the term “controller” should be construed as “one or more computer-based devices that issue control signals to engage and control the projector, the motor system, and actuator system.” *See* Prelim. Resp. 12.

As both parties propose *identical* interpretations of the term “controller” (*compare* Pet. 7, with Prelim. Resp. 2), and Patent Owner at this time does not dispute that the asserted prior art (Schreibfeder) teaches the recited “controller,” this term is not in controversy, and we do not construe it in this Decision. *See infra* Section III.E.3.h; *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (stating that “we 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)).

We note, however, that in the Parallel Litigation, the District Court determined that the claim term “controller” should be construed under 35 U.S.C. § 112(f) and that the term was indefinite. Ex. 3001, 31.⁶ The Board’s Consolidated Trial Practice Guide⁷ provides that the “Board will give [this] claim construction determination[] appropriate weight . . . [and] may also consider whether [‘controller’] construed by the district court . . . [is] necessary to deciding the issues before it.” CTPG 47; *see also* 37 C.F.R. § 42.100(b) (“Any prior claim construction determination concerning a term of the claim in a civil action . . . that is timely made of record in the *inter partes* review proceeding will be considered.”).

In this instance, we are able to determine whether Petitioner has shown a reasonable likelihood that it would prevail with respect to at least one challenged claim based on the prior art and the agreed-upon interpretation of “controller.” *See Intel Corp. v. Qualcomm Inc.*, 21 F.4th 801, 812–813 (Fed. Cir. 2021) (“it is not always impossible to adjudicate a

⁶ We further remind the parties that the Board’s Consolidated Trial Practice Guide instructs that “[p]arties should submit a prior claim construction determination by a federal court or the ITC in an AIA proceeding as soon as that determination becomes available” and that “[s]ubmission of a prior claim construction determination is *mandatory* under 37 C.F.R. § 42.51(b), if it is ‘relevant information that is inconsistent with a position advanced by the party during the proceeding.’” CTPG 47 (emphasis added).

⁷ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated> (“CTPG”) (last visited March 14, 2023).

prior-art challenge, one way or the other, just because some aspect of a claim renders the claim indefinite”).⁸

2. Other Claim Terms

For purposes of this Decision, we need not formally address or construe any other claim term. *See Nidec*, 868 F.3d at 1017.

E. Unpatentable Over Schreibfeder

Petitioner contends that claims 1 and 2 would have been unpatentable under 35 U.S.C. § 103 over Schreibfeder. Pet. 10–35.

1. Principles of Law

Petitioner’s challenges are based under 35 U.S.C. § 103. Pet. 1–2.
Under this section,

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

35 U.S.C. § 103.

⁸ The parties may address the District Court’s claim construction (Ex. 3001) in their next brief and may elaborate whether 35 U.S.C. § 112(f) should or should not apply to the term “controller,” and if so, whether the Specification describes sufficient structure corresponding to the claimed function(s). *See Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1351 (Fed. Cir. 2015); *see also* CTPG 47 (providing guidance on the same).

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) when in evidence, objective indicia of non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

2. *Schreibfeder (Ex. 1005)*

Schreibfeder is a U.S. patent application publication titled “Amusement Ride System” and discloses “a universal amusement ride system that provides a full environmental immersion visually and, seemingly, physically.” Ex. 1008, code (54); *id.* ¶ 1. We reproduce Figure 1 of Schreibfeder, below:

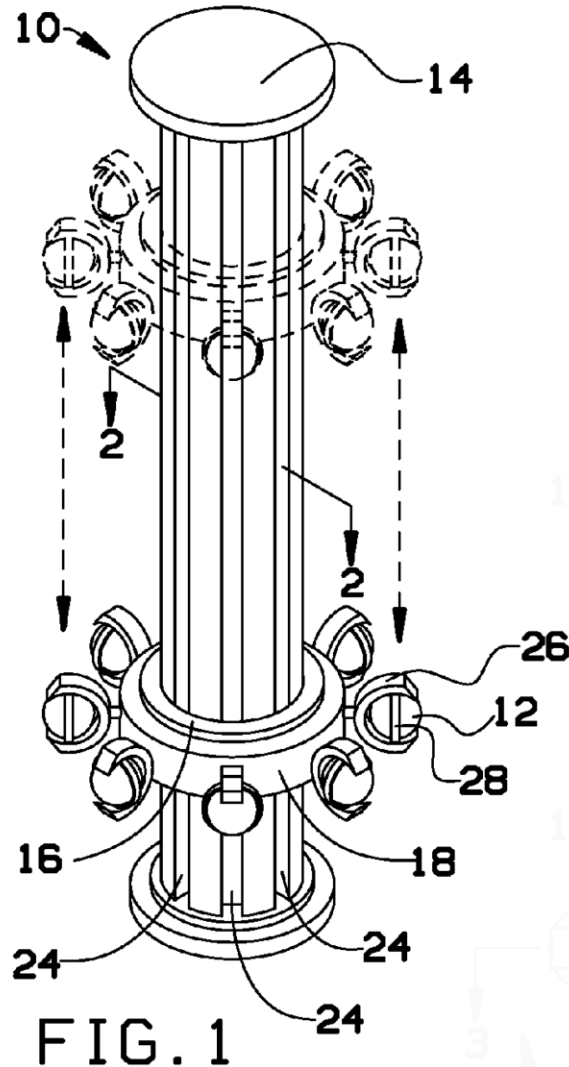


Figure 1 “is a perspective view of an amusement ride system according to an exemplary embodiment of the present invention.” Ex. 1005 ¶ 8.⁹ In particular, Figure 1 depicts ride system 10 with a plurality of pods 12 adapted to move relative to tower 14. *Id.* ¶ 24. Pods 12 may hold riders 30 (shown below in Figure 10). *Id.* Riders 30 “may experience a falling/rising feeling, pivoting left and right, rotating side to side and the sensation of acceleration/deceleration, accompanied by visual and audible stimuli.” *Id.*

⁹ Bold emphasis from the prior art and the '028 patent are omitted throughout this Decision.

We also reproduce Schreibfeder's Figure 2, below:

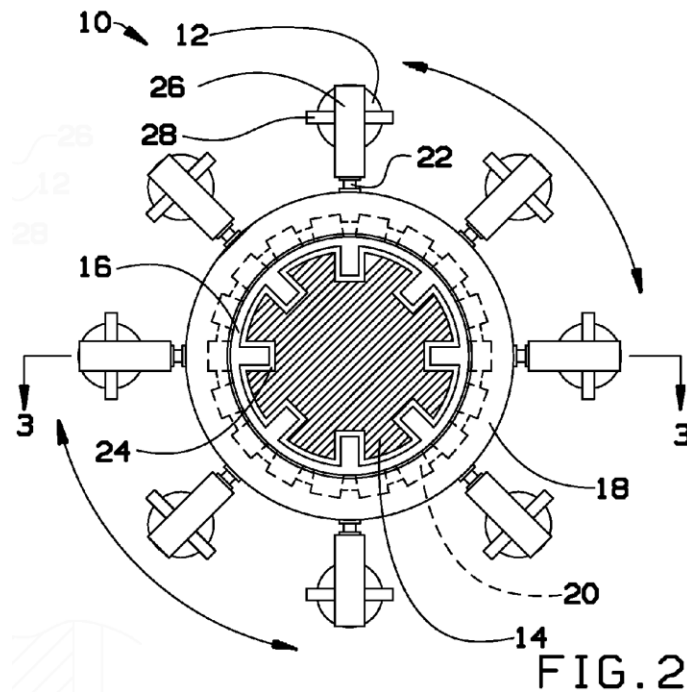


Figure 2 “is a section view of the amusement ride system taken along line 2-2 of” Figure 1. *Id.* ¶ 9. Specifically, Figure 2 shows a plurality of tracks 24 formed within tower 14 with magnetic track 20 disposed about track ring 16 and pod support ring 18, which may rotate about magnetic track 20. *Id.* ¶ 25. As pod support ring 18 rotates, pods 12 also rotate, thereby creating a g-force effect on the rider inside pod 12. *Id.*

We further reproduce Figure 3 of Schreibfeder, below:

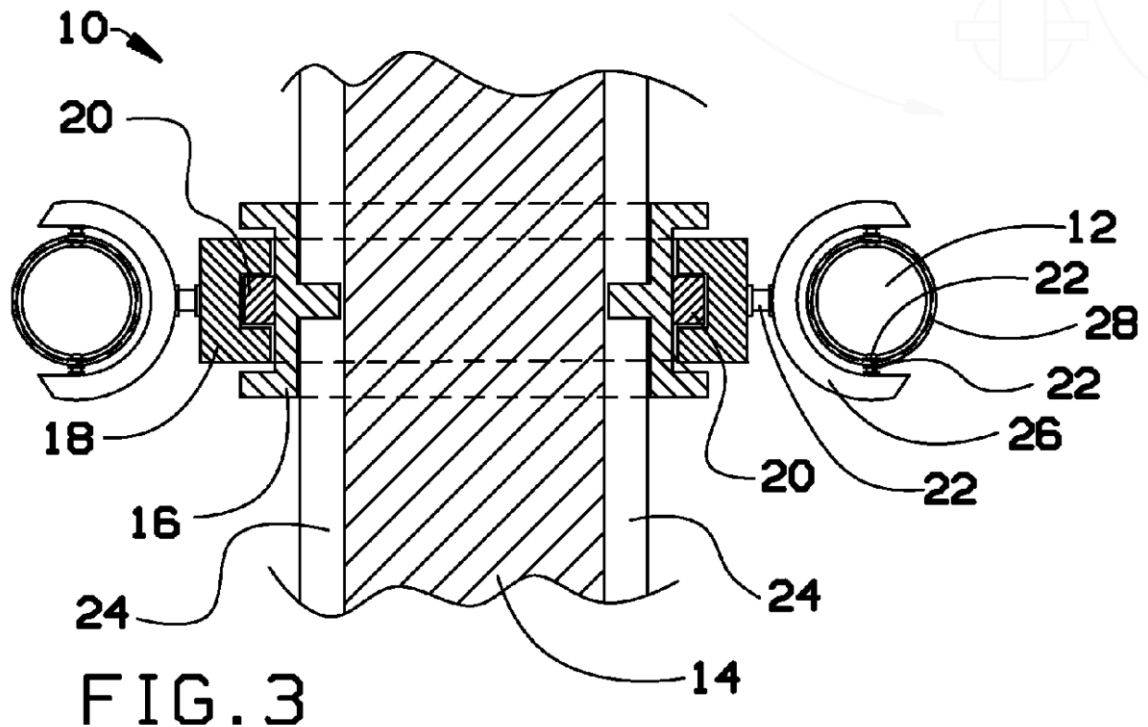


Figure 3 “is a section view of the amusement ride system taken along line 3-3 of” Figure 2. *Id.* ¶ 10. In particular, Figure 3 depicts pod bracket 26 as generally C-shaped, with pod 12 fitting inside the pod bracket. *Id.* ¶ 26. First and second pod swivels 22 may be disposed to secure pod 12 to permit pod 12 to rotate about another axis. *See id.* Further, pod track ring 28 may be disposed about the circumference of pod 12 to rotate inside pod bracket 26. *Id.*

We further reproduce Figure 10 of Schreibfeder, below:

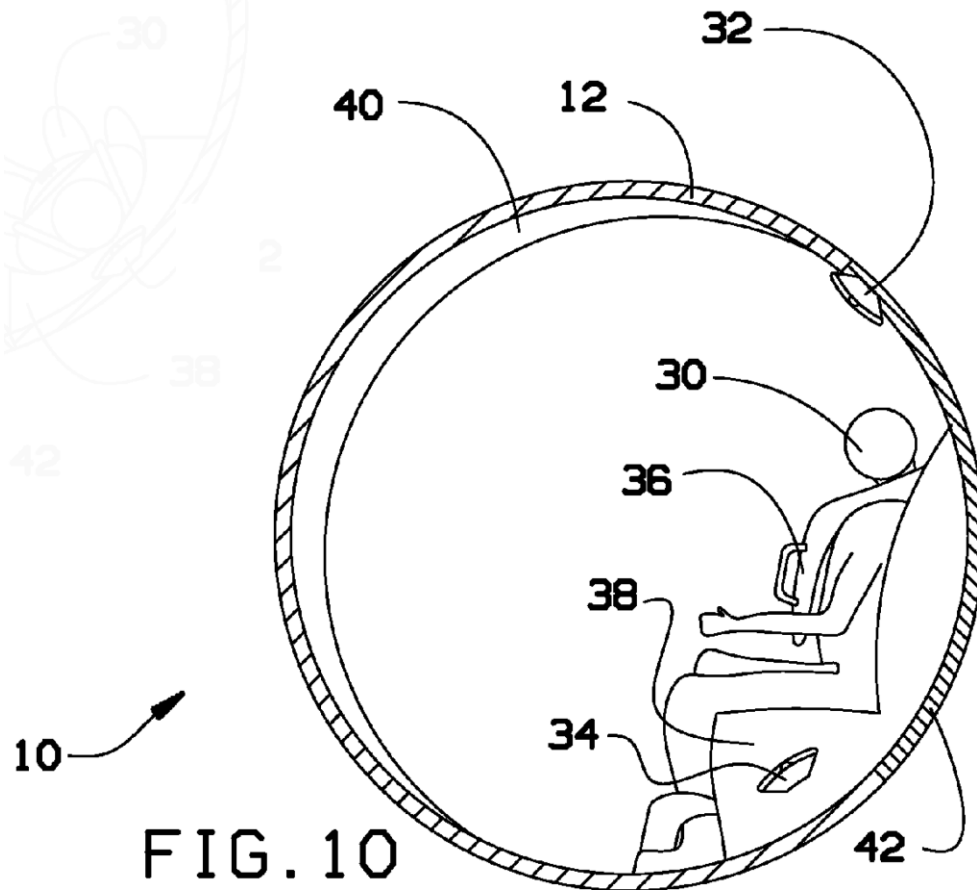


Figure 10 “is a side view showing a rider disposed inside the pod of the amusement ride system” of Figure 1. *Id.* ¶ 17. Figure 10 depicts rider 30 sitting within seat 38 of pod 12, and door 42 for allowing the rider to enter and exit. *Id.* ¶ 27. Pod 12 may further include speakers 32 and subwoofer 34 for providing audio stimuli, and screen 40 for providing visual stimuli. *Id.*

3. *Analysis of Claim 1*

For clarity, we adopt Petitioner’s nomenclature in addressing the language of claim 1. *See* Pet. 14–35.

a. [Pre] An amusement ride apparatus

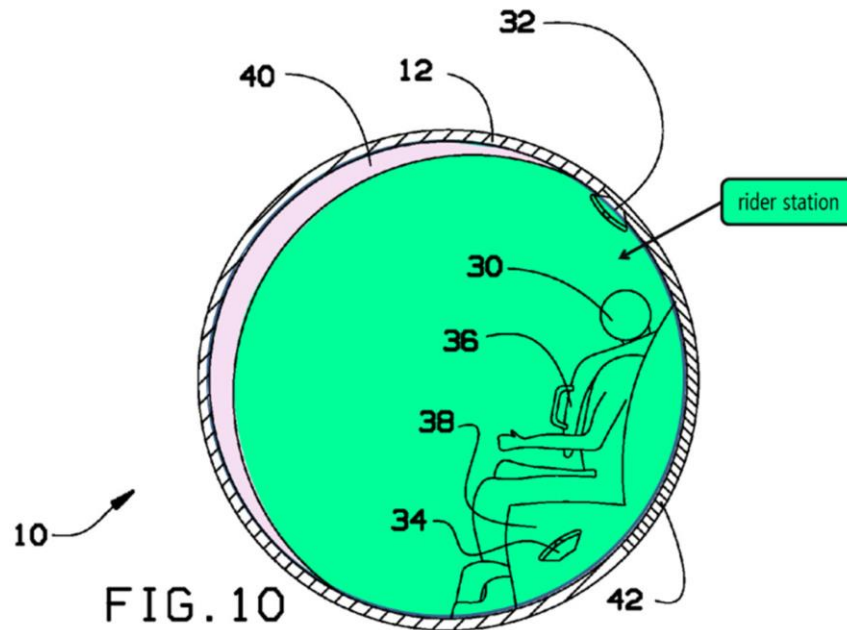
Petitioner submits that Schreibfeder discloses the preamble and points out that Schreibfeder is titled “Amusement Ride System” and describes “a universal amusement ride system that provides a full environmental immersion visually and, seemingly, physically.” Pet. 14 (citing Ex. 1005 ¶¶ 1, 34).

Schreibfeder discloses that its “amusement ride system 10 may be used as an amusement ride” and “may be located in, for example, amusement parks [or] carnivals.” Ex. 1005 ¶ 34.

At this stage of the proceeding, and without determining whether the preamble is limiting, Petitioner has shown a reasonable likelihood that Schreibfeder discloses an “amusement ride apparatus.”

b. [a] “a rider station for supporting a rider in a predetermined position”

Petitioner submits that Schreibfeder discloses element 1[a]. Pet. 14. Petitioner submits an annotated version of Schreibfeder’s Figure 1, a copy of which we reproduce, below:

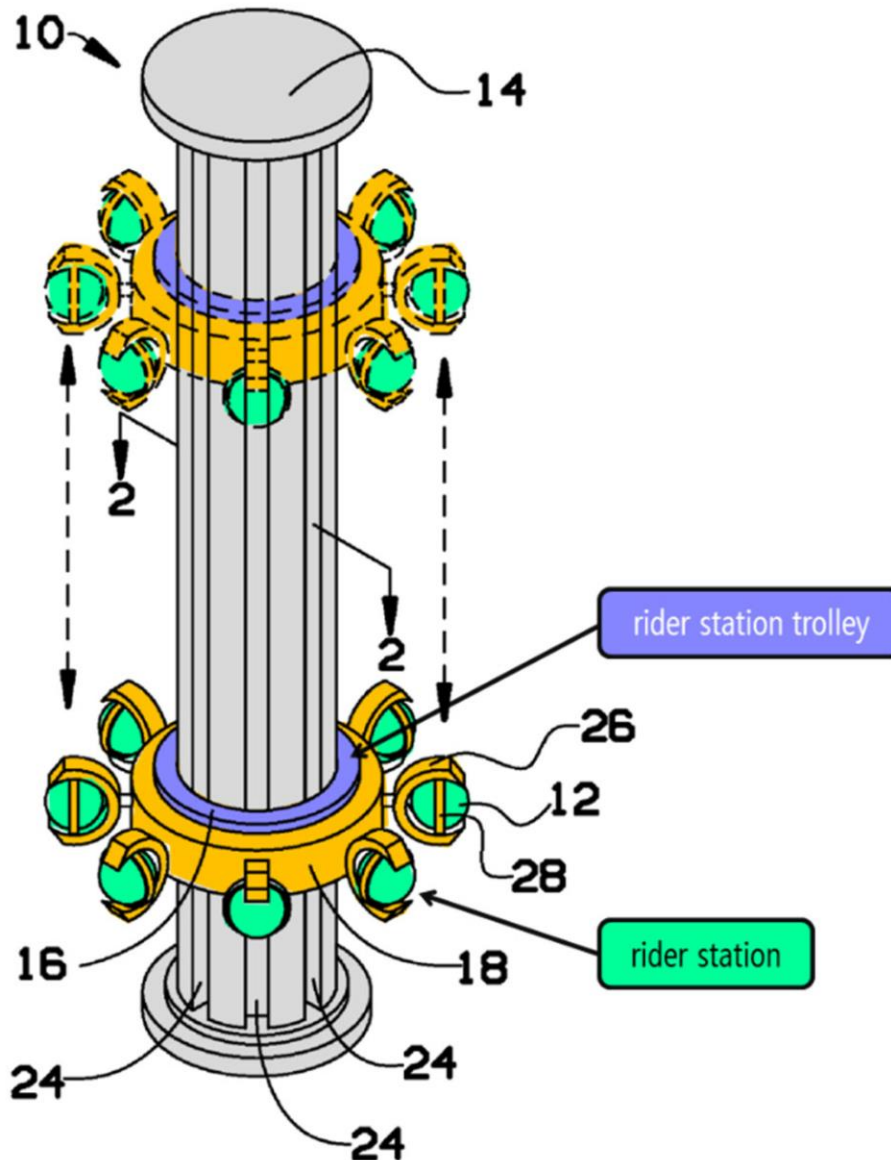


According to Petitioner, Schreibfeder’s rider station pod 12 “supports a rider in a predetermined seated position,” such as with seat 38. *See id.* at 15 (citing in part Ex. 1005 ¶ 24, Fig. 9).

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “a rider station for supporting a rider in a predetermined position.”

c. [b] “a rider station trolley for supporting the rider station”

Petitioner submits that Schreibfeder discloses element 1[b]. Pet. 15. Petitioner submits an annotated version of Schreibfeder’s Figure 1 (*id.* at 16), a copy of which we reproduce, below:



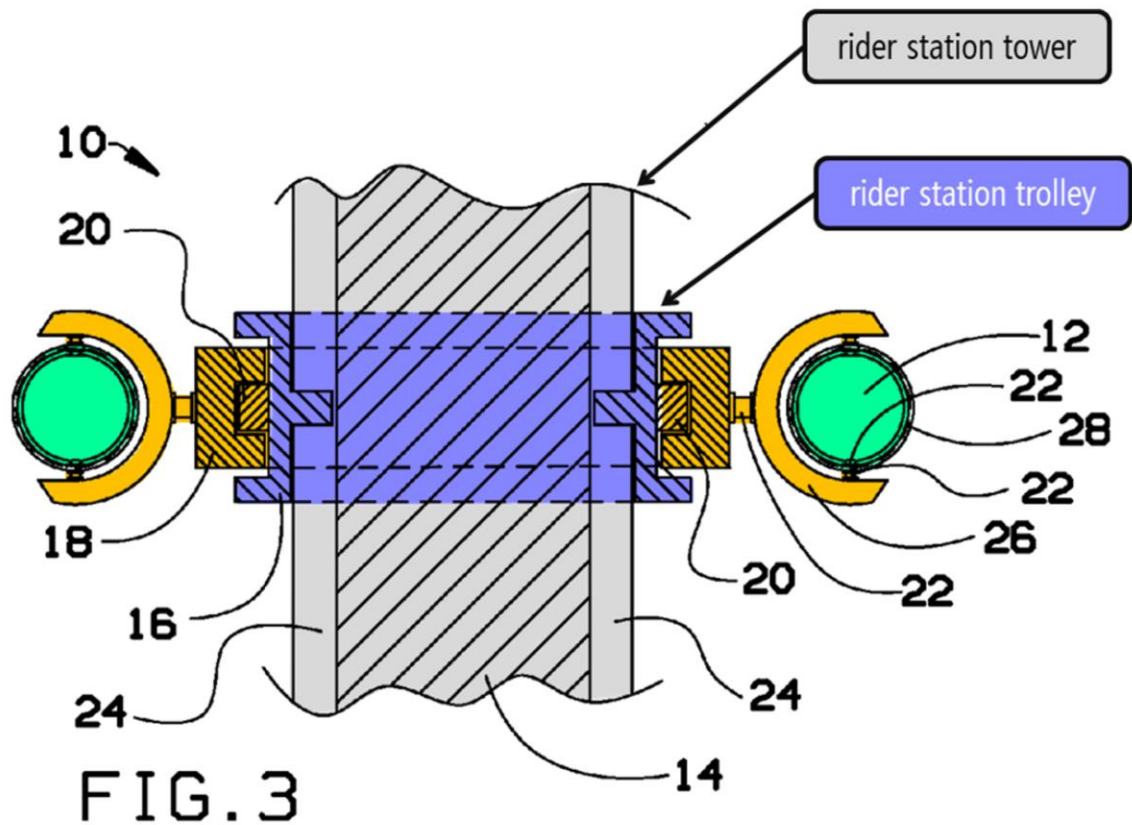
According to Petitioner, Figure 1 shows rider station trolley (“track ring 16” in purple) that supports rider station (“pod 12” in green). *See id.* (citing in part Ex. 1005 ¶ 25).

Schreibfeder discloses that pod support ring 18 rotates about a magnetic track on track ring 16. Ex. 1005 ¶ 25.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “a rider station trolley for supporting the rider station.”

- d. [c] “a rider station tower operatively engaged with the rider station trolley such that the rider station trolley can move vertically along the rider station tower”

Petitioner submits that Schreibfeder discloses element 1[c]. Pet. 16. To support this finding, Petitioner submits an annotated version of Schreibfeder’s Figure 3 (*id.* at 17), a copy of which we reproduce, below:



According to Petitioner, Figure 3 depicts rider station tower 14 (in grey) in which the tower has tracks 24 that operatively engage with the rider station trolley 16 (in purple). *Id.*

Schreibfeder discloses that its rider station trolley moves “up and down the tower 14” and that “tower 14 may be from about 10 feet to several hundred feet high” and “include[s] a generally round section along which the pods 12 may travel.” Ex. 1005 ¶ 25.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “a rider station tower operatively engaged with the rider station trolley such that the rider station trolley can move vertically along the rider station tower.”

- e. [d] “a motor system operatively engaged with the rider station trolley for vertically moving the rider station trolley and the rider station along the rider station tower”*

Petitioner submits that Schreibfeder discloses element 1[d]. Pet. 17.

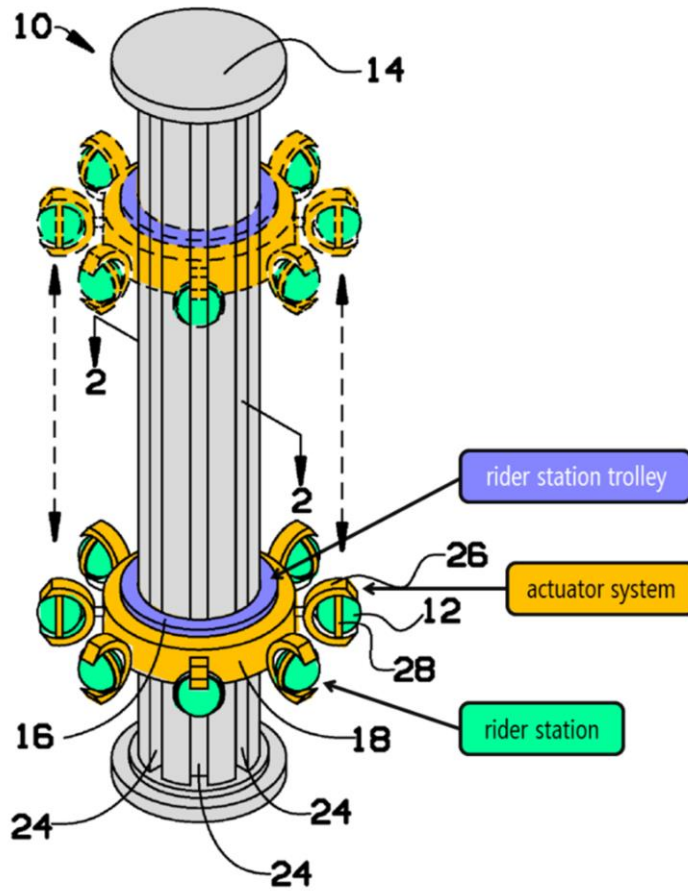
Petitioner cites to Schreibfeder’s disclosure that its ride “includes a motor system that is engaged with and vertically moves the trolley and the rider station along the tower.” *Id.* (citing Ex. 1005 ¶ 32). Petitioner further cites to Schreibfeder’s disclosure that “hydraulics, magnets, gears, [and] electric motors” may be used to drive the trolley “up and down.” *Id.* (quoting Ex. 1005 ¶ 32).

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “a motor system operatively engaged with the rider station trolley for vertically moving the rider station trolley and the rider station along the rider station tower.”

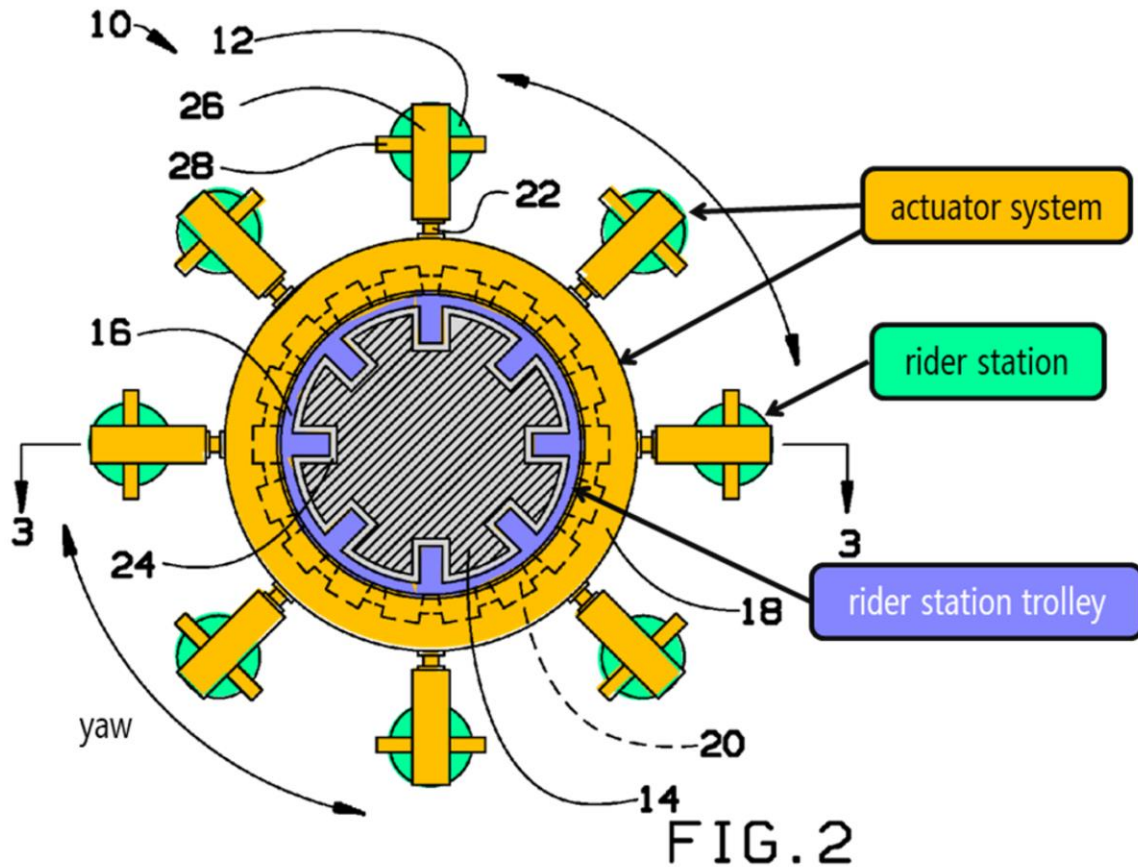
- f. [e] “an actuator system for moving the rider station relative to the rider station trolley”*

Petitioner submits that Schreibfeder discloses element 1[e]. Pet. 18.

Petitioner submits an annotated version of Schreibfeder’s Figure 1 (*id.* at 19), a copy of which we reproduce, below:

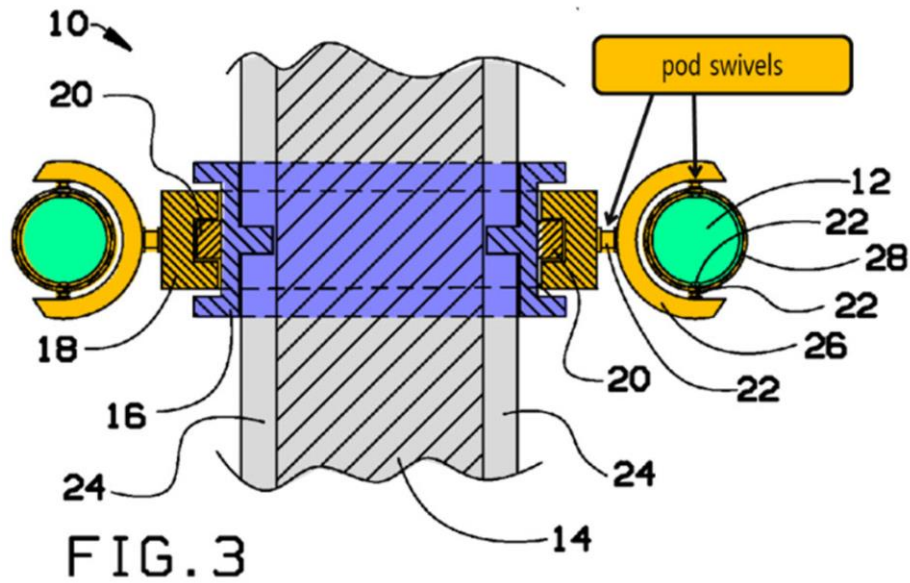


According to Petitioner, Figure 1 depicts an “actuator system” (in orange) that rotates a “rider station” (in green) relative to the “rider station trolley” (in blue). *Id.* Petitioner further submits an annotated version of Schreibfeder’s Figure 2 (*id.* at 19), a copy of which we also reproduce, below:



Petitioner explains that Figure 2 depicts, as explained in Schreibfeder, “[a]s the pod support ring 18 rotates, the pods 12 also rotate, where centrifugal force creates a g-force effect on the rider 30.” *Id.* (quoting Ex. 1005 ¶ 25).

Petitioner further submits an annotated version of Schreibfeder’s Figure 3 (*id.*), a copy of which we reproduce, below:



According to Petitioner, and as shown in Figure 3, “[s]wivels 22 also rotate the rider stations about their axes to further move the rider stations relative to the rider station trolley.” *Id.*

Petitioner further submits an annotated version of Schreibfeder’s Figure 4 (*id.* at 20), a copy of which we reproduce, below:

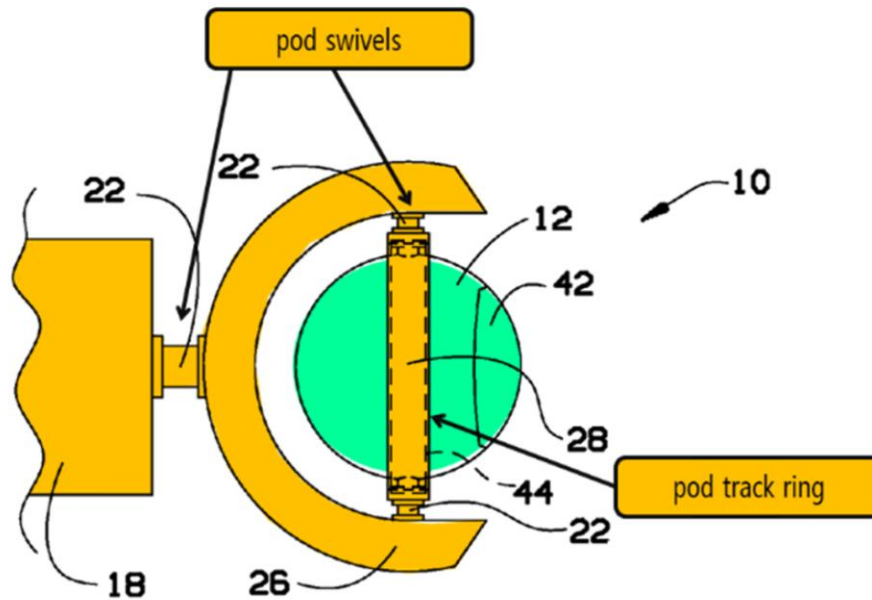


FIG. 4

Figure 4 of Schreibfeder depicts “a side detail view of a pod of the amusement ride system” of Figure 1. Ex. 1005 ¶ 11. In particular, Figure 4 depicts pod 12 connected to pod bracket 26 via pod swivels 22 and pod bracket 26 further connected to pod support ring 18 via pod swivel 22. See *id.* ¶ 25.

Petitioner submits that “[p]od track ring 28 further moves the rider station relative to the rider station trolley by ‘permit[ting] the pod 12 to rotate ... along a pod track 44’ to ‘provide the sensation of the pod 12 tipping from side to side (see FIG. 4) or forward and back (see FIGS. 5 and 6), depending on the rotation of the pod 12 about the pod swivels 22.’” Pet. 20 (quoting Ex. 1005 ¶ 26). Petitioner further points out that Schreibfeder’s actuator system includes magnets, gears, and electric motors to rotate the rings and swivels. See *id.* at 20–21 (citing in part Ex. 1005 ¶ 32).

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “an actuator system for moving the rider station relative to the rider station trolley.”

g. [f] “a screen located for viewing by a rider supported in the predetermined position in the rider station”

Petitioner submits that Schreibfeder discloses element 1[f]. Pet. 21. Petitioner cites to Schreibfeder’s disclosure that its screen 40 covers “some or all of the rider’s field of view” when the rider is positioned in its seat. *Id.* (citing in part Ex. 1005 ¶ 27, Figs. 9, 10).

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses “a screen located for viewing by a rider supported in the predetermined position in the rider station.”

h. [g] “a projector for projecting imagery on the screen”

Petitioner submits that Schreibfeder discloses element 1[g] and, in the alternative, that it “would have been *obvious* to use a fisheye or spherical mirror projector.” Pet. 21–22.

As to why Schreibfeder discloses this element, Petitioner cites to Schreibfeder’s disclosure that its ride “provide[s] visual stimuli for the rider” including “sights of a roller coaster ride.” *Id.* at 22 (citing Ex. 1005 ¶ 27). Petitioner’s expert, Mr. Arena, testifies that Schreibfeder *inherently discloses* a projector. See Ex. 1003 ¶ 87. In particular, Mr. Arena testifies,

A person of ordinary skill in the art understood that a projection screen itself cannot produce these images, but rather necessarily reflects light emitted from a projector. Thus, a person of ordinary skill in the art understood that Schreibfeder discloses a projector or at least *discloses a projector inherently*.

Id. Mr. Arena further explains,

A person of ordinary skill in the art would understand that projection screens were a type of screen well known in the field and that projectors and projection screens could have been used for the visual stimuli described in Schreibfeder. In particular, if a given screen is large and domed, a person of ordinary skill in the art understood that a fisheye or spherical mirror projector would be required for projection the imagery displayed. Such fisheye or spherical mirror projectors are similar to projectors used in dome theater rides and planetariums, and have been also used in prior art amusement rides.

Id. ¶ 88 (citing in part Ex. 1015, 4:27–5:27, 6:46–54, Figs. 1–8).

As to why it would have been obvious for a skilled artisan to use a projector with Schreibfeder's ride, Petitioner reasons,

It also would have been obvious to use a fisheye or spherical mirror projector. Amusement park rides with large dome screens commonly used these types of projectors, including such well-known rides as Back to the Future: The Ride, The Simpsons Ride, and Soarin'. . . . And as the '028 Patent acknowledges, a POSA knew how to implement a curved-screen projector that experiences similar movements and vibrations as the rider station. . . . By contrast, even if technically possible, a non-projector-based dome display would have been cost-prohibitive and more difficult to install and maintain.

Pet. 22–23 (citing in part Ex. 1003 ¶ 89). In support of this reasoning, Mr. Arena testifies,

[A] person of ordinary skill in the art in 2013 understood that for large format curved screens, projection based screens were more cost effective to scale up in size and easier to install and maintain compared to LCD and LED screens. Thus, a person of ordinary skill in the art understood that the large curved screen of Schreibfeder was comprised of a projector and

screen, and not a curved LCD or LED screen, which would not have been feasible at the large size required by Schreibfeder.

Ex. 1003 ¶ 89.

Patent Owner argues that “Schreibfeder does not disclose a projector system.” Prelim. Resp. 31–32. Patent Owner explains, “Mr. Arena’s statements that one of ordinary skill in the art would combine a projector system with Schreibfeder are conclusory and unsupported.” *Id.* at 32. Patent Owner contends that “[t]here is no evidence that one of ordinary skill in the art would interject a projector system into Schreibfeder’s screen-based, pod enclosure design.” *Id.*

We agree with Patent Owner that Schreibfeder does not *disclose* a projector, but, on the present record, we disagree with Patent Owner’s contention that it would not have been *obvious* to use one. We further disagree with Patent Owner’s contention that Petitioner and Mr. Arena cite no evidence to support this modification.

As to Petitioner’s assertion that Schreibfeder *inherently discloses* a projector, we disagree. Ex. 1003 ¶ 87 (“Schreibfeder discloses a projector or at least discloses a projector inherently.”). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is *necessarily present* in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.’” *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (quoting *Continental Can Co. v. Monsanto Co. USA*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)) (emphasis added).

Mr. Arena testifies that there existed non-projector based screens, namely, LCD or LED screens. See Ex. 1003 ¶ 89 (testifying that LCD and LED screens were more expensive). Because the screen referenced in Schreibfeder *may be* from an LED or LCD device—even if these non-

projector devices are much more expensive than a fish-eye or spherical mirror projector—a projector was not *necessarily present* in Schreibfeder. *See Robertson*, 169 F.3d at 745.

As to whether it would have been obvious to include a projector, we agree on the present record with Petitioner and Mr. Arena that it would have been obvious to use one. *See* Pet. 22–23; *see also* Ex. 1003 ¶¶ 88–89. Mr. Arena testifies that using a projector would have been more affordable than other types of devices. *See* Ex. 1003 ¶ 89. Mr. Arena further testifies that based on the domed screen disclosed in Schreibfeder, it would have been obvious to use a fisheye or spherical mirror projector, as similarly used in planetariums and other amusement rides at the time of the invention. *See id.* ¶ 88. Based on Mr. Arena’s testimonial evidence, we agree with Petitioner that it would have been obvious for a skilled artisan to use a fisheye or spherical mirror projector with Schreibfeder’s system. Pet. 22–23. We further note that Mr. Arena cites Exhibits 1011 (Barr) and 1015 (Beyr) as evidence of domed projector screens. Ex. 1003 ¶ 88 (citing Ex. 1015, 4:27–5:27, 6:46–54, Figs. 1–8; Ex. 1011, 3:33–41, Fig. 3). Accordingly, we disagree with Patent Owner’s assertion that Petitioner’s use of a projector screen is “conclusory and unsupported.” *See* Prelim. Resp. 32.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that it would have been obvious for a skilled artisan to have used a projector with Schreibfeder’s system, thereby satisfying “a projector for projecting imagery on the screen.”

- i. **[h]** “a controller operatively engaged with the projector, the motor system, and the actuator system and adapted to cause: (a) the motor system to vertically position the rider station along the rider station tower so as to coordinate the vertical position of the rider station with imagery produced by the projector and displayed on the screen and (b) the actuator system to position the rider station relative to the rider station trolley so as to coordinate the position of the rider station relative to the rider station trolley with imagery produced by the projector and displayed on the screen”

Petitioner submits that Schreibfeder discloses element 1[h]. Pet. 23. Petitioner cites to Schreibfeder’s disclosure that “[t]he visual images on the screen 40 . . . [and] the movements of the pods 12 . . . **may be computer controlled.**” *Id.* at 24 (quoting Ex. 1005 ¶ 27).

Mr. Arena testifies that

Schreibfeder teaches “a universal amusement ride system that provides a full environmental immersion visually and, seemingly, physically” such that “[t]he riders 30 may experience a full range of motion while participating in the ride, including g-force effects and gravity effects [or] a falling/rising feeling, pivoting left and right, rotating side to side and the sensation of acceleration/deceleration, accompanied by visual and audible stimuli.”

Ex. 1003 ¶ 93 (quoting Ex. 1005 ¶¶ 1, 24); *see also id.* (citing Ex. 1005 ¶ 31 (disclosing that its ride can provide other virtual reality experiences such as “riding in a space ship, a race car, a stunt motorcycle, or the like.”)); *see also id.* (citing Ex. 1005 ¶ 34 (describing the Schreibfeder amusement ride as a “virtual reality” ride)).

Petitioner quotes paragraph 27 of Schreibfeder, and submits that Schreibfeder’s motor and actuator systems “move the pod 12 to *simulate the*

movements experienced during a roller coaster ride” with its screen and speakers “show[ing] the sounds and sights of a roller coaster ride.” Pet. 25.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses

a controller operatively engaged with the projector, the motor system, and the actuator system and adapted to cause: (a) the motor system to vertically position the rider station along the rider station tower so as to coordinate the vertical position of the rider station with imagery produced by the projector and displayed on the screen and (b) the actuator system to position the rider station relative to the rider station trolley so as to coordinate the position of the rider station relative to the rider station trolley with imagery produced by the projector and displayed on the screen.

- j. *[i]* “wherein, in coordinating the position of the rider station relative to the rider station tower and the rider station trolley with imagery being displayed on the screen, the controller is capable of causing: (a) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously maintain a position of the rider station relative to the rider station trolley, (b) the motor system to maintain the position of the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley, and (c) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley”

Petitioner submits that Schreibfeder discloses, and in the alternative, renders obvious, element 1[i]. Pet. 25; *see also id.* at 31. Petitioner cites to Mr. Arena’s testimony and Schreibfeder’s disclosure of simulating roller coasters. *See id.* at 26 (citing Ex. 1003 ¶¶ 99–103).

Petitioner also reasons that

It was [] obvious to configure the computer to be capable of causing the motor and actuator systems to change or maintain the position of the rider station as recited in element 1[i]. Schreibfeder discloses that the ride can simulate a roller coaster ride and should “make the experience feel real” by moving the rider station in coordination with the imagery displayed on the screen.

Id. at 31 (citing Ex. 1003 ¶¶ 111; citing also Ex. 1005 ¶¶ 2, 27, 31, 33, 34).

Mr. Arena testifies that “[a] person of ordinary skill in the art would understand that in order to recreate these different elements in a virtual roller coaster ride using motion simulation, the virtual roller coaster ride could employ vertical and rotational motion systems, either working together or separately.” Ex. 1003 ¶ 98.

Patent Owner argues that Schreibfeder fails to disclose the recited coordinated movement. *See* Prelim. Resp. 33. Patent Owner explains that “Schreibfeder is the quintessential non-enabling art and utterly fails to render the claims unpatentable.” *Id.* Patent Owner further explains, “Given the lack of disclosure found in Schreibfeder, Petitioner once again points to the Declaration of Alan Arena.” *Id.* at 37. Patent Owner argues, “While . . . Mr. Arena’s declaration go[es] to great lengths to posit hypothetical roller coaster simulations, these hypotheticals are not based on any facts found within Schreibfeder or the record as a whole.” *Id.*

We disagree with Patent Owner.

Schreibfeder discloses that its ride moves “pod 12 to simulate the movements experienced during a roller coaster ride,” including “up and down, spin, rotate and swivel” movements, while screen 40 shows “sights of a roller coaster ride.” Ex. 1005 ¶ 27; *see also* Pet. 31 (explaining the same). Schreibfeder’s ride further provides other virtual reality experiences such as

“riding in a space ship, a race car, a stunt motorcycle, or the like.” Pet. 30–31 (quoting Ex. 1005 ¶ 31; citing *also* Ex. 1005 ¶¶ 33, 34). Most notably, Schreibfeder discloses that its ride simulates traditional roller coaster rides. See Ex. 1005 ¶ 27 (“For example, the speakers 32 and screen 40 may be configured to show the sounds and sights of a roller coaster ride. The amusement ride system 10 may move the pod 12 to simulate the movements experienced during a roller coaster ride”); see *also id.* ¶ 31 (“The rider’s experience may not be limited to only typical amusement rides, such as roller coasters”).

Furthermore, Petitioner submits uncontroverted testimony of Mr. Arena to support the position that Schreibfeder discloses the recited limitations. See Pet. 26–32 (citing Ex. 1003 ¶¶ 99–111). Mr. Arena explains, while extensively citing Schreibfeder and other supporting evidence, why Schreibfeder discloses the recited limitations. See Ex. 1003 ¶¶ 99. Mr. Arena testifies,

In order to recreate the descent from the hill in a virtual roller coaster of Schreibfeder, the computer would cause the motor system of Schreibfeder to move the trolley down along the tower to physically simulate the negative g-force experience of the descent, while at the same time the actuator system of Schreibfeder would maintain the rider station at a constant pitch forward with no additional rotation relative to the rider station trolley. To achieve this effect, the motion base programmer combines two degrees of freedom, vertical movement and pitch. As the roller coaster car crests the hill, the rider station trolley is commanded to vertically move down the tower and then to pitch forward. When the roller coaster descends the hill, the rider station trolley continues to vertically move down the tower and pitch is fixed. The vertical motion gives the rider the sensation of weightlessness.

Id. ¶ 100.

Mr. Arena further explains that

[A] person of ordinary skill in the art understood that the computer coordinates the time code from the prerecorded video with the corresponding time code for the prerecorded motion profile associated with the video to cause the motor system to move the trolley down along the tower to physically simulate the negative g-force experience of the descent in combination with pitching the ride vehicle with a fixed negative pitch angle (nose down) which corresponds with the displayed imagery.

Id. ¶ 101.

Based on the cited disclosure and Mr. Arena's uncontroverted testimony, we agree with Petitioner that Schreibfeder discloses the limitations recited in element 1[i].

We further agree with Petitioner that a skilled artisan would have modified Schreibfeder to satisfy the limitations. *See* Pet. 31–32.

Specifically, we agree with Petitioner that

A POSA would configure the computer to be capable of controlling the projector and the motor and actuator systems as claimed to enable the ride to simulate the imagery and movements experienced during various roller coaster and other rides, including the hill, banked turn, and curved incline/decline portions of typical roller coasters as discussed above.

Id. at 31.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that Schreibfeder discloses, and, in the alternative, that it would have been obvious to modify Schreibfeder to satisfy, the recited

wherein, in coordinating the position of the rider station relative to the rider station tower and the rider station trolley with imagery being displayed on the screen, the controller is capable of causing: (a) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously maintain a

position of the rider station relative to the rider station trolley, (b) the motor system to maintain the position of the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley, and (c) the motor system to vertically move the rider station trolley and rider station along the rider station tower and the actuator system to simultaneously move the rider station relative to the rider station trolley.

k. Secondary Considerations

As to secondary considerations, Patent Owner submits that “[n]ot surprisingly, the Petition attempts to discount the presence of secondary considerations of nonobviousness.” Prelim. Resp. 42. Patent Owner cites Petitioner’s (i.e., Disney’s) “Rise of the Resistance” rides, and contends that Petitioner “has repeatedly and consistently touted the rides’ widespread acclaim.” *Id.* at 45. Patent Owner submits that the “high level of sales of Petitioner’s infringing products supports a finding of commercial success and weighs strongly against a finding of obviousness.” *Id.*

Patent Owner further argues, “as with the discussion of commercial success, there exists evidence of copying by others, including Petitioner’s products at issue in the District Court litigation, that support a finding of nonobviousness.” *Id.* at 46–47. Patent Owner also refers to long-felt but unresolved need for its patented invention. *See id.* at 46.

Patent Owner’s secondary considerations argument is not persuasive, based on the current record.

“[T]o be accorded substantial weight in the obviousness analysis, the evidence of secondary considerations must have a ‘nexus’ to the claims, *i.e.*, there must be ‘a legally and factually sufficient connection’ between the

evidence and the patented invention.” *Henny Penny Corp. v. Frymaster LLC*, 938 F.3d 1324, 1332 (Fed. Cir. 2019). Patent Owner bears the burden of proving nexus. *In re GPAC Inc.*, 57 F.3d 1573, 1580 (Fed. Cir. 1995) (“For objective evidence to be accorded substantial weight, its proponent must establish a nexus between the evidence and the merits of the claimed invention.”); *see also Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988) (“The burden of proof as to this connection or nexus resides with the patentee.”).

In the present case, Patent Owner does not identify any nexus between the evidence and the patented invention. *See Henny Penny*, 938 F.3d at 1332. Patent Owner makes no attempt at explaining how Petitioner’s “Rise of the Resistance” ride bears any connection to any of the claims of the ’028 patent. *See Prelim. Resp.* 42–47.

1. Summary of Claim 1 as Unpatentable Over Schreibfeder

Upon review of the parties’ arguments and supporting evidence, we determine that Petitioner demonstrates a reasonable likelihood that claim 1 would have been obvious over Schreibfeder.

4. Claim 2

Claim 2 depends from claim 1 and further recites, “*wherein: the actuator system is capable of providing a combination of: surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley.*” Ex. 1001, 15:16–20.

Petitioner submits that Schreibfeder renders obvious this limitation. Pet. 32. Petitioner relies on a “Stewart Platform” and reasons that a skilled artisan would have added this to Schreibfeder’s ride. *See id.* at 32–34.

In particular, Petitioner reasons that

A POSA thus understood that a Stewart Platform would provide six additional degrees of freedom to the existing roll, pitch, and yaw movement provided by the actuator system of Schreibfeder and the heave provided by the motor system and would create an actuator system capable of providing a combination of: surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley. This would allow the Schreibfeder ride to simulate a wider variety of movements and provide enhanced ride experiences. For example, to simulate accelerating up a rocky hill in a car or on a motorcycle, the Stewart Platform can rapidly move the rider station up/down, forward/backward, and left/right, while simultaneously the trolley moves up the tower.

Id. at 33–34.

Schreibfeder teaches that “[c]urrent virtual reality rides lack critical movements to make the experience feel real [which] causes dizziness [and] nausea.” Ex. 1005 ¶ 2. Schreibfeder further teaches that its ride can simulate “riding in a space ship, a race car, a stunt motorcycle, or the like.”

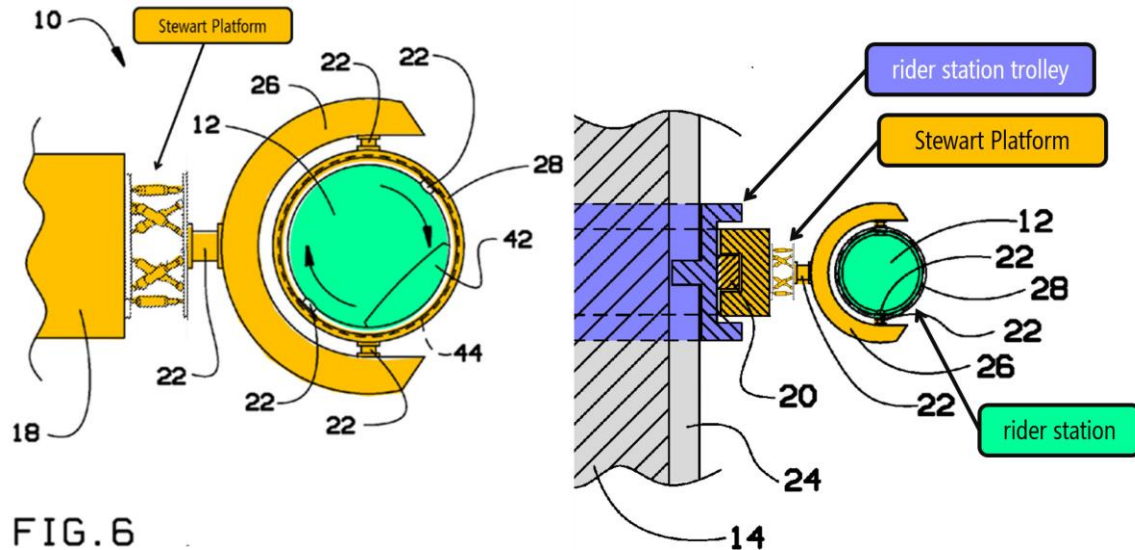
Id. ¶ 31.

Mr. Arena testifies,

A person of ordinary skill in the art understood that while the actuator system of Schreibfeder provides roll, pitch, and yaw movement and the motor system provides heave, it may also be desirable to, in addition, provide additional translational and rotational movements.

Ex. 1003 ¶ 115.

Petitioner and Mr. Arena provides an annotated version of Schreibfeder's Figures 3 and 6 (Pet.; Ex. 1003 ¶ 117), reproduced below, to illustrate the proposed modification:



In reference to the above annotated Figure 6 (left) and Figure 3 (right) of Schreibfeder, Mr. Arena testifies that

Addition of the Stewart Platform to the Schreibfeder ride would add six additional degrees of freedom to the existing roll, pitch, and yaw movement provided by the actuator system of Schreibfeder and the heave provided by the motor system, and would create an actuator system capable of providing a combination of: surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley.

A person of ordinary skill in the art understood that the additional six degrees of freedom, including surge, sway, and heave, provided by the Stewart Platform allows for three additional degrees of freedom for designing ride experiences. A ride engineer designing such a system would have additional flexibility and movement options when creating motion simulation rides. Having these additional options would have enhanced the capability of the ride to simulate many different types of ride experiences, as described in Schreibfeder.

Ex. 1003 ¶¶ 117, 118 (citing Ex. 1005 ¶¶ 3, 4, 31).

Mr. Arena further testifies,

Because of these potential benefits, a person of ordinary skill in the art would have been motivated to try to implement a Stewart Platform in the Schreibfeder ride, to create a ride with an actuator system that is capable of providing a combination of surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley.

Id. ¶ 119.

Patent Owner does not separately dispute the challenge of claim 2.

See generally Prelim. Resp.

At this stage of the proceeding, Petitioner has shown a reasonable likelihood that it would have been obvious to modify Schreibfeder to have a “Stewart Platform” to satisfy “wherein: the actuator system is capable of providing a combination of surge, sway, heave, roll, pitch, and yaw movement of the rider station relative to the rider station trolley.”

5. Summary of Claims 1 and 2

Upon review of the parties’ arguments and supporting evidence, we determine that Petitioner demonstrates a reasonable likelihood that claims 1 and 2 would have been obvious over Schreibfeder.

F. Unpatentable Over Threlkel and Schreibfeder

Petitioner also challenges claims 1 and 2 based on Threlkel in view of Schreibfeder. *See* Pet. 35–56.

Because we institute *inter partes* review as to claims 1 and 2 based on Schreibfeder, we also institute *inter partes* review under this alternative challenge. *See* 37 C.F.R. § 42.108(a) (“When instituting . . . review, the

Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”).

IV. CONCLUSION

After considering the evidence and arguments presented in the Petition and Preliminary Response, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail in establishing that at least one of the Challenged Claims of the '028 patent is unpatentable on grounds asserted in the Petition.

V. ORDER

Accordingly, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1 and 2 of the '028 patent on the unpatentability grounds asserted in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

IPR2022-01605
Patent 9,266,028 B2

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