

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASKELOADDEN L.L.C.,
Petitioner,

v.

LIBERTY PEAK VENTURES LLC,
Patent Owner.

IPR2023-00421
Patent 7,837,100 B2

Before DANIEL J. GALLIGAN, SHARON FENICK, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Askeladden L.L.C. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–17 of U.S. Patent No. 7,837,100 B2 (Ex. 1001, “the ’100 patent”). Pet. 1. Liberty Peak Ventures, LLC (“Patent Owner”) waived filing a Preliminary Response. Paper 5. Based on the information presented in the Petition, we instituted an *inter partes* review of claims 1–17 (Paper 7). Subsequent filings include a Patent Owner Response (Paper 9, “PO Resp.”) and a Petitioner Reply (Paper 10, “Reply”). Patent Owner elected not to file a Sur-reply. We held an oral hearing on April 25, 2024, a transcript of which has been entered into the record. Paper 15. Patent Owner declined to participate in the hearing. Ex. 3001.

We have jurisdiction over this proceeding under 35 U.S.C. § 6(b). After considering the evidence and arguments of the parties, we determine that Petitioner has proven by a preponderance of the evidence that claims 1–17 are unpatentable.

II. BACKGROUND

A. Related Matters

The parties identify no infringement lawsuit involving the ’100 patent. Pet. 2; Paper 3, 2. We note that Petitioner has also filed the following *inter partes* review on related U.S. Patent No. 8,905,301 B2: *Askeladden L.L.C. v. Liberty Peak Ventures, LLC*, IPR2023-00422 (PTAB, filed Dec. 29, 2022).

B. Real Parties-in-Interest

Askeladden identifies itself as the only real party-in-interest (RPI). Pet. 1. Patent Owner identifies itself as the sole RPI. Paper 3, 2.

C. The '100 patent

The '100 patent describes a system and method for issuing and tracking debit cards. Ex. 1001, code (57) (Abstract). Figure 1 depicts this system:

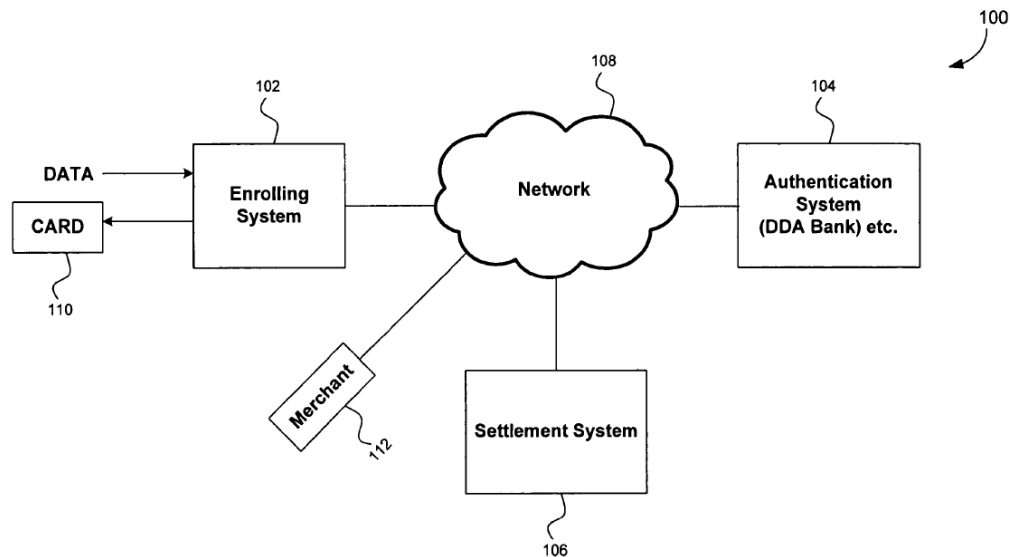


FIG. 1

Id. at 6:55. Figure 1 depicts system 100, which includes enrolling system 102, network 108, authentication system 104, and settlement system 106.

Id. at 6:55–58. Customers wanting to use a debit card program enter information or data into enrolling system 102. *Id.* at 6:58–60. This information is transmitted through network 108 to authentication system 104. *Id.* at 6:62–64. Once the person’s identity has been verified and financial information has been accepted, one or more accounts (e.g., main and overdraft) of the person are associated with debit card 110. *Id.* at 6:66–7:2. Settlement system 106 generates a periodic report of transactions, the main account, and the overdraft account. *Id.*, code (57). The overdraft account can be a charge or credit account. *Id.*

D. Challenged Claims

Claim 1 is illustrative of the challenged claims:

1. A method comprising:

authenticating, by a processing device, a transaction requested by a debit card against at least one of a demand deposit account associated with the debit card or an overdraft account associated with the debit card,

wherein the authentication includes fraud assessment, and wherein the fraud assessment includes communication with data sources via a network; and

updating, by the processing device, information regarding at least one of the demand deposit account and the overdraft account based on the transaction.

Ex. 1001, 12:63–13:6.

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 4–5):

Claim(s) Challenged	35 U.S.C. §¹	Reference(s)/Basis
1, 12, 15	102(b)	Gopinathan ²
1–17	103(a)	Gopinathan, Hirka ³

Petitioner relies on two declarations by Mr. Ivan Zatkovich (Exs. 1003, 1014). Patent Owner does not present declaration evidence.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. §§ 102, 103 effective March 16, 2013. The ’100 patent was filed prior to March 16, 2013. Ex. 1001, code (22). We therefore apply the pre-AIA versions of §§ 102, 103.

² U.S. Patent No. 6,330,546 B1 to Gopinathan, issued Dec. 11, 2001 (Ex. 1010).

³ WIPO Publication No. WO 02/21374 A1 to Hirka, published Mar. 14, 2002 (Ex. 1009).

III. ANALYSIS

A. Principles of Law

Petitioner bears the burden to demonstrate unpatentability. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

To show anticipation under 35 U.S.C. § 102, each and every claim element, arranged as in the claim, must be found in a single prior art reference. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008). The prior art need not, however, use the same words as the claims. *In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009). The anticipation inquiry takes into account the literal teachings of the prior art reference and inferences the ordinarily skilled person would draw from it. *Eli Lilly and Co. v. Los Angeles Biomedical Res. Inst. at Harbor-UCLA Med. Ctr.*, 849 F.3d 1073, 1074–75 (Fed. Cir. 2017).

A claim is unpatentable as obvious if “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (quoting 35 U.S.C. § 103(a)). We resolve the question of obviousness based on underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the prior art and the claims; (3) the level of skill in the art; and (4) when in evidence, objective indicia of nonobviousness. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966).

We apply these principles to the Petition’s challenges.

B. Level of Ordinary Skill in the Art

We review obviousness in view of the understanding of a person of ordinary skill in the art at the time of the invention. *Graham*, 383 U.S. at 13,

17. Petitioner asserts that

a POSITA [person of ordinary skill in the art] would have a bachelor's degree in computer science, computer engineering, data science, electrical engineering, or a related study, and would have at least one or two years of experience with payment processing systems, credit card and debit card payment transactions, and industry practices and standards for processing purchase transactions and authenticating participants.

Pet. 11–12 (citing Ex. 1003 ¶¶ 159–161). Patent Owner does not submit a contrary skill definition. *See* PO Resp.

We are persuaded that Petitioner's proposal is generally consistent with the problems and solutions in the '100 patent and prior art of record. We note, however, that the open-ended language “at least” expands the range of experience indefinitely with no upper bound. We adopt Petitioner's definition of the level of skill with the exception of the language “at least.”

C. Claim Construction

In *inter partes* review, we construe a claim using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent. 37 C.F.R. § 42.100(b).

Petitioner does not propose any claim constructions. *See* Pet. 11. Patent Owner proposes constructions for the “authenticating” step of claim 1 as well as for the terms “demand deposit account” and “overdraft account.”

PO Resp. 6–7. Petitioner does not dispute these constructions, and Patent Owner does not appear to rely on them in its arguments. *See* Reply; PO Resp. Accordingly, we determine that no claim terms require construction. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368 (Fed. Cir. 2019) (“The Board is required to construe ‘only those 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))).

D. Asserted Obviousness over Gopinathan and Hirka

Petitioner contends that claims 1–17 would have been obvious over the combination of Gopinathan and Hirka. Pet. 12–80. As this ground is dispositive for all claims, we do not reach the ground of anticipation over Gopinathan.

1. Overview of Gopinathan

Gopinathan describes an automated system and method for detecting fraudulent transactions using a predictive model, such as a neural network. Ex. 1010, code (57). The system evaluates individual customer accounts and identifies potentially fraudulent transactions based on learned relationships among known variables. *Id.* The system may also output reason codes indicating relative contributions of various variables to a particular result. *Id.* The system periodically monitors its performance and redevelops the model when performance drops below a predetermined level. *Id.*

2. Overview of Hirka

Hirka discloses a linked account instrument used to access funds in an existing demand deposit account held at a financial institution. Ex. 1009, code (57). Merchant or other transactions are first processed against a

demand deposit account via an electronic authorization network. *Id.* If the demand deposit account does not have sufficient funds, the transactions may be processed as a credit charge against a designated credit account. *Id.* The demand deposit account may subsequently be swept at predetermined times in search of funds to defray the overdraft. *Id.* If adequate funds are present, they will be withdrawn from the demand deposit account, and the credit account will be cleared. *Id.* Otherwise, the instrument holder's daily purchasing abilities may be temporarily suspended until the credit account is settled. *Id.*

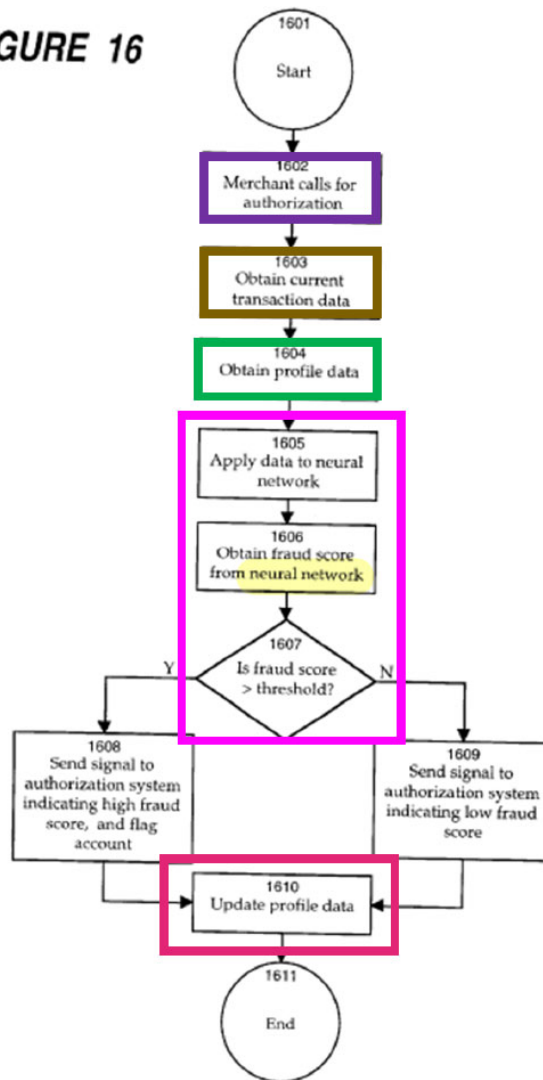
3. *Independent claim 1*

a. *Undisputed limitations*

Patent Owner does not dispute that the combination of Gopinathan and Hirka discloses the preamble and following limitation of claim 1. *See* PO Resp. 8–16.

Petitioner asserts that Gopinathan teaches the preamble (“A method comprising”) by disclosing a method described with respect to Gopinathan Figure 16. Pet. 22–25 (citing, e.g., Ex. 1010, 25:44–45, 1:29–35; Ex. 1003 ¶ 168). Figure 16 of Gopinathan, as annotated by Petitioner, is reproduced below.

FIGURE 16



Id. at 23. Figure 16 depicts a flowchart of a real-time system using a profile database. Ex. 1010, 25:44–45. In Figure 16, a merchant’s request for authorization is received, a fraud score (representing the likelihood of fraud) is obtained, and if a fraud threshold is not exceeded, authorization occurs and a customer profile database is updated with new transaction data. *Id.* at 25:45–60. We agree with Petitioner that Gopinathan’s Figure 16 discloses the preamble, whether or not it is limiting.

Petitioner further asserts that Gopinathan discloses the claimed “wherein the authentication includes fraud assessment, and wherein the

fraud assessment includes communication with data sources via a network.” Pet. 27–35. For example, Petitioner contends that “Gopinathan teaches that the **fraud assessment** (e.g., making a ‘**fraud likelihood determination**’ (Ex1010, 25:28-29)) includes communication with **data sources** (‘**various sources 805, 806**’) (Ex1010, 5:6)) **via a network** (e.g. ‘**data network 105**’).” *Id.* at 32–33⁴ (citing, e.g., Ex. 1003 ¶ 193). We agree with Petitioner that Gopinathan discloses this limitation.

Petitioner has proven by a preponderance of the evidence that the combination of Gopinathan and Hirka discloses the preamble and the above limitation of claim 1, which are undisputed by Patent Owner.

b. authenticating, by a processing device, a transaction requested by a debit card against at least one of a demand deposit account associated with the debit card or an overdraft account associated with the debit card

Petitioner asserts that Gopinathan alone or the combination of Gopinathan and Hirka discloses this limitation. Pet. 25–32.

Petitioner first asserts that Gopinathan alone discloses it:

Gopinathan teaches authenticating, by a **processing device** (e.g., “**System 100**” (Ex1010, 3:50)) **a debit card** (e.g., a “charge card[]” and “bank automated teller machine card” (Ex1010, 3:40-41^[5]) . . . against at least one of a **demand deposit account** associated with the debit card, wherein the authentication process includes fraud **assessment** (e.g., “**determining the likelihood of fraud** for each transaction” (Ex1010, 5:4-5)). (Ex. 1003, ¶178.)

⁴ We omit Petitioner’s text coloring throughout this decision.

⁵ Petitioner’s reference to column 3 of Gopinathan appears to be in error, as the intended disclosure appears to be located at column 1, lines 40–41 of Gopinathan.

Id. at 26. In other words, Petitioner asserts that this limitation is met by Gopinathan alone because a debit card is an example of Gopinathan’s “charge card.” *See id.*; *see also* Reply 7–8 (citing Ex. 1003 ¶ 169 (testifying that “a POSITA . . . would understand that Gopinathan’s teachings would apply not merely to ‘credit cards,’ but to ‘debit cards’ also, which is a kind of ‘charge card’ which uses the same networks and payment transaction types as charge card accounts”)); Ex. 1014 ¶ 632–634 (similar).

Patent Owner argues that Gopinathan’s system is directed to credit cards, not the claimed debit card. PO Resp. 8–9. Patent Owner contends that Gopinathan’s charge card “is a credit card with an account that must be paid in full each month,” which is not equivalent to a debit card. *Id.* at 9 (citing 15 U.S.C. § 1637(c)(4)). Patent Owner further contends that Gopinathan’s credit card is also “not a demand deposit account, nor is it an overdraft account.” *Id.* at 8. Patent Owner cites 12 C.F.R. § 226.2(a)(15)(ii) for the proposition that “an unsecured credit account is **not** ‘[a]n overdraft line of credit that is accessed by a debit card or an account number.’” *Id.* Patent Owner also refers to Gopinathan’s teachings of examining “available credit (or balance)” and a “credit line” as supporting its position that Gopinathan discloses neither a demand deposit account nor an overdraft account. *Id.* at 9 (citing Ex. 1010, 24:44–49).

We need not decide the issue of whether Gopinathan alone discloses this limitation because Petitioner also argues, and we agree, that the combination of Gopinathan and Hirka also discloses it. Pet. 31–32 (citing, e.g., Ex. 1009, 3:30–4:7). In particular, Petitioner contends that to the extent an “overdraft account” is deemed necessary to be associated with a debit card, it would have been obvious to modify Gopinathan in view of Hirka.

Id. at 26, 31 (citing Ex. 1003 ¶¶ 178, 186). Petitioner argues that Hirka “demonstrate[s] that a debit card used in the transaction . . . is associated with both a **demand deposit account** (e.g., ‘**cash account**’) and an **overdraft account** (e.g., an ‘**account to supply the overdraft protection**’).” *Id.* at 31 (citing, e.g., Ex. 1009, 3:30–4:7; Ex. 1003 ¶ 189). We agree that Hirka explicitly discloses the recited debit card, demand deposit account, and overdraft account. Petitioner further explains, “[e]specially given the similarities between debit card and credit card transactions, it would have been obvious to modify Gopinathan’s fraud detection technique to apply to debit cards, which have the ‘same standardized transaction requests as credit cards.’” Reply 16.

Patent Owner also disputes that the combination discloses this limitation. PO Resp. 15. Patent Owner asserts that the “combination still would not teach or suggest authenticating a transaction against a demand deposit account or an overdraft account associated with a debit card.” *Id.* That is because “both Gopinathan and Hirka describe assessing information such as available credit, and not authenticating against a demand deposit account or an overdraft account that has been associated with a debit card,” Patent Owner argues. *Id.* “Instead, at best,” Patent Owner asserts, “the combination suggests only authenticating a transaction against an available credit limit.” *Id.* at 16.

We find these arguments unavailing. Petitioner provides persuasive citations to Gopinathan and Hirka, as well as to Mr. Zatkovich’s testimony, supporting its assertion that the combination of Gopinathan and Hirka discloses this limitation. For example, as we note above, Petitioner asserts that Hirka discloses the debit card aspect of the authentication limitation.

Pet. 31–32 (citing, e.g., Ex. 1009, 3:30–4:7). One passage of Hirka that Petitioner cites discloses “the ability of a cardholder to set up a *cash account* of their choice to make purchases, and have the funds withdrawn from one or more of *demand deposit* or other accounts.” Ex. 1009, 3:30–4:1 (emphasis added), *cited in* Pet. 31. Another passage Petitioner cites explains that “[a] *debit card* is a card that may be linked to a consumer’s *cash account*, such as a demand deposit account (DDA), typically a checking account.” Ex. 1009, 1 (emphasis added), *cited in* Pet. 31; Reply 16.⁶

Based on these and other disclosures in Hirka, Mr. Zatkovich testifies, and we agree, that Hirka discloses the debit card aspect of the authentication limitation. Ex. 1003 ¶¶ 170, 188–189.⁷ For example, Mr. Zatkovich states that Hirka “demonstrate[s] that a debit card used in the transaction . . . is associated with both a demand deposit account (e.g., a ‘cash account’) and an overdraft account.” *Id.* ¶ 188. Mr. Zatkovich’s opinions are well-supported by record evidence, including the citations to Hirka we discuss above.

Patent Owner does not address these disclosures in Hirka and does not rebut Mr. Zatkovich’s testimony with expert testimony of its own. *See* PO Resp. 15–16. Patent Owner’s assertion that “the combination suggests only authenticating a transaction against an available credit limit” entirely overlooks Hirka’s disclosure regarding debit cards and demand deposit

⁶ No line numbers are provided on Hirka’s first page.

⁷ Mr. Zatkovich also relies on the teachings of Hirka ’404 (Ex. 1007), which was cited by the Examiner during prosecution. *E.g.*, Ex. 1003 ¶¶ 170, 188. Although Hirka ’404 further supports Mr. Zatkovich’s findings, we view Mr. Zatkovich’s testimony sufficiently supported by the combined teachings of Gopinathan and Hirka.

accounts. *See id.* at 16. Patent Owner’s argument therefore fails to undermine Petitioner’s persuasive arguments and supporting evidence.

Accordingly, we agree with Petitioner that the combination of Gopinathan and Hirka discloses the authenticating limitation.⁸

c. updating, by the processing device, information regarding at least one of the demand deposit account and the overdraft account based on the transaction

Petitioner further asserts that Gopinathan discloses the claimed updating limitation. Pet. 35–38. According to Petitioner, Gopinathan discloses that following the fraud assessment, “the system then **updates customer profile database 806** with the **new transaction data 1610.**” *Id.* at 36 (citing Ex. 1010, 25:58–60, Fig. 16). Mr. Zatkovich testifies that a POSITA “would understand that the **processing device updates** information regarding each of the accounts associated with the charge card (e.g., the debit card) being authenticated by Gopinathan.” Ex. 1003 ¶ 199. Petitioner also asserts that this limitation would have been obvious over the combination of Gopinathan and Hirka for similar reasons as we discuss above with respect to the authenticating limitation. Pet. 35, 38.

Patent Owner disputes that Gopinathan anticipates this limitation for the same reasons as for the authenticating limitation. PO Resp. 11. Namely, Patent Owner contends that “Gopinathan cannot be read as teaching updating a demand deposit account or an overdraft account associated with a debit card, as required by claim 1, because neither the charge card nor the credit card is such an account.” *Id.* However, Patent Owner does not

⁸ We address the rationale to combine Gopinathan and Hirka in further detail below.

dispute that the combination of Gopinathan and Hirka discloses the updating of account information based on a transaction as recited in this limitation. *See* PO Resp. 11, 13–16.

We agree with Petitioner that the combination of Gopinathan and Hirka discloses the updating limitation because Gopinathan discloses updating, by a processing device, information regarding an account based on a transaction, and because Hirka discloses that the account may be a demand deposit account or an overdraft account. *See* Pet. 36 (citing Ex. 1010, 25:58–60, Fig. 16; Ex. 1003 ¶ 199), 38 (citing Ex. 1003 ¶ 203); Reply 16–17 (citing, e.g., Ex. 1003 ¶ 172; Ex. 1009, 1); Ex. 1009, 3:30–4:7.

d. Rationale to Combine

Petitioner explains that “[a] POSITA would have been motivated to modify Gopinathan to include authentication against an **overdraft account**,” as taught in Hirka, “because doing so would have protected cardholders and card issuing systems from fraud associated with debit cards with overdraft protection.” Pet. 32 (citing Ex. 1003 ¶ 191). For the updating limitation, Petitioner adds that “a POSITA would be motivated to further update the profile information associated with both types of accounts [demand deposit and overdraft], as doing so would have been trivial to implement and would [e]nsure that a cardholder’s accounts remain up-to-date.” *Id.* at 38 (citing Ex. 1003 ¶ 204).

Patent Owner argues that “if anything, Hirka teaches a person of ordinary skill in the art to assess attempted transactions against a cardholder’s credit limit.” PO Resp. 14 (citing Ex. 1009, 8:1–6, 3:4). Patent Owner then asserts, “[b]ut . . . Gopinathan already teaches that in assessing a transaction, the fraud detection system may examine information such as

‘available credit (or balance)’ and/or ‘credit line.’” *Id.* (citing Ex. 1010, 24:44–49). “In other words,” Patent Owner argues, “the teachings of Hirka add nothing to the teachings already present in Gopinathan.” *Id.* at 14–15. Patent Owner adds that “[m]ere similarity of references” does not provide a motivation to combine those references. *Id.* at 15.

We agree with Petitioner, as supported by the testimony of Mr. Zatkovich, that one of ordinary skill in the art would have been motivated to combine Gopinathan and Hirka at least “because doing so would have protected cardholders and card issuing systems from fraud associated with debit cards with overdraft protection.” Pet. 32 (citing Ex. 1003 ¶ 191). In other words, in the combination, Hirka’s debit cards with overdraft protection would benefit from Gopinathan’s fraud protection disclosure. *See id.* And conversely, Gopinathan’s system would benefit from Hirka’s overdraft protection. *See id.*

Patent Owner does not squarely address Petitioner’s rationales to combine. In asserting that “the teachings of Hirka add nothing to the teachings already present in Gopinathan,” Patent Owner overlooks that Hirka would provide the benefit of overdraft protection to Gopinathan’s fraud detection system. *See* PO Resp. 15; Reply 17 (arguing that “a POSITA would have been motivated to combine Gopinathan with Hirka to protect cardholders from fraud ‘associated with debit cards’ and ‘overdraft protection’”); Ex. 1003 ¶ 191. We further agree with Petitioner that Hirka would have provided the benefit of debit cards to Gopinathan’s fraud detection system. Reply 19 (“[I]t would have been obvious (and a POSITA would have been motivated to) to modify Gopinathan with the ‘debit card’ system as taught in Hirka in order to expand the reach and applicability of

the fraud detection system taught.” (citing Ex. 1014 ¶¶ 654–662)). And vice versa, Gopinathan would have provided the benefit of fraud protection to Hirka’s debit card and overdraft accounts. Reply 17 (citing Ex. 1003 ¶ 171); Pet. 24.

Patent Owner also does not address Petitioner’s further rationale to combine, that “a POSITA would be motivated to further update the profile information associated with both types of accounts, as doing so would have been trivial to implement and would [e]nsure that a cardholder’s accounts remain up-to-date.” Pet. 38 (citing Ex. 1003 ¶ 204). We agree with Petitioner that this rationale further bolsters its reasons to combine Gopinathan with Hirka.

We therefore agree with Petitioner that one of ordinary skill in the art would have combined Gopinathan with Hirka as Petitioner proposes.

e. Summary as to Claim 1

We determine that for the foregoing reasons, Petitioner has proven by a preponderance of the evidence that claim 1 would have been obvious over the combination of Gopinathan and Hirka.

4. Independent Claims 6, 12, and 15

Petitioner sets forth similar arguments for independent claims 6, 12, and 15 as for claim 1. *See* Pet. 47–56, 68–76. Patent Owner relies on similar arguments for claims 6, 12, and 15 as it does for claim 1. PO Resp. 12–16. For similar reasons as discussed above, Petitioner has proven by a preponderance of the evidence that claims 6, 12, and 15 would have been obvious over the combination of Gopinathan and Hirka.

5. *Dependent Claims 2–5, 7–11, 13, 14, 16, and 17*

Petitioner contends that dependent claim 2–5, 7–11, 13, 14, 16, and 17 would have been obvious over the combination of Gopinathan and Hirka. Pet. 38–47, 56–68, 77–80. Petitioner provides a detailed analysis explaining where the combination of Gopinathan and Hirka discloses or suggests the limitations in these dependent claims, which Patent Owner does not dispute. We have reviewed Petitioner’s contentions and supporting evidence and find them persuasive. Thus, Petitioner has proven by a preponderance of the evidence that the combination of Gopinathan and Hirka would have rendered obvious claims 2–5, 7–11, 13, 14, 16, and 17.

IV. CONCLUSION⁹

In summary:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
1, 12, 15	102	Gopinathan ¹⁰		
1–17	103	Gopinathan, Hirka	1–17	
Overall Outcome			1–17	

⁹ 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).

¹⁰ As explained above, we do not reach this ground in light of finding for Petitioner on its obviousness challenge over Gopinathan and Hirka.

V. ORDER

It is, therefore,

ORDERED that Petitioner has shown by a preponderance of the evidence that claims 1–17 of the '100 patent are unpatentable;

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.

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