

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROOFR INC.,
Petitioner,

v.

PICTOMETRY INTERNATIONAL CORP.,
Patent Owner

IPR2023-00435
Patent 10,648,800 B2

Before STACEY G. WHITE, GARTH D. BAER, and RUSSELL E. CASS,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

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

I. INTRODUCTION

A. Background

Roofr Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–17 (the “challenged claims”) of U.S. Patent No. 10,648,800 B2 (Ex. 1001, “the ’800 patent”). Paper 5, 1 (“Pet.”). 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 16 (“Institution Decision”). Following institution, Patent Owner filed a Response. Paper 31 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response, (Paper 36, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 37, “PO Sur-reply”). On April 23, 2024 we held an oral hearing. A transcript of the hearing is included in the record. Paper 43.

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 the challenged claims are unpatentable.

B. Related Proceedings

The parties identify the following related matters: *Eagle View Technologies, Inc. v. Nearmap US, Inc.*, 2:21-cv-00283 (D. Utah); *Eagle View Technologies, Inc. v. GAF Materials LLC*, 2:22-cv-00215 (D. Utah); and *Pictometry International Corp. v. Roofr, Inc.*, 1:21-cv-01852 (D. Del). Pet. 91; Paper 3, 2.

C. The ’800 Patent (Ex. 1001)

The ’800 patent is directed to measuring a roof using an image. Ex. 1001, code (54). Figure 3 is reproduced below.

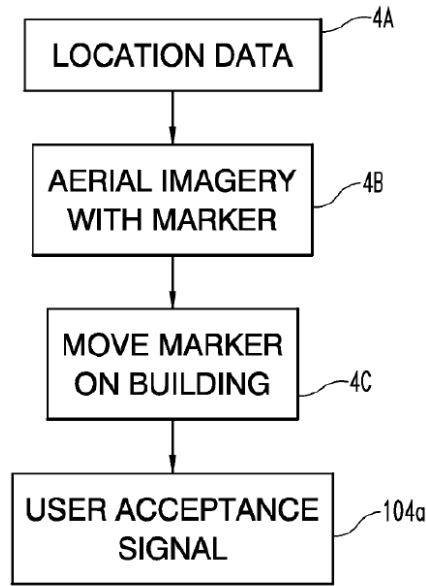


Fig. 3

Figure 3 is “a flow chart of acts according to the present invention.” *Id.* at 2:3–4. At step 4A, “location data . . . is entered.” *Id.* at 11:39. At step 4B, “[a]erial imagery with a marker is provided.” *Id.* at 11:39–40. Next, a “person moves the marker on the image of the building” at step 4C. *Id.* at 11:40–41. “User acceptance of that marker position is then signaled” at step 104a. *Id.* at 11:41–42.

D. Illustrative Claim

Of the challenged claims, claims 1, 11, and 17 are independent.

Claim 1 is illustrative and is reproduced below.

1. A process, comprising:
 - receiving first location data;
 - providing visual access to a first image corresponding to the first location data, the first image including a roof structure of a building;
 - providing a first computer input capable of signaling a designation from a user of a building roof structure

location within the first image, wherein the building roof structure location is a geographic position of the building roof structure and is different than the first location data;

receive a designation of the building roof structure within the first image;

responsive to receiving the designation of the building roof structure location, providing a second computer input capable of signaling user-acceptance of the building roof structure location within the first image, wherein user-acceptance is one or more affirmative steps undertaken by the user to confirm the designation of the building roof structure location; and

subsequent to receiving the user-acceptance confirming the designation of the building roof structure location, providing a report for the building roof structure.

Ex. 1001, 14:7–29.

E. Asserted Grounds of Unpatentability

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

Claims Challenged	35 U.S.C. §	References/Basis
1–17	103(a)	Pershing-789 ¹ , Abhyanker ²
9, 14	103(a)	Pershing-789, Abhyanker, Pictometry ³
1–17	103(a)	Kennedy ⁴ , Abhyanker, Bailey ⁵

Petitioner submits a declaration from Tony Cummings. Ex. 1003.

¹ US 2008/0262789 A1, Pub. Oct. 23, 2008 (Ex. 1004).

² US 2007/0220174 A1, Pub. Sep. 20, 2007 (Ex. 1005).

³ *Pictometry: Aerial Photography on Steroids*, LET Staff, Law Enforcement Technology (July 2002) (Ex. 1008).

⁴ US 2009/0304227 A1, Pub. Dec. 10, 2009 (Ex. 1009).

⁵ *Roofer: Steep Roofing Inventory Procedures And Inspection And Distress Manual for Asphalt Shingle Roofs*, David M. Bailey, U.S. Army Corps of Engineers, CERL Tech. Rept. (December 1999) (Ex. 1010).

II. DISCUSSION

A. Claim Construction

In an *inter partes* review proceeding, we construe patent claims using the same standard used in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of the 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). Neither party proposes an express construction for any claim terms. Pet. 2; *see generally* PO. Resp. We agree that no claim terms require express construction for purposes of this Decision.

B. Level of Ordinary Skill in the Art and Petitioner's Declarant

In our Institution Decision, we adopted Patent Owner's proposed definition of a skilled artisan as one with a "Bachelor's Degree in an academic area emphasizing the design of electrical, computer, or software technologies, or a similar discipline, and at least two years of experience related to computerized image analysis and three-dimensional modeling," with the added provision that "experience may compensate for formal education, and vice versa." Paper 16, 7–8. Although neither party contests that definition, *see* PO Resp. 35–37; Pet. Reply 10–12, Patent Owner contends we should not credit Mr. Cummings's opinions because he "does not qualify as a POSITA" as he lacks the requisite formal education in a computer-related field and his experience does not compensate for this lack of education. PO Resp. 36; *see id.* at 36–37. Patent Owner also asserts we should give Mr. Cummings's opinions no weight because they are "a verbatim carbon-copy of the Petition." *Id.* at 37.

We agree with Petitioner that Mr. Cummings qualifies as a skilled artisan. Pet. Reply 2–7. As Petitioner notes, the '800 patent's computer-related features are fairly basic—i.e., “standard computer input devices, applications, and graphical user interface elements” that “would be familiar to and understood by one” with experience like Mr. Cummings's. Pet. Reply 5–6 (citing Ex. 1001). As we explained in our Institution Decision, “[a]lthough Mr. Cummings may lack formal computer-related education, he ‘ha[s] extensive experience using software related to construction’ including ‘decades working with software related to construction modeling and estimation.’” Paper 16, 8 (quoting Ex. 1003 ¶ 6). Mr. Cummings also “ha[s] experience collaborating with software developers to create new software in my field.” *Id.* In light of the '800 patent's basic computing features, Mr. Cummings's experience is sufficient.

In addition, we do not find it problematic that the Petition repeats certain portions of Mr. Cummings's testimony. Though portions of the Petition may be the same as Mr. Cummings's testimony, that does not by itself undermine the testimony's persuasiveness or its status as evidence, nor does it mean Petitioner's arguments are conclusory, as Patent Owner suggests. *See* PO Resp. 37–39.

C. Description of Prior Art References

1. Pershing-789 (Ex. 1004)

Pershing-789 teaches “[a] system that allows the remote measurement of the size, geometry, pitch and orientation of the roof sections of a building and then uses the information to provide an estimate to repair or replace the roof.” Ex. 1004, code (57).

2. *Abhyanker (Ex. 1005)*

Abhyanker teaches “marker placement in a mapping environment.” Ex. 1005, code (54). Abhyanker teaches that “the method may include applying a drag and drop algorithm that enables the user to sequentially and/or concurrently relocate markers in the mapping environment, iteratively performing additional verifications.” *Id.* ¶ 11.

3. *Pictometry (Ex. 1008)*

Pictometry is an article titled *Pictometry: aerial photography on steroids: aerial photography on steroids*. Ex. 1008, 114. Pictometry describes a program that captures images and allows users to “zoom, measur[e] . . . and annotate[e]” these images. *Id.* at 115.

4. *Kennedy (Ex. 1009)*

Kennedy teaches “[a] roof estimating software program [that] receives location information of a building in [a] selected region and then presents the aerial image files showing roof sections of building.” Ex. 1009, code (57). Kennedy further teaches “a sizing tool for determining the size, geometry, and pitch of the roof sections of a building being displayed.” *Id.*

5. *Bailey (Ex. 1010)*

Bailey teaches a “Roof Section Identification Worksheet” that identifies various roof attributes including area, pitch, and length. Ex. 1010, 12–22.

D. *Obviousness Analysis*

1. *Ground 1: Obviousness of Claims 1–17 based on Pershing-789 and Abhyanker*

In its first unpatentability ground, Petitioner contends that claims 1–17 would have been obvious over Pershing-789 and Abhyanker. Pet. 24–63.

For the reasons explained below, we find Petitioner has shown by a preponderance of evidence that claims 1–8, 10–13, and 15–17 would have been obvious over Pershing-789 and Abhyanker. Petitioner has not, however, demonstrated that claims 9 and 14 would have been obvious over those references.

a) Petitioner’s Proposed Combination of Pershing-789 and Abhyanker

Petitioner relies primarily on Pershing-789 for the bulk of the challenged claims’ elements, including receiving a location, providing an image of the location for roof measurement, and providing a report for a selected roof in the image. Pet. 5–7; *see id.* at 27–30, 35–63. Petitioner relies on Abhyanker for teaching the claimed user inputs—i.e., allowing a user to place a marker on the roof in question and to confirm the right selection was made. *See id.* at 7–9, 30–35. Petitioner argues that one of ordinary skill would have been motivated to modify Pershing-789’s teachings with Abhyanker’s user inputs because “allowing a user to designate a geographic position of a roof and to subsequently confirm that the roof location is correct would promote the *accuracy of the system.*” *Id.* at 24. This accuracy, Petitioner explains, saves money and time, while also adding convenience. *Id.* at 25.

Patent Owner argues that Petitioner’s asserted combination fails to teach several limitations. PO Resp. 11–27, 29–32. We address those issues below.

b) “signaling user-acceptance of the building roof structure location”

Claim 1 requires “responsive to receiving the designation of the building roof structure location, providing a second computer input capable

of signaling user-acceptance of the building roof structure location within the first image, wherein user-acceptance is one or more affirmative steps undertaken by the user to confirm the designation of the building roof structure location.” Ex. 1001, 14:20–26. Independent claims 11 and 17 have similar limitations. *Id.* at 15:9–15, 16:20–24. Petitioner asserts that Abhyanker teaches the claimed user-acceptance feature because in Abhyanker, “a user may ‘drag and drop’ a marker to choose a location,” and subsequently “‘lock’ the location of a marker” using “locking module 220” thus “preventing unauthorized future relocation.” Pet. 33–34 (quoting Ex. 1005 ¶¶ 11, 64).

Patent Owner challenges two aspects of Petitioner’s analysis related to this limitation. First, Patent Owner asserts that “Abhyanker teaches that the marker-locking feature is used to claim the ‘wiki profile’ associated with the address at which the marker is located.” PO Resp. 26. According to Patent Owner “claiming a wiki profile in Abhyanker has nothing to do with confirming the location of a building roof structure.” *Id.*

We disagree with Patent Owner’s argument because, as Petitioner explains, beyond claiming a wiki profile, Abhyanker explains that its marker-locking feature “enable[s] the user(s) to control the future relocation of the marker in the mapping environment.” Pet. Reply 16 (quoting Ex. 1005 ¶ 64); *see also* Ex. 1005 ¶ 96 (describing the “lock pushpin option 908” in the Figure 9, which “enable[s] the user to lock pushpins from movement in the map”). We agree with Petitioner that the claimed “signaling user-acceptance of the . . . location” reads on Abhyanker’s locking feature because location acceptance means that the user will not change the location, which is the result of Abhyanker’s locking feature.

Patent Owner's focus on Abhyanker's wiki claiming does not undermine Abhyanker's additional lock-pushpin feature.

Second, Patent Owner asserts that "Abhyanker does not teach that the marker-locking feature is provided 'responsive to receiving the designation of the building roof structure location,'" because "Abhyanker is silent regarding when lock pushpin option 908 is provided on the computer interface." PO Resp. 24. According to Patent Owner, the challenged claims include a temporal requirement such that the user-acceptance provision (i.e., the appearance of Abhyanker's lock pushpin option) must occur after the user's designation of the building roof structure. PO Resp. 12, 24–25, 31–32; PO Sur-reply 5–6. Patent Owner asserts that the '800 patent's specification shows an example of providing a user-acceptance input responsive to receiving the user's location designation in Figure 4D's checkbox, which appears only after the user designates a roof structure. *See* PO Sur-reply 6–8.

We disagree with Patent Owner's argument for two reasons. First, as Petitioner notes, Patent Owner's temporal requirement contradicts the '800 patent's specification, which illustrates a "CONFIRM SELECTION" button 104 in Figures 4A–4C. Pet. Reply 18–22. Those figures all appear *before* the user has moved the roof designation marker to its final location. *See* Pet. Reply 20–21 (citing Ex. 1001, Figs. 4A, 4B, 10:19–22). The '800 patent's specification characterizes button 104 in Figures 4A–4C with the same language as the disputed claim term: a "user acceptance." Ex. 1001, 10:30–31. The '800 patent does not describe the checkbox in Figure 4D, which Patent Owner asserts is the claimed "user acceptance," as signaling "user acceptance." Instead, the specification characterizes Figure 4D's checkbox

with different language—i.e. as “a further reconfirmation that the users reviewed the image is correct.” *Id.* at 10:37–38. Thus, even though Abhyanker is silent regarding when lock pushpin option 908 is provided, we agree with Petitioner that it is provided “responsive” to the user’s location designation as the challenged claims require because, as a matter of logic, the user can only lock/confirm a location after the marker is placed. *See* Pet. Reply 23–24. That is, placing the marker is a prerequisite to accepting the marker’s location by locking it, regardless of when the lock-pushpin button first appears.

Moreover, Petitioner’s proposed combination is sufficient for obviousness even if we accept Patent Owner’s proposed temporal requirement. Specifically, Petitioner’s rationale for adding Abhyanker’s user inputs (i.e., “allowing a user to designate a geographic position of a roof and to *subsequently* confirm that the roof location is correct would promote the accuracy of the system,” Pet. 24, 67 (emphasis added, Petitioner’s emphasis omitted)), explains why one skilled in the art would have provided Abhyanker’s lock pushpin option *after* placing a marker. *See also* Ex. 1003 ¶¶ 43, 127. Patent Owner’s argument, in contrast, assumes a skilled artisan could do no more than bodily incorporate Abhyanker’s placement and lock features without any thought as to sequence. That, however, is not the test for obviousness. *See, e.g., Allied Erecting & Dismantling Co. v. Genesis Attachments, LLC*, 825 F.3d 1373, 1381 (Fed. Cir. 2016); *see also KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (noting that “a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ”).

For these reasons, and in light of the Petition’s analysis, *see* Pet. 24–25, 33–35, 67, 74, we agree with Petitioner that its proposed combination teaches “responsive to receiving the designation of the building roof structure location, providing a second computer input capable of signaling user-acceptance of the building roof structure location within the first image, wherein user-acceptance is one or more affirmative steps undertaken by the user to confirm the designation of the building roof structure location,” as claimed.⁶

c) Dependent Claims 9 and 14

Dependent claim 9 requires providing visual access to an “outline drawing [corresponding to a roof structure] [that] is super-imposed on [a] nadir image.” Ex. 1001, 14:52–56. Dependent claim 14 has similar language. *Id.* at 15:31–16:3. Petitioner argues that Pershing-789 teaches this feature because it shows overhead views of roof structures as well as a “*calibration module*” that determines “*the distance in pixels between two points on the image*” and presents that information “*as a scale marker on the image*.” *Id.* at 55–57 (quoting Ex. 1004 ¶¶ 25, 32). According to Petitioner, “[t]his ‘scale marker’ depicting ‘physical length’ between pixels constitutes an outline drawing that is superimposed on the nadir image.” *Id.* at 57.

We agree with Patent Owner that “Pershing-789’s scale marker is not an ‘outline drawing,’” because it extends only between two points, rather

⁶ Unlike independent claims 1 and 11, independent claim 17 does not include “responsive to receiving the designation of the building roof structure location” before its second-computer-input providing step. *See* Ex. 1001, 16:20. Thus, Patent Owner’s temporal argument related to claim 17, *see* PO Resp. *id.* at 31–32, fails for this additional reason.

than around the outer edges of a roof. PO Resp. 30. Although Pershing-789 teaches roof outline drawings, *see, e.g.*, Ex. 1004, Fig. 5C, they are not superimposed on an image as claims 9 and 14 require and Petitioner offers no rationale why it would have been obvious to do so. *See* Pet. 54–57; *see also* Paper 43, 22:6–32:6. Thus, we agree with Patent Owner that Pershing-789 does not teach dependent claims 9 or 14.

d) Additional Undisputed Elements and Summary for Ground 1

Petitioner asserts Pershing-789 teaches the additional undisputed elements in independent claims 1, 11, and 17, including receiving a location, providing an image of the location for roof measurement, and providing a report for a selected roof in the image. Pet. 27–30, 35–36; *see id.* at 58–60, 61–63. Petitioner relies on Abhyanker for teaching allowing a user to place a marker on the roof in question and confirming the right selection was made. *Id.* at 30–36, 59–60, 62. Petitioner further relies on Pershing-789 for teaching the features in the challenged dependent claims including a roof outline drawing (claims 2 and 12), length dimensions (claims 3 and 13), perimeter, ridge, valley, and flashing lengths (claim 4), area dimension (claims 5 and 15), pitch dimension (claim 6), pitch direction (claim 7), non-dimensional attributes (claim 8), and an overhead-view image (claims 10 and 16). Pet 36–58, *see id.* at 60–61.

Other than the arguments addressed above, Patent Owner does not additionally challenge Petitioner’s ground-1 obviousness analysis. We have reviewed Petitioner’s arguments and evidence outlined above and, based on that analysis and for the reasons above, we find Petitioner has shown by a preponderance of the evidence that claims 1–8, 10–13, and 15–17 would have been obvious over Pershing-789 and Abhyanker. Petitioner has not,

however, demonstrated that claims 9 and 14 would have been obvious over Pershing-789 and Abhyanker.

2. *Ground 2: Obviousness of Claims 9 and 14 based on Pershing-789, Abhyanker and Pictometry*

As noted above, dependent claims 9 and 14 require an outline drawing of a roof that is super-imposed on a nadir image. Ex. 1001, 14:52–56; 15:31–16:3. In its second unpatentability ground, Petitioner contends that claims 9 and 14 would have been obvious over Pershing-789, Abhyanker, and Pictometry. Pet. 63–66. Petitioner adds Pictometry in case “Patent Owner argues that Pershing-789 does not disclose an ‘outline drawing is superimposed on the nadir image,’ as required by claims 9 and 14,” *id.* at 63, because Pictometry expressly teaches superimposing a drawing on a nadir image by “drawing lines around a ‘parcel’ to learn the square footage and area of a region.” *Id.* at 64 (quoting Ex. 1008, 116). According to Petitioner, one skilled in the art would have been motivated to incorporate Pictometry’s superimposed outline drawing to Pershing-789’s roof-outline drawing because it would allow users “to analyze the roof of a house or building” and thereby “*promote accuracy*, since users could confirm that the correct house was being measured,” “provide roofers and customers *greater flexibility* related to which aspects of the home to measure,” and “improve *precision* because users could ensure that the measurements were properly aligned with the building.” *Id.* at 65.

Patent Owner argues that Petitioner’s ground-2 challenge fails because “[a]lthough Pictometry’s measuring tools allow a user to make certain measurements of objects in an image, Pictometry does not teach or suggest[] superimposing an outline drawing on a roof structure.” PO

Resp. 33. We disagree with Patent Owner’s argument because it attacks Pictometry individually, rather than the combined teachings of Pictometry and Pershing-789 that Petitioner asserts. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Specifically, it does not matter whether Pictometry alone teaches superimposing roof’s outline drawing on a nadir image because, as Petitioner explains, Pershing-789 teaches drawing a roof outline, *see* Pet. 37 (citing Ex. 1004, Fig. 5C), while Pictometry teaches superimposing an outline drawing on a nadir image, *see* Pet. 64 (citing Ex. 1008, 116); *see also* Pet. 63 (explaining that “[t]o the extent Patent Owner argues that Pershing-789 does not disclose an ‘outline drawing is superimposed on the nadir image,’ . . . Pictometry teaches this limitation”). In addition, given Petitioner’s improved accuracy/flexibility/precision rationale outlined above, we find Petitioner has articulated sufficient reasoning with some rational underpinning to support the legal conclusion that its proffered combination would have been obvious to one skilled in the art. *See KSR*, 550 U.S. at 418.

Based on Petitioner’s arguments and evidence as outlined above, we find Petitioner has shown by a preponderance of the evidence that dependent claims 9 and 14 would have been obvious over Pershing-789, Abhyanker, and Pictometry.

3. *Ground 3: Obviousness of Claims 1–17 based on Kennedy, Abhyanker, and Bailey*

In its third obviousness ground, Petitioner contends that claims 1–17 would have been obvious over Kennedy, Abhyanker, and Bailey. Pet. 66–89. For the reasons explained below, we find Petitioner has shown by a

preponderance of evidence that claims 1–17 would have been obvious over the asserted references.

a) Petitioner’s Proposed Combination of Kennedy, Abhyanker, and Bailey

Petitioner relies primarily on Kennedy for “the bulk of the claim elements recited in the ’800 patent, including a software system for locating a customer’s roof at a specific geographic location and analyzing roof dimensions, *id.* at 66, as well as the various additional dependent claim features, *id.* at 75–85, 87–88. As with its other grounds, Petitioner relies on Abhyanker for teaching “designat[ing] the geographic position of a roof to be analyzed using a marker,” and “includ[ing] a subsequent user confirmation option to ensure the correct roof is being analyzed.” *Id.* at 66–67. Petitioner explains that one skilled in the art would have been motivated to modify Kennedy’s teachings with Abhyanker’s for the same reason that one would have modified Pershing-789—to promote the system’s accuracy. *Id.* at 67–68. Petitioner adds Bailey for teaching generating a report based on roof attributes, and explains that a skilled artisan would have been motivated to include Bailey’s report to facilitate roof repairs. *Id.* at 69–70.

b) Claim 2

Beyond its ground-1 arguments outlined above, Patent Owner raises one additional challenge to ground-3. According to Patent Owner, Kennedy does not disclose the additional feature in dependent claim 2 (“providing visual access to one or more outline drawing[s] corresponding to the roof structure of the building,” Ex. 1001, 14:30–32) because Kennedy merely

discloses a sizing tool that “enables the user to make measurements on an object in an image.” PO Resp. 34. We disagree.

As Petitioner notes, in several of Kennedy’s figures, including Figures 10–12, 35, and 36, Kennedy’s sizing tool “is displayed as an outline of the roof structure to be measured.” Pet. Reply. 30–31; *see, e.g.*, Ex. 1009, Figs. 10–12, 35, 36. Beyond Kennedy’s figures depicting roof-outline drawings, Kennedy expressly teaches that its sizing tool “comprises a 2D rectangle . . . overlaid over the image of an object . . . [that] can be adjusted to match the dimensions of the object.” Ex. 1009 ¶ 121. Thus, we agree with Petitioner that Kennedy teaches claim 2’s roof-outline-drawing feature.

c) Ground 3 Summary

Other than as outlined above, Patent Owner does not additionally challenge Petitioner’s ground-3 obviousness analysis. We have reviewed Petitioner’s arguments and the underlying evidence cited in support, *see* Pet. 66–89, and, based on that analysis and for the reasons above, we find Petitioner has shown by a preponderance of the evidence that claims 1–17 would have been obvious over Kennedy, Abhyanker, and Bailey.

III. CONCLUSION

For the foregoing reasons, we determine Petitioner has demonstrated by a preponderance of the evidence that claims 1–17 of the ’800 patent are unpatentable. Our conclusions are summarized in the following table.

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
1–17	103	Pershing-789, Abhyanker	1–8, 10–13, 15–17	9, 14

1–17	103	Pershing-789, Abhyanker, Pictometry	9, 14	
1–17		Kennedy, Abhyanker, Bailey	1–17	
Overall Outcome			1–17	

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner has shown that claims 1–17 of the '800 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.

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