

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENNOX INDUSTRIES INC.,
Petitioner,

v.

ROSEN TECHNOLOGIES LLC,
Patent Owner.

IPR2023-00716
Patent 6,789,739 B2

Before MEREDITH C. PETRAVICK, JAMES P. CALVE, and
JASON W. MELVIN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Lennox Industries Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3 and 6–9 of U.S. Patent No. 6,789,739 B2

(Ex. 1001, “the ’739 patent”). Paper 2 (“Pet.”). Rosen Technologies LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).¹

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition “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.”

After considering the Petition, the Preliminary Response, 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 ’739 patent. Accordingly, we institute an *inter partes* review of claims 1–3 and 6–9 of the ’739 patent on the grounds asserted in the Petition.

B. Real Parties-in-Interest

Petitioner identifies Lennox Industries Inc., Lennox International, Inc., Heatcraft Inc., Heatcraft Technologies Inc., and Lennox Procurement Company Inc. as the real parties-in-interest. Pet. 1.

Patent Owner identifies itself as the real parties-in-interest. Paper 3, 1.

¹ We authorized the parties to submit additional briefing to address Patent Owner’s request for discretionary denial under 35 U.S.C. § 314. *See* Prelim. Resp. 5–11. Petitioner filed a Reply (Paper 7) and Patent Owner filed a Sur-reply (Paper 8). In its Sur-Reply, Patent Owner withdraws its request for discretionary denial and the issue, therefore, is moot. Paper 8, 1.

C. Related Matters

The parties identify the following related court proceedings:

Rosen Techs. LLC v. Lennox Indus. Inc., No. 3:22-cv-00732-K (N.D. Tex. Mar. 31, 2022);

Rosen Techs. LLC v. Resideo Techs., Inc., No. 6:22-cv-00131 (W.D. Tex. Feb. 6, 2022); and

Verdant Envtl. Techs. v. Ecobee Inc., No. 1:10-cv-02771 (N.D. Ill. May 4, 2010).

Pet. 2; *see also* Pet. 3, 1.

Additionally, related patents are the subject of the following *inter partes* review proceedings: IPR2022-01402 (U.S. Patent No. 7,156,318), IPR2023-00715 (U.S. Patent No. 6,619,555), IPR2023-00717 (U.S. Patent No. 7,156,318), IPR2023-00718 (U.S. Patent No. 7,185,825), IPR2023-00719 (U.S. Patent No. 7,232,075), IPR2023-01455 (U.S. Patent No. RE40,437).

D. The '739 Patent

The '739 patent issued on September 4, 2004, from an application filed on November 4, 2002. Ex. 1001, code (22), (45). The '739 patent claims priority as a continuation-in-part to a parent application filed on February 13, 2002 (now U.S. Patent No. 6,619, 555). *Id.* at code (63). Petitioner, however, contends that the '739 patent is not entitled to claim priority to February 13, 2002 parent application. Pet. 7. At this stage of the proceeding, Patent Owner does not dispute Petitioner's contention.

The '739 patent is titled "Thermostat System with Location Data." Ex. 1001, code (54). Figure 1 of the '739 patent is reproduced below.

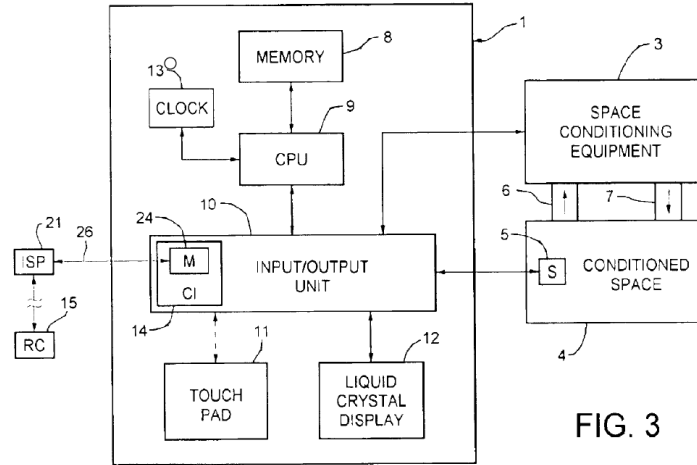


FIG. 3

Figure 1 depicts an embodiment of the thermostat system. *Id.* at 2:48–50. The thermostat system includes processor 1 and temperature sensor 5, which is disposed in conditioned space 4. *Id.* at 3:3–5. Processor 1 has a central processing unit (“CPU”) 9, memory 8, input/output unit (“I/O unit”) 10, and a liquid crystal display 12. *Id.* at 3:12–17. I/O unit 10 communicates with remote correspondent 15. *Id.* at 3:27–29.

The '739 patent discloses an embodiment, in which

location data of the thermostat is transmitted from transmission means (a modem) through the Internet to a website maintained to have access to weather or climate information (the remote device). The weather website (the remote device) receives the location data and associates it with local weather data for the thermostat location, which is then transmitted to the thermostat through the modem (a response of the remote device). The thermostat uses the local weather data for display, stores it in storage means, and/or uses it within control means (a response by the environmental controller).

Id. at 7:19–29. “[I]t is well known that Internet web sites make certain information and/or algorithms available for use by the user linking to that

web site, either for free or at a cost to the user.” *Id.* at 8:15–19. “Such local current weather information sources are widely available and are routinely accessed by, for example, using the Internet.” *Id.* at 4:13–15.

“Whatever its form, the location data correlates in some way to the physical and geographic location of the environmental controller.” *Id.* at 7:66–8:1. Location data, for example, can be “a telephone number or portion thereof, a zip or postal code, longitude and latitude information, or other systems or codes, that correspond to location information.” *Id.* at 7:42–45. Location data can also include a specific IP address or specific identifier that is correlated to a physical location. *See id.* at 8:1–11; *see also id.* at 7:32–41.

The environmental controller may be a thermostat or may have another function. The ’739 patent teaches that environmental controllers may function to turn HVAC on and off, to turn lighting on or off, to sense and responds to environmental gases or smoke. *Id.* at 6:62–7:2.

E. Illustrative Claims

Petitioner challenges claims 1–3 and 6–9 of the ’739 patent. Claim 1 is the sole independent claims and claims 2, 3, and 6–9 depend directly or indirectly from claim 1. Claim 1 is illustrative and reproduced below.

1. A location response system with an environmental controller located at a single physical location adapted to be an integral part of a system of environmental sensing or control for a local and substantially enclosed space comprising:

A) a physical location of the environmental controller stored as location data in storage means in the controller;

B) transmitter means connected to the controller adapted to transmit location data to a remote device physically remote from

the controller, so that a location response is induced at the remote device; and

C) location response is storage of the location data at the remote device and correlation of the physical location to location response data stored at or available to the remote device or created by processing of location data at the remote device, whereafter location response data is transmitted from the remote device to the controller.

Ex. 1001, 8:52–9:2.

F. Asserted Grounds

Petitioner asserts that claims 1–3 and 6–9 would have been unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–3, 6–9	102 ²	Liming ³
1–3, 6–9	103	Liming, Rainer ⁴
1–3, 6–9	103	Inoue ⁵ , Peters ⁶ , weather.com ⁷
1–3, 6–9	103	Rainer, Kikinis ⁸ , and weather.com

² The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), includes revisions to Sections 102 and 103 that became effective on March 16, 2013. Because the challenged claims issued from an application filed before March 16, 2013, we apply pre-AIA law.

³ U.S. Patent Application No. 2002/0055924 A1, published May 9, 2002 (Ex. 1004).

⁴ U.S. Patent No. 7,398,821 B2, issued Jul. 15, 2008 (Ex. 1005).

⁵ European Patent Specification No. EP 1085399 B1, published Dec. 15, 2004 (Ex. 1007).

⁶ U.S. Patent No. 6,470,289 B1, issued Oct. 22, 2002 (Ex. 1008).

⁷ Archived 1999 source code for weather.com, available at <https://web.archive.org/web/199911281144159/https://www2.weather.com/> (Ex. 1009).

⁸ U.S. Patent No. 6,161,133, issued Dec. 12, 2000 (Ex. 1006).

Petitioner relies upon the Declaration of Dr. R. Jacob Baker, Ph.D., P.E. (Ex. 1002) to support its challenges.

II. ANALYSIS

A. Legal Standards

A claim is anticipated under § 102(b) “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

A patent claim is unpatentable under 35 U.S.C. § 103 if differences between the claimed subject matter 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. 35 U.S.C. § 103; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 550 U.S. at 416. Similarly, “if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.” *Id.* at 417.

The question of obviousness is resolved based on 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 evidence of non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Neither party presents any objective evidence of non-obviousness at this stage of the proceeding.

B. Level of Ordinary Skill in the Art

Petitioner contends that a person of ordinary skill in the art (“POSITA”) “would have had a Bachelor of Science degree in Electrical Engineering or a year or two of experience working with or designing processor-based systems with network connectivity.” Pet. 7 (citing Ex. 1002 ¶ 54). Petitioner asserts that “[t]his level of skill is approximate, and more experience would compensate for less formal education, and vice versa.” *Id.*

Patent Owner contends that a POSITA

would have a bachelor’s degree in engineering, computer science, or a comparable field, with at least 2 years’ experience in temperature controls, embedded control systems, electronic thermostats, or HVAC controls, or similarly relevant industry experience, with relevant experience substituting for education and vice versa.

Prelim. Resp. 4.

For purposes of this Decision, we adopt Petitioner’s assessment of the level of ordinary skill in the art as it is consistent with the ’739 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). Additionally, Petitioner’s asserted level of ordinary skill is supported by the testimony of its declarant Dr. Baker. Ex. 1002 ¶ 54.

Patent Owner’s asserted level of ordinary skill is overly narrow as it requires at least two years’ experience in temperature controls, electronic thermostats, and HVAC controls. Prelim. Resp. 4. Independent claim 1 recites an “environmental controller,” which is not limited controlling HVAC or temperature functions. Ex. 1001, 8:52–56. The ’739 patent explains that an environmental control may also turn lighting on or off and sense and responds to environmental gases or smoke. *Id.* at 6:62–7:2.

Unlike Petitioner’s asserted level of ordinary skill in the art, which is supported by the testimony of Dr. Baker, at this stage of the proceeding, Patent Owner provides no support for its asserted level of ordinary skill. *See* Prelim. Resp. 4.

C. 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). In applying this standard, we generally give claim terms their ordinary and customary meanings 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. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

Petitioner contends that two terms are means plus function terms, governed by 35 U.S.C. § 112 ¶ 6: “storage means” and “transmitter means.” Pet. 8. For the term “storage means,” Petitioner contends that the function is “storing as location data a physical location of the environmental controller” and the corresponding structure is “memory.” Pet. 9. Petitioner notes that this is Patent Owner’s proposed construction from the related district court litigation. *Id.* For the term “transmitter means,” Petitioner contends that the corresponding structure is “a modem with Internet or network connection.” *Id.* (citing Ex. 1001, 7:2–9, 7:20). Patent Owner does not dispute Petitioner’s proposed constructions. Prelim. Resp. 5. Based on the record at this stage of the proceeding, we adopt Petitioner’s proposed constructions of these terms.

We do not need to construe any other terms expressly to reach our decision on institution. *See Realtime Data LLC v. Iancu*, 912 F.3d 1368, 1375 (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. Anticipation by Liming

Petitioner contends that claims 1–3 and 6–9 are anticipated by Liming. Pet. 14–34.

1. Overview of Liming

Liming is a U.S. patent application publication and was published on May 9, 2002 from an application filed on January 18, 2001. Ex. 1004, codes (10), (22), (43). Petitioner contends that Liming qualifies as prior art under pre-AIA §§ 102(a), (e). Pet. 11.

Liming is titled “System and Method Providing a Spatial Location Context.” Ex. 1004, code (54). Liming discloses a “location-enabled system” for “processing, integration, and exchange of spatially relevant information over a communications network like the Internet.” *Id.* at Abst., ¶ 75.

Liming's Figure 1 is reproduced below.

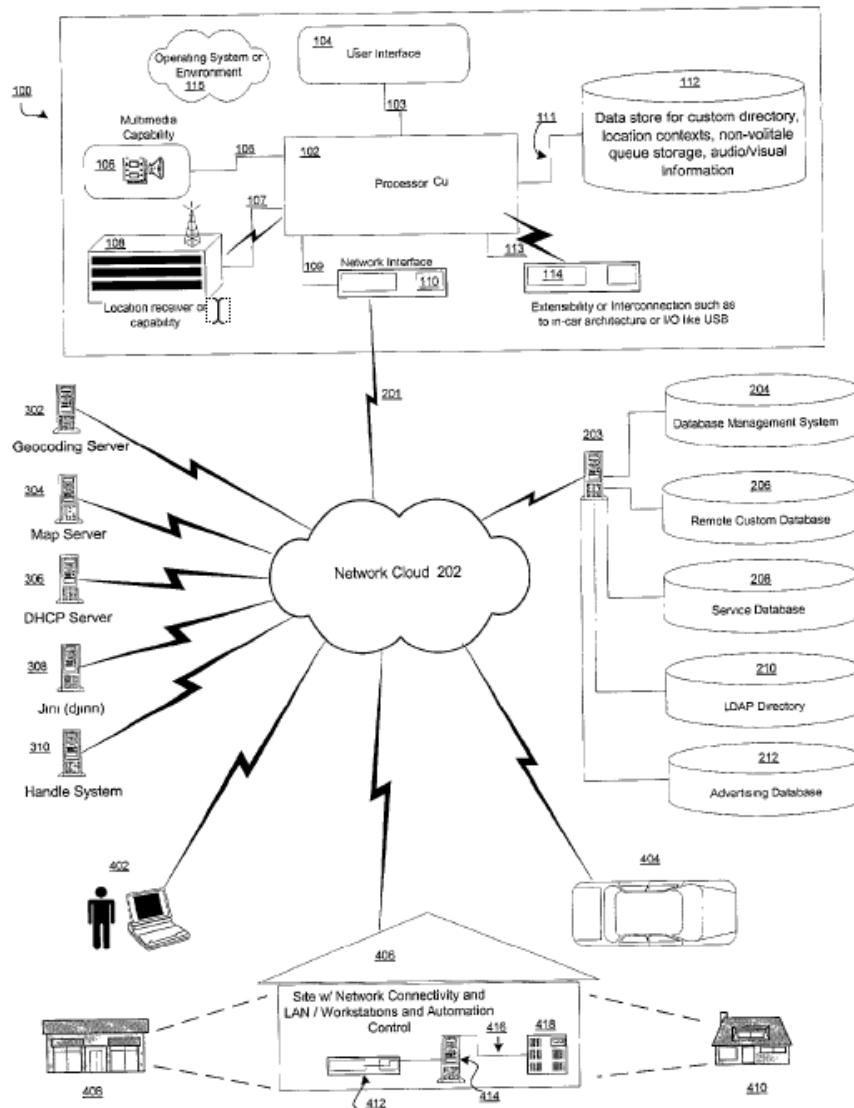


Figure 1

Liming's Figure 1 is a block diagram showing the components of location enabled system 100. *Id.* ¶¶ 19, 34. The components include processor 102, user interface 104, geographic location determination ("GLD") device 108, network access device 110, and data storage sub-system 112. *Id.* ¶ 34. User interface 1043 includes a visual display, which may present information, such as location information. *Id.* ¶ 37. GLD device 108 determines

geographic locations in real-time and may be, for example, a global positioning service (“GPS”) device. *Id.* ¶ 39. Network access device 110 may be a wired or wireless communication means, such as a modem connected to the Internet. *Id.* ¶ 41. Data storage sub-system 112 includes a memory. *Id.* ¶ 42.

Figure 1 shows system 100 connected to database management systems (“DBMS”) 204, 206, 208, 2010, and 212, which are servers with data storage and network connectivity. *Id.* ¶¶ 59, 62. For example, DBMS 206 is a remote database which provides a remote storage means for client data, such as location contexts or geobooks and related content and events. *Id.* ¶ 63. DBMS 212 stores location relevant media content and tables. *Id.* ¶ 64.

Figure 1 also shows block 406 (“ST406”), block 408 (ST408”), block 410 (“block 410”). *Id.* ¶ 65. Liming states:

ST406, ST408, and ST410 may contain home or building automation capabilities, based on standards such as X10, or other computer controlled automation systems for controlling heating, ventilation, and air conditioning (HVAC) . . . and other commonly controlled building and home components or networked device. In a preferred embodiment, ST406, ST408, and ST410 may also contain a system 100 device or similar [] capabilities.

Id.

Liming describes a method of using system 100. Liming's Figure 10 is reproduced below.

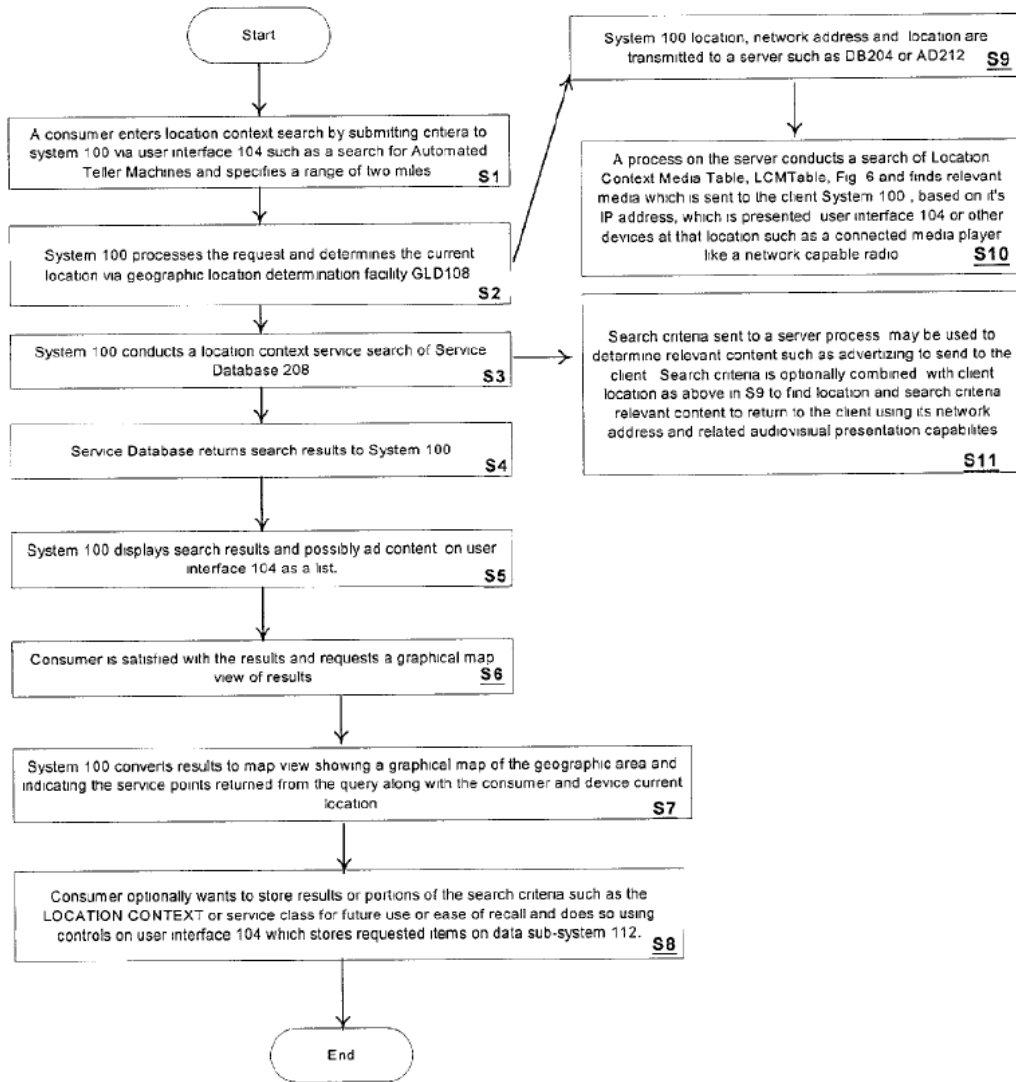


Figure 10

Figure 10 is a process flow diagram for a location-enable service search. *Id.* ¶ 28; *see also id.* ¶ 75.

2. *Analysis of Claim 1*

(a) *Preamble: A location response system with an environmental controller located at a single physical location adapted to be an integral part of a system of environmental sensing or control for a local and substantially enclosed space comprising*⁹

Petitioner contends that this limitation is met because

Liming discloses ST406, ST408, and ST410 may contain “computer controlled automation systems for controlling heating, ventilation, and air conditioning (HVAC).” EX1004, ¶[0065], Fig. 1. Those blocks “may also contain a System 100 device.” EX1004, ¶[0065]. The automation systems are connected to System 100 and that combination creates an environmental controller that is a system of environmental sensing or control. EX1002, ¶115. For example, Figure 12 states that the System 100 is networked to a home automation facility. EX1004, Fig. 12, S5.

Pet. 16. Petitioner contends, “A POSITA would have understood that the computer controlled automation system for controlling HVAC is coupled to System 100, and, together, those components make up an environmental controller.” *Id.*; Ex. 1002 ¶ 116.

At this stage of our proceeding, Patent Owner does not dispute the *Liming* meets the preamble of claim 1. *See generally* Prelim. Resp. 11–15.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that *Liming* describes a location response system with an environmental controller as recited in the preamble.

⁹ On this record, we do not need to determine whether the preamble is limiting at this stage of the proceeding.

(b) Limitation A: a physical location of the environmental controller stored as location data in storage means in the controller

Petitioner contends that this limitation is met by Liming's system 100 storing the current client location data. Pet. 20 (citing Ex. 1004 ¶¶ 88, 89, 110). Petitioner argues:

Because the system and HVAC controller are in the same building, a POSITA would have understood "current client location data" to be the physical location of the environmental controller—*i.e.*, the location of the building in which the HVAC controller and system 10[0] are present.

Id. (citing Ex. 1002 ¶ 123). Liming discloses that the location can be determined using a GPS or by a user manually entering a location. Ex. 1004 ¶¶ 14–16, 39, 66, 151. Petitioner contends that this location data is stored in memory in order for it to be transmitted. Pet. 20 (citing Ex. 1002 ¶ 124; Ex. 1012, 244:18–245:1); *see also* Pet. 22–23 (citing Ex. 1004 ¶¶ 34, 35, 42; Ex. 1002 ¶¶ 126–127). Petitioner also contends that Liming discloses more permanent storage of the location data in the form of a web browser "cookie." Pet. 22 (citing Ex. 1004 ¶¶ 104–106; Ex. 1002 ¶ 125).

Patent Owner argues that Liming does not disclose an environmental controller with its physical location stored in the storage means of the controller, because "Liming discloses a building which may contain a home automation system, rather than an environmental controller with storage means for storing location data of the environmental controller." Prelim. Resp. 13.

Patent Owner's argument is misplaced because Petitioner does not rely upon Liming's system 100 alone to teach the claimed environmental controller. *See* Pet. 16. Petitioner relies upon the combination of Liming's

system 100 and computer controlled automation system for controlling HVAC to meet the claimed environmental controller. *Id.* As Petitioner points out, system 100, which is part of the claimed environmental controller, stores the location data. Ex. 1004 ¶¶ 14–16, 39, 66, 151. For example, the location data can be a telephone number, a street address, or latitude and longitude. *Id.* ¶ 14.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that Liming describes a physical location of the environmental controller stored as location data in storage means in the controller.

(c) Limitation B: transmitter means connected to the controller adapted to transmit location data to a remote device physically remote from the controller, so that a location response is induced at the remote device

Petitioner contends that this limitation is met because Liming describes system 100 having a network access device 110, which may include a modem connected to the Internet, that transmits location information to servers, such as database management system 204 or remote custom database 206. Pet. 24–27 (citing Ex. 1004 ¶¶ 38, 41, 44, 59, 62, 63, 65, 91, 104–106, Fig. 1, Fig. 10; Ex. 1002 ¶¶ 129–134).

At this stage of the proceeding, Patent Owner does not dispute the Liming meets this limitation. *See generally* Prelim. Resp. 11–15.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that Liming describes a transmitter means as recited in claim 1.

(d) *Limitation C: location response is storage of the location data at the remote device and correlation of the physical location to location response data stored at or available to the remote device or created by processing of location data at the remote device, whereafter location response data is transmitted from the remote device to the controller*

Petitioner contends that this limitation is met because Liming describes that

[a]fter the system transmits its location to a server (such as DB204 or AD212), Figure 10 describes the location response: “A process on the server conducts a search of location Context Media Table, LCMTTable, Fig. 6 and finds relevant media which is sent to the client System 100, based on [its] IP address.

Pet. 28 (citing Ex. 1004, Fig. 10); *see also* Pet. 28–29. Petition contends that in order for the server to do the search for location relevant media, the location was stored at the server. Pet. 28–29 (citing Ex. 1002 ¶ 138; Ex. 1012, 244:18–245:1).

Patent Owner argues that Liming does not disclose this limitation because

[e]lement C claims an environmental controller that has geographical information, such as location data in the form of a zip code or telephone number, stored in them. *Location data* is output to transmitter means, delivered to, and processed by a remote device, and *retransmitted* by that remote device to the environmental controller or other remote device.

Prelim. Resp. 14 (emphasis added).

Patent Owner’s argument is unpersuasive because this limitation does not require that location data is *retransmitted* by the remote device to the environmental controller or other remote device. Ex. 1001, 8:64–9:2. Claim 1 requires that *location response data* is *transmitted* from the remote device

to the controller. *Id.* Claim 1 does not require that the remote device *retransmits* the location data to the environmental controller.

Patent Owner also argues that Liming’s method of delivering location relevant media to clients is not the same as the method of using the location data in a response by the remote device described in the ’739 patent. Prelim. Resp. 14–15. Patent Owner argues that the ’739 patent describes using the location data by linking the environmental controller to a web site and causing the web site to respond to the location data. *Id.* at 14 (citing Ex. 1001, 8:13–20). Claim 1, however, does not require such. Claim 1 more broadly requires “correlation of the physical location to location response data stored at or available to the remote device or created by processing of location data at the remote device.” Ex. 1001, 8:52–9:2.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that Liming describes a location response as recited in claim 1.

(e) Conclusion for Claim 1

After considering Petitioner’s evidence and analysis, and taking into account Patent Owner’s arguments, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claim 1 is anticipated by Liming.

3. Claims 2, 3, and 6–9

Petitioner contends that the additional limitations of dependent claims 2, 3, and 6–9 are anticipated by Liming. Pet. 30–34. At this stage of the proceeding, Patent Owner does not dispute that Liming describes the additional limitations. Prelim. Resp. 15. After considering Petitioner’s

evidence and analysis, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claims 2, 3, and 6–9 are anticipated by Liming.

E. Unpatentability over Liming and Rainer

Petitioner contends that claims 1–3 and 6–9 are unpatentable over Liming and Rainer. Pet. 14–34.

1. Summary of Rainer

Rainer is a U.S. patent titled “Integrated Ventilation Cooling System” and issued on July 15, 2008 from an application filed on March 12, 2001. Ex. 1005, code (22), (35), (54). Petitioner asserts that Rainer “qualifies as prior art under at least pre-AIA §102(a) & (e).”¹⁰ Pet. 12.

Rainer discloses a thermostat which connects to the Internet to obtain information for control and display. Ex. 1005, 4:31–34, 5:28–41. The thermostat connects to control module 3, which connects to the Internet via communications link 32 to obtain current weather, utility prices, and energy costs associated with various temperature settings. *Id.* at 4:31–57, 4:42–46, 5:28–41, Fig. 1.

2. Analysis of Claim 1

To the extent that claim 1 is not disclosed by Liming, Petitioner argues that “[i]t would have been obvious for a POSITA to use *Liming*’s teachings regarding obtaining location information over the Internet in

¹⁰ Petitioner assertion that Rainer qualifies as § 102(a) prior art appears to be based upon the publication of its application, US 2002/0124992 A1, which published on September 12, 2002. Pet. 12. We note, however, that the published application is not the prior art asserted in the Petition.

Rainer's thermostat.” Pet. 18 (citing Ex. 1002 ¶¶ 118–121). “*Rainer* teaches connection of the thermostat to the Internet and that weather information can be obtained for ‘control and display purposes.’” *Id.* (citing Ex. 1005, 5:28–31; 4:31–34). According to Petitioner, “[a] POSITA looking to obtain the weather information for control, would have been motivated to use *Liming's* system to do so” because it would have been easy to use a known system, such as the web browser taught by *Liming*, that automatically formats requests and information for display in expected format. Pet. 18–19 (citing Ex. 1002 ¶ 120; Ex. 1004 ¶¶ 86, 103–105, 139). Further, *Liming* teaches that location information may be stored in the cookie of a web browser, so that location information does not have to be repeatedly obtained. Pet. 19 (citing Ex. 1002 ¶ 120; Ex. 1004 ¶¶ 104–105).

Patent Owner relies upon the same arguments to dispute that the combination of *Liming* and *Rainer* render claim 1 obvious as it made to dispute that *Liming* anticipates claim 1. *See generally* Prelim. Resp. 11–15. Those arguments are unpersuasive for the reasons discussed above (*supra* §§ II(D)(2)(a)–(e)).

After considering Petitioner's evidence and analysis, and taking into account Patent Owner's arguments, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claim 1 is unpatentable over *Liming* and *Rainer*.

3. *Claims 2, 3, and 6–9*

Petitioner contends that the additional limitations of dependent claims 2, 3, and 6–9 are unpatentable over *Liming* and *Rainer*. Pet. 30–34. At this stage of the proceeding, Patent Owner does not dispute that the combination

of Liming and Rainer describes the additional limitations. Prelim. Resp. 15. After considering Petitioner’s evidence and analysis, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claims 2, 3, and 6–9 are unpatentable over Liming and Rainer.

F. Unpatentability over Inoue, Peters, and weather.com

Petitioner contends that claims 1–3 and 6–9 are unpatentable over Inoue, Peters, and weather.com. Pet. 34–53.

1. Summary of Inoue

Inoue is a European Patent Specification filed on March 29, 2000 and published on March 21, 2001. Ex. 1007, code (43). Petitioner asserts that Inoue is prior art under at least pre-AIA § 102(a), (b), and (e). Pet. 12.

Inoue is titled “Software-based temperature controller circuit in an electronic apparatus.” Ex. 1007, code (54). Inoue discloses a personal computer 10 including a central processing unit and display. *Id.* ¶ 20. Temperature sensor 18 detects the temperature of CPU 17, and fan controller 33 causes, based on the temperature, cooling fan 32 to generate an air stream that absorbs heat before leaving main enclosure 11. *Id.* ¶¶ 23, 29. A modem 29 connects CPU 17 to the Internet. *Id.* ¶ 28, Fig. 2.

2. Summary of Peters

Peters is a U.S. patent titled “Independently Controlling Passive and Active Cooling in a Computer System” and issued on October 22, 2002 from an application filed on August 5, 1999. Ex. 1008, codes (22), (45), (54). Petitioner contends that Peters is prior art under at least pre-AIA § 102(a), (b). Pet. 13.

Peters discloses a computer cooling system that uses a fan to blow warm air around hot components through a vent to outside of the computer. Ex. 1008, 1:16–18, 1:42–47. The CPU core adjusts the fan speed based on the detected current temperature. *Id.* at 4:23–30. Peters locates temperature sensor 114 at CPU core 104 and semiconductor die 105 and another thermal sensor 116 apart from CPU 102 to detect the temperature in external region 109 of the system that is not influenced by heat generated by CPU core 104. *Id.* at 5:19–6:11, Fig. 1.

3. *Summary of weather.com*

Weather.com is printed information obtainable from a website in 1997. Pet. 13–14 (citing Ex. 1013 ¶ 5 (Affidavit of Nathaniel E. Frank-White from the Internet Archive); Ex. 1012, 223:12–15). Petitioner contends that weather.com qualifies as prior art under at least pre-AIA § 102(a), (b). Pet. 13.

Weather.com is code for a website, on the Internet, that provides weather data to a user. When a user accesses weather.com from a web browser, the user is queried for their location and enters a location, such as a zip code. Ex. 1009, 6–9; Ex. 1002 ¶¶ 101–108. The weather.com website then returns the weather data for the zip code. Ex. 1009, 6–9; Ex. 1002 ¶¶ 101–108.

4. *Analysis of claim 1*

Petitioner contends that a POSITA would have “modif[ied] Inoue’s laptop computer to incorporate Peters’s exterior temperature sensor to monitor the temperature outside of the CPU” in order to control not only the temperatures of the CPU but also the laptop’s main enclosure. Pet. 34–36 (citing Ex. 1002 ¶¶ 164–167). Petitioner argues that a POSITA would have

been motivated to make such a combination in order to control not only the temperature of the CPU, but also the laptop's main enclosure and, thus, reducing or minimizing the annoyance caused by a fan turning on and off in a relatively short period of time and conserving power. Pet. 35 (citing Ex. 1008, 3:41–47).

Petitioner also contends that a “POSITA also would have been motivated to incorporate *Peters*'s graphical controller rendering data structures from memory for display” into Inoue's laptop computer to display data stored in memory. Pet. 36–37 (citing Ex. 1008, 8:24–65; Ex. 1002 ¶ 169).

Additionally, Petitioner contends that a POSITA would have combined Inoue and Peters with weather.com to use location data to retrieve location response data to display on a laptop. Pet. 37–38. Petitioner argues:

A POSITA would have readily recognized the benefits of using a location (*e.g.*, a zip code) to retrieve location-specific information (*e.g.*, the local weather) using a laptop connected to the Internet. [Ex. 1002 ¶ 171.] It would have been a matter of common sense to a POSITA to use location data such as zip code to obtain location-based information such as weather for that zip code, as users desire to know about the weather in their particular area. *Id.* A POSITA would have recognized that this is the purpose and benefit of a weather website such as *weather.com*. *Id.*

Id.

(a) *Preamble: A location response system with an environmental controller located at a single physical location adapted to be an integral part of a system of environmental sensing or control for a local and substantially enclosed space comprising*

Petitioner contends that the combination of Inoue, Peters, and weather.com meets this limitation because both Inoue and Peters discloses a laptop computer that senses and controls temperature within the laptop's enclosure. Pet. 39–45 (citing Ex. 1007 ¶¶ 1, 2, 8–11, 13–16, 20–32, 36, 38, Fig. 1, Fig. 2; Ex. 1008, 2:65–3:8, 3:50–4:31, 5:20–52, 5:65–6:4, 6:12–21, 6:30–49, 7:5–10, 7:40–59, 13:24–28, 16:52–65, Fig. 1; Ex. 1002 ¶¶ 173–185). Petitioner argues that “[w]hen accessing *weather.com* on a web browser on a laptop computer, such as *Inoue-Peters's* laptop computer, a user would enter their location (e.g., zip code) and receive a location response (e.g., local weather).” Pet. 45 (citing Ex. 1002 ¶¶ 101–108, 185).

Patent Owner disputes the combination of Inoue, Peters, and weather.com teaches this limitation because none of the references teaches an HVAC controller. Prelim. Resp. 17. According to Patent Owner, the specification and plain and ordinary meaning requires the environmental controller to control space conditioning equipment, such as HVAC. *Id.* (citing Ex. 1001, 6:62–65).

Patent Owner's argument is unpersuasive because it is inconsistent with the language of claim 1 and the '739 patent. Claim 1 does not require the environmental control to control space conditioning equipment or HVAC equipment. *See* Ex. 1001, 8:52–9:2. Claim 1 more broadly requires “sensing or control for a local and substantially enclosed space.” *Id.* Similarly, although the '739 patent discloses that the environmental

controller may function to turn HVAC on and off, the '739 patent also discloses the environmental controller turning lighting on or off or sensing and responding to environmental gases or smoke. *Id.* at 6:62–7:2.

Based on the current record, we determine that Petitioner's analysis and evidence sufficiently shows that the combination of Inoue, Peters, and weather.com discloses a location response system with an environmental controller as recited in the preamble.

(b) Limitation A: a physical location of the environmental controller stored as location data in storage means in the controller

Petitioner contends that the combination of Inoue, Peters, and weather.com meets this limitation because, when accessing weather.com on a web browser on a laptop computer, a user would enter their location into a memory of the computer. Pet. 46 (citing Ex. 1002 ¶¶ 187–188). According to Petitioner, “[b]efore a query can be sent to a website, the data for the query is stored in the memory of the device—usually under control of a web browser.” *Id.* (citing Ex. 1002 ¶ 87; Ex. 1012, 244:18–245:1).

At this stage of the proceeding, Patent Owner does not dispute the Inoue, Peters, and weather.com meets this limitation. *See generally* Prelim. Resp. 17–19.

Based on the current record, we determine that Petitioner's analysis and evidence sufficiently shows that the combination of Inoue, Peters, and weather.com discloses a physical location of the environmental controller stored as location data in storage means in the controller.

(c) Limitation B: transmitter means connected to the controller adapted to transmit location data to a remote device physically remote from the controller, so that a location response is induced at the remote device

Petitioner contends that the combination of Inoue, Peters, and weather.com meets this limitation because Inoue discloses a modem with an Internet or network connection. Pet. 48 (citing Ex. 1002 ¶¶ 193–202; Ex. 1007 ¶ 28, Fig. 2). “A POSITA would have understood that *Inoue*’s laptop would access a website (remote device) such as *weather.com* on a web browser using a modem like *Inoue*’s modem 29.” According to Petitioner, weather.com’s server is a physically remote device. Pet. 48 (citing Ex. 1002 ¶ 199; Ex. 1001, 6:53–56, 7:10–15, 7:21–23). Petitioner argues, “[w]hen accessing weather.com from a laptop computer, a user would enter their location (*e.g.*, zip code)” and “[t]his location data (*e.g.*, zip code) would be transmitted from the laptop computer to the weather.com server over the Internet.” Pet. 49 (citing Ex. 1002 ¶¶ 101–108, 195; Ex. 1009, 6, 9).

At this stage of the proceeding, Patent Owner does not dispute the Inoue, Peters, and weather.com meets this limitation. *See generally* Prelim. Resp. 17–19.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that the combination of Inoue, Peters, and weather.com describes a transmitter means as recited in claim 1.

(d) Limitation C: location response is storage of the location data at the remote device and correlation of the physical location to location response data stored at or available to the remote device or created by processing of location data at the remote device, whereafter location response data is transmitted from the remote device to the controller

Petitioner contends that this limitation is met because, in an ordinary interaction in weather.com:

the *weather.com* server executes a CGI script on the location information (physical location data) to retrieve the weather (location response data). [EX1002 ¶¶ 101–108, 206–208, 210–211]; EX1009, 6, 9. To execute the CGI script, the location data is stored in memory of the server when the message is received from the laptop. EX1002, ¶¶ 101–108, 206–208; EX1014, 39–40, 44–54, 59–62, 64–69; EX1015, 681–691, 720–723. The '739 Patent and Inventor Rosen both concede that a weather website correlates the location data with the local weather. EX1001, 7:22–26; EX1012, 222:8–13, 223:12–25, 248:23–249:11.

Pet. 50. Petitioner argues that, in response to the query, weather.com's server returns HTML to the client device for displaying the current location weather conditions. *Id.* (citing Ex. 1002 ¶¶ 101–108, 193–202, 209–211; Ex. 1009, 6, 9).

Patent Owner argues that the combination of Ionue, Peters, and weather.com does not disclose a location response as described in the '739 patent. Prelim. Resp. 17–19. Patent Owner argues that the '739 patent describes using the location data by linking the environmental controller to a web site and causing the web site to respond to the location data. *Id.* at 14 (citing Ex. 1001, 8:13–20).

Patent Owner's argument is unpersuasive. Patent Owner makes a broad allegation that the prior art does not disclose the claimed location

response. But Patent Owner does not sufficiently explain this allegation or explain specifically why Petitioner's evidence and analysis is deficient.

On this record, Petitioner evidence and analysis sufficiently shows that the combination of Inoue, Peters, and weather.com analysis sufficiently discloses the claimed location response as recited in claim 1.

(e) Patent Owner's Analogous Art Argument

Patent Owner argues that Inoue, Peters, and weather.com are non-analogous art because the '739 patent is directed entirely to a novel HVAC system whereas Inoue and Peters are directed to purely a computer CPU cooling device and weather.com is a website. Prelim. Resp. 17.

Two separate tests define the scope of analogous prior art.

(1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved.

In re Klein, 647 F.3d 1343, 1348 (Fed. Cir. 2011) (quoting *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004)). "A reference is reasonably pertinent if . . . it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992). In addition, "[i]f a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection." *Id.*

The '739 patent describes the field of invention as "a thermostat system incorporating a communication interface for receiving and displaying diverse information from a remote correspondent." Ex. 1001, 1:9–11. Claim 1 is more broadly directed to a location response system with an

environmental controller and does not require that the environmental controller is a thermostat or a HVAC system. *Id.* at 8:52–9:2; *see also id.* at 6:62–7:2 (describing other possible functions of the environmental controller). The ’739 patent is concerned with the problem of receiving and displaying location relevant information from a remote correspondent on the environmental controller. *See generally id.*

We determine that Petitioner has sufficiently shown that Inoue and Peters have the same field of endeavor as the ’739 patent. As discussed above, Petitioner sufficiently shows that Inoue and Peters each describes environmental controllers with the claimed structure and function (i.e., an environmental controller sensing and controlling the environment of a local, enclosed space) as the claimed invention of the ’739 patent. *See supra* § II(F)(4)(a–e). References with the same structure and function as an invention are in the same field of endeavor. *See In re Bigio*, 381 F.3d at 1326.

We also determine that Petitioner has sufficiently shown that weather.com is reasonably pertinent to the particular problem with which the inventor is involved. As discussed above, Petitioner sufficiently shows that weather.com describes a source of local information with the claimed structure and function of providing a location response. *See supra* II(F)(4)(d); *see also* Ex. 1001, 4:13–15 (describing the use of local current weather information sources, which are widely available and routinely accessed by using the Internet).

On this record, Petitioner has established that Inoue, Peters, and weather.com are analogous art to the invention of the ’739 patent.

(f) Conclusion as to Claim 1

After considering Petitioner’s evidence and analysis, and taking into account Patent Owner’s arguments, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claim 1 is unpatentable over Inoue, Peters, and weather.com.

5. Claims 2, 3, and 6–9

Petitioner contends that the additional limitations of dependent claims 2, 3, and 6–9 are unpatentable over Inoue, Peters, and weather.com. Pet. 51–53. At this stage of the proceeding, Patent Owner does not dispute that the combination of Inoue, Peters, and weather.com describes the additional limitations. Prelim. Resp. 19. After considering Petitioner’s evidence and analysis, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claims 2, 3, and 6–9 are unpatentable over Inoue, Peters, and weather.com.

G. Unpatentability over Rainer, Kikinis, and weather.com

Petitioner contends that claims 1–3 and 6–9 are unpatentable over Rainer, Kikinis, and weather.com. Pet. 53–70.

1. Summary of Kikinis

Kikinis is a U.S. patent filed on October 19, 1998, and issued on December 12, 2000. Ex. 1006, code (22), (45). Petitioner contends that Kikinis qualifies as prior art under at least under pre-AIA §102 (a), (b). Pet. 12.

Kikinis is titled “Method and Apparatus for Configuration of an Internet Appliance.” Ex. 1006, code (54). Kikinis discloses connecting

appliances to a server using the Internet Using a web browser for an internet *Id.* at 2:38–41, 6:56–7:5. A thermostat is one kind of an “internet appliance.” *Id.* at 4:38–52. Kikinis discloses that configuring internet appliances often requires “lengthy and tedious set-up operations” before it can be used. *Id.* at 2:45–47, 2:61–3:5. Kikinis teaches that a network server can “fully configure such appliances over a network connection to access and operate on the Internet.” *Id.* at Abst. Kikinis’s configures internet appliances using a web browser application. *Id.* at 6:57–7:5.

2. *Analysis of Claim 1*

Petitioner contends that it would have been obvious to a POSITA to use the automated set up service taught by Kikinis to set up Rainer’s thermostat for Internet operation. Pet. 55 (citing Ex. 1002 ¶ 232). Petitioner argues:

First, use of such a service would make it easier for the thermostat’s user to connect to the Internet by avoiding lengthy, tedious, and difficult set-operations. Second, *Rainer* teaches that the thermostat displays weather information and utility cost information. EX1005, 4:31-34, 5:37-41. It was common knowledge and well known to a POSITA that weather information is available on the Internet. EX1002, ¶232. *Kikinis* teaches that existing Internet appliances typically contain at least some elements or aspects of a web browser. EX1006, 2:38-41. Rather than creating new software to obtain information over the Internet, a POSITA would have been motivated to use existing software, such as a web browser, in *Rainer*’s thermostat to handle communications over the Internet. Third, a POSITA would have been motivated to use a web browser in *Rainer*’s thermostat because a web browser automatically formats requests to websites in the format expected by the website. EX1002, ¶232. Fourth, a POSITA would have been motivated to use the web browser in *Rainer*’s thermostat because a web browser automatically formats information for display on a device. *Id.*

Pet. 55–56.

Petitioner, further, contends that it would have been obvious to combine Rainer and Kikinis with weather.com to obtain the weather data.

Pet. 56–57 (citing Ex. 1002 ¶¶ 234–239). Petitioner argues:

A POSITA would have readily recognized the improvements and benefits to implementing the concept of using a location (*e.g.*, a zip code) to retrieve location specific information (*e.g.*, the local weather) using a thermostat connected to the Internet. EX1002, ¶237. First, doing so would have helped the accuracy of the control of *Rainer*'s thermostat. *Id.* Second, it would be desirable for display as users desire to know about the weather in their particular area. *Id.* Third, accessing *weather.com* using a web browser was a well-known conventional method for retrieving local weather information using location data. *Id.* It accordingly would have been obvious to retrieve local weather information using location information (like a zip code) by accessing a weather website like *weather.com* on a thermostat connected to the Internet using a web browser. *Id.*

Pet. 57–58.

(a) *Preamble: A location response system with an environmental controller located at a single physical location adapted to be an integral part of a system of environmental sensing or control for a local and substantially enclosed space comprising*

Petitioner contends that the combination of Rainer, Kikinis, and weather.com meets this limitation because Rainer discloses a thermostat, located in a building, that obtains weather information for control and display purposes. Pet. 59 (citing Ex. 1005, 4:35–46, 5:24–27, 6:6–7:19, 6:36–41).

At this stage of the proceeding, Patent Owner does not dispute that the combination of Rainer, Kikinis, and weather.com meets this limitation meets this limitation. *See generally* Prelim. Resp. 19–23.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that the combination of Rainer, Kikinis, and weather.com discloses a location response system with an environmental controller as recited in the preamble.

(b) Limitation A: a physical location of the environmental controller stored as location data in storage means in the controller

Petitioner contends that that the combination of Rainer, Kikinis, and weather.com meets this limitation because, when accessing weather.com on the web browser of Rainer’s thermostat, a user would enter their location into a memory of the thermostat. Pet. 59–62 (citing Ex. 1002 ¶¶ 241–248). According to Petitioner, “[b]efore a query is sent to a website, the data for the query is stored in the memory of the device.” Pet. 61 (citing Ex. 1002 ¶¶ 101–108, 245).

Patent Owner disputes that the combination of Rainer, Kikinis, and weather.com meets this limitation. Prelim. Resp. 20–21. According to Patent Owner, none of the cited art teaches storing the physical location in a storage means of the controller. *Id.*

Patent Owner’s argument is unpersuasive because, on this record, Petitioner’s evidence sufficiently shows that in order to obtain local weather information a user would enter their location into a memory of the thermostat. Ex. 1002 ¶¶ 241–248.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that the combination of Rainer, Kikinis, and weather.com discloses a physical location of the environmental controller stored as location data in storage means in the controller.

(c) Limitation B: transmitter means connected to the controller adapted to transmit location data to a remote device physically remote from the controller, so that a location response is induced at the remote device

Petitioner contends that the combination of Rainer, Kikinis, and weather.com meets this limitation because both Rainer and Kikinis discloses a modem with an Internet connection. Pet. 62–63 (citing Ex. 1002 ¶¶ 255–257; Ex. 1005, 5:28–31; Ex. 1006, 2:31–44). Petitioner argues, “[w]hen accessing *weather.com* using a web browser, a query would be stored in the memory of the thermostat containing the location information (e.g. zip code) and this query would be sent by a transmitted to the *weather.com* website over the Internet.” Pet. 64 (citing Ex. 1002 ¶¶ 101–108, 251–252).

At this stage of the proceeding, Patent Owner does not dispute that the combination of Rainer, Kikinis, and weather.com meets this limitation. *See generally* Prelim. Resp. 19–23.

Based on the current record, we determine that Petitioner’s analysis and evidence sufficiently shows that the combination of Rainer, Kikinis, and weather.com describes a transmitter means as recited in claim 1.

(d) Limitation C: location response is storage of the location data at the remote device and correlation of the physical location to location response data stored at or available to the remote device or created by processing of location data at the remote device, whereafter location response data is transmitted from the remote device to the controller

Petitioner contends that this limitation is met because, in an ordinary interaction in weather.com:

the *weather.com* server executes a CGI script on the location information (physical location data) to retrieve the weather (location response data), thus correlating the location data to the

weather data (location response data). EX1002, ¶¶101-108, 260-261; EX1009, 6, 9. To execute the CGI script, the location data is stored in memory of the server when the message is received from the laptop. *Id.* To return the weather data in response to the HTTP POST query, the weather data is stored at or available to the *weather.com* server, otherwise it could not be returned in response to the request. *Id.* Inventor Rosen agreed that *weather.com* performs the correlation. EX1012, 248:23-249:11, 222:15-20.

Pet. 65–66. Petitioner argues that, in response to the query, *weather.com*’s server returns HTML to the client device for displaying the current location weather conditions. Pet. 66 (citing Ex. 1002 ¶¶ 101–108, 193–202, 209–211; Ex. 1009, 6, 9).

Patent Owner argues that the combination of Rainer, Kikinis, and *weather.com* does not disclose a location response as described in the ’739 patent. Prelim. Resp. 21–23. Patent Owner argues that the ’739 patent describes using the location data by linking the environmental controller to a web site and causing the web site to respond to the location data. *Id.* at 14 (citing Ex. 1001)

Patent Owner’s argument is unpersuasive. Patent Owner makes a broad allegation that the prior art does not disclose the claimed location response as described in the ’739 patent’s specification. *Id.* at 21–23. But Patent Owner does not sufficiently explain this allegation or explain specifically why Petitioner’s evidence and analysis is deficient as to the location response as recited in claim 1. *Id.*

On this record, Petitioner evidence and analysis sufficiently shows that the combination of Rainer, Kikinis, and *weather.com* analysis sufficiently discloses the claimed location response as recited in claim 1.

(e) Conclusion as to Claim 1

After considering Petitioner's evidence and analysis, and taking into account Patent Owner's arguments, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claim 1 is unpatentable over the combination of Rainer, Kikinis, and weather.com.

3. Claims 2, 3, and 6–9

Petitioner contends that the additional limitations of dependent claims 2, 3, and 6–9 are unpatentable over the combination of Rainer, Kikinis, and weather.com. Pet. 67–69. At this stage of the proceeding, Patent Owner does not dispute that the combination of Rainer, Kikinis, and weather.com describes the additional limitations. Prelim. Resp. 23. After considering Petitioner's evidence and analysis, based on the record before us at this stage of the proceeding, we determine that Petitioner has shown a reasonable likelihood that claims 2, 3, and 6–9 are unpatentable over Rainer, Kikinis, and weather.com.

III. 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 claims 1–3 and 6–9 and are unpatentable. Accordingly, we institute an *inter partes* review on all grounds of unpatentability in the Petition. At this stage of the proceeding, we have not

made a final determination with respect to the patentability of any of the challenged claims.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1–3 and 6–9 of the '739 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.

IPR2023-00716
Patent 6,789,739 B2

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