

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

POLARIS POWERLED TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2018-01262
Patent 8,223,117 B2

Before PHILLIP J. KAUFFMAN, KALYAN K. DESHPANDE, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Display Co., Ltd. (collectively, “Petitioner”) filed a Petition (Paper 4, “Pet.”) to institute an *inter partes* review of claims 1, 2, 4–7, 9, 13–16, and 18–20 of U.S. Patent No. 8,223,117 B2 (Ex. 1001, “the

'117 patent"). Polaris PowerLED Technologies, LLC ("Patent Owner") filed a preliminary response (Paper 13, "Prelim. Resp.") to the Petition. We have jurisdiction under 35 U.S.C. § 314.

Institution of an *inter partes* review is authorized when "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). Upon considering the evidence presented and the arguments made, we determine Petitioner has not demonstrated a reasonable likelihood of prevailing with respect to at least one of the challenged claims. Accordingly, we do not institute an *inter partes* review.

II. BACKGROUND

A. *Related Proceedings*

The parties indicate the '117 patent is at issue in *Polaris PowerLED Technologies, LLC v. Samsung Electronics America, Inc. et al.*, Case No. 2:17-cv-00715-JRG (E.D. Tex.). Pet. 2–3, Paper 5, 2.

B. *The '117 Patent (Ex. 1001)*

The '117 patent is titled "Method and Apparatus to Control Display Brightness with Ambient Light Correction" and is generally directed to adjusting brightness control in a visual display to compensate for changes in ambient lighting conditions. Ex. 1001, [54], Abstract (bolding omitted). The '117 patent discloses an embodiment having a fully automated brightness adjustment mode that takes into account both ambient lighting conditions and user preference for brightness, as well as an embodiment

allowing the user to switch between an automatic mode and a manual mode, which only takes into account user preference for brightness. *Id.* at 1:60–2:6, 2:17–30, 6:37–41.

In a fully automated mode, the '117 patent describes a user input, such as a dimming control, and a light sensor, which detects the ambient light level and generates a corresponding light sensor output. *Id.* at 4:45–52, 5:3–5, 5:15–20, Figs. 1, 2. In one embodiment, a multiplier outputs a combined signal that is the product of the user input and a scaled light sensor output. *Id.* at 5:20–22, Fig. 2. The product is added to a dark level bias, which is used to maintain the brightness above a predetermined level when the ambient light level decreases to approximately zero, and adjusted to generate a brightness control signal for a display driver. *Id.* at 2:57–60, 4:49–51, 5:22–27, 5:39–41, Fig. 2.

C. Exemplary Claim

Petitioner challenges claims 1, 2, 4–7, 9, 13–16, and 18–20 of the '117 patent. Pet. 5. Among the challenged claims, claims 1, 15, and 19 are independent. Independent claim 1 is representative:

1. A brightness control circuit with selective ambient light correction comprising:

a first input configured to receive a user signal indicative of a user selectable brightness setting;

a light sensor configured to sense ambient light and to output a sensing signal indicative of the ambient light level;

a multiplier configured to selectively generate a combined signal based on both the user signal and the sensing signal; and

a dark level bias configured to adjust the combined signal to generate a brightness control signal that is used to control a brightness level of a visible display such that the brightness control signal is maintained above a pre-determined level when the ambient light level decreases to approximately zero.

Ex. 1001, 12:28–44.

D. The Prior Art

Petitioner relies on the following references (*see* Pet. 4–5), as well as the Declaration of Dr. Philip Hobbs (Ex. 1029):

Reference	Exhibit	Patent/Printed Publication
Thayer	1003	U.S. Patent No. 5,554,912 to Thayer et al. (issued Sept. 10, 1996)
Godwin	1004	European Office Publication No. 0 570 037 A1 to Godwin et al. (published Nov. 18, 1993)
Toffolo	1005	U.S. Patent No. 6,337,675 B1 to Toffolo et al. (issued Jan. 8, 2002)
Morris	1006	U.S. Patent No. 6,657,663 B2 to Morris (issued Dec. 2, 2003)

E. The Asserted Grounds

Petitioner argues all references relied on are prior art under 35 U.S.C. §§ 102(a), (b), or (e). Pet. 6, 21, 27, 29–31. The specific statutory grounds of unpatentability, claims challenged, and prior art relied on for each ground are summarized in the table below. *See* Pet. 5.

Ground	References	Basis	Claims Challenged
1	Thayer and Godwin	35 U.S.C. § 103(a)	1, 2, 4–7, 15, 16, 18, and 19
2	Thayer, Godwin, and Toffolo	35 U.S.C. § 103(a)	9 and 20
3	Thayer, Godwin, and	35 U.S.C. § 103(a)	13 and 14

	Morris		
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III. ANALYSIS

A. *Applicable Legal Principles*

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the 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. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

“In an [*inter partes* review] . . . , the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (quoting 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”) (internal quotations omitted)). “To satisfy its burden of proving obviousness, a petitioner cannot employ merely conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380–81 (Fed. Cir. 2016) (citing *KSR*, 550 U.S. at 418). The petitioner must “articulate[] reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 550 U.S. at 418 (internal

citation and quotations omitted). The “factual inquiry” into the reasons for “combin[ing] references must be thorough and searching,” and “the need for specificity pervades.” *In re Nuvasive, Inc.*, 842 F.3d 1376, 1381–82 (Fed. Cir. 2016) (internal citation, bracketed alteration, and quotations omitted). An obviousness determination cannot be reached where the record lacks “explanation as to *how* or *why* the references would be combined to produce the claimed invention.” *TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1066 (Fed. Cir. 2016) (internal citation and quotations omitted).

B. Claim Interpretation

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b) (2016); see *In re Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016). Under that standard, and unless the record shows otherwise, we give claim terms their ordinary and customary meaning, as they would be understood by one of ordinary skill in the art in the context of the patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definitions for claim terms must be set forth with reasonable clarity, deliberateness, and precision. See *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

1. The “dark level bias” limitations

Each of the independent claims recites a “dark level bias” limitation, including “a dark level bias configured to adjust the combined signal to generate a brightness control signal that is used to control a brightness level of a visible display such that the brightness control signal

is maintained above a pre-determined level when the ambient light level decreases to approximately zero” (claim 1), “adjusting the combined signal with a dark level bias to generate a brightness control signal for controlling brightness of a visible display such that the brightness control signal is maintained above a predetermined level when the ambient light level decreases to approximately zero” (claim 15), and “means for adjusting the combined signal with a dark level bias to generate a brightness control signal that is maintained above a minimum level when the ambient light level decreases to approximately zero” (claim 19).

Ex. 1001, 12:38–43, 14:4–8, 14:28–32.

Petitioner contends these “dark level bias” limitations should be construed to encompass “software for adjusting the combined signal in order to maintain brightness above a predetermined level when the ambient light level decreases to approximately zero.” Pet. 17–18. With respect to claim 19, Petitioner identifies the “dark level bias circuit” and the “dark level bias” input 100 in Figures 1 and 2 in the ’117 patent as disclosing the corresponding structure. *Id.* at 18, 43.

Patent Owner proposes to construe the first portion of the “dark level bias” limitations (e.g., “a dark level bias configured to adjust the combined signal”) as “a dark level bias (*i.e.*, a value) configured to adjust the combined signal” (claim 1) and “adjusting the combined signal with a dark level bias (*i.e.*, a value)” (claim 15). Prelim. Resp. 16–17.

Essentially, Patent Owner proposes the limitations be given their plain and ordinary meaning. *Id.* at 17. Patent Owner argues, among other things, that Petitioner’s construction removes several limitations from the

claims, including “dark level bias,” “generate a brightness control signal,” and “brightness level of a visible display,” and states what the claims allegedly cover as opposed to what the claim language means. *Id.* at 17–18. In addition, Patent Owner argues Petitioner has failed to identify the correct claimed function and corresponding structure in independent claim 19. *Id.* at 19.

On the record before us, we are not apprised of any reason why the “dark level bias” limitations need to be construed apart from the plain language of the claims. We agree with Patent Owner that Petitioner’s construction is not commensurate with the plain and ordinary meaning of the claim limitations because it wholly eliminates portions of the limitations. Moreover, neither proposed construction provides any additional clarity than the language of the claims themselves. Therefore, we interpret the “dark level bias” limitations according to their plain and ordinary meaning as understood by one of ordinary skill in the art in light of the specification.

2. Other constructions

Petitioner has offered constructions for several other claim terms. *See* Pet. 18–20. However, we determine that the remaining claim terms do not need an express construction for purposes of this Decision.

C. Ground Based on Thayer and Godwin

Petitioner contends claims 1, 2, 4–7, 15, 16, 18, and 19 would have been obvious over the combination of Thayer and Godwin. Pet. 34–57.

1. *Thayer (Exhibit 1003)*

Thayer is titled “Adaptive Instrument Display Brightness Control System” and is generally directed to an “adaptive instrument display brightness control system that automatically controls the instrument display brightness of a vehicle based on a vehicle operator’s changes to the display brightness and particular ambient light conditions.” Ex. 1003, [54], Abstract (bolding omitted).

Thayer describes use of ambient illumination sensor 28 that measures the ambient light intensity inside the passenger compartment of the vehicle. *Id.* at 3:60–63. A voltage signal from ambient illumination sensor 28 is used to determine the appropriate brightness value from illumination look-up table 32. *Id.* at 3:65–4:4. Thayer describes look-up table 32 as “includ[ing] a series of data points, where each data point represents a range of ambient light intensity signals from the sensor 28 and a corresponding output illumination value.” *Id.* at 4:6–9 (emphasis omitted). “The appropriate look-up value is sent to an illumination system 34 that controls the illumination of the instrument display panel 10.” *Id.* at 4:12–14 (emphases omitted).

A user may also adjust the instrument display brightness via brightness control switch 38 to the desired brightness level. *Id.* at 4:17–20. The system may adjust the look-up table value to a proportional amount based on the position of the switch 38, and “store a new look-up table value in the look-up table 32 based on the ambient intensity from the sensor 28 and the setting of the switch 38 so that the next time the sensor 28 indicates the same, or nearly the same light intensity, the look-up table brightness value will be set to the operator’s preference.” *Id.* at 4:22–31 (emphases

omitted), Fig. 4. Thayer also describes a minimum instrument intensity for any given ambient light intensity that can be set by switch 38. *Id.* at 4:58–61, Fig. 5.

2. *Godwin (Exhibit 1004)*

Godwin is titled “Head-up display system,” and is generally directed to providing automatic brightness control that accounts for variations in background illumination, where the brightness is preferably maintained at a constant desired contrast ratio. Ex. 1004, [54], 1:25–36 (bolding omitted). Godwin describes sensor 18 for sensing the ambient light level, as well as adjuster 24 that allows the driver to adjust the desired contrast. *Id.* at 2:41–44, 3:1–7, Figs. 1, 2. Sense signal from sensor 18 is filtered, then used to retrieve the ambient intensity signal from a look-up table. *Id.* at 4:12–42, Fig. 3. Similarly, contrast signal from adjuster 24 is used to retrieve a contrast ratio signal from a look-up table. *Id.* at 4:43–49, Fig. 3 (step 80). Then, “the contrast ratio signal is multiplied by the ambient intensity signal to obtain a desired output intensity signal.” *Id.* at 4:50–54, Fig. 3 (step 82).

3. *Claim 1 of the ‘117 Patent*

The “dark level bias” limitation of claim 1 recites “a dark level bias configured to adjust the combined signal to generate a brightness control signal that is used to control a brightness level of a visible display such that the brightness control signal is maintained above a pre-determined level when the ambient light level decreases to approximately zero.” Ex. 1001, 12:38–43.

Petitioner relies on Thayer, or alternatively, the combination of Thayer and Godwin, to teach or suggest this limitation. Pet. 42–46. First, Petitioner contends “Thayer discloses that the microprocessor of its system

always maintains the brightness of the display above a predefined minimum brightness level, even when the ambient light level decreases to approximately zero.” *Id.* at 43 (citing Ex. 1029 ¶¶ 119–120, Ex. 1003, Fig. 5). Petitioner further argues Thayer “discloses that the user cannot adjust the brightness control signal lower than the ‘MINIMUM BRIGHTNESS’ threshold in Fig[ure] 5, even when the ambient light level is zero.” *Id.* at 44 (citing Ex. 1003, 4:58–60, Ex. 1029 ¶ 121). Petitioner asserts a person of ordinary skill in the art “would understand that this minimum brightness limit, which serves as a lower bound on the display brightness values calculated by the software running on Thayer’s microprocessor, corresponds to the ‘software variable’ used to maintain the calculated display brightness signals above a ‘predefined brightness.’” *Id.* (citing Ex. 1029 ¶ 121, Ex. 1023, 37).

Second, Petitioner alternatively contends that a person of ordinary skill in the art “would have recognized that these limitations would have been obvious in view of the combination of Thayer and Godwin.” *Id.* at 45 (citing Ex. 1029 ¶ 122). Petitioner argues “the need to adapt screen brightness for dark conditions was a well-known problem, and . . . a well-known solution was maintaining screen brightness above a minimum level, as discussed in numerous prior art references.” *Id.* (citing Ex. 1029 ¶ 122). Dr. Hobbs explains one of ordinary skill in the art would have recognized that “you would need to make adjustments to the calculated brightness at levels of little to no ambient light,” and “numerous prior art references . . . discussed maintaining a minimum brightness for a display.” Ex. 1029 ¶¶ 122–123. Petitioner and Dr. Hobbs refer to the Osterman

reference as one example of such a reference. Pet. 45–46; Ex. 1029 ¶ 122–125.

Patent Owner argues, *inter alia*, that Petitioner has failed to address “adjust[ing] the combined signal to generate a brightness control signal” with a “dark level bias.” Prelim. Resp. 57. Patent Owner argues that, instead, Petitioner has focused on the latter part of the “dark level bias” limitation, while ignoring the first part of the limitation. *Id.* at 57–58. Specifically, Patent Owner argues Petitioner “provides no explanation of how the alleged ‘combined signal’ in Thayer (*i.e.*, ‘adjusted look-up table value’) is adjusted by a dark level bias ‘to generate a brightness control signal,’” and “Petitioner provided no citations in the Petition to either Thayer or Godwin as allegedly disclosing a ‘brightness control signal.’” *Id.* at 58–59. Patent Owner further argues neither Thayer nor Godwin discloses “adjust[ing] the combined signal” with a “dark level bias” to “generate a brightness control signal.” *Id.* at 58.

We agree with Patent Owner that Petitioner has not sufficiently set forth the reasoning why Thayer or alternatively, Thayer and Godwin, teach or suggest the “dark level bias” limitation of claim 1. It is Petitioner’s burden to identify, “in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim.” 35 U.S.C. § 312(a)(3); 37 C.F.R. § 42.104(b)(4)–(5); *see also Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (2016) (“It is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’ 35 U.S.C.

§ 312(a)(3).”).

We agree with Patent Owner that Petitioner’s focus is on the latter part of the “dark level bias” limitation. Petitioner relies on (1) Thayer’s adjusted look-up table, or (2) Godwin’s output intensity signal, to teach or suggest the “combined signal” and on Thayer’s “minimum brightness” to teach or suggest the “dark level bias.” Pet. at 39–41 (citing Ex. 1003, 4:4–10, 4:22–34, 7:49–56, Ex. 1004, 3:7–14, 2:48–57, Ex. 1029 ¶ 113); Ex. 1029 ¶ 121. As Patent Owner correctly points out (Prelim. Resp. 58–59), Petitioner has not explained how Thayer’s minimum brightness level (dark level bias) is configured to adjust the adjusted look-up table value (combined signal) to generate a brightness control signal. Rather, in Thayer, the minimum brightness level adjusts the instrument display intensity, not the value in the look-up table. Ex. 1003, 6:31–35. In fact, Petitioner appears to acknowledge that the brightness control signal, not the combined signal, is adjusted. See Pet. 44 (arguing Thayer “discloses that the user cannot adjust the brightness control signal lower than the ‘MINIMUM BRIGHTNESS’ threshold in Fig[ure] 5, even when the ambient light level is zero”). Petitioner does not present evidence that Godwin discloses adjusting Godwin’s output intensity signal. See Pet. 43–46.

Moreover, although Petitioner mentions the “brightness control signal” in passing (Pet. 44), Petitioner does not clearly identify exactly what constitutes the “brightness control signal that is used to control a brightness level of a visible display” in Thayer or Godwin. We agree with Patent Owner that the “combined signal” and “brightness control signal” are different, in that the “brightness control signal” is the “adjusted” combined signal and is used to “control a brightness level of a visible display.” See

Ex. 1001, 12:39–40. However, Petitioner does not delineate between the two signals in the Petition. For example, Petitioner maps Godwin’s output intensity signal to the claimed “combined signal,” but Petitioner also asserts Godwin’s output intensity signal is “utilized by controller 32 to automatically adjust the brightness of the displayed image.” Pet. 40–41 (citing Ex. 1004, 2:48–57, 3:7–14) (internal quotations omitted).

Furthermore, neither the Petition nor Dr. Hobbs’ testimony sufficiently addresses how or why one of ordinary skill in the art would combine Thayer and Godwin to satisfy the “dark level bias” limitation. Rather, both merely provide conclusory assertions that the “dark level bias” limitation would have been obvious in view of the combination of Thayer and Godwin. *Id.* at 45 (citing Ex. 1029 ¶ 122). Notably, Petitioner does not assert that Godwin teaches this limitation, or even part of this limitation, aside from the combined signal from the previous limitation. *See id.* at 43–46. It is, therefore, unclear how Godwin contributes to teaching or suggesting the “dark level bias” limitation, even when combined with Thayer.

Petitioner asserts, relying on other references, that the need to adapt screen brightness for dark conditions was a well-known problem that utilized the well-known solution of maintaining screen brightness above a minimum level. *Id.* at 45; Ex. 1029 ¶¶ 122–125. However, the claim limitation recites more than merely maintaining screen brightness above a minimum level; it recites maintaining the screen brightness above a minimum level in a particular way that is not sufficiently addressed by Petitioner or Dr. Hobbs. Even assuming maintaining screen brightness above a minimum level to adapt for dark conditions was a well-known

solution, Petitioner has not sufficiently established that one of ordinary skill in the art would apply the solution in the manner claimed by Patent Owner. Specifically, Petitioner has not established that the combination of Thayer and Godwin teaches the dark level bias adjustment of the combined signal as claimed, or that performing the dark level bias adjustment of the combined signal (as opposed to, for example, performing the adjustment in some other manner) would have been obvious to one of ordinary skill in the art.

Accordingly, on the record before us, Petitioner has failed to explain how the applied prior art references teach or suggest “a dark level bias configured to adjust the combined signal to generate a brightness control signal that is used to control a brightness level of a visible display such that the brightness control signal is maintained above a pre-determined level when the ambient light level decreases to approximately zero,” as claimed. For these reasons, we conclude the Petition fails to show a reasonable likelihood of establishing that the combination of Thayer and Godwin would have rendered the subject matter of claim 1 obvious to one of ordinary skill in the art at the time of invention.

4. *Claim 15 and 19*

Independent claim 15 recites “adjusting the combined signal with a dark level bias to generate a brightness control signal for controlling brightness of a visible display such that the brightness control signal is maintained above a predetermined level when the ambient light level decreases to approximately zero,” and independent claim 19 recites “means for adjusting the combined signal with a dark level bias to generate a brightness control signal that is maintained above a minimum level when the ambient light level decreases to approximately zero.” Ex. 1001, 14:4–8,

14:28–32. Petitioner contends Thayer, or the combination of Thayer and Godwin, teaches these limitations for the same reasons as the “dark level bias” limitation in claim 1. *See* Pet. 42–46. We, therefore, conclude that Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge of independent claims 15 and 19 for the same reasons as independent claim 1.

5. *Dependent claims*

We also conclude Petitioner has not demonstrated a reasonable likelihood of prevailing on claims 2, 4–7, 16, and 18, which depend from claims 1 and 15, for the same reasons.

D. *Ground Based on Thayer, Godwin, and Toffolo*¹

Petitioner asserts the combination of Thayer, Godwin, and Toffolo teaches or suggests claims 9 and 20, which depend from claims 1 and 19, respectively. Pet. 58–62. Petitioner does not assert Toffolo teaches or suggests the “dark level bias” limitations of claims 1 and 19. *See id.* Rather, Petitioner relies on Toffolo only for the additional limitations of dependent claims 9 and 20. *Id.* Accordingly, we conclude Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge of claims 9 and 20 for the same reasons as independent claims 1 and 19.

¹ We do not describe Toffolo or Morris because Petitioner does not rely on these references to disclose the “dark level bias” limitations and, as discussed above, Petitioner’s failure to establish how Thayer or, alternatively, the combination of Thayer and Godwin, discloses these limitations is dispositive of this Petition.

E. Ground Based on Thayer, Godwin, and Morris

Petitioner asserts the combination of Thayer, Godwin, and Morris teaches or suggests claims 13 and 14, which depend from claim 1. Pet. 62–67. Petitioner does not assert Morris teaches or suggests the “dark level bias” limitation of claim 1. *See id.* Rather, Petitioner relies on Morris only for the additional limitations of claims 13 and 14. *Id.* Accordingly, we conclude Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge of claims 13 and 14 for the same reasons as independent claim 1.

F. Conclusion

For the foregoing reasons, we determine Petitioner has not demonstrated a reasonable likelihood of establishing the unpatentability of claims 1, 2, 4–7, 9, 13–16, and 18–20 of the ’117 patent based on the grounds asserted in the Petition.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is *denied* and no *inter partes* review is instituted.

IPR2018-01262
Patent 8,223,117 B2

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