

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRIGHT DATA LTD.,
Petitioner,

v.

OXYLABS, UAB,
Patent Owner.

IPR2023-00840
Patent 10,965,770 B1

Before BARBARA A. PARVIS, STACEY G. WHITE, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

AHMED, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Bright Data Ltd., filed a Petition for *inter partes* review of claims 1–26 of U.S. Patent No. 10,965,770 B1 (Ex. 1001, “the ’770 patent”). Paper 1 (“Pet.”). Patent Owner, oxylabs, UAB, filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we have authority to institute an *inter partes* review if “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). Based on the information presented in the Petition and the supporting evidence, we are not persuaded that there is a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims. Accordingly, we do not institute an *inter partes* review of the challenged claims as set forth in the Petition.

II. BACKGROUND

A. Real Parties in Interest

Petitioner identifies itself, Bright Data Ltd., as the real party in interest. Pet. 1. Patent Owner identifies oxylabs, UAB as the real party in interest. Paper 4, 1. Patent Owner explains that “oxysales, UAB and metacluster lt, UAB have been merged into Teso LT, UAB,” and that “[a]s of November 30, 2022, Teso LT, UAB will operate as oxylabs, UAB.” *Id.*

B. Related Matters

Petitioner indicates that there are no other known matters that involve the ’770 patent, but provides a list of matters between Petitioner and Patent Owner and/or Patent Owner’s affiliates that involve other patents. *See*

Pet. 1–4. Patent Owner lists a few patents that are related to the '770 patent as continuations. *See* Paper 4, 1.

C. Overview of the '770 Patent

The '770 patent is titled “Dynamic Optimization of Request Parameters for Proxy Server” and relates to “data gathering technologies to more efficiently gather large amounts of data from public web resources.” Ex. 1001, code (54), 1:10–12. According to the '770 patent, “[w]eb crawling and web scraping tools are often used together as the scraping functionality heavily depends on web crawling results,” where “web crawling is a main component of web scraping.” *Id.* at 2:62–65. But, “[t]here are several problems with web crawler performance, including insufficient information that is harvested from the content sources, inadequate characteristics of the request, and limited capabilities of proxies employed.” *Id.* at 4:66–5:2. The '770 patent proposes that a next generation proxy “can see the user’s information [in a request] and amend the information if needed to get better scraping results.” *Id.* at 5:5–8. For example, a “[n]ext generation proxy has the ability to adjust the scraping logic to bypass potential restrictions and hindrances.” *Id.* at 5:14–15.

Figure 1 of the '770 patent is reproduced below.

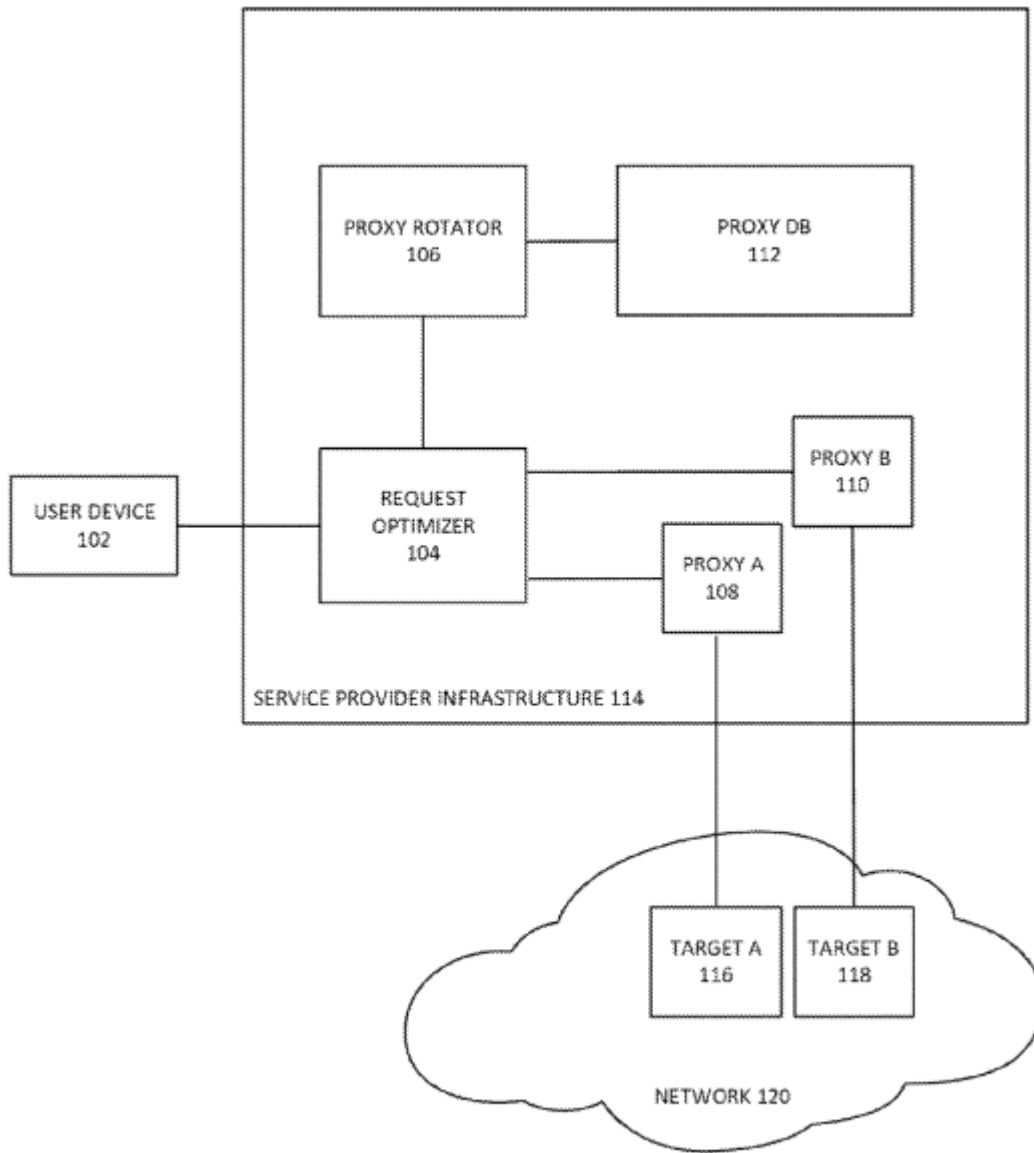


FIGURE 1

Figure 1 shows an exemplary component diagram of an architecture according to the '770 patent. *Id.* at 8:59–61. The illustrated architecture allows communications between user device 102 and service provider infrastructure 114 to reach targets 116 and 118 on network 120, where service provider infrastructure 114 includes request optimizer 104, proxy rotator 106, proxy database 112, and proxies 108, 110. *Id.* at 8:62–67. User

device 102 can be any device that can connect to a service provider infrastructure through any network, and targets 116 and 118 are outside of service provider infrastructure 114 and are based in any network. *Id.* at 9:3–5, 9:8–10.

In an embodiment, service provider infrastructure 114 includes scraping logic 202 (not shown in Figure 1), which “contains a set of pre-established rules of assigning a particular scraping strategy, or strategies, to a request, based on the analysis of the request.” *Id.* at 9:17–18, 10:28–31. A set of pre-established request parameters and their values, optimized for a particular type of request or target, are placed in request optimizer 104, which the request optimizer uses to adjust the query received from the user device. *Id.* at 10:31–36. This way, rather than “blindly forwarding the request” to the target, the ’770 patent presents a way to ensure that the response from target 116 is accurate by using scraping logic 202. *Id.* at 10:24–28.

The ’770 patent also discloses that request optimizer 104 obtains a proxy from the proxy rotator 106, where, after request parameters are adjusted, the request optimizer asks the proxy rotator for a particular proxy, and proxy rotator chooses a proxy “that is suitable to implement the user’s request” from proxy database 112. *Id.* at 12:28–35. The proxy rotator provides the proxy information to the request optimizer, which implements the request through, for example, proxy 108 for obtaining data from the indicated target. *Id.* at 12:35–45.

D. Illustrative Claims

Petitioner challenges claims 1–26 of the ’770 patent, of which claims 1, 16, and 19 are independent. Claims 1 and 16 are illustrative of the

claimed subject matter and are reproduced below, with formatting and bracketed material added:

1. [1a] A method for data extraction and gathering from a web server comprising:
 - [1b] comparing parameters of a request received from a user device with a list of scraping strategies;
 - [1c] selecting, from the list of scraping strategies, a scraping strategy corresponding to the parameters of the request;
 - [1d] identifying discrepancies between the request and the scraping strategy;*
 - [1e] adjusting the parameters of the request according to the scraping strategy to form an adjusted request;
 - [1f] sending the adjusted request to a target through a proxy selected according to the scraping strategy;
 - [1g] receiving a reply from the target.

Ex. 1001, 19:13–25 (bracketed designations added (*see* Pet. 22–30))
(emphasis added).

16. [16a] A system for data extraction and gathering from a network comprising at least:
 - [16b] a proxy rotator operable to provide a plurality of proxies over the network; and
 - [16c] a request optimizer operable to compare parameters of a request received from a user device with a list of scraping strategies, [16d] to select a scraping strategy from the list of scraping strategies a scraping strategy that corresponds to the parameters of the request, *[16e] to identify discrepancies between the request and the scraping strategy*, [16f] to adjust the parameters of the request according to the scraping strategy to form an adjusted request, and [16g] to send the adjusted request to a target through a proxy selected from a proxy database by the proxy rotator according to the scraping strategy.

Ex. 1001, 20:12–26 (bracketed designations added (*see* Pet. 31–35))
(emphasis added).

E. Asserted Grounds of Unpatentability

Petitioner asserts that the challenged claims are unpatentable based on the following grounds (Pet. 7):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 4–6, 9–14, 16, 17, 19, 22–26	102(a)(1) ¹	Cousins ²
1–3, 16–21	103	Cousins, in view of the knowledge of a person of ordinary skill in the art
1, 7, 8, 13, 15–19	103	Cousins, Taylor ³
2, 3, 20, 21	103	Cousins, RFC7231 ⁴
18	103	Cousins, RFC7540 ⁵

Petitioner submits the declaration of Dr. Tim Arthur Williams (Ex. 1003) in support of the Petition. Patent Owner submits the declaration of Dr. James Olivier (Ex. 2001) in support of the Preliminary Response.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), amended 35 U.S.C. §§ 102, 103 effective March 16, 2013. Because the ’770 patent has a filing date later than March 16, 2013, we refer to the AIA versions of §§ 102 and 103. *See* Ex. 1001, code (22).

² Int’l Patent Publication No. WO 01/50320 A1, published on July 12, 2001 (Ex. 1004, “Cousins”).

³ U.S. Patent Publication No. US 2017/0180382 A1, published on June 22, 2017 (Ex. 1006, “Taylor”).

⁴ “Hypertext Transfer Protocol (HTTP/1.1): Semantics and Content” (June 2014) (Ex. 1005, “RFC7231”).

⁵ “Hypertext Transfer Protocol Version 2 (HTTP/2)” (May 2015) (Ex. 1008, “RFC7540”).

III. DISCUSSION

A. Principles of Law

To establish anticipation, each and every element in a claim, arranged as recited in the claim, must be found in a single prior art reference. *See Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008); *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001). A reference, however, can anticipate a claim even if it does not expressly spell out all the limitations arranged or combined as in the claim, “if a person of skill in the art, reading the reference, would ‘at once envisage’ the claimed arrangement or combination.” *Kennametal, Inc. v. Ingersoll Cutting Tool Co.*, 780 F.3d 1376, 1381 (Fed. Cir. 2015); *see also Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1344 (Fed. Cir. 2016) (“[A] reference may still anticipate if that reference teaches that the disclosed components or functionalities may be combined and one of skill in the art would be able to implement the combination.”).

A claim is unpatentable under § 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) when in evidence, objective indicia of non-obviousness.⁶ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC, Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995).

Petitioner asserts that a person of ordinary skill in the art at the time of the filing date of the ’770 patent would have had “a Master’s Degree or higher in the field of electrical engineering, computer engineering, or computer science with a knowledge of Internet Communications and standards, or as of that time had a Bachelor’s Degree in the same fields and two or more years of experience in Internet Communications and standards.” Pet. 13 (citing Ex. 1003 ¶¶ 30–31). Patent Owner does not dispute Petitioner’s definition for a person of ordinary skill in the art. *See* Prelim. Resp.

For purposes of this Decision, we adopt the level of ordinary skill as articulated by Petitioner because, based on the current record, this proposal appears to be consistent with the ’770 patent and the prior art of record and is supported by the testimony of Dr. Williams.

⁶ With respect to the fourth *Graham* factor, the parties do not present arguments or evidence regarding objective indicia of non-obviousness. *See* Pet.; Prelim. Resp.

C. Claim Construction

In an *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), following the standard articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). 37 C.F.R. § 42.100(b) (2022). In applying this standard, we generally give claim terms their ordinary and customary meaning, as would be understood by a person of ordinary skill in the art, at the time of the invention and in the context of the entire patent disclosure. *Phillips*, 415 F.3d at 1312–14.

Petitioner and Patent Owner propose constructions for certain claim terms. *See* Pet. 13–14, 25; Prelim. Resp. 8–12. To the extent necessary, we address some of these arguments as part of our unpatentability analysis below. *See infra* § III.E.1.c. We, however, determine that no claim terms require express construction. *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. Overview of the Asserted References

1. Cousins (Ex. 1004)

Cousins “relates to database search technology, and more specifically to a crawler for accessing data on a remote web site.” Ex. 1004, 1:8–9. In particular, Cousins describes a “minimal impact crawler for searching and retrieving information on a distributed network” in which “a policy engine is provided that receives a request for a specific item and assembles policies for the target site containing information about the specific item.”

Id. at 3:12–15. “The policies allow the crawler to tailor its crawl to the requirements and preferences of the crawled site.” *Id.* at 3:18–19.

Figure 1 of Cousins is reproduced below.

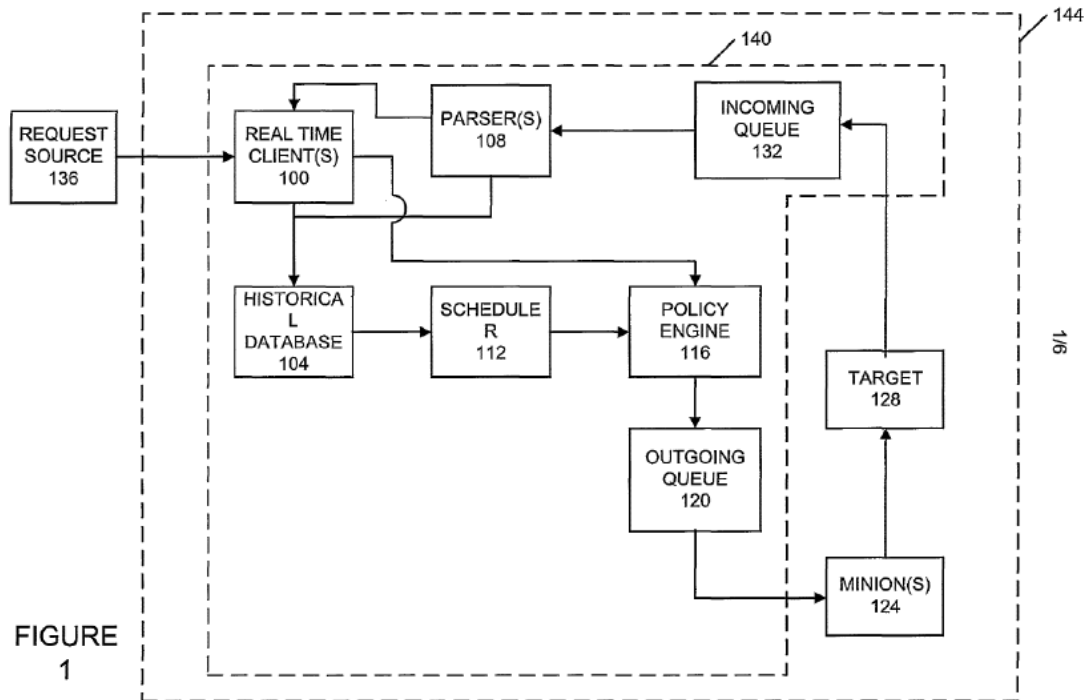


Figure 1 illustrates a block diagram of crawler 144, which comprises “the software, hardware, or software/hardware combination that performs a crawl on a target site 128.” *Id.* at 6:7–9. In operation, request source 136, which is “any computer process that requests information from a data address (typically a URL – Universal Resource Locator, which is an address defining a path to a file or other data on the World Wide Web or other network or Internet facility),” accesses crawler 144 through the Internet or other network connection to input a request for a specific item. *Id.* at 6:14–23. Real time client 100 in crawler 144 receives the request and converts it into a logical user ID (LUID), which allows for tracking of collections of data stored on target sites 128. *Id.* at 6:31–7:12. Policy

engine 116 receives an LUID from client engine 100 and then builds “a policy or set of policies for the target site 128.” *Id.* at 9:27–10:1.

In an embodiment, “[a]fter the policy engine 116 has retrieved all potentially applicable policies,” it determines whether to perform a crawl. *Id.* at 11:1–2. If the crawl should occur, policy engine 116 may determine the crawl’s priority based on a set of criteria, and the crawl is placed into outgoing queue 120 according to its priority. *Id.* at 11:30–12:17. When ready, a minion 124 pulls the request from queue 120 and fetches the requested data from target site 128. *Id.* at 13:3–5.

2. Taylor (Ex. 1006)

Taylor relates to “using software defined networking and network function virtualization to secure residential networks.” Ex. 1006 ¶ 17. In particular, a service provider network may include a service provider device that establishes a secure communication channel between a client device and a cloud-based proxy device or middlebox. *Id.* “[T]he middlebox is configured to monitor and control the network traffic associated with a particular application, workflow, or protocol as executed by the client device.” *Id.* This way, the middlebox may act as a proxy device for a server device on the network. *See id.* ¶¶ 24, 32.

3. RFC7231 (Ex. 1005)

RFC7231 is a specification that “defines the semantics of HTTP/1.1 messages, as expressed by request methods, request header fields, response status codes, and response header fields, along with the payload of messages (metadata and body content) and mechanisms for content negotiation.” Ex. 1005, Abstract.

4. RFC7540 (Ex. 1008)

RFC7540 is a specification that “describes an optimized expression of the semantics of the Hypertext Transfer Protocol (HTTP), referred to as HTTP version 2 (HTTP/2),” where “HTTP/2 enables a more efficient use of network resources and a reduced perception of latency.” Ex. 1008, Abstract. RFC7540 notes that it “is an alternative to, but does not obsolete, the HTTP/1.1 message syntax.” *Id.*

E. Asserted Anticipation by Cousins

Petitioner contends that claims 1, 4–6, 9–14, 16, 17, 19, and 22–26 of the ’770 patent are unpatentable under 35 U.S.C. § 102(a)(1) as anticipated by Cousins. Pet. 21–49. Patent Owner argues that Cousins fails to disclose limitation 1[d] of independent claim 1 and, for the same reasons, limitation 16[e] of independent claim 16 as well as limitation 19[d] of independent claim 19. Prelim. Resp. 16–18, 25. We, therefore, begin our discussion with the parties’ arguments on limitation 1[d].

1. Limitation [1d]: identifying discrepancies between the request and the scraping strategy;

a. The Petition

Petitioner asserts that “a [person of ordinary skill in the art] would have understood identifying a discrepancy as identifying a disagreement or some difference between the parameters of the received request and the parameters of a request according to the selected scraping strategy.” Pet. 25 (citing Ex. 1003 ¶ 88). According to Petitioner, “one example of a strategy including a discrepancy [is] where there are two separate received requests where both requests are for the same target site,” and “[i]nstead of executing the two separate requests the strategy ‘combines the multiple requests 400

into a single crawl request 400 comprising one URL field 408, and two client and parser ID fields 312, 404.” *Id.* at 26 (citing Ex. 1004, 11:17–24; Ex. 1003 ¶ 89).

Petitioner further contends that “Cousins describes another example discrepancy pertaining to the time when data is to be crawled from a target server where a request is made to retrieve ‘a current event news story on a web site,’ but a scraping strategy dictates that a recently executed crawl already has retrieved the requested data making a new crawl inefficient.” *Id.* at 26–27 (citing Ex. 1004, 4:9–11, 8:10–16; Ex. 1003 ¶ 90).

Lastly, Petitioner contends that “Cousins describes a discrepancy regarding the priority of competing requests,” such as when “two requests arrive both claiming priority, where ‘for example, if a first request to a target site 128 is determined to be appropriate for transmission, and is a user-demand request, and a second request to a different target site 128 is also determined to be acceptable but is from an automated discovery crawl, the user demand request is given a higher priority than the request from the automated discovery crawl.’” *Id.* at 27 (citing Ex. 1004, 12:21–26; Ex. 1003 ¶ 92).

b. Patent Owner’s Preliminary Response

In its Preliminary Response, Patent Owner asserts that Cousins fails to disclose identifying discrepancies between the request and the scraping strategy, as claimed. Prelim. Resp. 16–18. As to Petitioner’s first example, Patent Owner asserts that Cousins’s crawl requests are not a scraping strategy, and Petitioner’s identification of comparing two separate requests cannot meet the claim limitation. *Id.* at 16 (citing Ex. 2001 ¶¶ 29–31). Patent Owner argues that in Petitioner’s first example, Cousins discloses

looking for similarities, not discrepancies between the two requests. *Id.* at 16–17.

As to Petitioner’s second example, Patent Owner argues that Cousins discloses that “the requested data from request source 136 is checked with a historical database 104 to determine if the requested data is already stored within the database.” *Id.* at 17 (citing Ex. 1004, 7:29–8:23, Fig. 2). Patent Owner contends that “Petitioner is identifying an example in which Cousins determines whether data in *a request* is the *same* as data retrieved from *a previous request*,” and that is not a discrepancy between the request and a scraping strategy, as claimed. *Id.* at 17–18 (citing Ex. 2001 ¶ 32).

As to Petitioner’s third example from Cousins, Patent Owner argues that “[s]orting priority between *two separate requests* does not identify a discrepancy between the request and a scraping strategy.” *Id.* at 18 (citing Ex. 2001 ¶ 33).

c. Our Analysis

On the record before us, we are not persuaded that Petitioner has shown sufficiently that Cousins teaches or suggests “identifying discrepancies between the request and the scraping strategy.”

We begin with Petitioner’s claim construction arguments. Relying on a dictionary definition for the term “discrepancy,” Petitioner argues that “a [person of ordinary skill in the art] would have understood identifying a discrepancy as identifying a disagreement or some difference between the parameters of the received request and the parameters of a request according to the selected scraping strategy.” Pet. 25 (citing Ex. 1003 ¶ 88; Merriam-Webster Dictionary, *available at* <https://www.merriam-webster.com/dictionary/discrepancy>). However, as Patent Owner points out, “Petitioner not only modifies the ‘discrepancies’ term, but also adds new

claim language that is completely unrelated to the defined term.” Prelim Resp. 11 (highlighting portions of Petitioner’s proposed construction added in addition to Petitioner’s proposed definition of the word “discrepancy”). As Patent Owner points out, Petitioner provides no reasoning as to why a person of ordinary skill in the art would have construed the claim language in the manner proposed by Petitioner, even when considering the dictionary definition. *Id.* Patent Owner argues, and we agree, that “[t]here is no logical connection between the proposed definition of discrepancy and Petitioner’s rewording of the claim to identify differences between the request and *a different request*, rather than ‘between the request and *the scraping strategy*,’ as claimed.” *Id.*

The claim plainly requires identifying discrepancies (or differences) “between the request and the scraping strategy.” The ’770 patent specification defines a scraping strategy as follows:

Scraping strategy 504—is a set of [f] request parameters and their values, optimized for a particular type of request or target, that Request Optimizer 104 applies to the original request based on the decisions of what adjustments should be introduced to the original request.

Ex. 1001, 8:27–31. The specification further provides examples of identifying discrepancies and explains that “if the parameters within the request are not deemed aligned with the corresponding [t]arget in the fashion considered most effective, they are adjusted according to the Scraping Logic 202 loaded into the memory of the Request Optimizer 104 (step 306).” *Id.* at 11:16–20; *see also id.* at 10:53–11:15; Prelim. Resp. 9–10. Petitioner fails to point us to any support in the specification, or elsewhere, to construe this limitation as “identifying a disagreement or some difference between the parameters of the received *request* and the parameters of a *request* according

to the selected scraping strategy,” i.e., identifying a discrepancy between two requests. And, as discussed further below, because Petitioner’s contentions as to Cousins’s disclosure are based on Petitioner’s incorrect interpretation of this claim limitation, Petitioner fails to persuade us that Cousins teaches or suggests this claim limitation.

Petitioner first relies on Cousins’s disclosure of “two separate received requests where both requests are for the same target site” and Cousins’s teaching to combine those two requests into a single crawl request. Pet. 26 (citing Ex. 1004, 11:17–24). Petitioner fails to explain how this relates to identifying discrepancy between a request and a scraping strategy. As Patent Owner points out, if anything, this disclosure teaches looking for *similarities* rather than *discrepancies* between the two requests. After all, Cousins teaches “coalescing multiple requests from different requests sources 136 for similar data into a single crawl, . . . provid[ing] lower overhead, lower latency, and globally higher throughput, [and decreasing] the crawling burden on the target site 128.” Ex. 1004, 11:27–30. No aspect of this disclosure relates to identifying discrepancies or differences.

As to Petitioner’s second example, Cousins’s disclosure of checking a historical database to determine if a request can be satisfied using data stored in its historical database also is not on point. Pet. 26–27 (citing Ex. 1004, 4:9–11, 8:10–16). Cousins merely teaches checking its historical database to determine if the *stored data* is valid, i.e., “the stored data has been crawled within a predefined period of time.” Ex. 1004, 8:5–9. Cousins teaches determining, based on a data/time stamp of the stored data, “whether the data in the database 104 may be used to satisfy the request.” *Id.* at 8:16–21. Cousins’s historical database is not a scraping strategy. Petitioner does not

persuasively explain how this disclosure teaches identifying a discrepancy between the request and a scraping strategy, as claimed.

Petitioner's third argument as to this limitation is also unpersuasive. Petitioner contends that Cousins's teaching of resolving priority between a user demand request and an automated discovery crawl request teaches this limitation. Pet. 27 (citing Ex. 1004, 12:21–26). Cousins explains that deciding the priority between competing requests to different target sites “greatly improves the efficiency and responsiveness of the crawler.” Ex. 1004, 12:8–27. This disclosure thus relates to comparing two requests, and specifically the priority of the two requests, to improve efficiency, not to identifying a discrepancy between a request and a scraping strategy, as claimed.

For at least these reasons, based on the record before us, Petitioner has not shown sufficiently that Cousins teaches or suggests “identifying discrepancies between the request and the scraping strategy,” as recited in claim 1.

Independent claim 16 recites limitation 16[e] and independent claim 19 recites limitation 19[d] similar to limitation 1[d]. Ex. 1001, 20:20–22, 20:47–48. Petitioner relies on the same analysis presented for claim limitation 1[d]. Pet. 35, 38. Further, challenged claims 4–6 and 9–14 depend from claim 1, challenged claim 17 depends from claim 16, and challenged claims 22–26 depend from claim 19.

Therefore, we conclude the information presented does not demonstrate a reasonable likelihood that Petitioner would prevail in establishing that claims 1, 4–6, 9–14, 16, 17, 19, and 22–26 of the '770 patent are unpatentable as anticipated by Cousins.

F. Remaining Obviousness Grounds

Petitioner challenges claims 1, 2, 3, 16, 17, 18, 19, 20, and 21 as obvious over the combination of Cousins in view of the common knowledge of a person of ordinary skill in the art. Pet. 49–60. Petitioner challenges claims 1, 7, 8, 13, and 15–19 as obvious over the combination of Cousins with Taylor. *Id.* at 60–72. Petitioner challenges claims 2, 3, 20, and 21 as obvious over the combination of Cousins with RFC7231. *Id.* at 72–76. Petitioner challenges claim 18 as obvious over the combination of Cousins with RFC7540. *Id.* at 76–79. For disputed limitations 1[d], 16[e], and 19[d] of independent claims 1, 16, and 19, Petitioner relies solely on the analysis presented in Ground 1 (anticipation by Cousins), based on the teachings of Cousins alone. *Id.* at 49, 51, 53, 62, 64, 66, 74, 78. Thus, for the same reasons discussed above, the information presented does not demonstrate a reasonable likelihood that Petitioner would prevail in showing that claims 1–3, 7–8, 13, and 15–21 are unpatentable as obvious over the asserted combinations of references.

IV. CONCLUSION

After considering the parties’ evidence and arguments, we determine that the information presented does not show a reasonable likelihood that Petitioner would prevail in establishing that at least one of claims 1–26 of the ’770 patent is unpatentable on any ground asserted in the Petition.

V. ORDER

Accordingly, it is

ORDERED that the Petition is *denied*; and

FURTHER ORDERED that no *inter partes* review is instituted.

IPR2023-00840
Patent 10,965,770 B1

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