

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSC SERVICEWORKS, INC.,
Petitioner,

v.

PAYRANGE INC.,
Patent Owner.

IPR2023-01188
Patent 10,891,608 B2

Before MEREDITH C. PETRAVICK, STACEY G. WHITE, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

CSC ServiceWorks, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1, 2, 4–8, 10–14, and 16–20 (“the challenged claims”) of U.S. Patent No. 10,891,608 B2 (Ex. 1001, “the ’608 patent”). Paper 2 (“Pet.”). PayRange Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We authorized the parties to submit additional briefing to address an argument concerning 35 U.S.C. § 315 raised by Patent Owner. Ex. 3002. Petitioner filed a Reply (Paper 7) and Patent Owner filed a Sur-reply (Paper 8).

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 fails to show a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims of the ’608 patent. Accordingly, we do not institute an *inter partes* review of claims 1, 2, 4–8, 10–14, and 16–20 of the ’608 patent on the grounds asserted in the Petition.

B. *Real Parties-In-Interest*

Petitioner identifies itself, CSC ServiceWorks, Inc., as the real party-in-interest. Pet. 6, 80. Patent Owner identifies itself, PayRange Inc., as the real party-in-interest. Paper 4, 1.

Because we determine that the information presented in the Petition fails to show reasonable likelihood that Petitioner would prevail in

establishing the unpatentability of any of the claims of the '608 patent, we do not need to reach Patent Owner's argument concerning an alleged time-bar under 35 U.S.C. § 315 due to unidentified real parties-in-interest. *See* Prelim. Resp. 6–12.

C. Related Matters

Petitioner and Patent Owner identify the following related court proceedings:

PayRange Inc. v. CSC ServiceWorks, Inc., Case No. 1:23-cv-00278 (D. Del.)

PayRange Inc. v. CSC ServiceWorks, Inc., Case No. 1:22-cv-00502 (D. Del.)

PayRange Inc. v. KioSoft Techs., LLC, Case No. 1-20-cv-24342 (S.D. Fla.)

Pet. 80; Paper 4, 1.

Patent Owner identifies additionally the following related court proceeding:

PayRange Inc. v. Kiosoft Techs., LLC, Case No. 1-20-cv-20970 (S.D. Fla.)

Paper 4, 1.

Patent Owner also identifies the following related Board proceedings:

KioSoft Techs., LLC v. PayRange Inc., CBM2020-00026 (U.S. Patent No. 9,659,296)

KioSoft Techs., LLC v. PayRange Inc., IPR2021-00086 (U.S. Patent No. 9,659,296)

CSC ServiceWorks, Inc. v. PayRange Inc., IPR2023-01186 (U.S. Patent No. 8,856,045)

CSC ServiceWorks, Inc. v. PayRange Inc., IPR2023-01187 (U.S. Patent No. 10,438,208)

Kiosoft Techs., LLC v. PayRange Inc., PGR2021-00077 (U.S. Patent No. 10,719,833)

Kiosoft Techs., LLC v. PayRange Inc., PGR2021-00084 (U.S. Patent No. 10,891,608)

Kiosoft Techs., LLC v. PayRange Inc., PGR2021-00093 (U.S. Patent No. 10,891,614)

Kiosoft Techs., LLC v. PayRange Inc., PGR2022-00035 (U.S. Patent No. 11,074,580)

KioSoft Techs., LLC v. PayRange Inc., PGR2023-00042 (U.S. Patent No. 11,481,772)

Paper 4, 1–2.

D. The '608 Patent (Ex. 1001)

The '608 patent, titled “Method and System for an Offline-Payment Operated Machine to Accept Electronic Payments,” describes retrofitting an offline-payment operated machine, such as a vending machine, laundromat machine, parking meter, kiosk, etc., to accept electronic payments.

Ex. 1001, code (54), 1:41–52, 2:34–44. Figure 28A, reproduced below, is a block diagram of a retrofitted offline-payment operated machine. *Id.* at 39:38–40, 40:22–26.

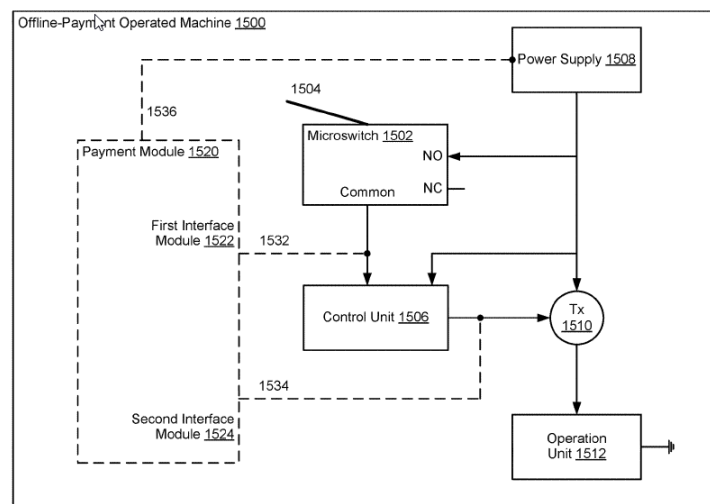


Figure 28A

Figure 28A shows offline-payment operated machine 1500, which is an electro-mechanical machine capable of accepting currency (e.g., coins) and

is not connected to any networks (e.g., telephone, cellular, or Wi-Fi). *Id.* at 39:40–44. Machine 1500 includes leveraged microswitch 1502 with lever 1504 which is incorporated into a coin slot of machine 1500 and is depressed whenever a coin slides down the coin slot into a coin reservoir of machine 1500. *Id.* at 39:57–65. Depression of lever 1504 closes microswitch 1502, and control unit 1506 receives a pulse (i.e., a payment acceptance signal) from microswitch 1502 indicating depression of lever 1504 from the reception of a US quarter or coin of another value. *Id.* at 39:65–40:6. When control unit 1506 receives a preset sequence of payment acceptance signals indicative of a preset number of coins being received by microswitch 1502, control unit 1506 initiates the operation of machine 1500. *Id.* at 40:7–19.

Machine 1500 is retrofitted with payment module 1520 to be able to accept electronic payments. *Id.* at 40:22–26. Payment module 1520 includes a short-range communication capability to communicate with mobile devices. *Id.* at 41:9–15. Payment module 1520 further includes first interface module 1522 which samples payment acceptance signals from microswitch 1502 via lead 1532, and second interface module 1524 which samples control signals from control unit 1506 via lead 1534 that initiate operation of machine 1500. *Id.* at 40:35–49. By sampling and storing these signals, payment module 1520 is able to utilize first interface module 1522 to simulate operation of microswitch 1502 in response to receiving the correct/preset number of coins so as to trigger operation of machine 1500 in response to completion of an electronic payment. *Id.* at 41:43–48.

E. Illustrative Claim

Petitioner challenges claims 1, 2, 4–8, 10–14, and 16–20 of the '608 patent. Claims 1, 7, 13, and 19 are independent. Independent claim 1 is illustrative and reproduced below, with Petitioner's labeling added.

1. [1(pre)] A payment module for an offline payment-operated machine including a coin receiving switch, the payment module comprising:

[1(a)] a short-range wireless transceiver configured to communicate with one or more mobile devices;

[1(b)] one or more processors;

[1(c)] a first interface module configured to output to a control unit of the offline payment-operated machine one or more electrical pulses, each of the one or more electrical pulses emulating an analog signal generated by the coin receiving switch of the offline payment-operated machine in response to insertion of a single coin of a predetermined type in the offline payment-operated machine; and

[1(d)] memory with one or more programs for execution by the one or more processors, the one or more programs including instructions for:

[1(e)] storing, in the memory of the payment module, a number of the electrical pulses that must be received by the control unit to initiate an operation of the offline payment operating machine;

[1(f)] receiving a wireless request via the short-range wireless transceiver from a respective mobile device of the one or more mobile devices to initiate a cashless operation of the offline-payment operated machine; and

in response to the wireless request:

[1(g)(i)] determining a first number of electrical pulses to output via the first interface module to the control unit of the offline payment-operated machine in

order to initiate the requested cashless operation of the offline payment-operated machine;

[1(g)(ii)] causing the offline payment-operated machine to initiate the requested cashless operation by issuing the first number of electrical pulses to the control unit via the first interface module; and

[1(g)(iii)] sending operation information corresponding to the initiated operation of the offline payment-operated machine to the respective mobile device via the short-range wireless transceiver.

Ex. 1001, 46:62–47:34.

F. Evidence

Name	Reference	Date	Exhibit
Laaroussi	U.S. Patent App. Pub. No. 2010/0227671 A1	Published Sept. 9, 2010	1004
Sugimoto	U.S. Patent No. 4,374,557	Issued Feb. 22, 1983	1005
LeMay	U.S. Patent No. 10,121,318 B2	Issued Nov. 6, 2018	1006
Okuniewicz	U.S. Patent No. 6,840,860 B1	Issued Jan. 11, 2005	1007

Petitioner also relies on the Declaration of Dr. B. Clifford Neuman (Ex. 1003).

G. Asserted Grounds

Petitioner asserts that claims 1, 2, 4–8, 10–14, and 16–20 would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Basis
1	1, 2, 5, 7, 8, 11, 13, 14, 17, 19, 20	103	Laaroussi, LeMay, and Sugimoto
2	4, 6, 10, 12, 16, 18	103	Laaroussi, LeMay, Sugimoto, and Okuniewicz

II. ANALYSIS

A. Legal Standards

Petitioner bears the burden of persuasion to prove unpatentability of the claims challenged in the Petition, and that burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

A patent claim is unpatentable under 35 U.S.C. § 103 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 skill in the art; and (4), if present, any objective evidence of obviousness or non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). There is no objective evidence of obviousness or non-obviousness in the record here.

Petitioner cannot satisfy its burden of proving obviousness by employing “mere conclusory statements,” but “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 (Fed. Cir. 2016).

B. Level of Ordinary Skill in the Art

Petitioner asserts that a person of ordinary skill in the art “would have had a bachelor’s degree in electrical engineering, computer engineering, computer science, or equivalent training, and approximately three years of experience with electronic payment systems, vending machine technologies, or distributed network systems,” and that “[l]ack of work experience can be remedied by additional education, and vice versa.” Pet. 9–10 (citing Ex. 1003 ¶¶ 18–20).

Patent Owner does not address the level of ordinary skill in the art.

Petitioner’s definition is consistent with the level of ordinary skill reflected in the prior art references of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (recognizing that the prior art itself may reflect an appropriate level of skill in the art). For purposes of this decision, we apply Petitioner’s definition of the person of ordinary skill in the art.

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 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. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

Petitioner asserts that “the terms of the challenged claims should be given their plain and ordinary meaning, and no terms require specific construction.” Pet. 10.

Patent Owner asserts that

[n]o constructions are necessary to deny institution because the petition facially fails to show that the references satisfy the plain language of the claims . . . and because denial is warranted for numerous other reasons that do not depend on claim construction.

Prelim. Resp. 6.

Thus, neither party contends that any claim construction is necessary. On this record and for purposes of this decision, we 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. Ground 1

Petitioner contends that claims 1, 2, 5, 7, 8, 11, 13, 14, 17, 19, and 20 are obvious over Laaroussi, LeMay, and Sugimoto. *See* Pet. 14–69. Of these, claims 1, 7, 13, and 19 are independent.

1. Overview of Laaroussi (Ex. 1004)

Laaroussi is titled “Apparatus for Gathering, Transferring, and Auditing Payment Information” and relates to “a currency media reader adapted to connect a network to remotely manage payment information” and “be retrofitted in a gaming machine and to interconnect various existing components thereof.” Ex. 1004, code (54), ¶ 2.

Figure 3 of Laaroussi, reproduced below, illustrates a gaming machine connected to peripheral components via a currency media reader hub (“CMRH”). *Id.* ¶ 37.

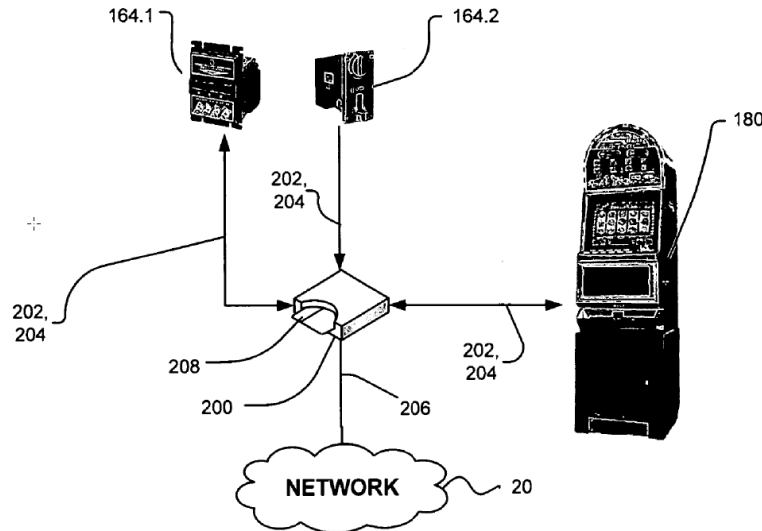


Fig. 3

Figure 3 shows gaming machine 180, which is adapted to receive bills and coins respectively with bill receiving module 164.1 and coins receiving module 164.2. *Id.* ¶ 58. CMRH 200, which may be retrofitted on gaming machine 180, is connected in series between receiving modules 164.1, 164.2 and the electronic system of gaming machine 180. *Id.* ¶ 59.

Receiving modules 164.1, 164.2 transfer data and instructions to gaming machine 180 using a communication language, such as a pulse string communication mode. *Id.* ¶60. Once connected, CMRH 200 automatically selects the proper communication mode for each module and gaming machine. *Id.* “In other words, the currency media reader hub 200 emulates a receiving module 164 on one side and emulates a gaming machine 180 on the other side.” *Id.*

CMRH 200 also allows a player to prove that s/he is the holder of a determined amount of money that can be used in gaming machine 180. *Id.*

¶ 61. The player's money can be virtually secured in a virtual currency holding media (e.g., card 208) suitable to carry virtual money, such as an RFID device. *Id.* CMRH 200 “will account for any currency transferred in or out of the gaming machine 180 and link it to the card 208” (e.g., a payment transaction). *Id.* ¶ 66. “All transactions are sent to the database 22 for safekeeping and reporting” via network 20. *Id.* at Fig. 1, ¶ 66. If network 20 is down, the transactions between card 208 and gaming machine 180 are stored in CMRH 200's memory module 220. *Id.* ¶ 67.

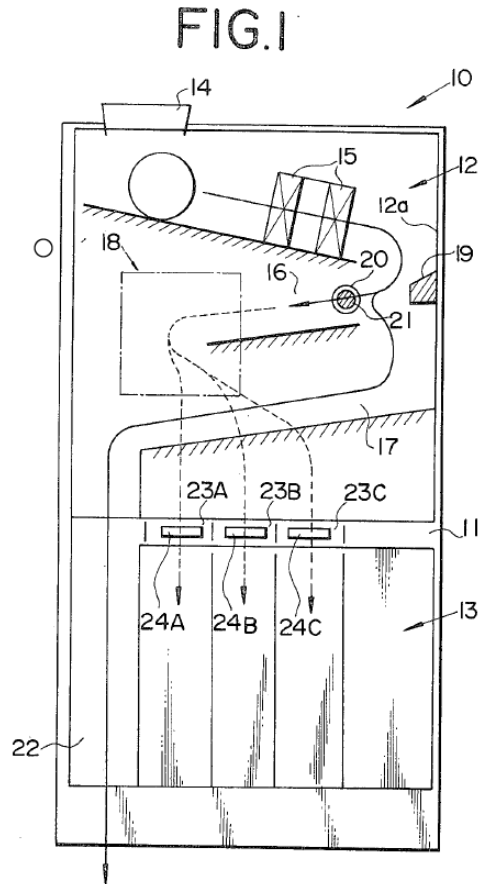
2. *Overview of LeMay (Ex. 1006)*

LeMay is titled “Bill Acceptors and Printers for Providing Virtual Ticket-In and Ticket-Out on a Gaming Machine.” Ex. 1006, code (54). Lemay discloses a “gaming system compatible with patron-controlled portable electronic devices, such as smart phones or tablet computers.” *Id.* at code (57). An electronic gaming machine is retrofitted with one or more devices to receive both virtual ticket vouchers and printed ticket vouchers that are redeemable for credits on electronic gaming machines. *Id.* at code (57), 5:10–13. Information associated with a virtual ticket voucher can be stored on a patron-controlled portable electronic device and then can be wirelessly transmitted to the electronic gaming machines. *Id.* at code (57).

3. *Overview of Sugimoto (Ex. 1005)*

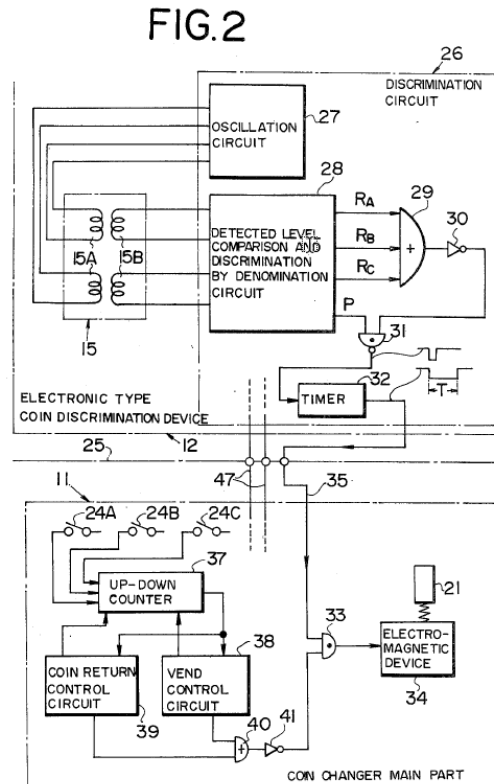
Sugimoto is titled “Coin Changer for a Vending Machine.” Ex. 1005, code (54). Sugimoto's coin changer includes “coin switches for detecting coins of respective dominations.” *Id.* at code (57).

Sugimoto's Figure 1 is reproduced below.



Sugimoto's Figure 1 schematically depicts an embodiment of the coin changer. *Id.* at 3:23–25. Coin changer main part 11 has upper electronic type coin discrimination device 12 and lower coin receiving device 13. *Id.* at 3:44–48. After coin discrimination device 12 determines a coin to be a true coin, the coin is mechanically sorted by denomination. *Id.* at 3:53–4:16. Sort-device 18 sorts the coins and sends the coins to coin receiving device 13 through passages 23A, 23B, and 23B, by respective denomination. *Id.* at 4:23–27. “Each of the coin switches 24A, 24B and 24C is actuated in response to passing of each coin and produces a coin detection pulse corresponding to weight of the coin of each denomination (i.e., amount of the coin).” *Id.* at 4:29–33.

Sugimoto's Figure 2 is reproduced below.



Sugimoto's Figure 2 shows a block diagram of the electrical construction of the embodiment. *Id.* at 3:26–27. Sugimoto discloses:

Principal functions of the control circuit provided on the side of the coin changer main part 11 are known control functions such as cumulatively counting deposited coins for judging whether a selected article is vendible or not and paying out change. For example, the coin detection pulses provided by the coin switches 24A, 24B and 24C (FIG. 1) are applied to an up-down counter 37 in which an amount of deposited coins is counted by cumulatively adding amounts of the deposited coins. A vend control circuit 38 compares contents of the counter 37 (the amount of the deposited coins) with a preset vend price of the article to be [v]ended and thereupon supplies a vend possible signal to a vend unit (not shown) and also subtracts the price of the vended article from the contents of the counter 37. The vender unit dispenses the selected article in response to this vend possible signal.

Id. at 4:29–47.

4. *Analysis of Independent Claims 1, 7, 13, and 19*

Patent Owner argues that the Petition’s analysis is deficient because it does not sufficiently explain how Petitioner’s proposed combination of Laaroussi and Sugimoto meet limitations 1(c) and 1(e). *See generally* Prelim. Resp. 27–38. We agree with Patent Owner.

Claim 1, limitation 1(c), recites:

a first interface module configured to output to a control unit of the offline payment-operated machine one or more electrical pulses, each of the one or more *electrical pulses emulating an analog signal generated by the coin receiving switch of the offline payment-operated machine in response to insertion of a single coin of a predetermined type in the offline payment-operated machine.*

Ex. 1001, 47:1–8 (emphasis added).

To meet limitation 1(c), the Petition proposes modifying Laaroussi to make the signal transmitted between CRMH 200 and gaming machine 180 emulate the pulses sent by Sugimoto’s coin switches 24A, 24B, and 24C to up-down counter 37. Pet. 36–43. Petitioner, however, does not adequately account for the difference between Laaroussi’s signal, Sugimoto’s pulses, and the particular pulses recited by limitation 1(c).

Although Laaroussi teaches that CMRH 200 may emulate coins receiving module 164.2 to transfer data and instructions to gaming machine 180 using a pulse string communication mode language, Laaroussi is otherwise silent as to what data and instructions are transferred. *See* Ex. 1004 ¶¶ 58–60. For example, Laaroussi does not disclose whether its data and instructions are the particular pulses required by limitation 1(c) (“in response to insertion of a single coin”) or whether its data and instructions indicate the cumulative amount of received coins. *See generally id.*

Petitioner turns to Sugimoto's teaching of coin switches 24A, 24B, and 24C producing coin detection pulses corresponding to the weight of received coins to cure the deficiency of Laaroussi. Pet. 40–43 (citing Ex. 1005, Abstract, 4:13–33, 5:31–66, 7:30–51, Fig. 2.). Sugimoto, however, does not teach sending coin switches 24A, 24B, and 24C's pulses to vend control circuit 38 or a vender unit. *See* Ex. 1005, 5:31–47. Sugimoto teaches sending the pulses from coin switches 24A, 24B, and 24C to up-down counter 37, which adds up the amount of the deposited coins, and then sends that amount to vender control circuit 38. *Id.*

Neither Larroussi nor Sugimoto, thus, teaches a coin receiving module sending the particular pulses recited by limitation 1(c) (“in response to insertion of a single coin”) to a gaming machine or other type of vending unit. Given this, Petitioner does not sufficiently explain why a POSITA would modify Laaroussi to make *the signal transmitted between CRMH 200 and gaming machine 180* emulate the single coin pulses sent by Sugimoto's coin switches 24A, 24B, and 24C to up-down counter 37. *See* Pet. 24–26 (arguing that a POSITA would have been motivated to modify Laaroussi in view of Sugimoto because Sugimoto provides additional detail about a known component (e.g., a coin receiving module)). And, Dr. Neuman's testimony does not provide any additional adequate explanation. *See* Ex. 1003 ¶¶ 93–103 (substantially parroting the Petition).

Claim 1, limitations 1(d),(e) recite a payment module having a memory storing a program that includes instructions for “storing, in the memory of the payment module, a number of the electrical pulses that must be received by the control unit to initiate an operation of the offline payment operating machine.” Ex. 1001, 46:62, 47:9–15.

To meet limitations 1(d),(e), Petitioner proposes to modify Laaroussi's CMRH 200 to store the number of electrical pulses produced by coin switches 24A, 24B, and 24C of Sugimoto necessary to initiate operation of an offline-payment operated machine (i.e., gaming machine 180). Pet. 46–47. Petitioner points to Laaroussi's teaching of storing transaction data in CMRH 200's memory and asserts that “[a] POSITA would thus understand that the CMRH may store in its memory module all communications from peripheral components like the coins receiving module.” *Id.* at 45–46 (citing Ex. 1004 ¶ 67; Ex. 1003 ¶ 112).

Petitioner, however, again does not adequately account for the difference between Laaroussi's stored data, Sugimoto's pulses from coin switches 24A, 24B, and 24C, and the particular pulses recited by limitation 1(d). Nor does Petitioner or Dr. Neuman adequately explain why a POSITA would understand that CMRH 200 to store all communications from the peripheral components. *See* Pet. 45–46; Ex. 1003 ¶ 112.

Laaroussi discloses that CMRH 200 accounts for any currency transferred in or out of gaming machine 180, links it to the player's card 208, and sends the transactions to database 22 for safekeeping. Ex. 1004 ¶ 66. “If, for any reasons, the network 20 is down, all transactions between card 208 and the gaming machine 180 are stored in the memory module 220 of the [CMRH 200].” *Id.* ¶ 67. Laaroussi is silent as to what transaction data is stored in CMRH 200 and does not disclose storing pulses from coins receiving module 164.2.

As explained in connection with limitation 1(c), Sugimoto does not teach sending the pulses from coin switches 24A, 24B, and 24C to vend control circuit 38 or a vender unit. *See id.* at 5:31–47. Sugimoto teaches sending those pulses to up-down counter 37, which adds up the amount of

the deposited coins, and then sends that amount to vender control circuit 38.
Id.

Given these teachings of Laaroussi and Sugimoto, Petitioner does not sufficiently explain why a POSITA would modify Laaroussi's CMRH 200 to additionally store the pulses sent by Sugimoto's coin switches 24A, 24B, and 24C. *See* Pet. 24–26 (arguing that a POSITA would have been motivated to modify Laaroussi in view of Sugimoto because Sugimoto provides additional detail about a known component (e.g., a coin receiving module)). And, Dr. Neuman's testimony does not provide any additional explanation. *See* Ex. 1003 ¶¶ 111–116.

Additionally, we note that for limitation 1(d), Petitioner asserts:

A POSITA would have been motivated to modify the payment module memory of Laaroussi to include the up-down electrical pulse counter of Sugimoto such that the memory module of Laaroussi's CMRH stores the electrical pulses generated by Sugimoto's coin switches.

Pet. 47. Petitioner's assertion appears to acknowledge that merely substituting Laaroussi's coins receiving module 164.2 with Sugimoto's coin changer, as proposed by Petitioner (Pet. 24–26), would not meet limitation 1(d) and that further modification of Laaroussi's system (i.e., including part of Sugimoto's coin changer in CMRH 200) would be needed.

Petitioner's assertion is conclusory and does not adequately explain why a POSITA would be motivated to further modify the proposed combination of Laaroussi and Sugimoto to place Sugimoto's up-down counter 37 into Laaroussi's CMRH in order to store Sugimoto's pulses.

Independent claims 7, 13, and 19 each recite limitations similar to limitations 1(c) and 1(d),(e). Ex. 1001, 48:1–15 (claim 7), 49:5–20 (claim 13), 50:17–31 (claim 19). We determine that Petitioner has not sufficiently

shown that the combination of Laaroussi, LeMay, and Sugimoto teaches limitations 1(c) and 1(d),(e) or the similar limitations of independent claims 7, 13, and 19.

5. Conclusion as to Ground 1

For the reasons discussed above, Petitioner has not met its burden regarding the obviousness challenge to the independent claims. Petitioner's challenges to the dependent claims in Ground 1 do not overcome the deficiencies discussed above with respect to independent claims. *See* Pet. 53–68. Accordingly, Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge to claims 1, 2, 5, 7, 8, 11, 13, 14, 17, 19, and 20 as being obvious over Laaroussi, LeMay, and Sugimoto.

E. Ground 2

Petitioner alleges that dependent claims 4, 6, 10, 12, 16, and 18 of the '608 patent would have been obvious over Laaroussi in view of LeMay, Sugimoto, and Okuniewicz. *See* Pet. 69–79. But Petitioner's challenges to the dependent claims in Ground 2 do not overcome the deficiencies discussed above with respect to the independent claims.

F. Discretionary Denial

Because we determine that the information presented in the Petition fails to show a reasonable likelihood that Petitioner would prevail in establishing unpatentability of any of the claims of the '608 patent, we do not reach Patent Owner's request for discretionary denial under 35 U.S.C. § 314. *See* Prelim. Resp. 12–18.

III. CONCLUSION

We determine that the information presented in the Petition fails to show a reasonable likelihood that Petitioner would prevail in establishing that any of claims 1, 2, 4–8, 10–14, and 16–20 of the '608 patent are unpatentable.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is *denied* and no trial is instituted.

IPR2023-01188
Patent 10,891,608 B2

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