

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDUCTEV, INC.
Petitioner

v.

WITRICITY CORPORATION
Patent Owner

Inter Partes Review No.: IPR2023-01208
U.S. Patent No. 8,912,687

PATENT OWNER'S SUR-REPLY

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LIST OF EXHIBITS

Exhibit No.	Description
2001	Declaration of Mark Horenstein, Ph.D.
2002	Curriculum Vitae of Mark Horenstein, Ph.D.
2003	Transcript of Deposition of Dr. Mark Allen

I. INTRODUCTION

The Petition failed to show that Cook (Ex. 1007; “Cook”) or Bennett (Ex. 1005; “Bennett”), taken alone or in combination, disclose an authorization facility “to confirm compatibility of the resonators and provide authorization for the initiation of transfer of power,” as recited in the challenged claims. In its Reply, Petitioner attempts to read out the function of “confirm[ing] compatibility of the resonators” by collapsing it into the function of “provid[ing] authorization for the initiation of transfer of power.” But the plain language of the claim and the ’687 patent specification make clear that providing authorization and confirming resonator compatibility are two separate functions.

Applying its flawed claim construction, Petitioner relies on the authorization or authentication functions described in Cook and Bennett for allegedly teaching the claimed “authorization facility.” But the authentication functions of Cook and Bennett merely check that the target device is authorized to be charged (e.g., is associated with a subscription plan). Simply confirming that a target device is on an approved charging list does not mean that Bennett or Cook discloses an authorization facility “to confirm compatibility of the resonators.” Although the target device of Bennett may provide resonant frequency information, the power supply device of Bennett does not confirm compatibility of the resonators prior to

initiating power transfer. Nor does tuning the target device *after* charging has begun correspond to confirming resonator compatibility *before* charging.

The Petition and Reply also fail to establish a sufficient motivation to combine Bennett with Cook. Even assuming that Bennett discloses an authorization facility to confirm resonator compatibility (which it does not), Petitioner fails to explain why a POSA would have been motivated to combine the alleged “authorization facility” of Bennett with the system of Cook. Instead of articulating a rationale for why a POSA would combine Bennett and Cook in the manner Petitioner proposes, Petitioner relies on various unrelated features of Bennett that have no bearing on resonator compatibility. While the *KSR* standard regarding motivation to combine is flexible, Petitioner must still provide “some articulated reasoning with some rational underpinning” to establish obviousness. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Petitioner’s flawed analysis would essentially vitiate the requirement for articulating a motivation to combine, and should be rejected. The Board should therefore rule that Petitioner has not met its burden to show that the challenged claims of the ’687 Patent are invalid as obvious over the cited prior art.

II. PETITIONER’S ARGUMENT READS “CONFIRM COMPATIBILITY OF THE RESONATORS” OUT OF THE CLAIMS

In its Reply (Paper 25; “Reply”), Petitioner disputes that “confirm compatibility of the resonators” means “verify that parameters of the resonators will permit power transfer” for four reasons, all of which should be rejected. Petitioner first argues that the specification contradicts PO’s construction that parameters of the resonators are verified, relying on various other “authentication” functions described in the specification. Reply 2. The specification describes that “authentication” may be used for multiple purposes, including ensuring that “only *compatible* sources and devices are able to transmit and receive power,” “only authentic devices that are of specific manufacturer and not clones or devices and sources from other manufacturers,” or “only devices that are part of a specific subscription or plan” are able to receive power. Ex. 1001 (“’687 Patent”), 102:14-21 (emphasis added). The specification also explains that authentication may be based on cryptographic request and respond protocols, or position information. *Id.*, 102:21-31. But just because the specification explains that “authentication” may include other functions beyond confirming resonator compatibility does not render the specification inconsistent with PO’s construction.

Petitioner wrongly argues that “compatibility should be confirmed by establishing encrypted communications between source and device resonators.”

Reply 3. The specification says that cryptographic protocols “may” be used for authentication, but more importantly, the methods used to encrypt communications between the source and target devices are wholly unrelated to the compatibility of the resonators. Petitioner’s reliance on dependent claims specifying the use of certain types of encryption methods (e.g., public key infrastructure) is also misplaced. Reply 4. The independent claims recite confirming resonator compatibility, and dependent claims that add additional authentication functions like using certain types of encryption do not inform what it means to confirm resonator compatibility.

Next, Petitioner faults PO for relying on the testimony of Dr. Horenstein regarding how a POSA would understand “confirm compatibility of the resonators,” which Petitioner argues is inconsistent with the specification. Reply 4-5. But Petitioner’s own expert agreed that confirming resonator compatibility includes verifying parameters of the resonators, such as “resonator frequencies,” “physical size, the lateral extent of the resonators,” “energy delivery rate,” and “many others.” Ex. 2003 (“Allen Tr.”), 54:9-55:9. Moreover, the allegedly inconsistent parts of the specification (col. 102:14-17) merely disclose that the authentication capability may be used to ensure that only compatible sources and devices are able to transmit and receive power. The following sentences then describe additional functions of the authentication capability, such as making sure

that only authentic devices of a specific manufacturer can be used, or making sure that the devices are part of a subscription plan. Dr. Horenstein's testimony elaborates on how a POSA would understand what it means to confirm the compatibility of resonators, a position with which Petitioner's own expert agrees.

In addition, Petitioner argues that PO's construction introduces ambiguity, but as explained above, Dr. Allen had no problem identifying parameters that could be used to confirm resonator compatibility. Allen Tr., 54:9-55:9. Dr. Horenstein and Dr. Allen agree that different parameters may be evaluated to confirm compatibility, and the degree to which those parameters must match in order to be deemed "compatible" may depend on the specific application. Ex. 1035 ("Horenstein Tr."), 22:21-23:19; Allen Tr., 56:3-17. But just because confirming compatibility may vary depending on the application, does not mean that Petitioner can read the limitation out of the claim.

Lastly, Petitioner faults Dr. Horenstein's opinions as not being "grounded in the intrinsic evidence," yet immediately cites to portions of Dr. Horenstein's declaration discussing the relevant portions of the specification supporting his analysis. Reply 7. Dr. Horenstein's declaration correctly analyzes how a POSA would understand confirming resonator compatibility versus other types of authentication functions described in the specification. Contrary to Petitioner's argument that Dr. Horenstein is rewriting "providing authorization" to mean

“check for a valid user” (Reply 8), Dr. Horenstein merely contrasts confirming resonator compatibility from other types of authentication functions that are unrelated to resonator compatibility. Hence, Petitioner, not Dr. Horenstein, is attempting to rewrite the claims by equating confirming resonator compatibility with other types of authentication.

III. COOK AND BENNETT, INDIVIDUALLY OR IN COMBINATION, FAIL TO DISCLOSE AN AUTHORIZATION FACILITY “TO CONFIRM COMPATIBILITY OF THE RESONATORS”

Petitioner wrongly accuses PO of improperly attacking the teachings of Cook and Bennett individually. Reply 10. But as explained below, because neither Cook nor Bennett discloses confirming resonator compatibility, it is not surprising that their combined teachings also fail to disclose this feature.

A. Cook Does Not Disclose Confirming Resonator Compatibility

Petitioner argues that Cook uses a unique identifier to perform authentication (Reply 12), but the unique identifier in Cook is “indicative of the vehicle,” and is unrelated to resonator compatibility. Cook, ¶14. More specifically, Cook explains that the identifier is used to confirm there is an account associated with the identifier. *Id.*, ¶15. If the identifier is associated with an account, charging is enable. *Id.* Therefore, contrary to Petitioner and Dr. Allen, merely detecting the identification of the vehicle does not confirm resonator compatibility. Rather, checking the identification of the vehicle is simply used to confirm that the ID is

associated with an account and is allowed to charge. Petitioner argues that Dr. Horenstein admitted that Cook discloses checking for matching resonant frequencies (Reply 13), but Dr. Horenstein merely noted that Cook assumes resonant frequencies, and that Cook does not disclose confirming resonator compatibility. Horenstein Tr., 58:23-60:23.

Petitioner further argues that the '687 patent discloses using a unique identifier as an example of how resonator compatibility can be confirmed (citing 102:15-21), but Petitioner mischaracterizes the disclosure in the '687 patent specification. Reply 12. The portion of the specification cited by Petitioner merely notes that “authentication may be used to ensure that only compatible sources and devices are able to transmit and receive power.” '687 Patent, 102:15-17. The '687 specification further discloses that “authentication may be used to ensure that only authentic devices that are of a specific manufacturer and not clones or devices and sources from other manufacturers, or only devices that are part of a specific subscription or plan, are able to receiver power form a source.” *Id.*, 102:17-21. That is, the “authentication” capability described in the specification includes multiple functions. An identifier may be used to ensure the device is part of a subscription plan or indicates a specific manufacturer, but the specification does not disclose that the identifier is used to confirm resonator compatibility.

Petitioner next argues that Cook discloses identifying the car, customer, or license plate, which “could have” been used to confirm resonator compatibility. Reply 13. But that is not what Cook discloses. Cook simply uses an identifier that identifies the vehicle. The identifier is checked against a list of authorized IDs, and if there is a match charging is enabled. There is no disclosure that the ID is used to confirm resonator compatibility, and Petitioner’s reliance on what Cook “could have” disclosed should be rejected.

B. Bennett Does Not Disclose Confirming Resonator Compatibility

Petitioner again accuses PO of attacking Bennett in isolation, rather than addressing the combination of Cook and Bennett. Reply 14. But PO’s argument addresses the very portions of Cook and Bennett that Petitioner relies upon for allegedly disclosing resonator compatibility. Petitioner’s argument is a transparent attempt to hide the deficient teachings of Cook and Bennett by relying on some ill-defined combination that Petitioner fails to demonstrate discloses the compatibility feature. Petitioner first relies on Bennett’s teaching to “verify the identity” of the target device. *Id.* But as in Cook, merely verifying the identity of the target device in Bennett does not disclose confirming resonator compatibility. Nor does Petitioner explain how two references that each fail to disclose confirming resonator compatibility somehow disclose this element when combined. Petitioner is attempting to read out the required element of confirming resonator

compatibility by combining it with “providing authorization.” But the plain language of the claim recites an authorization facility “to confirm compatibility of the resonators and provide authorization for initiation of transfer of power.”

Petitioner next mischaracterizes PO’s argument as arguing that “providing authorization” requires some form of check or user verification. Reply 15. But as described above, PO and Dr. Horenstein have not taken this position; rather they merely note the other types of authentication functions that the ’687 Patent describes in addition to confirming resonator compatibility. The authentication disclosed in Bennett describes similar processes, such as verifying that a user has an account, none of which relate to confirming resonator compatibility.

Petitioner next cites to col. 102:15-21 of the ’687 Patent specification to argue that the claimed authorization facility can confirm compatibility of the resonators by determining that the resonators are “part of a specific subscription or plan,” and then provide authorization for initiation of power transfer via a signal. But this portion of the specification describes checking resonator compatibility separately from ensuring that the target device is part of a specific subscription or plan. Petitioner’s attempt to re-write the specification to describe the resonator compatibility confirmation as part of confirming the subscription or plan mischaracterizes the plain language of the specification.

Petitioner argues that Bennett discloses “target device authentication,” and alleges that Dr. Horenstein describes this as “validation of resonator compatibility.” Reply 15 (citing Ex. 2001 (“Horenstein Decl.”), ¶¶ 27, 43). But in neither of these paragraphs does Dr. Horenstein equate “target device authentication” in Bennett with the claimed confirmation of resonator compatibility. In fact, in ¶ 45 of his declaration, Dr. Horenstein states the exact opposite—that checking a user’s identification or subscriber information does *not* correspond to confirming resonator compatibility. *See* Horenstein Decl., ¶45.

Petitioner next relies on ¶39 of Bennett, which states in relevant part:

“**The power control communication** that takes place between the target electronic device 115 and the power transmitting unit 103 during the resonant charging request, etc. is also performed using the communication module 125. **A power control signal exchange operation** is required for the authentication of the target electronic device **115** before a successful resonant power delivery.”

Petitioner relies on the “power control signal exchange operation” that is required for authentication before successful resonant power delivery, but in the Reply Petitioner now relies on “the power control communication” during the resonant charging request. Reply 16. In particular, Petitioner emphasizes that the “power control signal exchange operation” occurs “during the resonant charging request.” *Id.* As an initial matter, Bennett first refers to “*the* power control communication” that occurs “*during the resonant charging request*,” even though

no “power control communication” is previously described in Bennett. Then Bennett refers to “*a* power control signal exchange operation” that is required for authentication. It is not clear that the “power control communication” and the “power control signal exchange operation” are referring to the same operation or communication. This ambiguity is exacerbated by the use of “the” when describing the “power control communication,” and “a” when referring to the subsequent “power control signal exchange operation.” Therefore, Petitioner’s conflation of the “power control communication” and “a power control signal exchange operation” as occurring “during the resonant charging request” is contrary to the language of Bennett.

But regardless, neither the “power control communication” nor the “power control signal exchange operation” of Bennett confirm resonator compatibility. Simply because the “power control communication” occurs “during the resonant charging request,” does not mean that the power control communication confirms resonator compatibility. Likewise, merely because “a power control signal exchange operation” is required for “successful resonant power delivery,” does not mean that the “power control signal exchange operation” confirms resonator compatibility. For example, if the target device is not associated with a subscription, “successful resonant power delivery” would not occur, regardless of whether the resonators are compatible. In fact, Bennett describes exactly that

situation. The user authorization module 121 exchanges authentication information with the power transmitting unit 103, which compares the information with subscriber information in its database, and initiates power delivery if the information matches. *See* Bennett, ¶37. If the authentication information does not match, power transfer is not initiated. Therefore, Bennett’s vague description of a “power control communication” and a “power control signal exchange operation” do not disclose that either communication confirms resonator compatibility.

Petitioner next argues that even under PO’s construction of verifying parameters of the resonators, Bennett discloses the resonator compatibility feature by checking resonant frequencies prior to power transfer, and mischaracterizes Dr. Horenstein’s testimony as agreeing with Petitioner’s position. Reply 17. In ¶49 of his declaration, Dr. Horenstein specifically states that the system in Bennet does not check for resonant frequency compatibility prior to initiating power transfer. *See* Horenstein Decl. ¶49. Rather, after the transmitting resonator begins to transmit power, the receiving resonator is tuned to match the frequency of the transmitting resonator. *Id.* Petitioner further mischaracterizes ¶45 of Dr. Horenstein’s declaration as admitting that the resonant frequencies of the resonators are confirmed. Dr. Horenstein described several paragraphs of Bennett that describe checking subscriber information and user identification, and noted that “[e]xcept for resonant frequency, however, nothing in Bennet discloses or even

suggests comparing resonators for the compatibility of their physical parameters.” Horenstein Decl., ¶45. Just a few paragraphs later, Dr. Horenstein elaborated regarding resonant frequency, stating that resonant frequency seeking module 605 tunes the receiving resonator so that the resonant frequency of the receiving resonator matches the resonant frequency of the transmitting resonator. *See id.*, ¶¶48-49. Therefore, Dr. Horenstein did not concede that Bennett discloses confirming resonator compatibility prior to initiating power transfer.

Nor did Dr. Horenstein testify that Bennett confirms the compatibility of the source and target resonator resonant frequencies before initiating power transfer. Dr. Horenstein agreed with the statement that “So when Bennett is looking to authenticate a target device, it is verifying the device’s identification number, the details of the user, and the resonant frequency for the target device.” Horenstein Tr., 74:8-14. But the preceding questions related to paragraph 67 of Bennett, which describes a target device identification database 507 that stores information such as an ID number of the target device, personal details of the user, and the preferred magnetic resonant frequency for the target device. *See* Bennett ¶67, Horenstein Tr., 72:25-74:7. Bennett explains that when the target device communicates with the power source during the power request, it sends “identity information” that the power source “cross-verifies with its target device identification database.” Bennett ¶67. That is, although the database may include

the preferred magnetic resonant frequency of the target device, the authentication process in Bennett merely cross-verifies the received identity of the target device to make sure it matches an identity stored in the database. There is no disclosure of confirming resonator compatibility.

Petitioner next attacks PO's argument that Bennett discloses tuning frequency parameters after authentication by relying on new portions of Bennett. In the Petition, Petitioner argued that Bennett confirms resonator compatibility as part of the authorization process in two ways. Paper 1 ("Pet.") 49. First, Petitioner relied on ¶39 of Bennett for disclosing a "power control signal exchange operation is required for authentication of the target electronic device 115 before a successful resonant power delivery." Pet. 49 (quoting Bennett ¶39)). But as discussed above, nothing about the "power control signal exchange information" indicates that resonator compatibility is confirmed. Second, Petitioner cited ¶38 of Bennett, arguing that Bennett teaches checking resonator compatibility by "automatically adjust[ing]" the power transmission frequency "to achieve the optimum reception from an antenna/resonant coupling mechanism." Pet. 49. But as PO noted in its Response, the automatic adjusting or tuning relied on by Petitioner is performed by the source resonant frequency selector 123 *after* authentication has been completed. Paper 20 ("POR") 16; Bennett ¶¶37-38.

In its Reply, Petitioner now relies on Fig. 3 of Bennett for allegedly disclosing “how resonant frequency information is exchanged and verified prior to power transfer.” Reply 18-19. In particular, Petitioner now relies on step 305, in which the target device “communicates a request for resonant power signal,” which includes the “identity” of the target device and “(tuned) resonant frequency information,” to the power transmitting unit. Bennett ¶57. Setting aside the fact that Petitioner did not rely on this portion of Bennett for allegedly disclosing confirming resonator compatibility in its Petition, the newly-relied upon portion of Bennett also fails to disclose confirming resonator compatibility. Although “resonant frequency information” is sent to the power transmitting unit, Bennett fails to disclose that the power transmitting unit confirms resonator compatibility based on the received resonant frequency information. Rather, Bennett merely discloses that the power transmitting unit “generates power employing the requested resonant frequency.” Bennett ¶58. But generating power at the resonant frequency of the target device does not explicitly or inherently disclose that resonator compatibility is confirmed beforehand, or even that the resonant frequency of the source resonator is adjusted to match the resonant frequency of the target resonator. For example, the power source 105 of Bennett “provides power to the sending resonant coupling component 131,” which transmits the power via non-radiated magnetic field. Bennett ¶32. But the resonant frequency of

the transmitting resonator depends on its inductance and capacitance, and not the frequency of the power signal applied to the resonator. *See* Horenstein Decl. ¶¶ 32, 39. Therefore, providing to the source resonator an AC power signal at the resonant frequency of the target resonator does not confirm compatibility of the resonators.

IV. A POSA WOULD NOT HAVE BEEN MOTIVATED TO COMBINE COOK AND BENNETT

Petitioner raises several arguments in an attempt to justify the lack of motivation to combine Cook and Bennett. First, Petitioner reiterates its argument that Cook and Bennett are analogous art, and summarily concludes that PO has somehow agreed that this rationale provides a motivation to combine. On the contrary, PO argued (and reiterates) that the mere fact that Cook and Bennett are analogous art to the '687 Patent and to each other does not meet Petitioner's burden of explaining why a POSA would have been motivated to combine Cook and Bennett in the manner proposed. *See e.g., Sisvel Int'l S.A. v. Sierra Wireless, Inc.*,, 82 F.4th 1355, 1364 (Fed. Cir. 2023) (asserting that references are analogous art "is an insufficient articulation for motivation to combine")

Petitioner next argues that because Bennett teaches tuning the target device frequency, a POSA would have been motivated to combine Bennett with Cook to achieve an authorization facility that confirms compatibility of the resonators

before charging. Reply 21-22. But as described above, frequency tuning after charging has begun is not the same as confirming resonator compatibility before charging begins. Petitioner criticizes PO's argument as "repackaging" PO's argument regarding the deficient teachings of Cook and Bennett, but Petitioner misses the point. Whatever benefits may be provided by frequency tuning after charging has begun would not have motivated a POSA to combine *the alleged function of confirming resonator compatibility* from Bennett with the Cook system. Petitioner makes the same mistake in arguing that the encryption methods of Bennett would motivate a POSA to combine confirming resonator compatibility from Bennett with Cook.

The Federal Circuit has recently rejected similar arguments "based on functionally irrelevant features of references that happen to exhibit a benefit for altogether different reasons," an approach that would be "ripe for hindsight abuse." *Medtronic, Inc. v. Teleflex Innovations S.a.r.l.*, 69 F.4th 1341, 1351 (Fed. Cir. 2023). In *Medtronic*, the petitioner proposed combining a "double-inclined opening" of cardiac catheter with a primary reference in order to increase the entry area into the catheter. *See id.* at 1350. But the Board and the Federal Circuit rejected this motivation because the benefit of increasing the entry area was unrelated to the "double-inclined opening" that Petitioner proposed to combine. *Id.* at 1351 (petitioner "failed to show increasing entry area would have motivated a

skilled artisan to incorporate *this feature* into [the primary reference]”) (emphasis in original).

Petitioner’s arguments regarding Bennett suffer from the same defect. Petitioner has failed to show how the alleged benefits of tuning the target device frequency, or encrypting the communication link between the source and target devices, would motivate a POSA to incorporate confirming resonator compatibility into Cook. *See* Horenstein Decl., ¶¶60-63, 71. Petitioner accuses PO of “myopically” focusing on the phrase “confirm compatibility” (Reply 22), but that is the precise feature that Petitioner proposes combining from Bennett into Cook. Therefore, Petitioner must show a motivation to combine “*this feature*” of Bennett with Cook, and cannot rely on unrelated benefits provided by unrelated features. *Medtronic*, 69 F.4th at 1351.

Petitioner next disputes PO’s argument that a POSA would not look to Bennett for the “details” of implementing the authentication function of Cook. Contrary to Petitioner’s argument, Dr. Allen testified that “a person of ordinary skill . . . would be able to implement an authorization scheme based on Cook,” such that there would be no need to consult Bennett for alleged “details” of how to do so. Allen Tr., 49:22-50:3. Dr. Allen testified that a person of ordinary skill might consult other sources such as Bennett to identify authorization schemes they “could use” to implement authorization. *Id.* 50:8-19. But merely because a POSA

“could” consult Bennett does not satisfy Petitioner’s burden of explaining why a POSA *would* consult Bennett and make the specific combination Petitioner proposes. *See InTouch Techs., Inc. v. VGO Commc’ns, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014) (“The obviousness inquiry does not merely ask whether a skilled artisan could combine the references, but instead asks whether ‘they would have been motivated to do so.’”).

Petitioner next criticizes PO’s reliance on the Federal Circuit’s decision in *S-Tek* that there is no motivation to combine a feature from a secondary reference to address a problem already solved by the primary reference. Reply 24 (citing *S-Tek Sys., LLC v. Engineered Corrosion Sols., LLC*, 748 F. App’x 1003, 1007 (Fed. Cir. 2018)). But the Federal Circuit has issued multiple other precedential and non-precedential decisions confirming the common-sense concept that a purported benefit cannot provide a motivation to combine when the primary reference already provides that benefit. *See e.g., Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1368-69 (Fed. Cir. 2012) (function of draining fluids from a wound does not motivation combination where primary reference already effectively drains fluids); *In re Anova Hearing Labs, Inc.*, 809 Fed. Appx. 840, 843 (Fed. Cir. 2020) (vacating Board finding of obviousness where secondary reference provided solution that is redundant to solution provided by primary reference).

Petitioner further argues that Bennett provides additional benefits that are not redundant of those described in Cook. Reply 24. But again, Petitioner cannot rely on unrelated benefits of features in Bennet that are unrelated to the feature that Petitioner proposes combining with Cook. *See Medtronic*, 69 F.4th at 1351. Therefore, whatever “additional details” of Bennett that Petitioner relies upon (*e.g.*, encryption techniques) cannot cure Petitioner’s fatally flawed motivation to combine argument.

V. CONCLUSION

For the foregoing reasons, Petitioner has failed to show that the challenged claims are unpatentable in view of the cited prior art.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE UNDER 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the foregoing paper complies with the type-volume limits of 37 C.F.R. § 42.24(c)(4). The foregoing paper contains 4,220 words, as calculated by Microsoft Word, excluding the parts of the paper exempted by 37 C.F.R. § 42.24(c).

Dated: October 31, 2024

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CERTIFICATE OF SERVICE

It is certified that a copy of the *Patent Owner's Sur-Reply* has been served on Petitioner as provided in 37 C.F.R. § 42.6(e) via electronic mail transmission addressed to the persons at the address of record as follows:

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