

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED LIGHTING CONCEPTS LLC,
Petitioner,

v.

MATE LLC.,
Patent Owner.

IPR2023-01257
Patent 8,525,446 B2

Before KRISTINA M. KALAN, KIMBERLY McGRAW, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Advanced Lighting Concepts, LLC (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3, 5, 7, 13, 15, and 21 of U.S. Patent No. 8,525,446 B2 (Ex. 1001, “the ‘446 patent”). Paper 2 (“Pet.”). Patent Owner, mate LLC, filed a Waiver of Preliminary Response. Paper 7.

The standard for institution is set forth in 35 U.S.C. § 314, which provides that 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.” 35 U.S.C. § 314; *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”).

For the reasons that follow, we do not institute *inter partes* review of the challenged claims of the ‘446 patent.

B. *Real Parties-in-Interest*

Petitioner identifies Advanced Lighting Concepts, LLC as the real party-in-interest. Pet. 1. Patent Owner identifies mate LLC as the real party-in-interest. Paper 4, 2.

C. *Related Matters*

The parties each identify the following litigation as a matter related to the ‘446 patent: *mate LLC v. Advanced Lighting Concepts, LLC d/b/a Environmental Lights*, 3:22-cv-1095-CAB-DEB (S.D. Cal.). Pet. 1; Paper 4, 2.

Patent Owner also identifies the following *inter partes* review proceedings for patents involved in the litigation: IPR2023-01258,

IPR2023-01259, IPR2023-01264, IPR2023-01265, and IPR2023-01266.
Paper 4, 2.

D. The '446 Patent

The '446 patent, titled “Configurable LED Driver/Dimmer for Solid State Lighting Applications,” issued September 3, 2013, from application US 13/059,336, which is based on PCT/CA2009/001295 filed September 17, 2009, and which claims priority to provisional application 61/097,963 filed September 18, 2008. Ex. 1001, codes (21), (22), (45), (54), (60), (86).

The '446 patent relates to a configurable light emitting diode (“LED”) driver for powering a set of light fixture loads. Ex. 1001, code (57). According to the '446 patent, “[i]n recent years, controllable power sources for Solid State Lighting (SSL) applications have entered the market with integrated features,” and “[i]n addition, digital controllers within power sources have enabled the development of configurable options to provide a wider flexibility of solutions for Solid State Lighting applications.” *Id.* at 1:28–33. The '446 patent further states that “[t]he ability to dim the light output of LEDs is also important to reduce energy consumption.” *Id.* at 1:33–34. The '446 patent states that “lighting companies are faced with considerable challenges in adopting SSL technology due to their unfamiliarity and lack of expertise in the driving and dimming requirements for LEDs,” and that “[t]herefore, there is provided a novel LED Driver/dimmer for solid state lighting applications.” *Id.* at 1:35–40.

Figure 3 of the '446 patent is shown below.

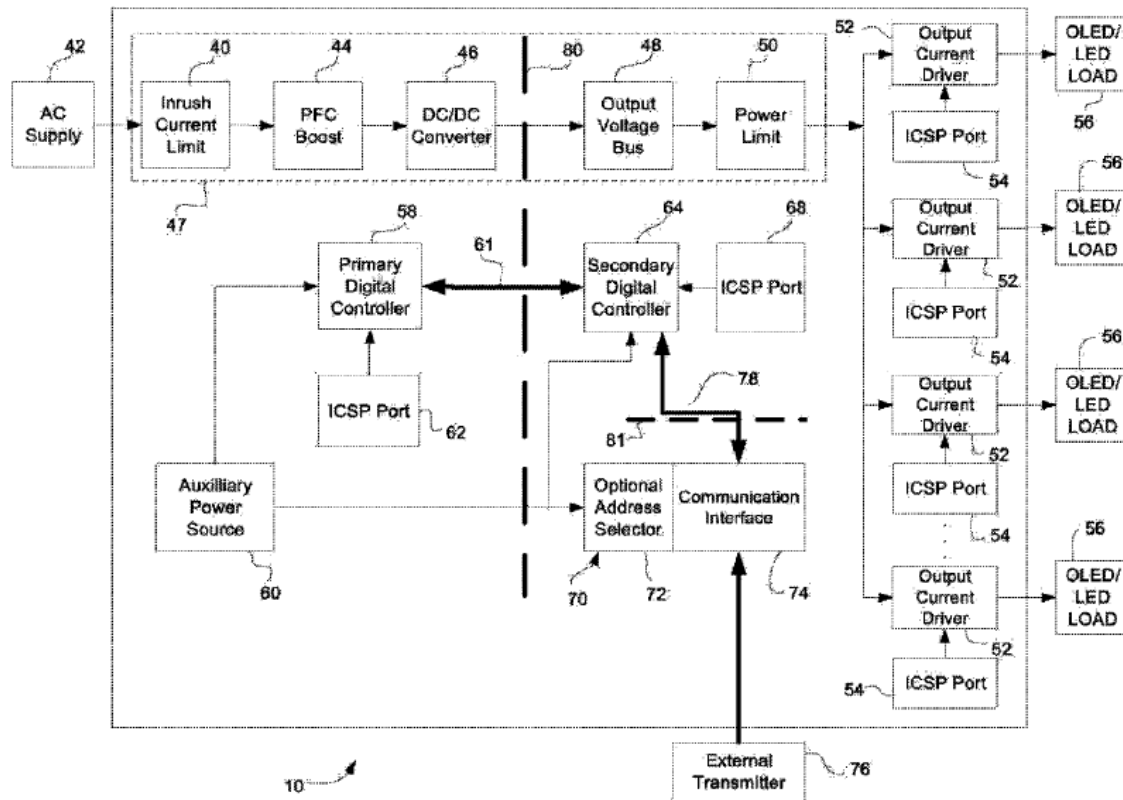


FIGURE 3

Figure 3 depicts “a schematic block diagram of the configurable LED Driver/dimmer.” Ex. 1001, 3:7–8. “LED dimmer 10 includes an inrush current limit 40, or inrush current limit circuit, which receives power from an AC power source or supply 42, located external to the dimmer 10.” *Id.* at 4:4–7. “The inrush circuit 40 is connected to a Power Factor Correction (PFC) Boost 44 which, in turn, is connected to a DC/DC Converter 46, or power conversion stage.” *Id.* at 7–10. Further, “converter 46 is connected to an Output Voltage bus 48 which is connected to a power limiter 50.” *Id.* at 4:10–12. According to the ’446 patent, “inrush circuit 40, the PFC boost 44, the DC/DC converter 46, the Output Voltage Base bus 48 and the power limit 50 can be seen as a power circuit 47.” *Id.* at 4:12–14.

The '446 patent further discloses that “power limiter 50 is connected to a set of output current drivers 52, whereby each of the output current drivers 52 has an associated in-circuit serial programming (ICSP) port 54.” Ex. 1001, 4:16–19. “The output of the output current drivers 52 is connected to individual Organic Light-Emitting Diodes (OLED)/Light-Emitting Diodes (LED) loads 56.” *Id.* at 4:19–21.

E. Challenged Claims

The Petition challenges claims 1–3, 5, 7, 13, 15, and 21. Claims 1 and 21 are the only challenged independent claims. Claim 1 is reproduced below.

1[p] A configurable light emitting diode (LED) driver/dimmer for controlling a set of light fixture loads comprising:

1[a] a power circuit including:

1[b] an inrush current limit;

1[c] a DC/DC converter;

1[d] a power factor correction (PFC) boost connected to the inrush current limit and the DC/DC converter;

1[e] a regulated output voltage bus connected to the DC/DC converter; and

1[f] at least one power limit connected to the output voltage bus;

1[g] a primary controller for controlling the power circuit;

1[h] a set of output current drivers, each of the set of output current drivers connected to one of the set of light fixture loads for controlling the associated light fixture load;

1[i] a secondary controller for controlling the set of output current drivers;

1[j] wherein the secondary controller transmits LED control information to control outputs of the set of output current drivers.

Ex. 1001, 10:43–62 (bracketed annotations added by Petitioner).

F. Prior Art and Asserted Grounds

Petitioner asserts the following grounds of unpatentability:

Claims Challenged	35 U.S.C. §¹	Reference(s)
1, 13, 15, 21	102(a)	Shteynberg ²
2, 3, 5, 7	103(a)	Shteynberg, Morgan ³

Petitioner relies on the Declaration of Joseph C. McAlexander in support of its arguments. Ex. 1002.

The following subsections provide brief descriptions of the asserted prior art references.

1. Shteynberg (Ex. 1005)

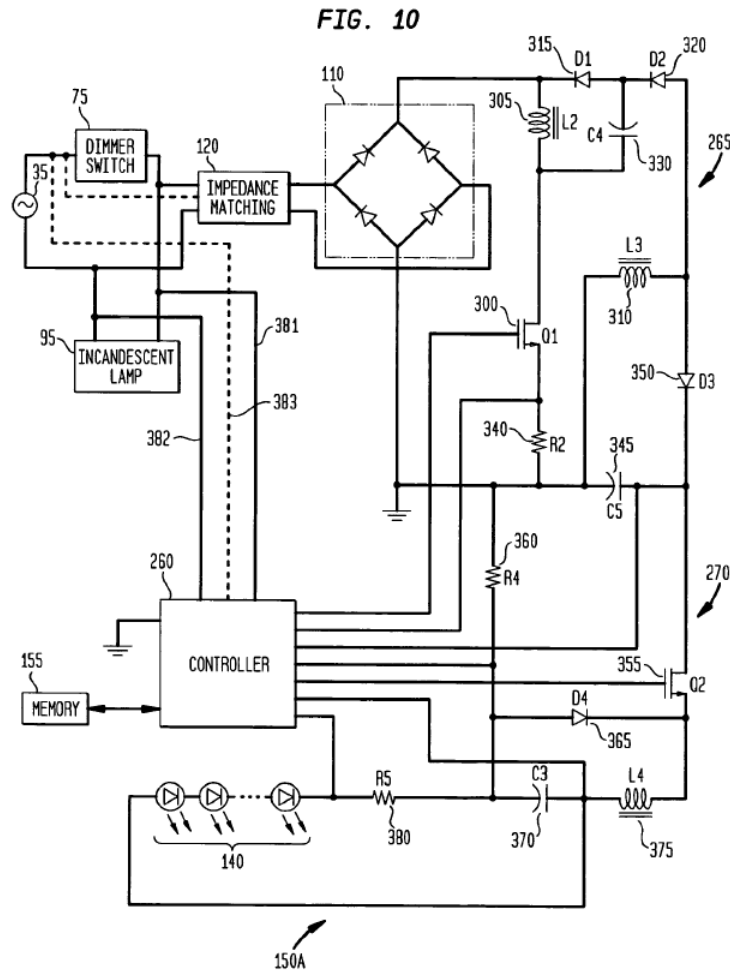
Shteynberg, titled “Current Regulator for Modulating Brightness Levels of Solid State Lighting,” issued March 8, 2011, from application US 11/655,308, filed January 19, 2007. Ex. 1005, codes (21), (22), (45), (54). The application ultimately claims priority to a provisional application, US 60/760,157, filed January 20, 2006. *Id.* at code (60).

Shteynberg relates to a system, apparatus, and method for supplying power to solid state lighting devices, such as for providing power to LEDs and LEDs integrated with digital controllers or processors. Ex. 1005, 1:19–22. We reproduce Shteynberg’s Figure 10 below.

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. §§ 102 and 103. Because the ’446 patent claims benefits of priority antedating the applicable AIA amendments, we refer to the pre-AIA versions of §§ 102 and 103. Our analysis remains the same under either version.

² US 7,902,769 B2, issued March 8, 2011 (Ex. 1005).

³ US 2006/0022214 A1, published February 2, 2006 (Ex. 1006).



Shteynberg’s Figure 10 depicts “a circuit diagram of an exemplary embodiment of a switching power supply for a current regulator (or converter).” Ex. 1005, 7:40–42. According to Shteynberg, “switching power supply 150A is coupled via impedance matching circuit 120 to a phase modulation module/dimmer, such as a dimmer switch 75.” *Id.* at 13:61–63. “The switching power supply 150A is implemented in two stages, an AC/DC converter 265 and a buck converter 270.” *Id.* at 13:65–67. “The switching power supply 150A also comprises a controller 260.” *Id.* at 14:18–19. According to Shteynberg,

The AC/DC converter 265 is utilized to provide a high input impedance, thereby eliminating the high input capacitance

that the single stage approaches have (and which can cause triacs of dimmers to misfire . . .). This first stage will convert a relatively poor, phased modulated AC voltage into a manageable DC voltage, while the second stage (buck converter 270) will perform LED driving using current PWM, through switching transistor 355 (Q2).

Id. at 13:67–14:8.

Further according to Shteynberg, “controller 260 may determine V_{RMS} using measurements from connections to the output of dimmer switch 75 on lines 381 and 382,” and “may determine $V_{NOMINAL}$ using measurements from connections to the output of dimmer switch 75 on lines 381 and 382, using measurements from connections to the AC line voltage 35 on lines 382 and 383 (dashed line), or using stored parameter values.” Ex. 1005, 14:22–28. “[C]ontroller 260 correspondingly adjusts the duty cycle of the pulse-width modulation of current provided to the LEDs 140 through switching transistor 355 (Q2).” *Id.* at 14:29–31. Shteynberg indicates that “[a] ‘controller’ or ‘processor’ . . . may be any type of controller or processor, and may be embodied as one or more controllers . . . , adapted to perform the functionality discussed.” *Id.* at 18:8–11.

2. *Morgan (Ex. 1007)*

Morgan, titled “LED Package Methods and Systems,” published February 2, 2006 from application US 11/178,214, filed July 8, 2005. Ex. 1007, codes (54), (43), (21), (22). The application claims priority to two provisional applications, US 60/588,090, filed July 15, 2004, and US 60/586,939, filed Jul 8, 2004. *Id.* at code (60).

Morgan discloses a “method for providing a light source including providing at least one LED in an LED die, and packaging the LED die with

a submount, wherein the submount incorporates an electronic component for controlling the LED, wherein the electronic component facilitates control of at least one of the intensity and the apparent intensity of the LED die.”

Ex. 1007 ¶ 14.

Morgan discloses a light system manager that may operate in part on an authoring computer, which may include a mapping facility. Ex. 1007 ¶ 433. The mapping facility may include a graphical user interface, or management tool, which may assist a user in mapping lighting units to locations. *Id.* Morgan further discloses that the management tool may include “[a] lights/interfaces pane [that] lists lighting units or lighting unit interfaces that are capable of being managed by the management tool. *Id.* According to Morgan, “[i]nterfaces may include power/data supplies (PDS) . . . for one or more lighting systems, DMX interfaces, DALI interfaces, interfaces for individual lighting units, interfaces for a tile lighting unit, or other suitable interfaces.” *Id.*

II. PRELIMINARY MATTERS

A. *Level of Ordinary Skill in the Art*

The level of skill in the art is “a prism or lens” through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). Petitioner’s declarant, Mr. McAlexander, testifies that a person having ordinary skill in the art (“POSITA”) to which the ’446 patent pertains, would have “at least a bachelor’s degree in electrical engineering, computer science, or a related field and significant experience with power regulation devices, like LED drivers and dimmers.” Ex. 1002 ¶ 31. Patent Owner, having waived its Preliminary Response, does not contest Petitioner’s articulation of the level of skill in the art. Paper 7.

We regard Petitioner’s definition as consistent with the prior art before us and the skill reflected in the Specification of the ’601 patent. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (prior art may reflect an appropriate level of skill). Thus, for the purpose of this Decision, we apply Mr. McAlexander’s definition.

B. Claim Construction

We interpret claim terms using “the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. [§] 282(b).” 37 C.F.R. § 42.100(b). In this context, claim terms “are generally given their ordinary and customary meaning” as understood by a person of ordinary skill in the art in question at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (citations omitted) (en banc).

Petitioner states that “[e]ach claim term challenged by this Petition should be construed in accordance with its ordinary and customary meaning for purposes of resolving the issues raised in this Petition,” but does not otherwise explicitly articulate any particular claim construction. Pet. 13.

We determine that we need not expressly construe any claim terms to resolve the parties’ disputes on the current record. *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)).

III. ANALYSIS OF PETITIONER’S CHALLENGES

A. Principles of Law

1. Anticipation

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. Inc., v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987); *see also Finisar Corp. v. DirecTV Group, Inc.*, 523 F.3d 1323, 1334 (Fed. Cir. 2008) (to anticipate a patent claim under 35 U.S.C. § 102, “a single prior art reference must expressly or inherently disclose each claim limitation”). Moreover, “[b]ecause the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)).

Whether a reference anticipates is assessed from the perspective of a person of ordinary skill in the art. *See Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368 (Fed. Cir. 2003) (“‘[T]he dispositive question regarding anticipation [i]s whether one skilled in the art would reasonably understand or infer from the [prior art reference’s] teaching’ that every claim element was disclosed in that single reference.” (quoting *In re Baxter Travenol Labs.*, 952 F.2d 388, 390 (Fed. Cir. 1991))).

2. Obviousness

A claim is unpatentable under 35 U.S.C. § 103 if the differences between the subject matter sought to be patented 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) differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) if in evidence, objective evidence of nonobviousness.⁴ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). A decision on the ground of obviousness must include “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). The obviousness analysis “should be made explicit” and it “can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR*, 550 U.S. at 418. We consider Petitioner’s arguments in accordance with the above principles.

B. Ground 1: Asserted Anticipation of Claims 1, 13, 15, and 21 by Shteynberg

Petitioner contends that Shteynberg anticipates each limitation of claims 1, 13, 15, and 21. Pet. 14–44. We address Petitioner’s relevant contentions below.

1. Claim 1

a) “inrush current limit”

Claim 1 recites, in relevant part:

⁴ The record does not contain any arguments relating to objective evidence of nonobviousness.

“a power circuit including (claim element 1(a)):
“*an inrush current limit*” (claim element 1(b));
a “DC/DC converter” (claim element 1(c)); and
a “power factor correction (PFC) boost *connected to the inrush current limit* and the DC/DC converter” (claim element 1(d)). Ex. 1001, 10:44–45 (emphasis added).

For the “inrush current limit” recited in claim element 1(b), Petitioner relies on Shteynberg’s discussion of Figure 5, which is labelled “PRIOR ART.” See Pet. 16–17; Ex. 1005, Fig. 5. Petitioner asserts:

Shteynberg discloses the inrush current limit of the ’446 Patent.

Shteynberg, when discussing FIG. 5, discloses:

For example, as illustrated in FIG. 5, a switching off-line LED driver 90 typically includes a full wave rectifier 20 with a capacitive filter 15, which allows current to flow to the filter capacitor (C) 15, when the input Voltage is greater than the Voltage across the capacitor. The inrush current to the capacitor is limited by the resistance in series with the capacitor. Under normal operating conditions, there may be a Negative Temperature Coefficient resistor (NTC) or thermistor in series with the capacitor to minimize inrush current during initial charging.

Pet. 16. (quoting Ex. 1005, 3:42–51). Petitioner contends that a person having ordinary skill in the art “would readily understand that using a resistor in series with a capacitor to limit inrush current as described in Shteynberg is analogous⁵ to the inrush current limit of the ‘446 [p]atent.”

⁵ Petitioner’s use of the term “analogous,” here and throughout the Petition, is also problematic to its anticipation arguments. “Analogous” does not mean identical, but rather indicates that two items are similar or comparable. Anticipation “requires that the identical invention that is claimed was

Pet. 17 (citing Ex. 1002 ¶ 57). Thus, we understand Petitioner to map Shteynberg’s use of a resistor in series with a capacitor, such as disclosed the “Prior Art” Figure 5, to the claimed “inrush current limit.”

Mr. McAlexander also maps Shteynberg’s use of a resistor in series with a capacitor to the claimed “inrush current limit.” *See* Ex. 1002 ¶ 57 (stating “[u]sing a *resistor in series with a capacitor* to limit inrush current as described in Shteynberg is analogous to the inrush current limit of the ‘446 [p]atent”) (emphasis added). More particularly, Mr. McAlexander explains that “[i]nrush current occurs when a device is turned on and, during the initial stage, a huge amount of current rushes into the circuit.” Ex. 1002 ¶ 57 (citing Sourav Gupta, *Inrush Current – Causes, Effects Protection Circuits and Design Techniques*, CIR. DIG. (Nov. 27, 2019), available at <https://circuitdigest.com/tutorial/inrush-current-causes-effects-protection-circuits-and-design-techniques>). Mr. McAlexander continues that “[a]n inrush current limiter is a component used to limit inrush current to avoid gradual damage to components and avoid blowing fuses or tripping circuit breakers.” *Id.* Mr. McAlexander then testifies that “[u]sing a *resistor in series with a capacitor* to limit inrush current as described in Shteynberg is analogous to the inrush current limit of the ‘446 [p]atent because the *resistor* when used as described limits current to an amount that is proportional to the amount of the resistance.” *Id.* (emphasis added).

In addressing the “inrush current limit” recited in claim element 1(d), which requires, *inter alia*, that “power factor correction (PFC) boost [be] connected to the inrush current limit,” Petitioner does not rely on

previously known to others.” *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1267 (Fed. Cir. 1991).

Shteynberg's discussion of the prior art, but instead relies on disclosures relating to exemplary embodiments of Shteynberg's invention. More particularly, Petitioner states "as discussed above (and as shown in Figure 10), Shteynberg discloses [that] the inrush current limiter (capacitor 345) is directly connected to the DC/DC converter." Pet. 21 (citing Ex. 1005, 14:11–18). Thus, in connection with the inrush current limit recited in claim element 1(d), we understand Petitioner maps only a capacitor (i.e., capacitor 345) to the recited inrush current limit.

We have considered Petitioner's contentions and Mr. McAlexander's testimony and find that Petitioner fails to demonstrate a reasonable likelihood that Shteynberg discloses the recited inrush limit of claim 1.

First, Petitioner fails to explain how Shteynberg's discussion of prior art depicted in Figure 5 (relied upon for claim element 1(b)) either relates to or can be combined with Shteynberg's discussion of its Figure 10 embodiment depicting capacitor 345 (relied upon for claim element 1(d)). For a prior art reference to anticipate a claim, it "must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). For example, in *Net MoneyIN*, the Federal Circuit held that an "Internet payment system" was not anticipated by a prior art reference that disclosed all the components of the invention, because the reference disclosed two separate payment protocols, each of which contained only a subset of the components claimed in the patent at issue. *Id.* at 1371. "[T]he [prior art] reference must clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [invention] without any need for picking, choosing, and

combining various disclosures not directly related to each other by the teachings of the cited reference.” *Id.* at 1371 (citation omitted). Here, Petitioner relies upon two disparate disclosures without any indication as to how these disclosures could be combined.

Second, Petitioner has not sufficiently shown that capacitor 345 functions as an inrush current limit or that Shteynberg discloses a “power factor correction (PFC) boost connected to the inrush current limit” as required by claim element 1(d). Petitioner and its declarant have clearly stated that a person having ordinary skill in the art “would readily understand that using a *resistor in series with a capacitor* to limit inrush current as described in Shteynberg is analogous to the inrush current limit of the ‘446 [p]atent.” Pet. 17 (emphasis added); Ex. 1002 ¶ 57. Neither Petitioner nor its declarant make any persuasive argument that a capacitor only, such as capacitor 345, can constitute an inrush current limit. Indeed, Mr. McAlexander provides no testimony that a capacitor alone can constitute an inrush current limit, let alone that Shteynberg discloses an inrush current limit that is connected to power factor correction (PFC) boost as required by claim element 1(d). *See* Ex. 1002 ¶¶ 53–61 (providing testimony that Shteynberg anticipates claim 1 but not discussing the inrush current limit of claim element 1(d)). Indeed, Petitioner does not include any citations to Mr. McAlexander’s declaration to support its contention that Shteynberg discloses an inrush current limit as required by claim element 1(d). *See* Pet. 19–22. Thus, Petitioner has not provided persuasive evidence or argument that Shteynberg’s Figure 10 discloses an inrush current limit, let alone an inrush current limit that is connected to a power factor correction (PFC) boost. As noted above, Petitioner has provided no persuasive

argument as to how Shteynberg's disclosures regarding its discussion of the resistor in series with a capacitor shown in prior art Figure 5 can be combined with Shteynberg's disclosures regarding its inventive embodiment of Figure 10.

Thus, we find that Petitioner fails to demonstrate a reasonable likelihood that Shteynberg discloses the recited inrush current limit as required by claim 1.

b) Conclusion

For the reasons discussed above, we determine that the information in the Petition fails to demonstrate a reasonable likelihood that claim 1 is unpatentable as anticipated by Shteynberg.

2. Independent claim 21

Claim 21 is directed to a power circuit comprising, *inter alia*, “an inrush current limit” (claim element 21(b)); “a DC/DC converter” (claim element 21(c); and “a power factor correction (PFCP boost connected to the inrush current limit” (claim element 21(d)). Ex. 1001, 12:24–29.

Petitioner's arguments for these limitations are essentially the same as the arguments set forth regarding claim 1 and thus suffer the same shortcomings. *Compare* Pet. 16–22 with Pet. 35–41. Accordingly, Petitioner does not show a reasonable likelihood that it will prevail in showing that claim 21 is unpatentable as anticipated by Shteynberg.

3. Dependent claims 13 and 15

Petitioner argues that claims 13 and 15, which depend from claim 1, are unpatentable as anticipated by Shteynberg. Pet. 31–33. Petitioner's arguments regarding these dependent claims do not remedy the deficiencies that we identify for claim 1. Accordingly, we determine that Petitioner fails

to show a reasonable likelihood that claims 13 and 15 are unpatentable as anticipated by Shteynberg.

C. Ground 2: Asserted Obviousness of Claims 2, 3, 5, and 7 based on Shteynberg and Morgan

Petitioner contends that claims 2, 3, 5, and 7, which depend directly or indirectly from claim 1, would have been obvious under 35 U.S.C. § 103 over Shteynberg and Morgan. Pet. 44–52. Petitioner’s arguments regarding these dependent claims do not remedy the deficiencies that we identify for claim 1. Accordingly, we determine that Petitioner fails to show a reasonable likelihood that claims 2, 3, 5, and 7 would have been obvious over Shteynberg and Morgan.

IV. CONCLUSION

Based on the information presented, we determine, for the reasons provided above, that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. Accordingly, we decline to institute an *inter partes* review.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that an *inter partes* review is not instituted.

IPR2023-01257
Patent 8,525,446 B2

For PETITIONER:

Winston O. Huff
Jamil N. Alibhai
MUNSCH HARDT KOPF & HARR, P.C.
EL-mate-IPRs@munsch.com

For PATENT OWNER:

Melanie J. Reichenberger
Kevin P. Moran
MICHAEL BEST & FRIEDRICH LLP
mjreichenberger@michaelbest.com
kpmoran@michaelbest.com