

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDUCTEV, INC.,
Petitioner,

v.

WITRICITY CORPORATION,
Patent Owner.

IPR2024-00105
Patent 10,027,184 B2

Before JAMESON LEE, CHRISTOPHER L. OGDEN, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner InductEV, Inc. (“InductEV”) filed a Petition (Paper 2, “Pet.”) under 35 U.S.C. §§ 311–319 requesting *inter partes* review (“IPR”) of claims 1–13 and 16 of U.S. Patent No. 10,027,184 B2 (Ex. 1001, “the ’184 patent”). Patent Owner WiTricity Corporation (“WiTricity”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”). With our authorization, InductEV also filed a Preliminary Reply (Paper 9, Prelim. Reply”) and WiTricity filed a Preliminary Sur-reply (Paper 11, “Prelim. Sur-reply”).

Under the authority delegated to us by the Director of the USPTO under 37 C.F.R. § 42.4(a), we may institute an *inter partes* review when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see also* 37 C.F.R. § 42.108(c). Applying that standard, we institute an *inter partes* review of all the challenged claims of the ’184 patent for the reasons explained below. This is a preliminary decision, and we will base our final written decision on the full trial record.

II. BACKGROUND

A. THE ’184 PATENT (EX. 1001)

The ’184 patent describes “[a] wireless energy transfer system” that “includes a foreign object debris detection system.” Ex. 1001, code (57). The patent notes that in prior-art systems of wireless energy transfer “that rely on an oscillating magnetic field between two coupled resonators,” any “[m]etallic objects and/or other objects inserted between the resonators may

interact with the magnetic field of the wireless power transfer system in a way that causes the metallic and/or other objects to perturb the wireless energy transfer and/or to heat up substantially.” *Id.* at 1:45–49. This could “block or reduce the magnetic fields used for energy transfer, or may create a fire . . . or burning hazard.” *Id.* at 2:3–5.

The ’184 patent proposes to detect such foreign object debris using sensors, including magnetic field sensors. Ex. 1001, 7:66–8:4. These are used for “measuring small changes in the magnetic field in the proximity of the [foreign object debris] objects.” *Id.* at 5:28–29. For example, “two small wire loops . . . may be placed on or near the resonators used for wireless energy transfer,” and “[e]ach individual loop develops a voltage proportional to the amount of magnetic flux threading the inside of each loop.” *Id.* at 5:39–47. Foreign object debris can be detected by measuring the difference between the voltages developed in each loop. *See id.* at 5:47–63.

B. CHALLENGED CLAIMS AND GROUNDS

Independent claim 1 is as follows:

- 1[pre] 1. A wireless energy transfer system with foreign object debris detection, the system comprising:
- 1[a] a wireless energy transfer source comprising a source resonator configured to generate an oscillating magnetic field; and
- 1[b] a foreign object debris detection system comprising:
- 1[c] at least one magnetic field sensor; and
- 1[d] at least one readout circuit configured to measure one or more electrical parameters of at the at least one magnetic field sensor,

- 1[e] wherein the at least one magnetic field sensor is positioned within the magnetic field of the wireless energy transfer system; and
- 1[f] wherein the foreign object debris detection system is configured to verify that foreign object debris has not moved onto or over the source resonator during generation of the oscillating magnetic field.

Ex. 1001, 12:10–26 (InductEV’s reference numbers added).

InductEV argues four grounds for *inter partes* review, as summarized in the following table (*see* Pet. 2):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 8, 11	103(a) ¹	Fells, ²
2–7, 9, 10, 16	103(a)	Fells, Cook, ³
12	103(a)	Fells, Ono ⁴
13	103(a)	Fells, Cook, Wang ⁵

C. DECLARATORY TESTIMONY

InductEV submits a declaration by Dr. Mark Allen. Ex. 1003. At this stage, WiTricity does not submit declaratory testimony addressing the merits of the Petition.

¹ 35 U.S.C. § 103(a) (2006), *amended by* Leahy–Smith America Invents Act (“AIA”), Pub. L. No. 112-29 § 103, sec. (n)(1), 125 Stat. 284, 287, 293 (2011) (effective Mar. 16, 2013). InductEV applies the pre-AIA version of the statute. *See* Pet. 7, 32, 60, 64 (asserting that references are prior art under pre-AIA § 102 for use in §103(a)).

² Fells et al., US 2010/0084918 A1, published Apr. 8, 2010 (Ex. 1005).

³ Cook et al., US 2009/0299918 A1, published Dec. 3, 2009 (Ex. 1006).

⁴ Ono et al., US 6,075,433, issued June 13, 2000 (Ex. 1007).

⁵ Chwei-Sen Wang, Design Considerations for Inductively Coupled Power Transfer Systems (2004) (Ph.D. thesis, University of Auckland) (Ex. 1008).

D. RELATED PROCEEDINGS

As a related matter, the parties identify *WiTricity Corp. v. InductEV, Inc.*, No. 23-cv-01099 (E.D. Penn. filed Mar. 21, 2023); *transferred*, No. 24-cv-00406 (D. Del. Apr. 1, 2024). Pet. 72; Paper 4, 1.

III. DISCRETIONARY DENIAL UNDER 35 U.S.C. § 325(d)

WiTricity’s sole argument at the preliminary stage is that we should exercise discretion to deny institution under 35 U.S.C. § 325(d) because, according to WiTricity, the Petition argues the same or substantially the same prior art previously presented to the Office. *See* Prelim. Resp.; Prelim. Sur-reply. For the reasons stated below, we decline to exercise discretion to deny institution on this basis.

Section 325(d) provides that, “[i]n determining whether to institute or order [an *inter partes* review], the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.” In evaluating this question, we use a two-part framework, first determining “whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office.” *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential). If either condition of the first part of the framework is satisfied, then we determine, second, “whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.” *Id.*

The two-part *Advanced Bionics* framework involves weighing the following nonexclusive factors:

- (a) the similarities and material differences between the asserted art and the prior art involved during examination;
- (b) the cumulative nature of the asserted art and the prior art evaluated during examination;
- (c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection;
- (d) the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art;
- (e) whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art; and
- (f) the extent to which additional evidence and facts presented in the Petition warrant reconsideration of the prior art or arguments.

Becton, Dickinson & Co. v. B. Braun Melsungen AG, IPR2017-01586, Paper 8 at 17–18 (PTAB Dec. 15, 2017) (precedential as to § III.C.5, para. 1) (formatting altered); *see also Advanced Bionics*, Paper 6 at 9–11 (noting that the Board considers the *Becton, Dickinson* factors in an *Advanced Bionics* analysis).

During examination, the applicant submitted an information disclosure statement listing hundreds of references, including Fell and Cook, which the Examiner acknowledged having considered. Ex. 1002, 55–93, 152–92. Although the Examiner did not refer to either Fell or Cook in any office action, our precedent dictates that the first part of the *Advanced Bionics* framework is satisfied because these references were included in an information disclosure statement. *See Advanced Bionics*, Paper 6 at 7–8.

As to the second part of the *Advanced Bionics* framework, InductEV argues that, although the applicant cited Fells and Cook in a 900-reference information disclosure statement, the Examiner erred by overlooking and remaining silent about those references in its analysis. *See* Pet. 71 (arguing that prior Board decisions have held it is error for an examiner to “overlook relevant teachings in a prior-art reference” (citing *Volkswagen Grp. of Am., Inc. v. Mich. Motor Techs. LLC*, IPR2020-00452, Paper 12 at 32–33 (Sept. 9, 2020))).

WiTricity contends that it is not enough for InductEV to “simply assert[] that the Office did not specifically discuss Fells and Cook,” and that InductEV must “make specific allegations that the Examiner overlooked relevant teachings in either Fells or Cook” more than just showing why the claims are allegedly unpatentable as obvious over those references. Prelim. Resp. 12–14 (citing *Microsoft Corp. v. ThroughPuter, Inc.*, IPR2022-00757, Paper 10 at 21 (PTAB Nov. 1, 2022); *Google LLC v. Valtrus Innovations Ltd.*, IPR2022-01197, Paper 9 at 23 (PTAB Jan. 3, 2023); *Eyenovia, Inc. v. Sydnexis*, IPR2022-00963, Paper 7 at 19 (PTAB Nov. 8, 2022); *Ivantis, Inc. v. Sight Sciences, Inc.*, IPR2022-01533, Paper 14, at 19 (PTAB Mar. 27, 2023)); *see also* Prelim. Sur-reply (essentially reiterating these arguments).

In its Preliminary Reply, InductEV argues that under the present circumstances, where the record of the Office’s consideration of Fells and Cook is undeveloped, it is enough for InductEV to show that “the art renders the claims obvious for the reasons explained in the Petition.” Prelim. Reply 1 (citing *Advanced Bionics*, Paper 6 ad 8–9 n.9). InductEV then argues that the Examiner erred, among other things, in allowing independent claim 1 based on the mistaken premise that the prior art of record did not disclose

limitations 1[b], 1[c], and 1[d], whereas InductEV showed in the Petition that Fells discloses these limitations. *See* Prelim. Reply 2 (citing Ex. 1002, 247; Ex. 1005 ¶¶ 191, 289–290, Fig. 40).

According to our precedent, “if the record of the Office’s previous consideration of the art is not well developed or silent, then a petitioner may show the Office erred by overlooking something persuasive under [Becton, Dickinson] factors (e) and (f).” *Advanced Bionics*, Paper 6 at 10; *see also Keysight Techs., Inc. v. Centripetal Networks, Inc.*, IPR2022-01421, Paper 14 (PTAB Aug. 24, 2023) (vacating a Board decision denying institution where the examiner considered references but never provided any discussion, analysis, or other findings, and the petition provided a sufficient argument on the merits, which the examiner misapprehended or overlooked). Here, in evaluating *Becton, Dickinson* factor (c), we determine that the Examiner’s reasoning with respect to Fells and Cook is not well developed and neither reference was the basis for a rejection. We also determine, for reasons we discuss more fully below, that InductEV has shown that the Examiner materially erred by overlooking at least the teachings of Fell as applied to claim 1 (*Becton, Dickinson* factor (e)), and that the Petition presents additional evidence and facts, including testimony by Dr. Allen, that warrant reconsideration of Fells (*Becton, Dickinson* factor (f)). *See infra* Section IV.C. Thus, we decline to deny institution discretionarily under § 325(d).

IV. GROUNDS OF THE PETITION

For the reasons below, we determine that InductEV has demonstrated a reasonable likelihood that it would prevail in showing that at least one of

the challenged claims of the '184 patent is unpatentable under a ground of the Petition.

A. LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the pertinent art at the time of the invention is a factor in how we construe patent claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). It is also one of the factors we consider when determining whether a patent claim is obvious over the prior art. *See Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966).

To assess the level of ordinary skill, we construct a hypothetical “person of ordinary skill in the art,” from whose vantage point we assess obviousness and claim interpretation. *See In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). This legal construct “presumes that all prior art references in the field of the invention are available to this hypothetical skilled artisan.” *Id.* (citing *In re Carlson*, 983 F.2d 1032, 1038 (Fed. Cir. 1993)).

InductEV argues that a person of ordinary skill in the art “would have had . . . a bachelor’s degree in electrical engineering, microelectronics, or equivalent, and . . . two to three years of industry or research experience,” and “a higher level of education or skill might make up for less experience, and vice-versa.” Pet. 6 (citing Ex. 1003 ¶¶ 39–44). WiTricity does not presently contest this. *See Prelim. Resp.*

InductEV’s proposed articulation is supported by testimonial evidence, and appears consistent with the types of problems and solutions in the '184 patent. *See Ex. 1001*, 1:15–2:53. Thus, we adopt the above articulation of the level of ordinary skill for this decision.

B. CLAIM CONSTRUCTION

In an *inter partes* review, we construe a patent claim “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). This generally includes “construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” *Id.* The ordinary and customary meaning of a claim term “is its meaning to the ordinary artisan after reading the entire patent,” and “as of the effective filing date of the patent application.” *Phillips*, 415 F.3d at 1313, 1321.

Neither party argues that we should construe any particular claim terms. Pet. 6 (citing Ex. 1003 ¶¶ 62–63); Prelim. Resp. 5–6.

We agree that, for this decision, we do not need to construe any of the terms explicitly. *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))). We discuss the claim terms below in the context of the prior art.

C. ALLEGED OBVIOUSNESS OF CLAIM 1 OVER FELLS

InductEV argues that claim 1 is unpatentable under § 103(a) as obvious over Fells. Pet. 2, 6–30.⁶

⁶ The ground based on Fells also includes dependent claims 8 and 11, which we do not specifically address in this decision. *See infra* Section IV.D.

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). When a ground in a petition is based on a combination of references, we consider “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

We base our obviousness inquiry on factual considerations 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) any objective indicia of obviousness or non-obviousness that may be in evidence. *See Graham*, 383 U.S. at 17–18.

Considering these factors,⁷ we determine that InductEV has shown a reasonable likelihood that claim 1 would have been obvious over Fells, for the reasons explained below.

1. Overview of Fells

Fells describes measures for “reducing power consumption in a wireless power supply,” which includes “detecting the presence of an object within proximity of a primary unit.” Ex. 1005 ¶¶ 7–8. As background, Fells discusses wireless power units that “have a standby mode,” and a unit may

⁷ Neither party argues at this stage that there are objective indicia of obviousness or non-obviousness, so this factor is not part of our analysis.

come out of the standby mode if it “detects a valid device that is requesting power and determines that there are no foreign objects that would get hot or hinder power transfer in the vicinity.” *Id.* ¶ 2. The disclosed system detects foreign objects by a sense circuit, and delivers power via a primary coil to a portable device. *Id.* ¶ 191.

Figure 2, reproduced below, depicts an embodiment of this power supply:

Fig. 2

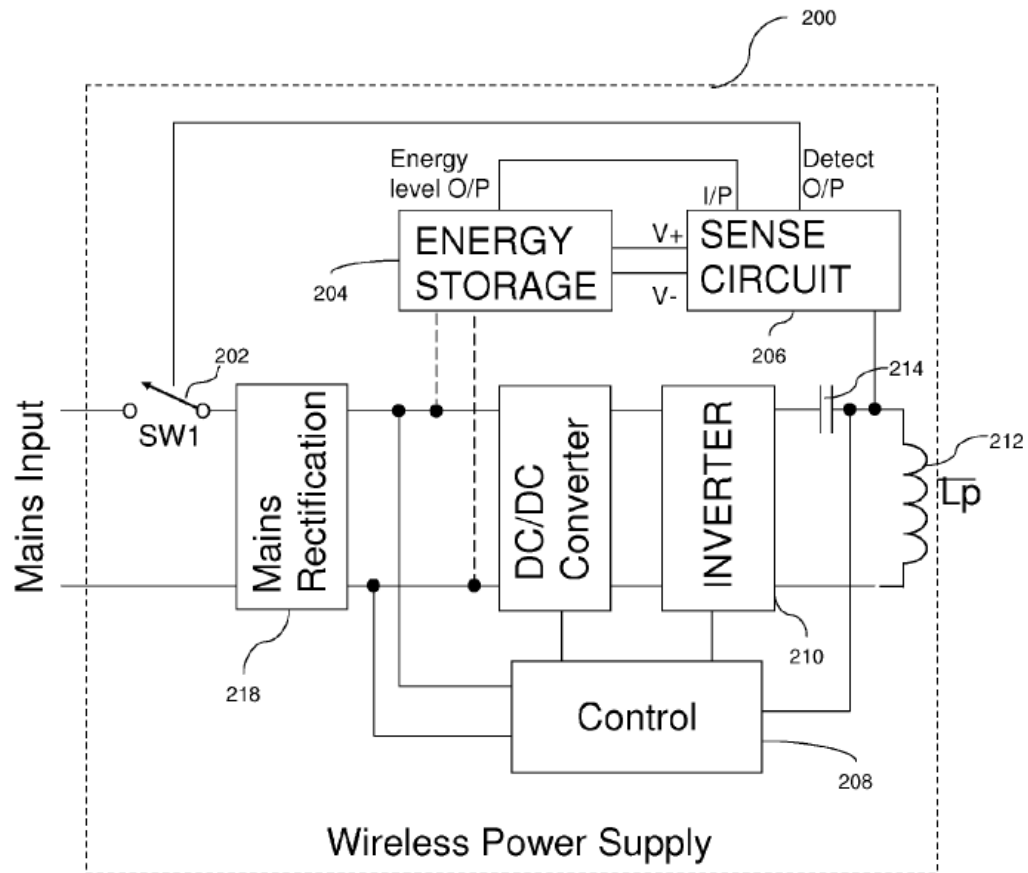


Figure 2 depicts power supply 200, which includes Mains Rectifier 218, DC/DC Converter 216, Inverter 210, capacitor 214, primary coil 212, control unit 208, switch 202 (“SW1”), Energy Storage 204 unit, and Sense Circuit 206. Ex. 1005 ¶ 191. “Sense Circuit 206 detects when an object is placed in (or removed from) the proximity of the Wireless power supply

200,” and if that occurs, “then SW1 202 is closed allowing the circuits in the wireless power supply 200 to receive power.” *Id.* Then, “[i]f there is a valid device requiring power and no foreign objects present, then the control unit 208 will activate the Inverter 210 to supply current to the tank circuit, which includes the primary coil 212 and capacitor 214, to deliver power to the portable device (not shown).” *Id.*

2. *Preamble*

The preamble of claim 1 recites “[a] wireless energy transfer system with foreign object debris detection.” Ex. 1001, 12:10–11.

InductEV argues that, that to the extent the preamble is limiting, Fells discloses the recited wireless energy transfer system, and that the system includes facilities to detect foreign object debris. Pet. 8–9 (citing Ex. 1005 ¶ 191, Fig. 2; Ex. 1003 ¶¶ 66–71, 96–101).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

At this stage, we agree with InductEV that Fells discloses the preamble, for the reasons provided in the Petition; thus, we need not decide whether the preamble is limiting. *See* Ex. 1005 ¶ 191, Fig. 2.

3. *Limitation 1[a]*

Limitation 1[a] recites a system that comprises, in part, “a wireless energy transfer source comprising a source resonator configured to generate an oscillating magnetic field.” Ex. 1001, 12:12–14.

InductEV argues that the recited “wireless energy transfer source” corresponds to wireless power supply 200, and the recited “source resonator” corresponds to the circuit comprising capacitor 214, primary coil

212, which form a “tank circuit.” Pet. 10–11 & n.4 (citing Ex. 1005 ¶¶ 191, 190, 198–200, 206, 273, Fig. 2; Ex. 1003 ¶¶ 103–108; Ex. 1023, 2101; Ex. 1026; Ex. 1015, 17:66–18:4; Ex. 1014, 2:51–63, 18:18–35).

InductEV also argues that this alleged source resonator generates an oscillating magnetic field, which is how wireless power supply 200 provides power to a portable device. Pet. 12–13 (citing Ex. 1005 ¶¶ 108, 189–192, 195, 248, 295, Fig. 2; Ex. 1003 ¶¶ 109–111; Ex. 1026, 391; Ex. 1024, 186; Ex. 1001, 1:36–41).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[a], for the reasons outlined in the Petition.

4. Limitation 1[b]

Limitation 1[b] recites a system comprising, in part, “a foreign object debris detection system.” Ex. 1001, 12:15.

InductEV argues that Fells discloses a foreign object debris detection system including sense circuit 206, control element 208, and related circuitry. Pet. 13–14 (citing Ex. 1005 ¶¶ 191–195, Fig. 2; Ex. 1003 ¶¶ 113–115).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[b], for the reasons outlined in the Petition.

5. *Limitation 1[c]*

Limitation 1[c] recites “at least one magnetic field sensor” as part of the recited foreign object debris detection system. Ex. 1001, 12:16.

InductEV argues that, according to Fells, sense circuit 206 can act as a proximity sensor, and can take the form of a Hall effect sensor or an inductive proximity sensor, both of which are magnetic field sensors. Pet. 14–17 (citing Ex. 1005 ¶¶ 182, 288–291, Fig. 40, claim 11; Ex. 1001, 2:20–42; Ex. 1018, 219; Ex. 1022, 973, 979–80; Ex. 1024, 186; Ex. 1027, 215; Ex. 1003 ¶¶ 116–121).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[c], for the reasons outlined in the Petition.

6. *Limitation 1[d]*

Limitation 1[d] recites “at least one readout circuit configured to measure one or more electrical parameters of at the at least one magnetic field sensor” as part of the recited foreign object debris detection system. Ex. 1001, 12:17–19.

InductEV argues that, in Fells, if the sense circuit is a Hall effect sensor, the system reads a change in voltage, and if the sense circuit is an inductive proximity sensor, the system reads a change in inductance, and that either voltage or inductance is an electrical parameter as recited. Pet. 17–20 (citing Ex. 1005 ¶¶ 182, 191, 193, 197–202, 257–259, 263, 288–289, Fig. 40, claims 11, 56; Ex. 1001, 2:31–53; Ex. 1003 ¶¶ 122–129). Alternatively, InductEV argues that it would have been obvious to

implement Fells’s “proximity detector” using an amplifier as a readout circuit to measure either the voltage of the Hall effect sensor or the inductance of the inductive proximity sensor, because Fells teaches that using amplifiers in sense circuit 206 can result in greater sensitivity. Pet. 19–20 (citing Ex. 1005 ¶¶ 11, 191, 197–202, 257–259, 263, 266, 288–290, Figs. 4–6; Ex. 1003 ¶¶ 127–129).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[d], for the reasons outlined in the Petition.

7. *Limitation 1[e]*

Limitation 1[e] recites a system wherein “the at least one magnetic field sensor is positioned within the magnetic field of the wireless energy transfer system.” Ex. 1001, 12:21–22.

InductEV argues that a person of ordinary skill in the art would have understood that the proximity detector or (sense circuit 206) in Fells must be within the magnetic field of the wireless energy transfer system because this is how the Hall effect would provide a change in voltage, or the inductive proximity sensor would provide a change in inductance. Pet. 20–21 (citing Ex. 1005 ¶¶ 289; Ex. 1023 (definition of “Hall effect”); Ex. 1003 ¶¶ 130–135). InductEV also argues that in the figures of Fells, sense circuit 206 and its equivalent “proximity detector” circuit are depicted near primary coil Lp 212. Pet. 21–22 (citing Ex. 1005, Figs. 2, 40; Ex. 1003 ¶ 132). Also, according to InductEV, a person of ordinary skill in the art would have understood that unless the sense circuit is within the magnetic field of the wireless power supply, it would not be able to accomplish the stated purpose

of detecting a foreign object in the vicinity of the wireless power supply.
Pet. 22–23 (citing Ex. 1005 ¶¶ 2, 288; Ex. 1003 ¶¶ 131–133, 135).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[e], for the reasons outlined in the Petition.

8. *Limitation 1[f]*

Limitation 1[f] recites a system wherein “the foreign object debris detection system is configured to verify that foreign object debris has not moved onto or over the source resonator during generation of the oscillating magnetic field.” Ex. 1001, 12:23–26.

InductEV argues that in Fells’s system, there is a loop in which sense circuit 206 continuously checks to see if there are foreign objects present, and only allows power transfer to continue if there is no such foreign object in the vicinity. Pet. 23–27 (citing Ex. 1005 ¶¶ 160–161, 167, 182, 191–195, 248–253, 262–263, Figs. 18–19, 25; Ex. 1003 ¶¶ 136–150). InductEV also argues that a reference incorporated into Fells teaches repeatedly checking for foreign objects during power generation, so applying this to Fells would have been the application of a known technique to gain a predictable improvement by reducing system interference while charging, due to the presence of foreign objects. Pet. 27–30 (citing Ex. 1016, 2:18–20, Fig. 8; Ex. 1005 ¶¶ 2, 189, 192, 248–252, 262–263, Figs. 18–19, 25; Ex. 1003 ¶¶ 144–150).

WiTricity does not specifically contest InductEV’s arguments. *See* Prelim. Resp.

We determine that InductEV has sufficiently shown, at this stage, that Fells discloses limitation 1[f], for the reasons outlined in the Petition.

9. *Conclusion as to claim 1.*

For the above reasons, we determine that InductEV has shown, sufficiently at this stage, that Fells discloses or teaches all the limitations of claim 1, and that a person of ordinary skill in the art would have had reason to combine the features described in Fells in the manner recited in claim 1. We therefore determine that InductEV is reasonably likely to prevail in showing that claim 1 is unpatentable under § 103(a) as obvious over Fells.

D. OTHER CLAIMS AND GROUNDS

Because InductEV has shown a reasonable likelihood of prevailing with respect to claim 1 as discussed above, we will institute on all claims and all grounds raised in the Petition. *See SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018). At this stage, we need not address the other arguments in InductEV’s Petition.

V. CONCLUSION

For the reasons above, InductEV has shown that there is a reasonable likelihood it would prevail with respect to at least one of the claims challenged in the Petition, and we institute trial on all asserted grounds and all challenged claims. *See* 37 C.F.R. § 42.108(a).

VI. ORDER

It is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–13 and 16 of the '184 patent is instituted with respect to all the grounds set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, *inter partes* review of the '184 patent commences on the entry date of this Order, and the Board hereby gives notice of the institution of a trial.

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Patent 10,027,184 B2

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