

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

NETWORK SYSTEM TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-00339
Patent 8,086,800 B2

Before CHARLES J. BOUDREAU, JOHN R. KENNY, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Samsung Electronics Co., Ltd. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1, 2, 4, 6, 8–13, and 18–21 of U.S. Patent No. 8,086,800 (Ex. 1001, the “’800 patent,” “challenged patent”) pursuant to 35 U.S.C. § 311 *et seq.* Paper 2 (“Pet.”). Network System Technologies, LLC (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”). With our authorization, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 7, “Prelim. Reply”), and Patent Owner filed a Preliminary Sur-reply (Paper 8, “Prelim. Sur-reply”).

After the Petition was filed, Patent Owner initially disclaimed claims 1, 2, 4, 5, 8–11, 13, and 18–21. Ex. 2055. Patent Owner subsequently disclaimed claim 6 as well. Ex. 2062. As a result, all challenged claims except claim 12 have now been disclaimed. Because we do not institute *inter partes* review based on disclaimed claims (37 C.F.R § 42.107(e)), we analyze only the parties’ arguments and evidence regarding the challenges to claim 12 to determine whether to institute *inter partes* review.

The Petition, to justify institution of review, must demonstrate a reasonable likelihood that Petitioner would prevail with respect to claim 12. *See* 35 U.S.C. § 314(a) (2018). After considering the Petition, the Preliminary Response, the Preliminary Reply, the Preliminary Sur-reply, and the evidence of record, we determine that the Petition has not met this standard and do not institute *inter partes* review.

A. Related Matters

The parties identify the following related district court litigations (“related litigations”):

Network System Technologies, LLC v. Samsung Electronics Co., 2:22-cv-00481 (E.D. Tex.) (“Samsung litigation”);

Network System Technologies, LLC v. Qualcomm Inc., 1:22-cv-01331 (W.D. Tex.);

Network System Technologies, LLC v. Texas Instruments Inc., 2:22-cv-00482 (E.D. Tex.) (“TI litigation”);

Network System Technologies, LLC v. Lenovo Group Ltd., 2:23-cv-00167 (E.D. Tex.);

Network System Technologies, LLC v. Ford Motor Co., 2:23-cv-00440 (E.D. Tex.); and

Network System Technologies, LLC v. OnePlus Technology (Shenzhen) Co., 2:23-cv-00520 (E.D. Tex.).

Pet. 78; Paper 5, 2.

The parties identify the following related IPRs:

IPR2024-00338;

IPR2024-00343; and

IPR2024-00355.

Paper 4, 3.

B. Challenged Patent

The ’800 patent “relates to an integrated circuit having a plurality of processing modules and an interconnect means for coupling said plurality of processing, a method for buffering and a data processing system.” Ex. 1001, 1:7–10. In particular, the patent relates “to systems on chip, i.e. a plurality of modules on the same chip (including e.g. system in a package, multi-die modules) or on different chips, communicate with each other via some kind of interconnect.” *Id.* at 5:7–10. The patent is titled “Integrated Circuit and Method for Buffering to Optimize Burst Length in Networks on Chips.” *Id.* at code (54).

Figure 2 of the '800 patent is below:

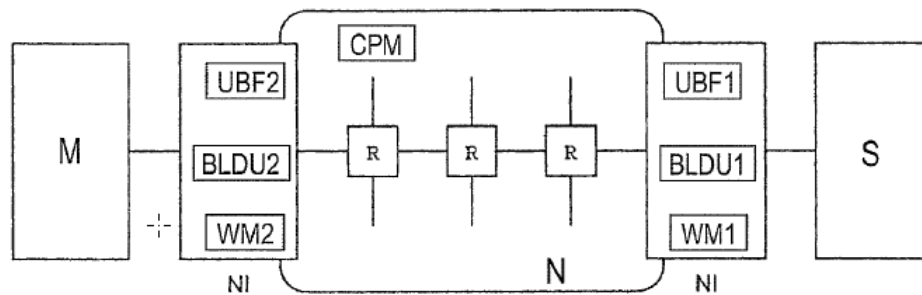


FIG.2

Figure 2 shows a schematic representation of a network on a chip. Ex. 1001, 6:7–8. This figure depicts a network N with routers R, network interfaces, “a master module M[,] and a slave module S.” *Id.* at 5:36–50, 6:8–10. “[A] first wrapper means WM1 is arranged in the network interface NI associated to the slave S and a second wrapper means WM2 is arranged in the network interface NI associated to the master M.” *Id.* at 6:11–14. “[T]he wrapper means WM1, WM2 serve to buffer data to be sent over the network N until the conditions for an optimal transfer are satisfied.” *Id.* at 6:15–17.

C. Challenged Claim

Claim 12 reads:

12. [12.pre]¹ An integrated circuit comprising:

¹For ease of reference, we include bracketed designations for the preamble recitations and limitations of claim 12 that are similar to those provided in the Petition.

[12.a] a plurality of processing modules including a first processing module having a first processing memory and a second processing module having a second processing memory;

[12.b] a plurality of interconnect modules including a first interconnect module and a second interconnect module, wherein the first processing module is connected to the first interconnect module and the second processing module is connected to the second interconnect module; and

[12.c] a network for connecting the first interconnect module to the second interconnect module in order to provide a communication connection between the first processing module and the second processing module, wherein the first interconnect module is connected between the first processing module and the network, and wherein the second interconnect module is connected between the second processing module and the network;

[12.d] [i] wherein the first interconnect module includes a first memory for buffering first data from the first processing module, [ii] the first interconnect module further including a first determination unit, [iii] wherein the first determination unit is configured to determine a first optimal amount of data to be buffered by the first memory, and [iv] the second interconnect module includes a second memory for buffering second data from the second processing module, the second interconnect module further including a second determination unit, wherein the second determination unit is configured to determine a second optimal amount of data to be buffered by the second memory, [12.e] the first interconnect module transferring the first data to the second processing module when the first data buffered in the first memory reaches the first optimal amount, and the second interconnect module transferring the second data to the first processing module when the second data buffered in the second memory reaches the second optimal amount

[12.f] wherein at least one of the first determination unit and the second determination unit is further configured to determine an optimal moment for sending the data in said first wrapper or said second wrapper according to communication

properties of the communication between the master and the slave, [12.g] wherein the communication properties include ordering of data transport, flow control including when a remote buffer is reserved for a connection, then a data producer will be allowed to send data only when it is guaranteed that space is available for the produced data at the remote buffer, throughput where a lower bound on throughput is guaranteed, latency where an upper bound for latency is guaranteed, lossiness including dropping of data, transmission termination, transaction completion, data correctness, priority, and data delivery.

Ex. 1001, 11:44–12:32.

D. Asserted Challenges to Patentability and Prior Art

Petitioner challenges claim 12 based on the grounds in the table below.

Ground	Non-Disclaimed Claim Challenged	35 U.S.C. § ²	Reference(s)
1	12	103	Rădulescu, ³ Bahadiroglu ⁴
2	12	103	Rădulescu, Petersen ⁵
3	12	103	Rădulescu, Bahadiroglu, Rădulescu-WO ⁶
4	12	103	Rădulescu, Petersen, Rădulescu-WO

² The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103, effective March 16, 2013. Because the ’800 patent issued from an application filed before that date, we refer to the pre-AIA version of § 103.

³ A. Rădulescu, et al. “*An Efficient On-Chip Network Interface Offering Guaranteed Services, Shared-Memory Abstraction, and Flexible Network Configuration*,” Proceedings of the Design, Automation and Test in Europe Conference and Exhibition, 2004 (Ex. 1005).

⁴ U.S. Patent Publication No. 2002/0186660 A1 (Ex. 1006).

⁵ U.S. Patent 5,434,872 (Ex. 1007).

⁶ International Patent Publication No. WO 2004/034176 A2 (Ex. 1008).

Pet. 4–5.

Petitioner submits a declaration with proffered expert testimony from Dr. Todd Mowry (Ex. 1002). Patent Owner submits a declaration with proffered expert testimony from Dr. Erik Chmelar (Ex. 2001).

E. Level of Skill in the Art

Petitioner argues that at the time of the alleged invention an ordinarily skilled artisan would have had at least a Bachelor’s degree in computer science, electrical engineering, computer engineering, or an equivalent technical degree, and two or more years of experience with system-on-chip, interconnect, or networking technologies. Pet. 8. Patent Owner does not address the level of ordinary skill in the art. *See generally* Prelim. Resp. After reviewing the record, we adopt Petitioner’s definition for the level of skill in the art.

F. Optimal Moment Limitation

As mentioned above, claim 12 is the only challenged claim that has not been disclaimed by Patent Owner. Therefore, our analysis in Sections II and III below is directed to claim 12 and, in particular, the following recitation in limitation 12.f: “configured to determine an optimal moment for sending the data in said first wrapper or said second wrapper” (“optimal moment recitation” or “optimal moment limitation”).

II. CLAIM CONSTRUCTION AND THE DISTRICT COURT’S
DETERMINATION OF INDEFINITENESS

Neither party requests that we construe the optimal moment limitation. Pet. 8–9; Prelim. Resp. 25–28. Further, we see no need to construe this limitation *sua sponte*. *Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019). For background, however, we address the claim

construction positions that the parties have taken in the related litigations regarding this limitation and the resulting district court rulings.

In the Samsung litigation, for the optimal moment limitation, Petitioner and Patent Owner took the following claim construction positions:

Limitation	Petitioner's Proposed Construction	Patent Owner's Proposed Construction
"optimal moment for sending the data"	Indefinite	Plain and ordinary meaning

Ex. 2033, 15.

In the TI litigation, Patent Owner took the same claim construction position, and the defendants in that litigation took the same position as Petitioner did in the Samsung litigation. Ex. 2022, 55. In the TI litigation, the district court ruled in favor of the defendants and held the optimal moment limitation to be indefinite. *Id.* at 57. Further, in the Samsung litigation, the district court adopted the constructions and analyses of the district court in the TI litigation for the optimal moment limitation. Paper 12; Ex. 2063, 2. Thus, the district court in the Samsung litigation also held the optimal moment limitation to be indefinite. Paper 12; Ex. 2063, 2; Ex. 2022, 57. The parties have not informed us of any claim construction rulings for the optimal moment limitation in any other related litigation.

Patent Owner argues that we should deny institution because (i) Petitioner did not construe the optimal moment limitation in the Petition, and (ii) the district court held claim 12 to be indefinite. Prelim. Resp. 10–13, 25–28. Petitioner argues otherwise. Prelim. Reply 3–7. We do not need to resolve these disputes between the parties, however, because, as set forth in

Section III below, we determine that Petitioner has not established a reasonable likelihood of prevailing on any asserted ground.

III. ANALYSIS OF ASSERTED GROUNDS

A. Ground 1: Asserted Obviousness over Rădulescu and Bahadiroglu

Petitioner argues that claim 12 would have been obvious over Rădulescu and Bahadiroglu. Pet. 4. Regarding the optimal moment recitation in limitation 12.f, Petitioner argues that Rădulescu discloses limitation 12.f and Rădulescu in view of Bahadiroglu renders limitation 12.f obvious “at least as [this limitation] has been interpreted by [Patent Owner].” Pet. 28.

1. Rădulescu

Rădulescu discloses “a network interface for an on-chip network”—the *Æthereal* NoC [network on a chip]—that “is intended for systems on chip (SoC).” Ex. 1005, 1. Communication over the NoC “is performed using a transaction-based protocol, where master IP modules issue *request messages* . . . that are executed by the addressed slave modules, which may respond with a *response message*.” *Id.*

Rădulescu discloses a scheduler to arbitrate between multiple channels that require data transmission. Ex. 1005, 3. The scheduler checks if the current slot is reserved for a GT (guaranteed time) channel. *Id.* “If the slot is reserved, i[f] the GT channel has data which can be transmitted, and if there is space in the channel’s destination buffer, then the channel is granted data transmission.” *Id.* Rădulescu further discloses:

To optimize the NoC utilization, it is preferable to send longer packets. To achieve this, we implemented a configurable threshold mechanism, which skips a channel as long as the sendable data is below the threshold. This is applicable for both BE [best effort] and GT channels. To prevent starvation at

user/application level (e.g., due to write data being buffered indefinitely on which the IP module waits for an acknowledge), we also provide a flush signal for each channel (and a bit in the message header) to temporarily override the threshold.

Id. at 4.

2. Bahadiroglu

Bahadiroglu discloses “[a]n adaptive packet mechanism and method for optimizing data packet transmission through a network connection between a sending node and a receiving node.” Ex. 1006, code (57). Bahadiroglu further discloses “[c]urrent network conditions in the connection are periodically determined wherein the network conditions pertain to the latency and jitter of packet transmission between the sending node and receiving node.” *Id.* “The measurements of latency and jitter are used to determine an optimum packet size and an optimum inter-packet interval for transmission of packet data between the sending node and the receiving node and are used in the transmission of data packets from the sending node to the receiving node.” *Id.* “Network conditions may be determined by transmission of monitor or data packets and may be determined at either or both of the sending or receiving nodes and the optimum packet size and interpacket interval are determined by a fuzzy logic analyzer, a neural network analyzer or a combined fuzzy logic/neural network analyzer.” *Id.*

3. Asserted Disclosure by Rădulescu

Petitioner argues that Rădulescu discloses limitation 12.f. Pet. 28. Petitioner argues that Rădulescu’s schedulers (i.e., first and second determination units) are configured to determine the moment at which data in the source queues is transmitted based on communication properties of the communication between “B (master)” module and “A (slave)” module. *Id.*

Petitioner asserts that, for example, Rădulescu describes that the schedulers determine the moment of transmission for data with “time guarantees (GT)” based on whether “the current slot is reserved for a GT channel”—reflecting the “throughput” property as well as (indirectly) the “latency” property—and “there is space in the channel’s destination buffer”—reflecting the “flow control” property. *Id.* Petitioner argues that, as another example, if those prior conditions are not satisfied, Rădulescu states that its schedulers transmit data on a best effort channel when there is “data and remote space using some arbitration scheme: e.g., round-robin, weighted round robin, or based on the queue filling,” reflecting at least the flow control property. *Id.* at 28–29. Petitioner asserts that these disclosures are consistent with the word “scheduler” itself, which implies that the scheduler determines the moment for sending data. *Id.*

Petitioner argues that Patent Owner has asserted that a transmission moment “is an optimal moment for sending data according to communication properties of the communication between the master B and the slave A.” Pet. 29. Petitioner, however, does not necessarily accept this argument by Patent Owner: “[w]hile Petitioner believes the claimed ‘optimal moment’ is indefinite because the scope of what is ‘optimal’ is subjective, PO disagrees and has represented in litigation that this term would have been understood ‘to be the “transmission moment” (i.e., the moment in which data [is] transmitted), where the moment is based on the recited connection properties, including at least throughput.’” *Id.* at 29 n. 4 (alteration by Petitioner) (citing Ex. 1020, 33).

Patent Owner argues that Rădulescu does not teach sending data at an optimal time. Prelim. Resp. 51. Patent Owner asserts that Rădulescu teaches

that a channel is eligible for scheduling when a threshold is exceeded, not that the data is actually sent at that moment. *Id.*

We determine that Petitioner has not made a sufficient showing regarding Rădulescu’s alleged disclosure of the optimal moment limitation. Petitioner’s showing is based on a premise that Petitioner does not support: that the optimal transmission moment is “the ‘transmission moment’ (i.e., the moment in which data [is] transmitted), where the moment is based on the recited connection properties, including at least throughput.” Pet. 29 n. 4; *see also id.* at 28–30. Petitioner provides no argument or evidence to support that premise, other than asserting that Patent Owner made such an argument to the district court. *Id.* In context, Patent Owner made that argument to support its assertion that the optimal moment limitation was definite. Ex. 1020, 32–33. The district court, however, ruled against Patent Owner on that issue. Ex. 2022, 55; Paper 12; Ex. 2063, 2. Thus, the premise upon which Petitioner’s showing is based is one that no party has provided any evidence or argument in this proceeding to support and was rejected by the district court. Under the circumstances, we have no reason to accept this unsupported premise, and thus, have no reason to find Petitioner’s showing regarding Rădulescu’s alleged disclosure of the optimal moment limitation to be sufficient.

4. Asserted Obviousness over Rădulescu and Bahadiroglu

Petitioner argues that Rădulescu in view of Bahadiroglu renders limitation 12.f obvious. Pet. 30. Petitioner asserts that Bahadiroglu describes using its adaptive packet mechanism to determine an optimal moment for sending packetized data based on network conditions or communication properties. *Id.* Further, Petitioner argues that “Bahadiroglu describes that its

adaptive packet mechanism “‘optimiz[es] data packet transmission through a connection’ by using ‘current network conditions in the connection’ to ‘determine . . . an optimum inter-packet interval for transmission of packet data’ between the sending and receiving nodes.” *Id.* (alterations in original). Petitioner further asserts that Bahadiroglu “describes determining ‘the optimum inter-packet interval’ based on ‘the amount and type of data to be transmitted’ and ‘network conditions’ that include latency, jitter, available bandwidth, and traffic conditions.” *Id.*

According to Petitioner, an ordinarily skilled artisan “would have understood that a determination of the ‘optimum inter-packet interval,’ as described by Bahadiroglu, is a determination of the ‘optimal moment for sending the data.’” Pet. 30. Petitioner argues that “[a]s Bahadiroglu explains, the ‘inter-packet interval’ is ‘the interval between packets that are transmitted consecutively through the connection,’ or the amount of time between packet transmissions.” *Id.* (citing Ex. 1006 ¶¶ 68, 107; also citing Ex. 1006 ¶ 69 with the description of “describing ‘inter-packet delay of 10 msec’ and ‘inter-packet delay of 20 ms’”). Petitioner contends that “[d]etermining the optimal amount of time between packet transmissions thus determines the optimal moment for sending the data of each subsequent packet.” *Id.* at 31.

In response, Patent Owner argues that an ordinarily skilled artisan would have recognized that there is a difference between an optimal moment and an optimal interval. Prelim. Resp. 53 (citing Ex. 2001 ¶ 112).

We determine that Petitioner has not sufficiently shown that the optimal moment limitation would have been obvious over Rădulescu and Bahadiroglu. First, Petitioner argues that the indefiniteness of the term

“optimal,” which Petitioner persuaded the district court in the Samsung litigation to find, does not affect an analysis of the asserted prior art for this ground and the other asserted grounds. Prelim. Reply 4–5. Petitioner, however, has not sufficiently explained why it does not. *Id.* Petitioner asserts that the indefiniteness of the term “optimal” is based on the uncertainty of its full scope and boundaries. *Id.* at 5. Further, Petitioner contends that whatever the scope of that indefinite term is, the optimal moment limitation is clearly disclosed in the prior art identified in the Petition. *Id.* Petitioner does not, however, sufficiently explain why that is the case.

In the Samsung litigation, Petitioner argued: “In [the TI litigation], the Court held that ‘optimal moment for sending data’ is ‘purely subjective’ and indefinite, and the Court should do the same here.” Ex. 2035, 31. Petitioner further argued that “this term is a quintessential term of degree and a determination as to when is the ‘optimal’ moment to send data is purely subjective and subject to personal judgments and experiences.” *Id.* Petitioner asserted: “Further, the intrinsic evidence fails to ‘provide objective boundaries for those of skill in the art’ to determine what constitutes such an ‘optimal moment.’” *Id.* Further, Petitioner argued: “Indeed, the Court in [the TI litigation] found that, [c]ompared to the term “optimal amount,” . . . the specification provides even less information,’ as the phrase ‘optimal moment’ does not even appear in the specification.” *Id.*

Petitioner succeeded with these arguments. Paper 12; Ex. 2063. The district court in the Samsung litigation accepted the holding of indefiniteness of the term from the TI litigation. Paper 12; Ex. 2063.

Here, despite successfully arguing that the term “optimal” in the optimal moment limitation is subjective (and repeating that assertion in its Petition), Petitioner provides no explanation of why Bahadiroglu’s use of that term would have a meaning falling within the scope of the subjective meaning for that term in claim 12. Pet. 28–31 & n.4; Prelim. Reply 3–5. Petitioner has not explained what that subjective meaning of optimal is in the ’800 patent’s claims or why that term as used in Bahadiroglu would satisfy that subjective meaning in the ’800 patent’s claims. Pet. 28–31; Prelim. Reply 3–5. Thus, Petitioner’s showing is insufficient.

Second, Petitioner has not explained why the disclosure of an optimal interval teaches or suggests transmission at an optimal time. Pet. 28–31. Spacing transmissions apart by an optimal interval would not inherently result in transmissions being performed at the optimal times. The optimal interval could involve transmissions that are not at the optimal times (when time is viewed by itself), and transmissions at the optimal times may not have the optimal interval separating them. We recognize that it is possible that in some, or many, cases an optimal interval would teach or at least suggest transmissions at optimal times. Petitioner, however, has not explained why it does in this case. *Id.*

We determine that, for Ground 1, Petitioner has not set forth a sufficient showing for the optimal moment limitation. Thus, we determine that Petitioner has not established a reasonable likelihood of proving that claim 12 would have been obvious over Rădulescu and Bahadiroglu.

B. Ground 2: Asserted Obviousness over Rădulescu and Petersen

Petitioner argues that claim 12 would have been obvious over Rădulescu and Petersen. Pet. 4.

1. Petersen

Petersen discloses an apparatus for automatic initiation of data transmission. Ex. 1007, code (54). Petersen discloses “[e]arly initiation of transmission of data in a network interface that includes a dedicated transmit buffer is provided in a system which includes logic for transferring frames of data composed by the host computer into the transmit buffer.” *Id.* at code (57). “The amount of data of a frame which is downloaded by the host to the transmit buffer is monitored to make a threshold determination of an amount of data of the frame resident in the transmit data buffer.” *Id.* “The network interface controller includes logic for initiating transmission of the frame when the threshold determination indicates that a sufficient portion of the frame is resident in the transmit buffer, and prior to transfer of all of the data of the frame into the transmit buffer.” *Id.* “The monitoring logic includes a threshold store, which is programmable by the host computer for storing a threshold value.” *Id.* “[T]he threshold value may be set by the host system to optimize performance in a given setting.” *Id.*

2. Optimal Moment Limitation

For Ground 2 and the optimal moment limitation, Petitioner relies on its showing regarding Rădulescu for Ground 1. In addition, Petitioner argues that Petersen determines an optimal threshold value:

Petersen also describes determining an optimal threshold value, which dictates when buffered data is transmitted, based on communication properties such as “system latencies or bandwidth limitations,” to avoid “underrun” conditions and “unnecessary delays.” Ex. 1007, 4:40–60, 29:39–46. Latency and bandwidth (i.e., throughput) are both among the claimed communication properties.

Pet. 54–55. Petitioner, however, does not sufficiently explain how this optimal threshold value determines an optimal moment for sending the data in said first wrapper or said second wrapper. *Id.* Claim 12 separately recites determining an optimal amount of data for transmission: “wherein the first determination unit is configured *to determine a first optimal amount of data to be buffered* by the first memory . . . wherein the second determination unit is configured *to determine a second optimal amount of data to be buffered* by the second memory.” Ex. 1001, 11:66–12:7 (emphases added). Petitioner argues Petersen’s disclosure of an optimal threshold value teaches the recited determination of a first and second optimal amount of data to be buffered. Pet. 51–53. Petitioner does not sufficiently explain how that same disclosure also teaches or suggests determining an optimal moment for sending the data in said first wrapper or said second wrapper. *Id.* at 54–55. Thus, for Ground 2, we determine that Petitioner has not made a sufficient showing for the optimal moment limitation. Accordingly, Petitioner has not established a reasonable likelihood of proving that claim 12 would have been obvious over Rădulescu and Petersen.

C. Ground 3: Asserted Obviousness over Rădulescu, Bahadiroglu, and Rădulescu-WO

Petitioner argues that claim 12 would have been obvious over Rădulescu, Bahadiroglu, and Rădulescu-WO. Pet. 5.

For the optimal moment limitation for Ground 3, Petitioner relies on its showing for Ground 1. Pet. 63. Accordingly, we determine that Petitioner has not established a reasonable likelihood of proving that claim 12 would have been obvious over Rădulescu, Bahadiroglu, and Rădulescu-WO.

D. Ground 4: Asserted Obviousness over Rădulescu, Petersen, and Rădulescu-WO

Petitioner argues that claim 12 would have been obvious over Rădulescu, Petersen, and Rădulescu-WO. Pet. 5.

For the optimal moment limitation for Ground 4, Petitioner relies on its showing for Ground 2. Pet. 69. Accordingly, we determine that Petitioner has not established a reasonable likelihood of proving that claim 12 would have been obvious over Rădulescu, Petersen, and Rădulescu-WO.

IV. CONCLUSION

After considering the Petition, the Preliminary Response, the Preliminary Reply, the Preliminary Sur-reply, and the evidence of record, and for the reasons discussed above, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail in proving the unpatentability of at least one claim challenged in the Petition. Hence, we deny the Petition and do not institute an *inter partes* review.

V. ORDER

Accordingly, it is

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

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