Trials@uspto.gov
571-272-7822

Paper 11
Entered: August 6, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2024-00556
Patent 8,749,507 B2

Before WILLIAM V. SAINDON, MICHAEL R. ZECHER, and CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background and Summary

Valve Corporation ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting an *inter partes* review of claims 1–18 ("the challenged claims") of U.S. Patent No. 8,749,507 B2 (Ex. 1001, "the '507 patent"). Immersion Corporation ("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp.").

We have authority to determine whether to institute an *inter partes* review under 35 U.S.C. § 314(b) and 37 C.F.R. § 42.4(a). The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." For the reasons provided below, we determine that Petitioner has satisfied the threshold requirement set forth in 35 U.S.C. § 314(a). Because Petitioner has demonstrated a reasonable likelihood that at least one claim of the '507 patent is unpatentable, we institute an *inter partes* review. 37 C.F.R. § 42.108(a).

Our findings of fact, conclusions of law, and reasoning discussed below are based on the evidentiary record developed thus far, and made for the sole purpose of determining whether the Petition meets the threshold for initiating review. This decision to institute trial is not a final decision as to the patentability of any challenged claim or the construction of any claim limitation.

B. Real Parties in Interest

Each party indicates that it is the sole real party in interest. Pet. xiv; Paper 4, 1 (Patent Owner's Mandatory Notices).

C. Related Matters

The '507 patent has been asserted against Petitioner in *Immersion Corporation v. Valve Corporation*, No. 2:23-cv-00712 (WDWA). Pet. xiv; Paper 4, 1.

The '507 patent was the subject of petitions in *Apple Inc. v. Immersion Corp.*, IPR2016-01777, and *Apple Inc. v. Immersion Corp.*, IPR2017-01310, both of which were denied.

D. Prior Art and Asserted Grounds

Petitioner's grounds rely on the following prior art references:

Name	Reference	Exhibit No.
Astala	US 6,590,568 B1, iss. July 8, 2003	1005
Shahoian	US Pub. 2002/0033795, pub. Mar. 21, 2002	1006
Keely	US Pub. 2002/0057263 A1, pub. May 16, 2002	1007
Kolmykov-Zotov	US 7,256,773 B2, iss. Aug. 14, 2007, pub. Dec. 9, 2004, filed June 9, 2003	1008

Petitioner asserts that the challenged claims are unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–18	103	Astala, Shahoian
1, 6–9, 13, 14, 18	103	Keely, Kolmykov-Zotov
2–5, 10–12, 15–17	103	Keely, Kolmykov-Zotov, Shahoian

E. Overview of the '507 Patent

According to the '507 patent, "a processor is programmed for receiving contact data from an input device; determining whether to output a haptic effect based on the contact data; and outputting the haptic effect based on the contact data." Ex. 1001, code (57). Figure 2 of the '507 patent shows an algorithm for detecting finger presses on a touchpad:

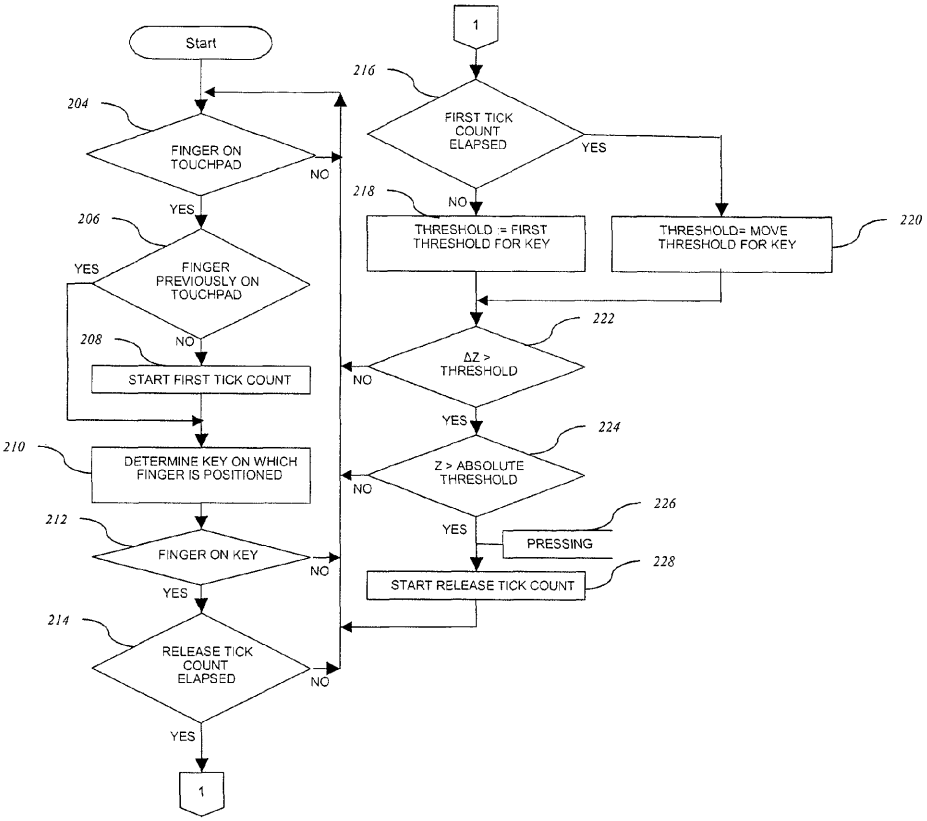


FIG. 2

Id. at Fig. 2.

Figure 2 of the '507 patent depicts a flowchart in which, when a finger has been on the touchpad for a sufficient amount of time (step 216, first tick count elapsed), a change in finger pressure is greater than a threshold value (step 222, $\Delta Z >$ threshold), and a finger pressure is greater that a second threshold (step 224, $Z >$ absolute threshold), then a press is determined to

have occurred (226). *Id.* at 5:58–6:57. In addition, Figure 2 also shows another time interval that must elapse (step 214, release tick count elapsed) before a press is determined to occur. *Id.* at 6:29–33.

Figure 3 of the '507 patent shows another embodiment for detecting finger presses:

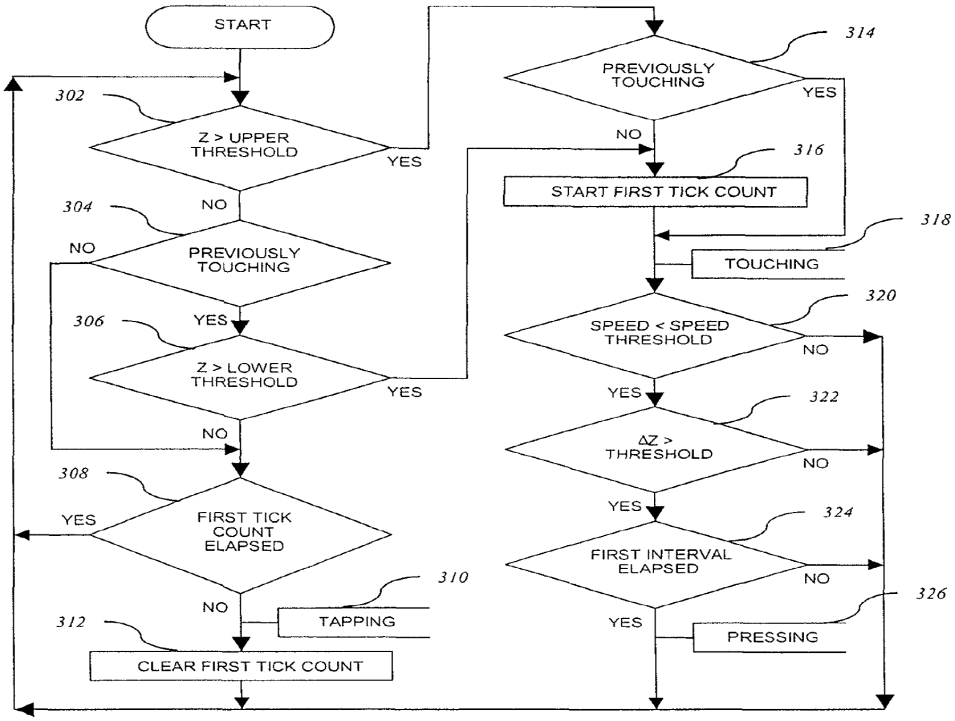


FIG. 3

Id. at Fig. 3.

According to the '507 patent, Figure 3 is similar to the algorithm in Figure 2, but differs in that it includes a step of checking for a lower pressure threshold (step 306, Z > lower threshold) if the upper pressure threshold has previously been met (steps 302, Z > upper threshold, 304, previously touching), and includes a digital filter (not shown). *Id.* at 7:7–32.

F. Challenged Claims

Claims 1–18 are challenged. Claims 1, 9, and 14 are independent. Claim 1 is reproduced below.

> 1. A method comprising:
>
> receiving contact data from an input device;
>
> determining an interaction with a displayed object on a screen based on the contact data;
>
> responsive to determining the interaction, determining a gesture based on the contact data comprising:
>
> determining a pressure and a change in pressure based on the contact data, and
>
> determining a press if:
>
> the pressure is greater than a pressure threshold,
>
> the change in pressure is greater than a change in pressure threshold, and
>
> a first interval has elapsed; and
>
> responsive to determining the gesture, outputting the haptic effect.

II. DISCRETIONARY DENIAL

Patent Owner argues that the Petition should be denied under 35 U.S.C. § 314(a) because there is a district court case involving the '507 patent. Prelim. Resp. 43–49 (discussing *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) ("*Fintiv*")). However, the co-pending district court litigation has been stayed. Ex. 2004, 8. In *Valve Corp. v. Immersion Corp.*, IPR2024-00478, Paper 11 at 9–18 (PTAB July 25, 2024), the Board was faced with substantially similar

arguments and issues raised by Patent Owner here; we adopt and incorporate the reasoning in that case as our own. In short, the stay obviates concerns over efficiency and duplicity of efforts raised in *Fintiv*. *See, e.g.*, *Fintiv* at 6 ("[a] district court stay of the litigation pending resolution of the PTAB trial allays concerns about inefficiency and duplication of efforts"). Therefore, we do not discretionarily deny the Petition.

III. ANALYSIS

A. Legal Standards Used in the Merits Analysis

"[P]etitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable." *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify "with particularity . . . the evidence that supports the grounds for the challenge to each claim")); *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in *inter partes* review).

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 . . . to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) when in evidence, objective evidence of obviousness or non-obviousness, i.e., secondary considerations. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

Petitioner asserts that:

> A person of ordinary skill in the art ("POSA") on November 26, 2003 would have had a Bachelors' degree in computer science, electrical engineering, or a related field, plus at least two years of industry or graduate level experience with software engineering, haptics programming, and/or human-computer interaction, including experience with user-interfaces and applications involving touchscreens, touchpads, and related technologies.

Pet. 7 (citing Ex. 1003 ¶¶ 47–51).

Patent Owner asserts that:

> [A] POSA at the time of the '507 Patent would have had a bachelor's degree in electrical engineering or computer science (or an equivalent degree), and two years of practical or industry experience in the field of human computer interaction (HCI), including implementation of computer-based systems and software for providing haptic feedback effects to a user. Ex. 2001 at ¶¶ 33–4. Also, a person could have qualified as a POSA with more formal education and less practical or industry experience, or vice versa. *Id.*

Prelim. Resp. 17.

Both proposed levels of skill appear to be substantially similar and reasonable in view of the disclosures in the '507 patent and asserted prior art. At this time, we would discern no difference in outcome from choosing one over the other. We adopt Petitioner's proposed level of skill for purposes of this Decision because it appears to be a reasonable definition and Petitioner bears only a "reasonable likelihood" burden at institution. 35 U.S.C. § 314(a).

C. Claim Construction

Independent claim 1 is a method that contains steps for "determining a press" if three conditions are met. The conditions rely on contact data from an input device regarding pressure, change in pressure, and a time interval.

Petitioner asserts that a prior Board panel in IPR2016-01777 incorrectly required the pressure and change in pressure conditions to "be maintained for the duration of the . . . interval." Pet. 8 (emphasis omitted) (referring to *Apple Inc. v. Immersion Corp.*, IPR2016-01777, Paper 7, 14–15 (Decision Denying Institution)); *see also* Ex. 1025, 15 (stating that "Patent Owner does not endorse the Board's interpretation [in IPR2016-01777]"). Petitioner states that the claim merely requires that the three conditions in the "determining a press" step be met individually. Pet. 8; *see also id.* at 8–14 (further discussion).

Patent Owner responds that "Petitioner [incorrectly] argues that each of these three requirements can be tested individually, and unrelated to one another," and argues that the "Board has previously found such an interpretation is incorrect [in IPR2016-01777]." Prelim. Resp. 18 (citing Ex. 1023, 14–15). Patent Owner then asserts that no further construction is required. *Id.* at 18–19.

We have reviewed the Board's prior decision in IPR2016-01777 and disagree with Petitioner that the Board actually construed the "determining a press" limitation. That panel was merely making the point that the three conditions in the "determining a press" step had to be related in some way, and pointed to Figure 3 as an example of that relationship. IPR2016-01777, Paper 7 at 14–15 (explaining that the interval in Figure 3 is "an integral part of the 'determining a press imitation'"). We can confirm that the prior

decision in IPR2016-01777 did not contain a claim construction because, in its Decision on Rehearing, the panel stated that it "did *not* expressly construe the 'determining a press limitation' or *interpret[]* the limitation to require the first two conditions recited in the limitation to be maintained for the duration of the first interval." IPR2016-01777, Paper 9 at 3. Thus, the prior Board decision outcome was not reliant on any particular claim interpretation or characterization of Figure 3; instead, it faulted the petitioner in that case for not considering the three conditions as a whole in the manner required by the claims. *Id.* at 3–4 (explaining that the petitioner needed to show the "'first interval has elapsed' condition *as a part of* the 'determining a press limitation'" (emphasis added)).

Notwithstanding, and for the sake of clarity, to the extent the prior Board decision characterized Figure 3 of the '507 patent to require the pressure and change in pressure conditions to be met *during the entire interval*, we agree with Petitioner that such a reading of Figure 3 is incorrect. As Petitioner points out in its analysis, with which we agree, the flowchart in Figure 3 allows for both the pressure and change in pressure conditions to be met during some but not all of the entire time interval in certain circumstances. Pet. 12–14.[1]

Patent Owner argues that Petitioner's proposed construction "would allow testing pressure caused by a press, then at some later time after the finger has been removed or even before the press occurs, determine some

[1] For example, refer to Figure 3, *supra*, and proceed through the flowchart in this order: step 302=yes, 314=no, 320=yes, 322=no, 302=yes, 314=yes, 320=yes, 322=yes, 324=yes. *See* Pet. 13–14 (discussing a marked-up copy of Ex. 1001, Fig. 3).

time interval has elapsed." Prelim. Resp. 18. We disagree that the claims preclude any particular combination of events, so long as the three conditions are satisfied in the process of determining of a press. The claim does not specify or limit the ways in which the three conditions need to be satisfied to determine a press, and Patent Owner offers no claim construction analysis that would so limit the claims.

In sum, we agree with Petitioner at this stage that the three conditions of the "determining a press" limitation are independent insofar as satisfaction of one condition is not predicated on the satisfaction of another condition. In our view, however, that point is merely reciting what the claim already states: that "determining a press" is defined as the satisfaction of the three claimed conditions. Claim 1 does not set out any further requirements. Thus, we do not see the need to construe the claim beyond its plain language.

We do not explicitly construe any terms in this Decision at this time because the issue of whether Petitioner has shown a reasonable likelihood can be resolved without explicitly construing the claims. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) ("The Board is required to construe 'only those terms. . . that are in controversy, and only to the extent necessary to resolve the controversy.'") (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

D. Obviousness in View of Astala and Shahoian (Claims 1–18)

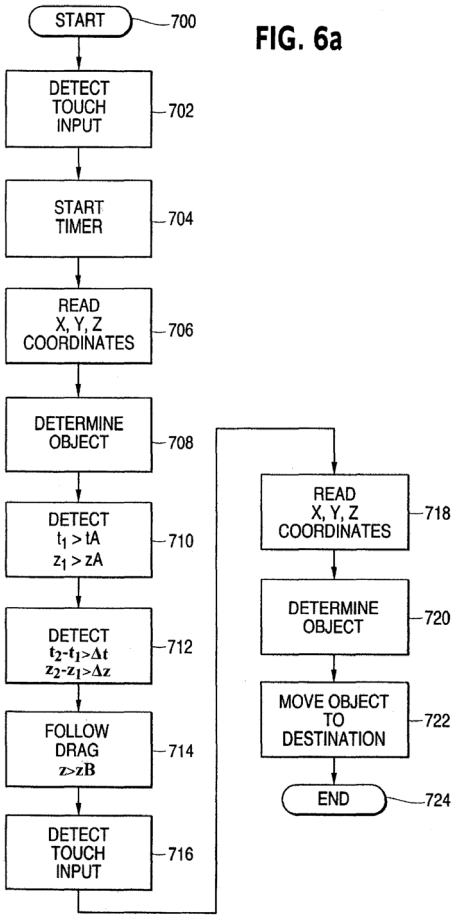
Petitioner asserts that claims 1–18 would have been obvious in view of Astala and Shahoian. Pet. 15–42. We focus our analysis on independent claim 1. In brief, claim 1 requires receiving contact data from an input

device and determining a gesture based on the contact data. The gesture, more specifically, comprises determining a press if three conditions are met: the pressure is greater that a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed. After the gesture is determined, the haptic effect is output.

Petitioner's ground for claim 1 relies on Astala to teach each limitation, except for the haptic effect, which Petitioner asserts is taught in Shahoian. *See generally* Pet. 15–31. The dispute between the parties at this time is based on the "determining a press" limitation, and we focus our discussion there.

1. Astala

Figure 6a of Astala is reproduced below:



Ex. 1005, Fig. 6a. Figure 6 depicts "a technique utilizing touch screen inputs for dragging and dropping objects displayed on the touch screen." *Id.* at 9:3–5. In step 702, the touch input is detected, which starts a timer at step 704. *Id.* at 9:15–22. The method determines whether a threshold pressure and minimum time interval is met in step 710. *Id.* at 9:28–35. In step 712, the method determines whether a sufficient change in pressure has occurred. *Id.* at 9:36–39. This higher initial pressure followed by a change to a lower pressure is what it indicates to the system that a particular moving gesture is intended. *See id.* at code (57). The method proceeds to steps 714–724, where the movement is tracked and implemented. *Id.* at 9:40–65.

2. Petitioner's Position on "determining a press"

The first condition listed in the "determining a press" limitation checks whether "the pressure is greater than a pressure threshold." Petitioner maps this limitation onto the disclosure in step 710 of Astala, checking if $z_1 > zA$ (pressure 1 greater than predetermined pressure A). Pet. 25 (citing Ex. 1005, 9:28–29, 32–34; Ex. 1003 ¶ 208).

The second condition listed in the "determining a press" limitation checks whether "the change in pressure is greater than a change in pressure threshold." Petitioner maps this limitation onto the disclosure in step 712 of Astala, checking if $z_2 - z_1 > \Delta z$ (the difference between pressures 1 and 2 is greater than a pressure differential). *Id.* at 26–28 (citing, e.g., Ex. 1005, 9:36–42; Ex. 1003 ¶¶ 212–213, 219–223); Ex. 1005, 9:36–39 ("a determination is made that the value of the pressure z of the object on the touch screen 70 has been reduced by an amount greater than a predetermined pressure differential Δz").

The third condition listed in the "determining a press" limitation checks whether "a first interval has elapsed." Petitioner maps this limitation on to the disclosure in step 710 of Astala, checking if $t_1 > tA$ (time 1 is greater than a time threshold). Pet. 29 (citing Ex. 1005, Fig. 6a, 9:26–35, 10:28–31; Ex. 1003 ¶ 231). In the alternative, Petitioner maps this limitation onto the disclosure in step 712 of Astala, checking if $t_2 – t_1 > \Delta t$ (the difference between times 1 and 2 is greater than a threshold time). *Id.* at 30 (citing Ex. 1003 ¶¶ 232–233). The time interval checked in step 710 is checking whether the predetermined pressure has been held for a sufficient amount of time. Ex. 1005, 9:26–35. Astala does not provide further details regarding the time interval checked in step 712. *See id.* at 9:36–39. To that

end, Petitioner's expert asserts that a person of ordinary skill in the art would have understood step 712 as requiring that the change in pressure must exist for a certain amount of time. Ex. 1003 ¶ 233.

At least facially, Petitioner has identified where Astala teaches each of the three conditions required in the "determining a press" limitation. We next turn to Patent Owner's arguments against.

3. Arguments and Analysis on "determining a press"

Patent Owner's first argument is that the claim requires "detection of whether presses are deliberate." Prelim. Resp. 25–26; *see also id.* at 25 ("Astala nowhere describes or teaches determining whether a press was intentional or accidental."). Patent Owner does not provide any cogent explanation of how the claims require sifting out intent. Indeed, as Patent Owner later argues, "the '507 patent teaches using three criteria to determine whether a user's contact is intended to be a press." *Id.* at 25. Thus, as the claim states, "determining a press" is predicated upon satisfaction of the three conditions listed in the claim.

Patent Owner next argues that "to determine a touch, Astala looks only at two factors." *Id.* at 26 (emphases omitted). Patent Owner asserts that the decrease in pressure in Astala's step 712 indicates dragging, not "determining a press." *Id.* at 26–28, 29–32. We are not persuaded that there is a reason to draw such a conclusion regarding steps 710 and 712 of Astala. To the contrary, Astala appears to indicate that both steps are required to determine whether the user is initiating a move gesture. *See* Ex. 1005, Fig. 6a, code (57) (noting that the second "pressure on the item is then reduced, and the item is dragged with the reduced pressure to a second location"), 3:11–14 (describing Figure 6a as a "technique utilizing touch screen inputs

for dragging and dropping objects"). To the extent that Patent Owner is trying to state that the "determining a press" limitation cannot be part of a gesture, we note that the claim includes open-ended "comprising" language and itself indicates that a press is a gesture: "determining a gesture based on the contact data comprising . . . determining a press." In addition, as shown in Figure 2 of the '507 patent, the initiation of a move operation appears to be considered a press. Ex. 1001, Fig. 2 (noting item 220, move threshold, in the pathway to determine a press 226), 2:25–26 ("FIG. 2 is a flowchart illustrating a process or algorithm for detecting finger presses"), 6:34–37 (determining whether the press meets the "move threshold" or the "first threshold"). On this record, we are unpersuaded by Patent Owner's line of reasoning.

Patent Owner then argues that the language in claim 1 requiring "the change in pressure is greater than the change in pressure threshold" precludes the change in pressure being a reduction in pressure. Prelim. Resp. 28–29, 32–33. Patent Owner offers no cogent claim construction in support of this argument. We see nothing in the claims that would indicate that the change of pressure must be predicated on an increase or reduction in pressure. Petitioner asserts that the International Trade Commission considered and rejected a similar argument by Patent Owner. Pet. 15, 26 (citing Ex. 1015, 46–47).

Lastly, Patent Owner argues that the Board "directly considered whether the combination of [another reference] and Astala . . . disclosed the [change in pressure] limitation" in an appeal involving the parent of the '507 patent. Prelim. Resp. 34. Patent Owner asserts that "[s]pecifically, the Examiner did not dispute that Astala does not disclose" the change in

pressure limitation. *Id.* at 35. Patent Owner's representation of the record is not credible. The Board never considered whether Astala discloses the change in pressure limitation. *See generally* Ex. 2003. The sole citation Patent Owner offers ("*Id.*," referring to Exhibit 2003 at 96) does not provide any support for Patent Owner's position that "the Examiner did not dispute that Astala does not disclose" the change in pressure limitation.

In sum, we find Patent Owner's arguments to be unpersuasive on this record under the reasonable-likelihood standard. Instead, we determine that Petitioner has established a reasonable likelihood that the subject matter of claim 1 would have been obvious in view of Astala and Shahoian. We note that Patent Owner has not made specific arguments about any other challenged claims under the Astala and Shahoian ground, and thus we do not address those claims at this time.

E. Obviousness in View of Keely and Kolmykov-Zotov (Claims 1, 6–9, 13, 14, and 18)

Petitioner asserts that claims 1, 6–9, 13, 14, and 18 would been obvious in view of Keely and Kolmykov-Zotov. Pet. 42–66. Like our analysis of the Astala and Shahoian ground, the dispute between the parties focuses on the "determining a press" limitation in the context of independent claim 1. Petitioner's ground relies on Kolmykov-Zotov for the "determining a press" limitation. *Id.* at 53–56. Therefore, our analysis focuses on this limitation and the teachings of Kolmykov-Zotov.

1. Kolmykov-Zotov

Kolmykov-Zotov is directed to "determining whether [a] gesture is intended to constitute a 'press-and-hold' action" for users of electric pens on devices like tablet computers. Ex. 1008, 1:29–37, 5:53–57. Kolmykov-

Zotov measures first, second, and additional parameters, and determining whether a "press-and-hold" event has occurred based on the parameters. *Id.* at 7:15–38 (describing use of two parameters), 13:53–57 (describing use of more than two parameters). The parameters include pressure and change in pressure, among many other options. *Id.* at 13:27–52. The values of the parameters are measured over predetermined time periods. *Id.* at 19:32–40.

2. Petitioner's Position on "determining a press"

Petitioner relies on the disclosures in Kolmykov-Zotov of a pen pressure and change in pen pressure to map to the pressure and change in pressure conditions of the "determining a press" limitation. Pet. 53–55. Petitioner asserts that a person of ordinary skill in the art would have understood that the "predetermined parameter values" used in Kolmykov-Zotov map to the claimed threshold values. *Id.* at 54 (citing Ex. 1008, 19:41–43; Ex. 1003 ¶ 339). As to the time-interval condition, Petitioner points to the disclosure in Kolmykov-Zotov stating that the parameters are measured "over the first predetermined time period." *Id.* at 55–57 (quoting Ex. 1008, 19:32–40).

3. Patent Owner's Position and Our Analysis

Patent Owner argues that "the '507 Patent is related to determining whether a user intended to press a [user interface] element using a touch sensitive device in the first instance," as opposed to the pen in Kolmykov-Zotov. Prelim. Resp. 35–37. On this record, Patent Owner has not established that claim 1 precludes the use of pens or is otherwise limited to touches by a human finger. In contrast, claim 1 merely receives "contact data" without limitation to the type of object providing the contact.

Likewise, as we explained earlier in our analysis of the Astala and Shahoian ground, we are not persuaded that the claim includes any particular "intent" limitation beyond what is recited in the claims.

Patent Owner next argues that the press-and-hold gesture in Kolmykov-Zotov is not the same as the "press" gesture recited in claim 1. *Id.* at 37–42. On this record, without the benefit of a claim construction in support of Patent Owner's position, we do not find this argument persuasive. It is not clear to us how Patent Owner distinguishes between "press" and "press-and-hold." For example, in Figure 3 of the '507 patent, the flowchart seeks to discriminate between "tapping," "touching," and "pressing." Ex. 1001, Fig. 3 (items 310, 318, 326). Figure 3 shows that a press is a gesture with a longer hold time than a tap, based on the check in step 308 to determine whether the first tick account has elapsed. *Id.* In this way, a press in Figure 3 of the '507 patent involves a press *and hold*; it must be held longer than a tap. *See also id.* at Fig. 2 (noting steps 216, 218, and 220 serve to check how long the touchpad has been held in order to perform different actions based on hold time). Accordingly, Patent Owner's position is undermined by the disclosure of the '507 patent.

In sum, we find Patent Owner's arguments to be unpersuasive on this record under the reasonable-likelihood standard. Instead, we determine that Petitioner has established a reasonable likelihood that the subject matter of claim 1 would have been obvious in view of Keely and Kolmykov-Zotov. We note that Patent Owner has not made specific arguments about any other challenged claims or the Keely, Kolmykov-Zotov, and Shahoian ground, and thus we do not address further those claims or that ground at this time.

IV. CONCLUSION

For the reasons given above, we determine that Petitioner has established a reasonable likelihood of success in showing that claim 1 would have been obvious in view of Astala and Shahoian, and Keely and Kolmykov-Zotov. Accordingly, we institute *inter partes* review on all challenged claims and grounds. 37 C.F.R. § 42.108(a) ("When instituting . . . review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.").

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that an *inter partes* review of claims 1–18 of the '507 patent is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(a), the *inter partes* review of the '507 patent commences on the entry date of this Decision, and pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial.

FOR PETITIONER:

Richard Giunta
Adam Wichman
WOLF, GREENFIELD & SACKS, P.C.
rgiunta-ptab@wolfgreenfield.com
awichman-ptab@wolfgreenfield.com

FOR PATENT OWNER:

David Schumann
Palani Rathinasamy
Moses Xie
Timothy Dewberry
FOLIO LAW GROUP PLLC
david.schumann@foliolaw.com
palani@foliolaw.com
moses.xie@foliolaw.com
timothy.dewberry@foliolaw.com