

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YEALINK (USA) NETWORK TECHNOLOGY CO. LTD., and
YEALINK NETWORK TECHNOLOGY CO., LTD.,
Petitioner,

v.

BARCO N.V.,
Patent Owner.

IPR2024-01438
Patent 11,258,676 B2

Before MEREDITH C. PETRAVICK, DAVID C. McKONE, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Yealink (USA) Network Technology Co., Ltd., and Yealink Network Technology Co., Ltd. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1, 4, 5, 8, 14, 16, and 18–20 of U.S. Patent No. 11,258,676 B2 (Ex. 1001, “the ’676 patent”). Paper 2 (“Pet.”).

Barco N.V. (“Patent Owner”) did not file a Preliminary Response.

Under 35 U.S.C. § 314(a), 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.”

After considering the Petition and the evidence of record, and in the absence of any argument or evidence to the contrary, we determine the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims of the ’676 patent.

Accordingly, we institute an *inter partes* review of claims 1, 4, 5, 8, 14, 16, and 18–20 of the ’676 patent on the grounds asserted in the Petition.

B. *Real Parties in Interest*

Petitioner identifies itself as the real party in interest. Pet. 1.

Patent Owner identifies itself as the real party in interest. Paper 3, 2.

C. *Related Matters*

The parties identify *Barco, Inc. et al. v. Yealink (USA) Network Technology Co., Ltd. et al.*, 2:23-cv-521 (ED Tex.) (filed Nov. 14, 2023) as a related court proceeding. Pet. 1; Paper 3, 2.

D. The '676 Patent

The '676 patent, titled “Electronic Tool and Methods for Meetings,” relates to electronic tools for meetings that provide connection to a communications network for use in displaying media content. Ex. 1001, code (54), 1:21–25. The '676 patent describes problems “holding a face-to-face meeting using advanced electronic tools,” including complexity of the network infrastructure, high demands on technical expertise of users, great variety of possible collaborative software solutions, time taken to prepare presentations for meetings, and lack of standards for audio, among other problems. *Id.* at 5:3–24.

The '676 patent describes an electronic meeting tool for communicating arbitrary media content from users at a meeting that includes a node configuration adapted to operate a display node of a communications network, the display node being coupled to a first display. Ex. 1001, code (57). “The node configuration is adapted to receive user selected arbitrary media content and to control display of the user selected arbitrary media content on the first display.” *Id.* “A peripheral device adapted to communicate the user selected arbitrary media content via the communications network is a connection unit including a connector adapted to couple to a port of a processing device having a second display, a memory and an operating system, and a transmitter.” *Id.* The tool allows a user to trigger a transfer of the user selected arbitrary media content to the transmitter. *Id.*

E. Illustrative Claims

Petitioner challenges claims 1, 4, 5, 8, 14, 16, and 18–20 of the '676 patent. Pet. 1. Of the challenged claims, claims 1, 14, and 16 are

independent. Ex. 1001, 32:40–36:29. Claims 4, 5, 8, 18, and 20 depend from claim 1; claim 19 depends from claim 16. *Id.*

Claim 1 is illustrative and is reproduced below.

1. A method for connecting one or more processing devices, each processing device being a user device of one participant in a meeting with a plurality of participants, to a wireless communications network having a base node with one or more first displays, the one or more processing devices each having a memory, a second display and an operating system with at least one pre-installed generic driver providing a generic communications protocol for communication between the processing device and a class of peripheral devices, the method comprising the following steps for each processing device:

a) coupling a peripheral device to the processing device, the peripheral device having a wireless transceiver;

b) setting up, by means of the pre-installed generic driver of the operating system, a means for communication between the peripheral device and the processing device;

c) coupling the processing device to the wireless communications network via the peripheral device; running a client application stored on the peripheral device to obtain screen scraped data;

d) routing the screen scraped data between the processing device and the wireless communications network via the means for communication for display on the one or more first displays of the base node, wherein the generic communication protocol is used for transferring the screen scraped data for display between the processing device and the peripheral device; and

e) obtaining electronic access to the one or more first displays for display of the screen scraped data;

the method further comprising:

displaying the screen scraped data on the one or more first displays in accordance with a set of rules, one of the rules being a forcing rule, wherein the forcing rule is that display on the one or more first displays of new screen scraped data is obtained by the action of only one participant involved in the meeting, without requiring the agreement of another participant, the new screen scraped data of any participant for

display overrides or replaces any data displayed on the one or more first displays from the same or another participant of the meeting.

Ex. 1001, 33:60–34:12.

F. Evidence and Asserted Grounds

Petitioner asserts that claims 1, 4, 5, 8, 14, 16, and 18–20 of the '676 patent would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Basis
1	1, 5, 8, 18, 20	103(a) ¹	Ono, ² Deforche ³
2	14	103(a)	Ono
3	4, 16, 19	103(a)	Ono, Deforche, Grimshaw ⁴
4	1, 4, 5, 8, 16, 18–20	103(a)	Uchida, ⁵ Deforche, Grimshaw
5	14	103(a)	Uchida, Grimshaw

Petitioner also relies on the Declaration of Dr. Kevin Almeroth (Ex. 1002) to support its analysis.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), includes revisions to Sections 102 and 103 that became effective on March 16, 2013. Because the challenged claims issued from an application claiming priority to an application filed before March 16, 2013, we apply pre-AIA law.

² U.S. Patent Application Publication No. US 2005/0210390 A1, published September 22, 2005 (Ex. 1005) (“Ono”).

³ EP 2107463A2, published October 7, 2009 (Ex. 1030) (“Deforche”).

⁴ U.S. Patent Application Publication No. US 2011/0096138 A1, published April 28, 2011 (Ex. 1008) (“Grimshaw”).

⁵ JP 2008-165007 A, published July 17, 2008 (Ex. 1009) (“Uchida”).

II. ANALYSIS

A. *Legal Standards*

“In an IPR, the petitioner 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 § 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). “[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR*, 550 U.S. at 416 (citing *U.S. v. Adams*, 383 U.S. 39, 50–51 (1966)).

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 indicia of non-obviousness (i.e., secondary considerations). *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Here, the record contains no evidence of objective indicia of non-obviousness.

B. Level of Ordinary Skill in the Art

Petitioner contends that a person having ordinary skill in the art would have had at least a [Master’s Degree in Electrical Engineering] or [Computer Science] and five years of work experience in a related field. Additional educational experience could substitute for some of the work experience.

Pet. 8 (citing Ex. 1002 ¶¶ 36–37).

For purposes of this Decision, we adopt Petitioner’s proposed definition of a person of ordinary skill in the pertinent art, as it is consistent with the ’676 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

C. Claim Construction

In an *inter partes* review, we apply the same claim construction standard that would be used in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b). In applying this standard, we generally give claim terms their ordinary and customary meaning as would be understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc).

Petitioner proposes constructions for a number of claim terms. Pet. 8–11. Only those terms in controversy, however, need to be construed, and only to the extent necessary to resolve the controversy. *See Realtime Data LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019). For the purposes of determining whether to institute trial or not, we need not construe explicitly any claim term.

D. Ground 1: Obviousness Based on Ono and Deforche

Petitioner contends that claims 1, 5, 8, 18, and 20 are obvious over Ono and Deforche. Pet. 15–33.

1. Overview of Ono (Ex. 1005)

Ono is titled “Image Display Apparatus, Image Display System, and Image Display Method,” and seeks to provide an image display apparatus that is capable of switching among a plurality of networked information terminal apparatuses to display on a display section image information from the desired information terminal apparatus. Ex. 1005, code (54), ¶ 7.

Figure 1 of Ono, reproduced below, illustrates an exemplary embodiment of the disclosed image display system. Ex. 1005 ¶ 18.

FIG. 1

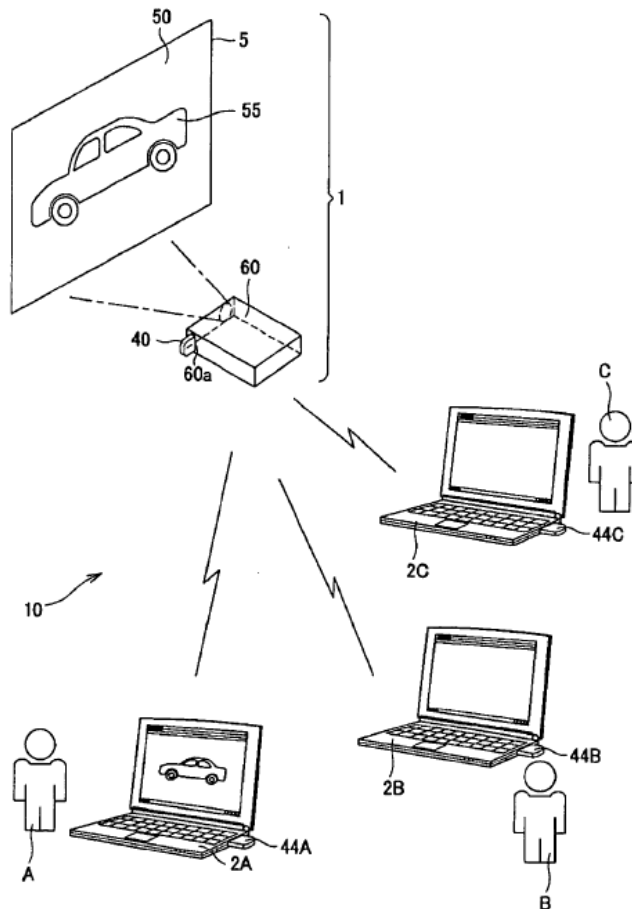


Figure 1 illustrates an image display system that makes up a wireless network “by connecting an image display apparatus 1 and three information terminal apparatuses 2A, 2B, and 2C to a wireless communications channel.” *Id.* ¶ 36. Image display apparatus 1 is comprised of screen 5, image projection apparatus (projector) that projects an image 55 onto a display screen 50 of screen 5, and communications module 40, such as a wireless connection module inserted into a slot 60a on the projector 60. *Id.* ¶ 38. Communications module 40 is for communicating with the three information terminal apparatuses 2A, 2B and 2C, and is used for transmitting and receiving request signals, response signals, rejection signals and the like for connecting or disconnecting, as well as, for receiving image information that is sent from the three information terminal apparatuses 2A, 2B and 2C via the wireless network. *Id.* Information terminal apparatuses 2A, 2B, and 2C are personal computers (PCs) that include connected communications modules 44A, 44B and 44C, such as wireless connection modules. The communications modules 44A, 44B and 44C are also used for transmitting and receiving request signals, response signals, rejection signals and the like for the connection and disconnection of communications with the communications module 40 of the projector 60, as well as, for transmitting image information to the projector 60. *Id.* ¶ 39.

In addition, Ono teaches that image display system 10 may have remote controller 69 for selecting one information terminal apparatus from a displayed list to perform operations such as switching the connection and disconnection with the plurality of information terminal apparatuses. Ex. 1005 ¶ 66.

2. *Overview of Deforche (Ex. 1030)*

Deforche is titled “Wireless modem device usable on computer device without driver installation,” and relates to providing a wireless modem device with which the need for installation of an appropriate driver can be avoided. Ex. 1030, code (54), ¶ 4. Deforche teaches transferring data wirelessly using a preinstalled generic driver that provides a generic communications protocol for communication between the host computer device and a standard class of computer peripheral devices. *Id.* code (57), ¶ 10. And in operation, Deforche teaches that “[d]ata traffic from the computer device towards the wireless communication network and vice versa is routed over this modem/host communication interface and uses the generic communication protocol provided by the pre-installed generic driver.” *Id.* ¶ 9.

3. *Independent Claim 1*

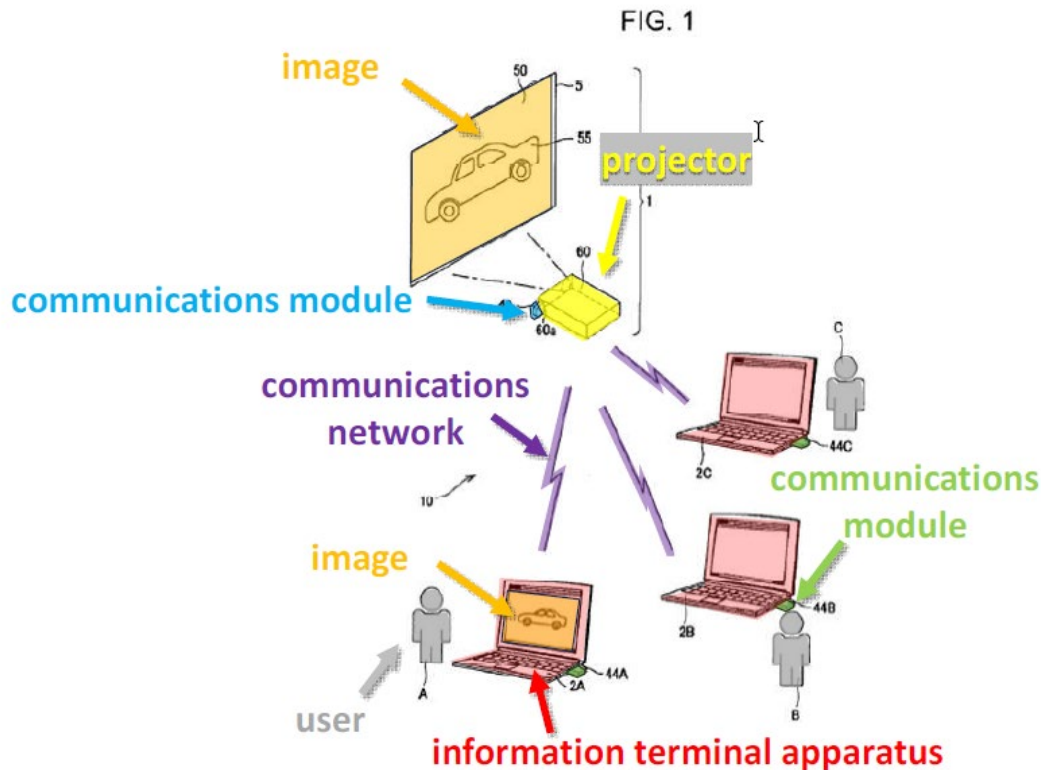
Petitioner contends that claim 1 is unpatentable as obvious over Ono and Deforche. Pet. 15–31. Petitioner provides a detail mapping of the teachings of Ono and Deforche to the elements of claim 1. *Id.*

1. A method for connecting one or more processing devices, each processing device being a user device of one participant in a meeting with a plurality of participants, to a wireless communications network having a base node with one or more first displays, the one or more processing devices each having a memory, a second display and an operating system with at least one pre-installed generic driver providing a generic communications protocol for communication between the processing device and a class of peripheral devices, the method comprising the following steps for each processing device:

Petitioner identifies the information terminal apparatuses 2A, 2B, and 2C in Ono as disclosing the recited processing devices that each have a memory, a second display and an operating system with at least one pre-

installed generic driver providing a generic communications protocol for communication between the processing device and a class of peripheral devices. Pet. 16–20 (citing Ex. 1005 ¶¶ 36, 37–41, 50, 53–55, 58, 60–62, 73–74, 76, 88, 144, Figs. 1, 2, 7, 9, 13). Although Ono does not expressly discuss the use of pre-installed generic drivers that provide a generic communications protocol, Petitioner notes that Ono does teach that the information terminal apparatuses use drivers for wireless communication and that “Deforche discloses wirelessly transferring data and describes using the well-known Windows operating system having pre-installed generic drivers to run an application stored on a peripheral device.” *Id.* at 15 (citing Ex. 1005 ¶¶ 2, 53–55; Ex. 1030 ¶¶ 9, 30; Ex. 1002 ¶¶ 116–17). As such, Petitioner contends that “[i]t would have been obvious to modify Ono’s similar device using the well-known method of using the pre-installed generic Window’s drivers, as disclosed by Deforche, to communicate information to Ono’s USB peripheral devices.” *Id.*; *see also id.* at 20 (citing Ex. 1030 ¶¶ 10, 28–30, 34–41, 52; Ex. 1002 ¶¶ 120–24).

Petitioner identifies Ono’s image display apparatus 1, which includes a wireless communication module 40, control section (CPU) 61, projector 60, and display screen 50, as disclosing the recited wireless communications network having a base node with one or more first displays. Pet. 16–17 (citing Ex. 1005 ¶¶ 36, 37–41, Figs. 1, 2, 9, 13; Ex. 1002 ¶ 118). Relying on an annotated version of Figure 1 from Ono (reproduced below), Petitioner contends that Ono shows that the information terminal apparatuses 2A, 2B, and 2C in Ono connect to the base node through a wireless communications network. *Id.* at 17.



Annotated Figure 1 of Ono illustrates an image display system that makes up a wireless network by connecting an image display apparatus 1 (yellow) and three information terminal apparatuses 2A, 2B and 2C (red) to a wireless communications channel (purple). *See* Ex. 1005 ¶ 36.

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner's evidence and analysis sufficiently shows that Ono and Deforche disclose the recited preamble of claim 1 and that a skilled artisan would have known to combine those references in the manner argued by Petitioner with a reasonable expectation of success.

a) coupling a peripheral device to the processing device, the peripheral device having a wireless transceiver;

Petitioner identifies Ono's wireless communication modules 44A, 44B, 44C as each disclosing a recited peripheral device with a wireless transceiver that is coupled to a respective processing device (the information

terminal apparatuses 2A, 2B and 2C). Pet. 20–21 (citing Ex. 1005 ¶¶ 39, 52, 54–55, 62, 83–90, Figs. 1, 4, 9, 16; Ex. 1002 ¶ 125–127).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner’s evidence and analysis sufficiently shows that Ono discloses element 1(a).

b) setting up, by means of the pre-installed generic driver of the operating system, a means for communication between the peripheral device and the processing device;

Petitioner contends that Ono discloses above element 1(b) as follows:

[T]o connect the projector 60 of the image display apparatus 1 and the information terminal apparatus 2A to the wireless network, the user clicks on a set-up file with a mouse after plugging the USB memory 45 in a USB jack on the information terminal apparatus 2A . . . an installer will automatically be activated on the information terminal apparatus 2A, and the connection application 46, the driver 47 and the configuration information 48 will automatically be stored in the HDD (Hard Disk Drive). Then, if the user inserts the wireless connection module 44 into the USB jack (slot) on the information terminal apparatus 2A, connection configuration for the wireless network will be completed, and transmission and reception of data with the projector 60 of the image display apparatus 1 that is already running will be carried out via the wireless network.

Pet. 21–22 (citing Ex. 1005 ¶¶ 55, 62, 76; Ex. 1002 ¶¶ 128–132). Petitioner contends that Deforche confirms that setting up this communication using a pre-installed generic driver of the operating system was well known and obvious to a skilled artisan. *Id.* at 23 (citing Ex. 1030 ¶¶ 9, 30).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner’s evidence and analysis sufficiently shows that Ono and Deforche disclose the recited element 1(b) and that a skilled artisan would have known to combine those references in manner argued by Petitioner with a reasonable expectation of success.

c) coupling the processing device to the wireless communications network via the peripheral device; running a client application stored on the peripheral device to obtain screen scraped data;

Referencing Ono's description of the wireless connection modules (e.g. 44A, 44B, 44C) associated with the information terminal apparatuses (e.g., 2A, 2B, 2C) being used to communicate with the image display apparatus 1, Petitioner contends that Ono discloses coupling the processing device to the wireless communication network via the peripheral device. Pet. 23 (citing ¶¶ 35, 39–42, 50–57, 61, 62, 68, 76, 88, Figs. 1, 2; Ex. 1002 ¶ 133). In addition, Petitioner contends that Ono's description of transmitting image information displayed by information terminal apparatus 2A to the wireless connection module 40 of the projector 60 through the wireless connection module 44 demonstrates to a skilled artisan that the content of the transmitted image data is "screen scraped data." *Id.* at 24 (citing Ex. 1005 ¶¶ 41, 54–55, 58, 73, 76, 88, 144, Fig. 1; Ex. 1002 ¶¶ 134–137).

Although Ono's connection application is stored on a separate USB memory, and not on the peripheral device, Petitioner contends the stored location of that application is "simply a matter of design choice." Pet. 25. Petitioner contends that the peripheral device was a known alternative for storing connection application and "[a]t the time of the alleged invention, a [skilled artisan] could have readily combined the memory storage capability of a USB memory device (like USB memory 45) and the wireless transceiver functionality (like that of information communications module 44) into a single device." *Id.* In particular, Petitioner points to Deforche's teaching of "a wireless USB dongle (i.e., transmitter 120/transceiver 450)

using a client application stored on the transceiver” and Deforche’s explanation that

[i]n the connection method and the wireless modem device of the invention, a pre-installed generic driver of an operating system installed on the computer device is used for setting up a modem/host communication interface by means of which the wireless modem device and the computer device can communicate with each other.

Id. at 25–26 (citing Ex. 1030 ¶¶ 9, 34, 46, 52, Fig. 2). As a result, Petitioner contends that a skilled artisan “would have recognized from the teachings of Deforche that implementing a dual-purpose transmitter would have reduced the number of components needed to set up a wireless network like that of Ono and increased the ease in setting up such a network.” *Id.* at 26 (citing Ex. 1002 ¶¶ 134–137).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner’s evidence and analysis sufficiently shows that the combination of Ono and Deforche discloses element 1(c) and that a skilled artisan would have known to combine those references in manner argued by Petitioner with a reasonable expectation of success.

d) routing the screen scraped data between the processing device and the wireless communications network via the means for communication for display on the one or more first displays of the base node, wherein the generic communication protocol is used for transferring the screen scraped data for display between the processing device and the peripheral device; and

In addition to referencing the evidence and analysis provided for elements 1(a)–1(c), Petitioner contends that Ono discloses the recited configuration “routing screen scraped data (e.g., ‘image data from LCD 21’) between the processing device (e.g., ‘information terminal apparatus 2A, 2B, 2C’) and the wireless communications network” through the wireless

network “for display on the one or more first displays of the base node (e.g., projector and screen of the image display apparatus).” Pet. 27–28 (citing Ex. 1005, ¶¶ 39, 41–42, 54–55, 73, 76, 88, 162, Fig. 4; Ex. 1002 ¶¶ 138–140).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner’s evidence and analysis sufficiently shows that Ono and Deforche disclose element 1(d).

e) obtaining electronic access to the one or more first displays for display of the screen scraped data;

Petitioner contends that each of the processing devices (e.g., information terminal apparatus 2A, 2B, 2C) via their respective peripheral devices (e.g. the wireless connection modules 44A, 44B, 44C) are disclosed by Ono as obtaining electronic access to the display of the base node (e.g. image display apparatus 1) for displaying screen scraped data. Pet. 28–29 (citing Ex. 1005 ¶¶ 35, 39–42, 50–57, 61–62, 76, 88, 144, Figs. 1, 9; Ex. 1002 ¶ 141). In particular, Petitioner highlights that Ono teaches that “if the user inserts the wireless connection module 44 into the USB jack (slot) on the information terminal apparatus 2A, connection configuration for the wireless network will be completed, and transmission and reception of data with the projector 60 of the image display apparatus 1 that is already running will be carried out via the wireless network.” *Id.* (citing Ex. 1005 ¶ 55).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner’s evidence and analysis sufficiently shows that Ono and Deforche disclose element 1(e).

*the method further comprising:
displaying the screen scraped data on the one or more first
displays in accordance with a set of rules, one of the rules being a
forcing rule, wherein the forcing rule is that display on the one or*

more first displays of new screen scraped data is obtained by the action of only one participant involved in the meeting, without requiring the agreement of another participant, the new screen scraped data of any participant for display overrides or replaces any data displayed on the one or more first displays from the same or another participant of the meeting.

For this last claim element of claim 1, Petitioner points to Ono's description of the disclosed system's ability to use a remote controller 69 associated with the image display apparatus 1 to identify and connect a particular information terminal apparatus. Pet. 29 (citing Ex. 1005 ¶¶ 41, 78, 82–90, 112–126, Figs. 1, 3, 9, 13; Ex. 1002 ¶ 142). Petitioner contends that “through the remote controller 69, the image display system 10 can switch among a plurality of PCs connected to a network and select the display content from the desired PC to be displayed easily on projection screen 5.” *Id.* at 30 (citing Ex. 1005 ¶ 144). Hence, according to Petitioner, “the remote control can be used by one participant for forcing display of new screen data from the information terminal apparatus that overrides or replaces any data displayed on the display module without requiring the agreement of another participant” and, “[i]n this way, a user can forcibly switch between the different PCs to display on the projections screen the desired content.” *Id.* at 30–31 (citing Ex. 1002 ¶¶ 143–147; Ex. 1005 ¶¶ 7, 36–39, 64–70, 77–78, 144, Figs. 1, 3).

On this record, and absent any argument or evidence to the contrary, we determine that Petitioner's evidence and analysis sufficiently shows that Ono and Deforche disclose this last claim element of claim 1.

4. Conclusion

After considering Petitioner's evidence and argument, we determine the information presented shows a reasonable likelihood that Petitioner

would prevail in establishing the unpatentability of claim 1 based on the combination of Ono and Deforche (Ground 1).

E. Remaining Claims and Grounds

“When instituting post-grant 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.” 37 C.F.R. § 42.208(a). We must “either (1) institute as to all claims challenged in the petition and on all grounds in the petition, or (2) institute on no claims and deny institution.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019),⁶ 5–6, 64; *see also* 37 C.F.R. § 42.108(a), *PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1359–60 (Fed. Cir. 2018) (stating a decision to institute is “a simple yes-or-no institution choice respecting a petition, embracing all challenges included in the petition”).

Because we have decided to grant institution on Ground 1 with respect to claim 1, we must do the same for the remaining claims for Ground 1. Patent Owner at this stage does not raise any arguments specifically directed to the remaining claims of Ground 1.

Further, because we have decided to institute *inter partes* review based on Ground 1, we must do the same for Grounds 2–5 as well, as institution must include all challenged claims under all asserted grounds. We again note that, at this stage, Patent Owner does not raise any arguments specifically directed to Grounds 2–5.

⁶ Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialPracticeGuideConsolidated>

III. CONCLUSION

After considering the evidence and arguments presented in the Petition, and absent any evidence or arguments to the contrary, we determine that the information presented in the Petition shows a reasonable likelihood that Petitioner would prevail in establishing that at least one claim of the '676 patent is unpatentable.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1, 4, 5, 8, 14, 16, and 18–20 of the '676 patent on the unpatentability grounds asserted in the Petition; and

FURTHER ORDERED that 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, which commences on the entry date of this decision.

IPR2024-01438
Patent 11,258,676 B2

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