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Paper 11
Entered: May 5, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.,
Petitioner,

v.

IOENGINE, LLC,
Patent Owner.

IPR2022-01554
Patent 10,972,584 B2

Before JOSIAH C. COCKS, CHRISTOPHER L. OGDEN, and SCOTT B. HOWARD, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

Roku, Inc. ("Roku") filed a Petition (Paper 2, "Pet.") under 35 U.S.C. §§ 311–319 requesting *inter partes* review of claims 17–21, 25–35, 59–69, 85–89, 93–99 of U.S. Patent No. 10,972,584 B2 (Ex. 1301, "the '584 patent"). Patent Owner IOENGINE, LLC ("IOENGINE") filed a Preliminary Response (Paper 7, "Prelim. Resp.").

Under the authority delegated to us by the Director under 37 C.F.R. § 42.4(a), we may only 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) (2018); *see also* 37 C.F.R. § 42.108(c) (2022). However, institution of *inter partes* review is discretionary. *See Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) ("[T]he PTO is permitted, but never compelled, to institute an IPR proceeding."). For the reasons below, we exercise our discretion not to institute an *inter partes* review.

II. BACKGROUND

A. THE '584 PATENT (EX. 1301)

The '584 patent describes "a portable device configured to communicate with a terminal and a network server, and execute stored program code in response to user interaction with an interactive user interface." Ex. 1301, code (57). "The portable device contains program code configured to render an interactive user interface on the terminal." *Id.*

According to the '584 patent, personal digital assistants (PDAs) are examples of "portable" devices (*see* Ex. 1301, 1:26–32), and even though they are "among the smallest portable computing solution[s]," they "are bulky, provide uncomfortably small user interfaces, and require too much power to maintain their data (*id.* at 2:43–46).

To remedy these and other issues with PDAs, the '584 patent describes a "tunneling client access point (TCAP)" which has "storage, execution, and/or processing resources" but, unlike a traditional PDA, does not need to have its own display or other bulky input or output facilities, and can instead have "a highly portable 'thumb' footprint." Ex. 1301, 2:55–63. "[B]y providing the equivalent of a plug-n-play virtual private network," the user may "plug the [TCAP] device into any existing and available desktop or laptop computer, through which[] the TCAP can make use of a traditional user interface and input/output (I/O) peripherals." *Id.* at 2:57–60, 2:63–65. In one embodiment, "a user . . . may plug-in a TCAP into any number of access terminals . . . located anywhere." *Id.* at 3:62–64.

"Access terminals (ATs) may be any number of computing devices such as servers, workstations, desktop computers, laptops, portable digital assistants (PDAs), and/or the like." Ex. 1301, 3:64–67. According to the '584 patent, "[t]he type of AT used is not important other than the device should provide a compatible mechanism of engagement to the TCAP . . . and provide an operating environment for the user to engage the TCAP through the AT." *Id.* at 3:67–4:4. For example, a TCAP can connect to an AT through a USB, Bluetooth, or WiFi connection and the AT can "provide[] Java and/or Windows runtime environments, which allows the TCAP to interact with the input/output mechanisms of the AT." *Id.* at 4:4–11.

B. CHALLENGED CLAIMS AND GROUNDS

Claim 1, one of the three independent claims of the '584 patent (none of which are challenged in this Petition[1]), reads as follows:

> 1. A portable device configured to communicate with (i) a communications network comprising a plurality of communications network nodes and (ii) a terminal comprising a processor, an output component, and a memory configured to store program code, including first program code which, when executed by the terminal processer, is configured to facilitate a key exchange between the terminal and the portable device, the portable device comprising:
>
> (a) a network interface configured to enable transmission of communications between the portable device and a communications network node;
>
> (b) a communication interface configured to enable transmission of communications between the portable device and the terminal;
>
> (c) a processor; and
>
> (d) a memory having executable program code stored thereon, including:
>
> (1) second program code which, when executed by the portable device processor, is configured to cause a communication to be transmitted to the terminal to display an interactive user interface by the terminal output component, the interactive user interface comprising at least one user interface element configured to be manipulated by a user to cause the portable device processor to execute stored program code;
>
> (2) third program code which, when executed by the portable device in response to a command resulting from user manipulation of a user interface element of the interactive user interface, is configured to cause a communication to be transmitted to the terminal to affect the display of the interactive user interface by the terminal output component;

[1] Roku challenges the independent claims of the '584 patent in a related petition. *See* IPR2022-01553, Paper 2.

(3) fourth program code which, when executed by the portable device processor in response to a command resulting from user manipulation of a user interface element on an interactive user interface, is configured to cause a secure communication to be transmitted through the portable device network interface to a communications network node; and

(4) fifth program code which, when executed by the portable device processor, is configured to (i) process secure data received from the communications network node through the portable device network interface and (ii) cause the processed data to be securely transmitted through the communications interface to the terminal for display by the terminal output component, wherein the portable device is configured to employ a key exchange between the portable device and the terminal to securely transmit the processed data through the communication interface to the terminal.

Ex. 1301, 32:46–33:30.

Roku argues two grounds for *inter partes* review, as summarized in the following table:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
17–21, 25, 26, 29–35, 54–57, 59, 60, 63–69, 85–89, 93, 94, 97, 98	103(a)[2]	Alger,[3] Lyle[4]
27, 28, 61, 62, 95, 96	103(a)	Alger, Lyle, Halbert[5]
99	103(a)	Alger, Lyle, Halbert, Dowling[6]

Pet. 6.

In support of its arguments, Roku relies on a declaration of Dr. Andrew B. Lippman. Ex. 1303. IOENGINE relies on a declaration of Dr. Michael I. Shamos. Ex. 2001.

C. OVERVIEW OF PRIOR ART

Alger describes "[a] client portal that is optimized to fulfill a specific function . . . such as reviewing and purchasing electronic books." Ex. 1305, code (57).

[2] 35 U.S.C. §§ 102, 103 (2006), *amended by* Leahy–Smith America Invents Act, Pub. L. No. 112-29 §§ 102, 103, sec. (n)(1), 125 Stat. 284, 287, 293 (2011) (effective Mar. 16, 2013). Petitioner cites the pre-AIA version of § 102 (*see* Pet. 5), and we assume that these versions of §§ 102 and 103 apply.

[3] Alger et al., US 2003/0018543 A1 (published Jan. 23, 2003) (Ex. 1305).

[4] Lyle, US 7,242,766 B1 (issued July 10, 2007) (Ex. 1306).

[5] Halbert, US 2004/0003412 A1 (published Jan. 1, 2004) (Ex. 1307).

[6] Dowling et al., US 2003/0050019 A1 (published Mar. 13, 2003) (Ex. 1308).

Alger's Figure 1 is reproduced below:

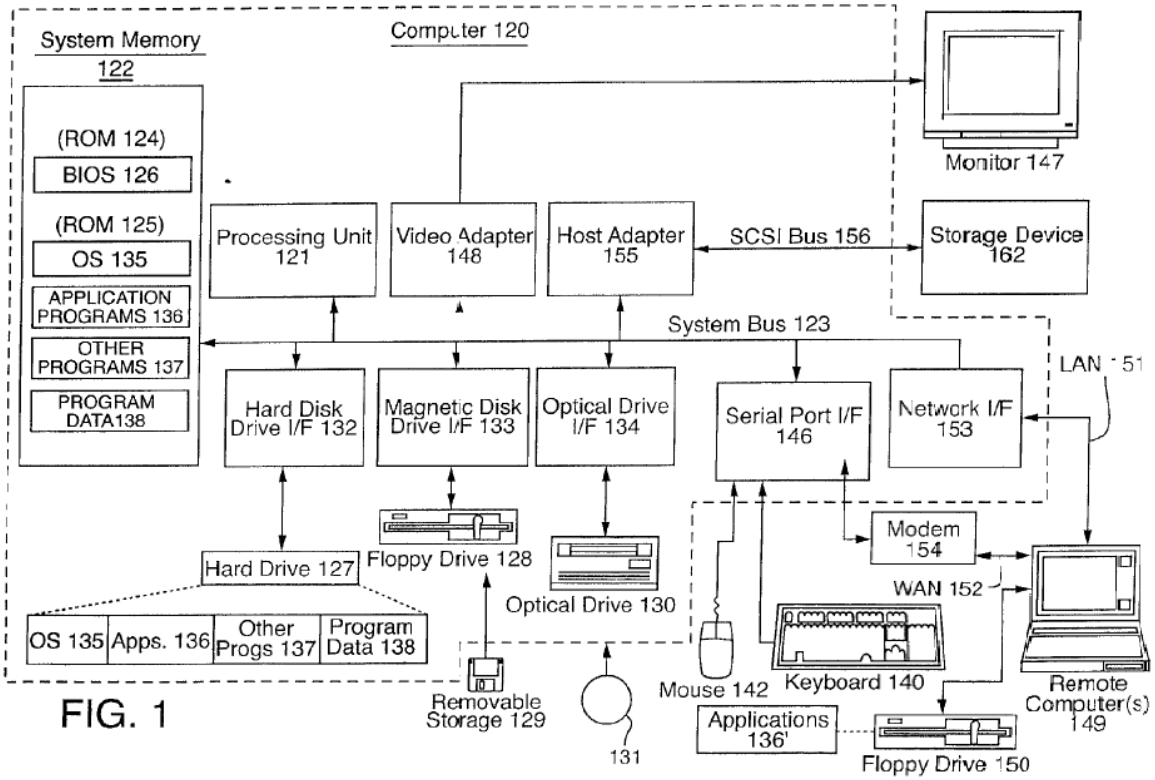

FIG. 1

Figure 1, above, depicts a computer system including "a general purpose computing device in the form of a conventional personal digital assistant, personal computer or network server 120 or the like." Ex. 1305 ¶ 19. Also depicted is "[a] monitor 147 or other type of display device" which connects to computer 120 through video adapter 148. *Id.* ¶ 21. Alger discloses that, "[i]n addition to the monitor 147, personal computers typically include other peripheral output devices (not shown), such as speakers and printers." *Id.*

Lyle teaches the use of the High-bandwidth Digital Content Protection (HDCP) protocol, which includes the exchange of cryptographic keys, to encrypt video data over a digital link between a set-top box and a TV. *See* Ex. 1306, 2:3–11, 3:6–11.

Halbert describes ways to "perform secure transactions via an interactive television ticker." Ex. 1307, code (57).

Dowling describes "[a] mobile unit such as a smart phone" that is augmented with peripherals such as a retractable keyboard and display that allow the mobile unit to "function as a laptop/desktop computer." Ex. 1308, code (57).

D. Related Proceedings

Inter partes reviews IPR2022-01551, IPR2022-01552, and IPR2022-01553, involving the same parties, also challenge the '584 patent. *See* Paper 4, 2. Roku filed a Notice Ranking Petitions addressing these four proceedings. Paper 3. Because we deny institution in this proceeding for other reasons, we need not address IOENGINE's argument that Roku is not entitled to multiple petitions. *See* Paper 8.

The parties also identify *IOENGINE, LLC v. Roku, Inc.*, No. 6:21-cv-1296 (W.D. Tex. filed Dec. 14, 2021) ("parallel district court proceeding") as challenging the '584 patent in federal district court. Pet. 2; Paper 4, 2.

III. DISCRETION TO DENY INSTITUTION UNDER § 314(a)

In light of the parallel district court proceeding challenging the '584 patent, IOENGINE argues that "[t]he Board should exercise its discretion to deny institution of the Petition under *Fintiv* and 35 U.S.C. § 314(a) because the proceeding would be inefficient and contrary to the goals of the [America Invents Act]." Prelim. Resp. 49 (citing *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential); *NHK Spring Co., Ltd. v. Intri-Plex Techs. Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential)). Roku argues that we should not deny

institution under *Fintiv* "because the Petition presents compelling evidence of unpatentability." Pet. 6. For the reasons below, we agree with IOENGINE, and we disagree with Roku that the Petition presents a compelling, meritorious challenge.

Institution of inter partes review is discretionary. *See Harmonic v. Avid Tech.*, 815 F.3d at 1367; *see also* 35 U.S.C. § 314(a). The Board has held that the advanced state of a parallel district court action is a factor weighing in favor of denying a petition under § 314(a). *See NHK Spring*, Paper 8 at 20; Patent Trial and Appeal Board, Consolidated Trial Practice Guide, 58 & n.2 (Nov. 2019), https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf. ("Trial Practice Guide").

In *Fintiv*, the Board explained that "cases addressing earlier trial dates as a basis for denial under *NHK Spring* have sought to balance considerations such as system efficiency, fairness, and patent quality." *Fintiv*, Paper 11 at 5. *Fintiv* sets forth six non-exclusive factors for determining "whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding." *Id.* at 6. These factors consider the following:

> 1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
>
> 2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
>
> 3. investment in the parallel proceeding by the court and the parties;
>
> 4. overlap between issues raised in the petition and in the parallel proceeding;
>
> 5. whether the petitioner and the defendant in the parallel proceeding are the same party; and

> 6. other circumstances that impact the Board's exercise of discretion, including the merits.

Id. at 5–6. We discuss the parties' arguments in the context of considering the above factors. In evaluating these factors, we "take[] a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review." *Id.* at 6.

The Director has issued additional guidance on the application of *Fintiv*. *See* Katherine K. Vidal, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (June 21, 2022) 9, https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf ("*Fintiv* Memo," Ex. 2011).

We address each of the above *Fintiv* factors below.

A. *FINTIV* FACTOR 1: WHETHER THE COURT GRANTED A STAY OR EVIDENCE EXISTS THAT ONE MAY BE GRANTED IF A PROCEEDING IS INSTITUTED

IOENGINE argues that the first *Fintiv* factor weighs in favor of discretionary denial because Judge Albright, who presides over the parallel district court proceeding, "has noted that in 30 months on the bench, 'he has only put "one or two" cases on hold so the PTAB can review the patent.'" Prelim. Resp. 54 (citing Ex. 2015, 1).

Neither party has brought to our attention any request for a stay or any specific indication from Judge Albright that a stay is likely in the parallel district court proceeding. Thus, we find that this factor does not weigh against discretionary denial, and we regard the factor as neutral. *See Fintiv*, Paper 15 at 11–12 (May 13, 2020).

B. *FINTIV* FACTOR 2: PROXIMITY OF THE COURT'S TRIAL DATE TO THE BOARD'S PROJECTED STATUTORY DEADLINE FOR A FINAL WRITTEN DECISION

IOENGINE argues that the parallel district court proceeding "is scheduled for trial on October 26, 2023, nearly seven months before the expected [final written decision] in this case," which IOENGINE estimates would be in May of 2024. Prelim. Resp. 54–55 (citing Ex. 2004, 7; Ex. 2006). IOENGINE contends that the Board should take this date at "face value" because there is no evidence of record that the date would change or be postponed. *Id.* at 55 (citing *Fintiv*, Paper 15 at 13; *Samsung Elecs. Co., Ltd. v. Ancora Techs., Inc.*, IPR2020-01184, Paper 11 at 13 (PTAB Jan. 5, 2021)).

Noting that the *Fintiv* Memo directs that the Board "will consider the median time from filing to disposition of the civil trial for the district in which the parallel litigation resides" (Ex. 2011, 3), IOENGINE argues that the median time-to-trial in the Western District of Texas is 23 months for patent trials before Judge Albright, which "would put trial in November 2023, still nearly six months before any final written decision on this petition." Prelim. Resp. 55 (citing Ex. 2014; Ex. 2017; Ex. 2018, 37).

We agree with IOENGINE that trial in the parallel district court proceeding is likely to be about six months prior to the due date for our final written decision if we were to institute an *inter partes* review. Because the district court would address issues relating to the validity of the '584 patent well before we would issue a final written decision, we find that the second *Fintiv* factor weighs heavily in favor of discretionary denial of institution.

C. *FINTIV* FACTOR 3: INVESTMENT IN THE PARALLEL PROCEEDING BY THE COURT AND THE PARTIES

IOENGINE argues that the third *Fintiv* factor "weighs heavily in favor of denial" because the civil case "was filed in December 2021 and is now at an advanced stage." Prelim. Resp. 56. According to IOENGINE, (1) the parties in the district court case have entered their final infringement and invalidity contentions; (2) claim construction proceedings are complete; (3) the parties have exchanged and responded to 105 requests for production (including 145,000 pages of documents produced by Roku and 17,500 pages produced by IOENGINE) and 44 interrogatories; (4) Roku has served eight third-party subpoenas, receiving 26,000 pages in response; (5) "[b]y the time the Board makes an institution decision, fact discovery will be closed, and expert discovery will be nearly complete"; and (6) if we institute trial, the Patent Owner response "would be due in the middle of pretrial submissions." *Id.* at 56–57 (citing Ex. 2004, 6; Ex. 2006; Ex. 2008; Ex. 2023, 6, 8–9, 11–12); *see also* Paper 10, 5 (stating that "[t]he parties have taken 13 depositions, and the rest will be completed by April 27[, 2023]" and that fact discovery closes in April 2023 (citing Ex. 2028 ¶¶ 7–9)).

We agree with IOENGINE that there has been substantial investment by the parties and the district court in the parallel proceeding, including the completion of preliminary disclosures and claim construction, and the near-completion of discovery. Under the circumstances, we find that the third *Fintiv* factor weighs heavily in favor of discretionary denial of institution.

D. *FINTIV* FACTOR 4: OVERLAP BETWEEN ISSUES RAISED IN THE PETITION AND IN THE PARALLEL PROCEEDING

According to IOENGINE, Roku "has incorporated by reference its arguments [from its Petition] in its invalidity contentions in the district court and its invalidity contentions rely on the very same art and arguments asserted here," and challenges every claim of the '584 patent, including the claims challenged in the Petition. Prelim. Resp. 58 (citing Ex. 2023, 6, 11–12 (citing Alger, Lyle, Halbert, and Dowling among its asserted prior art references)); *see also id.* at 57. IOENGINE also notes that, at the time of its Preliminary Response, Roku had not submitted any stipulation not to pursue any subject matter in the parallel district court proceeding that overlaps with its challenges in the Petition. *Id.* at 59–60.

After IOENGINE submitted its Preliminary Response, Roku requested authorization to submit a stipulation relevant to the fourth *Fintiv* factor, which we authorized on March 28, 2023. *See* Paper 9, 1. Roku stipulated as follows:

> [I]f (and only if) the Patent Trial and Appeal Board institutes an IPR in this proceeding on the grounds presented in the Petition, Petitioner will not pursue an invalidity defense in the [parallel district court proceeding] that the patent claims subject to the instituted IPR are invalid based on the same grounds as in the Petition or that the patent claims subject to the instituted IPR are invalid in view of the references that form the stated bases for those grounds ([Alger, Lyle, Halbert, and Dowling]).

Id.

In response, IOENGINE contends that Roku's stipulation would have limited impact in the parallel district court proceeding because Roku also challenges a separate, closely related patent in that case for which Roku has raised substantially the same patentability issues. Paper 10, 2–3. IOENGINE

argues that the stipulation would not restrict Roku's ability to challenge the other patent on the same grounds as the Petition. *Id.* at 3. And according to IOENGINE, the language of the stipulation is ambiguous enough that it would potentially allow Roku to challenge the '584 patent based on combinations of Alger, Lyle, Halbert, or Dowling with other references. *Id.* at 4.

In the *Fintiv* Memo, the Director stated that, "[c]onsistent with *Sotera Wireless, Inc.*, the PTAB will not discretionarily deny institution in view of parallel district court litigation where a petitioner presents a stipulation not to pursue in a parallel proceeding the same grounds or any grounds that could have reasonably been raised before the PTAB." Ex. 2011, 3 (footnote omitted) (citing *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential)). Roku's stipulation, however, falls far short of a *Sotera*-type stipulation that would bar Roku from pursuing any grounds in the parallel district court proceeding that could have reasonably been raised before the Board. Thus, while Roku's stipulation would prevent some overlap between this proceeding and the parallel district court proceeding, the scope of the stipulation does not rise to the level contemplated in the *Fintiv* Memo.

Thus, although we find that the fourth *Fintiv* factor weighs somewhat against discretionary denial of institution, this does not end our analysis because Roku has declined to submit a *Sotera*-type stipulation.

E. *FINTIV* FACTOR 5: WHETHER THE PETITIONER AND THE DEFENDANT IN THE PARALLEL PROCEEDING ARE THE SAME PARTY

The parties in this proceeding are the same as the parties in the parallel district court proceeding. *See* Prelim. Resp. 60; Pet. 2 (citing

Ex. 1309). Accordingly, the fifth *Fintiv* factor does not weigh against discretionary denial, and we regard the factor as neutral.

F. *FINTIV* FACTOR 6: OTHER CIRCUMSTANCES THAT IMPACT THE BOARD'S EXERCISE OF DISCRETION, INCLUDING THE MERITS

Roku argues that we should not deny institution under *Fintiv* "because the Petition presents compelling evidence of unpatentability." Pet. 6. In response, IOENGINE contends that "no ground is 'sufficiently strong to override the concerns about duplication of effort by the Board and the district court." Prelim. Resp. 61.

The *Fintiv* Memo directs that "compelling, meritorious challenges will be allowed to proceed at the PTAB even where district court litigation is proceeding in parallel." Ex. 2011, 4. The Director defines "[c]ompelling, meritorious challenges [as] those in which the evidence, if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence." *Id.* We consider whether there are compelling merits when, as here, our analysis of the first five *Fintiv* factors favors denial of institution. *See CommScope Techs. LLC v. Dali Wireless, Inc.*, IPR2022-01242, Paper 23 at 5 (PTAB Feb. 27, 2023) (precedential). For the reasons below, we determine that the Petition and the preliminary evidence do not present a compelling, meritorious challenge.[7]

[7] Our compelling-merits analysis relies on the parties' agreed understanding of the level of ordinary skill in the pertinent art, which Roku articulates in its Petition. Pet. 15 (citing Ex. 1303 ¶ 60); Prelim. Resp. 9–10; *see also Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–1313 (Fed. Cir. 2005) (en banc) (the level of ordinary skill is pertinent to claim construction); *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966) (the level of ordinary skill is one of the factors to consider when determining obviousness).

In particular, the preliminary record does not plainly show that Alger or the other references teach or disclose a portable device and a separate terminal with processing capabilities sufficient to facilitate a key exchange between the terminal and the portable device as recited in the claims. *See, e.g.*, Ex. 1301, 32:48–53, 33:26–30.

In the Petition, Roku contends that "Alger's PDA 120 is a 'portable device,'" and that "Alger's 'monitor 147,' which includes a screen/display, . . . , is the 'terminal comprising . . . an output component' in Claim 1." Pet. 27–28 (citing Ex. 1303 ¶¶ 158–159, 163). Roku relies on Lyle for teaching the use of HDCP, which involves the exchange of a key between a transmitter and a receiver. *See* Pet. 69–70.

In response, IOENGINE argues that "[t]he only alleged 'terminal' that [Roku] identifies in either reference is Alger's monitor 147," but according to IOENGINE, Alger's monitor 147 "is merely an 'output component' with no processor or memory as required by every Challenged Claim." Prelim. Resp. 27. IOENGINE argues that at the time of Alger's disclosure, monitors such as monitor 147 did not have general-purpose computing capabilities that could facilitate a key exchange. *Id.* (Ex. 2001 ¶ 88). IOENGINE also argues that Figure 1 of Alger includes video adapter 148 which "is necessary in Alger . . . precisely because monitor 147 cannot render digital data, further confirming that it is not a computing device." *Id.*

IOENGINE also takes issue with Roku's argument that Alger's computer 120 is a PDA which is connected to a separate monitor 147. *See* Prelim. Resp. 22–23. According to IOENGINE, Figure 1 depicts a computer with typical PC peripherals such as floppy drive 128, optical drive 130, external keyboard 140, mouse 142, and externally-connected monitor 147,

which a PDA would not have had at the time of Alger's disclosure, and "Alger itself never refers to 'Computer 120' . . . as a PDA." *Id.* at 22 (citing Ex. 2001 ¶¶ 79–80). Thus, IOENGINE contends that "Figure 1 of Alger illustrates the architecture of Alger's general-purpose-computer embodiment," not its PDA embodiment. *Id.* at 22–23.

IOENGINE also contends that in Alger's PDA embodiment, the display would be internal to the PDA, and Roku has not shown that a connection to an external monitor would have been necessary or desirable for such a handheld device. *See* Prelim. Resp. 29–30 (citing Ex. 1305 ¶ 21; Ex. 2001 ¶¶ 88, 90).

Based on the preliminary record, IOENGINE has raised substantial issues with Roku's analysis, so that even if we were to determine that Roku met the lower threshold for instituting an *inter partes* review (a question we need not reach in our *Fintiv* analysis), the evidence does not plainly support Ozawa's position at this stage. Thus, we determine that Roku's Petition has not presented a "compelling, meritorious challenge[]" to any claim of the '584 patent. Ex. 2011, 4. Accordingly, we find that the sixth *Fintiv* factor does not weigh against discretionary denial.

G. BALANCING THE *FINTIV* FACTORS

A holistic balancing of the *Fintiv* factors weighs in favor of discretionary denial. As discussed above, only factor 4 weighs against discretionary denial, and factors 2 and 3 weigh heavily in favor. Moreover, Roku has not submitted a *Sotera*-type stipulation that would make discretionary denial inappropriate under the *Fintiv* Memo, and likewise, the

Petition does not show compelling evidence of unpatentability under factor 6.

Given the late stage of the parallel district court proceeding, the substantial investment by the parties in that proceeding, and the lack of strong countervailing considerations, the evidence of record favors exercising our discretion to deny institution of an *inter partes* review.

IV. CONCLUSION

For the above reasons, we exercise our discretion under 35 U.S.C. § 314(a) to deny institution of an *inter partes* review challenging claims 17–21, 25–35, 59–69, 85–89, 93–99 of the '584 patent.

V. ORDER

In consideration of the foregoing, it is

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

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