

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

AVAGO TECHNOLOGIES INTERNATIONAL SALES PTE. LIMITED,
Patent Owner.

IPR2021-01343
Patent 8,646,014 B2

Before KRISTEN L. DROESCH, NATHAN A. ENGELS, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. § 42.4

I. INTRODUCTION

Petitioner Netflix, Inc. filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1, 3–12, and 14–20 of U.S. Patent No. 8,646,014 B2 (Ex. 1001, “the ’014 patent”). Patent Owner Avago Technologies International Sales Pte. Limited filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the evidence of record, we determine Petitioner has demonstrated a reasonable likelihood of prevailing in establishing unpatentability of at least one claim of the ’014 patent. Accordingly, we institute *inter partes* review.

A. *Real Parties-in-Interest*

Petitioner identifies Netflix, Inc. and Netflix Streaming Services, Inc. as the real parties-in-interest. Pet. 72. Patent Owner identifies Avago Technologies International Sales Pte. Limited as the real party-in-interest. Paper 5, 1.

B. *Related Matters*

The parties state that the ’014 patent is the subject of *CA, Inc. v. Netflix, Inc.*, No. 2:21-cv-00080 (E.D. Tex.)¹ and *Netflix, Inc. v. CA, Inc.*, 3:21-cv-03649 (N.D. Cal.). Pet. 72; Paper 5, 1.

¹ After the parties’ briefing, the U.S. Court of Appeals for the Federal Circuit ordered the Eastern District of Texas to transfer this case to the Northern District of California. *In re Netflix, Inc.*, No. 2022-110, 2022 WL 167470 (Fed. Cir. Jan. 19, 2022). Consequently, we need not address Patent

C. The '014 Patent

Titled “Multistream Video Communication with Staggered Access Points,” the '014 patent describes a system and method that provide reduced latency in video signal processing systems. Ex. 1001, codes (54), (57). According to the '014 patent, latency is the time between when the user requests a particular video and when the system decodes the requested video and presents it to the user. Ex. 1001, 1:35–54. The '014 patent states that video streams have access points at which decoding can begin, such as an intra-coded frame (Ex. 1001, 4:17–32), also known as an “I-frame” (Pet. 5; Ex. 1003 ¶ 6; Ex. 1005, 1:43–59).

One way to minimize latency, according to the '014 patent, is by providing the same video information in multiple video streams, with each stream having temporally offset access points. Ex. 1001, 7:20–44. The '014 patent states that a receiver can identify the access points in each of the multiple video streams and determine which of the video streams will communicate an access point next, thus allowing the receiver to determine which video stream will provide the lowest latency. Ex. 1001, 7:20–51.

D. Illustrative Claims

Of the challenged claims, claims 1, 12, and 20 are independent claims. Claim 1, reproduced below, is illustrative of the challenged claims.

1[a] A method in a video receiving system for receiving video information, the method comprising:

Owner’s arguments for discretionary denial under the *Fintiv* factors, which were premised on the Eastern District of Texas’s trial schedule, which no longer applies. *See* Ex. 3001 (parties’ agreement that *Fintiv* arguments are moot).

[1b] receiving, by a receiver, a request by a user for a unit of video information;

[1c] receiving, by the receiver, a plurality of video information streams, each of which represents the requested unit of video information;

[1d] identifying, by the receiver, which of the plurality of video information streams, when processed, is expected to result in a lower latency in presenting the unit of video information; and

[1e] processing, by the receiver, the identified video information stream to present the unit of video information.

E. Alleged Grounds of Unpatentability

Petitioner asserts that claims 1, 3–12, and 14–20 would have been unpatentable on the following ground:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 3–12, 14–20	103 ²	Cooper, ³ Baldwin ⁴

II. ANALYSIS

A. Level of Ordinary Skill in the Art

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

² Based on the filing date of the applications to which the '014 patent claims priority, we apply the pre-AIA version of § 103; however, our analysis would be the same under the current version of the statute.

³ U.S. Patent No. 7,810,124 B2, issued Oct. 5, 2010 (Ex. 1004).

⁴ U.S. Patent No. 7,603,689B2, issued Oct. 13, 2009 (Ex. 1005).

Petitioner contends a person of ordinary skill in the art at the time of the invention would have been a person with a “bachelor’s degree in electrical engineering, computer engineering, computer science, or a similar field with at least two years of experience in digital video signal processing or digital video streaming or had a master’s degree in electrical engineering, computer engineering, computer science, or a similar field with a specialization in digital video signal processing.” Pet. 15 (citing Ex. 1003 ¶¶ 37–39). Petitioner also states that a person of ordinary skill would have been able to, among other things, encode and decode digital video signals, packetize, multiplex, and demultiplex encoded digital video signals for transmission, and implement modulation and channel coding. Pet. 15–16 (citing Ex. 1003 ¶ 40).

Patent Owner does not address the level of skill in the art in its Preliminary Response. For the purposes of this Decision, we apply the level of ordinary skill advanced by Petitioner in terms of education and experience, but at this stage, we do not further address the lists of abilities purportedly within the capabilities of a person of ordinary skill.

B. Claim Construction

We construe claims using the principles set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–17 (Fed. Cir. 2005) (en banc) and related cases. See 37 C.F.R. § 42.100(b) (2020). Under that precedent, the words of a claim are generally given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the entire patent including the specification. *Phillips*, 415 F.3d at 1312–13.

1. “*video information*”

Petitioner contends a person of ordinary skill would have understood that “video information” means “digital video data.” Pet. 16. Patent Owner disagrees with Petitioner’s proposed construction and contends “video information” should be given its plain and ordinary meaning. Prelim. Resp. 29. Patent Owner also states that the construction is immaterial to the arguments in the Preliminary Response, and Patent Owner does not further address the meaning of the limitation. Prelim. Resp. 29.

At this stage, we determine it is unnecessary to expressly interpret the “video information” for the purposes of institution. *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.”) (internal quotation omitted).

2. “*video channel*”

Petitioner contends a person of ordinary skill would have understood that “video channel” means “‘video program’ or ‘the video of a transmitted program.’” Pet. 17. Petitioner further contends “video channel” is distinguishable from a communication channel through which video information is transmitted. Pet. 18.

Patent Owner disagrees with Petitioner’s proposed construction and contends “video channel” should be given its plain and ordinary meaning. Prelim. Resp. 29. Patent Owner also states that the construction is immaterial to the arguments in the Preliminary Response, and Patent Owner does not further address the meaning of the limitation. Prelim. Resp. 29.

At this stage, we determine it is unnecessary to expressly interpret the “video channel” for the purposes of institution.

C. Summary of Prior Art References

1. Cooper

Titled “Robust Mode Staggecasting Fast Channel Change,” Cooper describes “staggecasting” as transmitting a composite signal including two component content representative signals, one of which is delayed with respect to the other. Ex. 1004, 1:66–2:2, code (54). In one example, Cooper states that “the same content representative signal may be staggecasted as a packet stream carrying a high-quality video signal and as one or more packet streams carrying reduced video quality video signals.” Ex. 1004, 22:29–32; *see* Ex. 1004, 6:5–49, 19:41–45. Cooper states that its method of staggecasting decreases the time between when a user requests a new content representative signal and when it begins to be decoded and displayed to the user. Ex. 1004, 2:47–51.

2. Baldwin

Titled “Fast Start-Up for Digital Video Streams,” Baldwin describes technology for reducing the start-up delay of digital video streams. Ex. 1005, codes (54), (57). As part of its fast start-up system, Baldwin describes streaming the same video content on a main video stream and on multiple alternative transmission streams called “lead-in streams” having different I-frames or “random access points.” Ex. 1005, 6:28–31, Figs. 3, 4. “By sending multiple different streams, tuning time is improved because the receiver may select one of the lead-in streams to play. The one selected will typically be the one which will be ready to be presented the quickest after the time at which the user tunes.” Ex. 1005, 9:24–28. Baldwin further states that “when the exemplary fast start-up system wishes to tune to a channel . . . , it queries the multicast server . . . in order to determine which

lead-in alternative stream is the first lead-in that has not started yet, and the receiver joins . . . that alternative multicast transmission.” Ex. 1005, 9:37–42. Baldwin states that the fast start-up system then requests that a router switch the receiver back to the main stream multicast transmission just before the next random access point of the main stream. Ex. 1005, 9:43–46.

D. Ground 1: Obviousness Based on Cooper and Baldwin

The Petition includes a limitation-by-limitation comparison of Cooper and Baldwin to claims 1, 3–12, and 14–20 (Pet. 24–48), and Petitioner contends a person of ordinary skill would have been motivated to combine Cooper and Baldwin for a number of reasons (Pet. 18–23).

Responding to Petitioner’s arguments, Patent Owner contends neither of Cooper or Baldwin teaches limitation [1d], and further contends Petitioner failed to present an adequate rationale for combining the references’ teachings. Prelim. Resp. 33–46.

1. Claim 1

[1a] “A method in a video receiving system for receiving video information, the method comprising:

Petitioner contends the combination of Cooper and Baldwin renders this limitation obvious “because Cooper and Baldwin each teach a video receiving system (e.g., Cooper’s receiver and Baldwin’s client device/presentation device) for receiving video information.” Pet. 24; *see* Pet. 24–25 (addressing Cooper), 26–27 (addressing Baldwin).

At this stage, Patent Owner does not specifically address Petitioner’s showing for this limitation.

[1b] “receiving, by a receiver, a request by a user for a unit of video information;”

Petitioner contends the combination of Cooper and Baldwin renders this limitation obvious because “Cooper teaches a receiver receiving a request from a user for a new content source, and Baldwin teaches a receiver receiving a user request for a channel change from a remote control.”

Pet. 28; *see* Pet. 28–29 (addressing Cooper), 29–31 (addressing Baldwin).

At this stage, Patent Owner does not specifically address Petitioner’s showing for this limitation.

[1c] “receiving, by the receiver, a plurality of video information streams, each of which represents the requested unit of video information;”

Petitioner contends the combination of Cooper and Baldwin renders this limitation obvious “because Cooper teaches a receiver receiving a ‘composite’ signal that includes multiple streams and Baldwin teaches a receiver receiving multiple alternative streams.” Pet. 31. More specifically, Petitioner contends Cooper teaches a receiver that receives a composite signal of a first and a second signal multiplexed together, where the first stream may be a “normal-mode stream” (e.g., high-definition version) of video content, and the second stream may be a “robust-mode stream” (e.g., standard-definition version) of the same video content. Pet. 31–32 (citing Ex. 1004, 6:5–49, 16:55–17:2, 19:19–26, 19:41–55).

Petitioner also contends “Baldwin renders this limitation obvious because Baldwin teaches a client that determines for itself which stream to listen to from a set of streams representing the same content.” Pet. 33 (citing Ex. 1005, 6:30–36). According to Petitioner, “Baldwin’s client device may be employed in a fast start-up system that employs a main video stream and

an alternative video stream” (or multiple alternative streams) having the same content. Pet. 33 (citing Ex. 1005, 6:37–54, 7:1–4, 9:1–28, Figs. 3, 4).

At this stage, Patent Owner addresses this limitation with its arguments directed primarily to limitation [1d], which we address below.

[1d] “identifying, by the receiver, which of the plurality of video information streams, when processed, is expected to result in a lower latency in presenting the unit of video information; and”

Petitioner contends the combination of Cooper and Baldwin renders this limitation obvious “because Cooper teaches a receiver that identifies and decodes the undelayed video packet stream first when the viewer selects a new content signal (before switching to the delayed packet stream), and Baldwin teaches a receiver selecting a stream that is expected to be readily decoded and presented sooner.” Pet. 34–35 (citing Ex. 1004, 16:55–17:2, 17:23–60, 18:17–31, 22:50–64; Ex. 1005, 1:55–59, 6:25–36, 7:30–8:2, 9:24–28, Fig. 3). More specifically, Petitioner contends Cooper teaches first decoding the first encoded signal of a composite signal until the delayed second encoded signal is available. Pet. 35 (citing Ex. 1004, 3:1–3).

According to Petitioner, a person of ordinary skill would have understood choosing to decode and present the first undelayed signal first would result in a lower latency “because the undelayed signal is available for decoding and presenting before the delayed second signal is ready to begin decoding.” Pet. 35. Further, Petitioner states that “Cooper teaches a receiver decoding and presenting the undelayed video stream (e.g., a robust mode packet stream) before switching to decoding and presenting the delayed packet stream (e.g., normal mode packet stream) in order to facilitate a fast channel change.” Pet. 35. Petitioner contends Cooper teaches that the receiver

identifies the undelayed packet stream by the packet identifier included in the header of each of its packets and the information in the tables supplied with the packet stream. Pet. 37.

Petitioner states that “[t]o the extent that Patent Owner argues the foregoing teachings of Cooper relating to a receiver that identifies which of the multiplexed packet streams is not time-delayed does not render limitation [1d] obvious, then a [person of ordinary skill in the art] would have found it obvious for Cooper and Baldwin to teach this limitation based on Baldwin’s teachings.” Pet. 37 (second alteration in original). According to Petitioner, “Baldwin teaches providing phase-staggered alternative streams and a receiver that identifies which stream has the next available access point and chooses that stream to listen to.” Pet. 37 (citing Ex. 1005, 6:31–36); *accord* Pet. 38–40 (describing Baldwin as teaching a plurality of streams and a receiver that determines which stream to select based on random access points or I-frames to reduce latency (citing Ex. 1005, 6:25–36, 7:21–8:2, Figs. 3, 4)).

Patent Owner contends that while Cooper’s system transmits a composite stream that includes both the normal stream and the robust stream at certain times, Cooper teaches that the normal stream is always used “[w]hen the normal mode packet stream becomes available.” Prelim. Resp. 34 (citing Ex. 1004, 17:42–45) (emphasis omitted). According to Patent Owner, Petitioner identifies no disclosure in Cooper that indicates that the robust stream is ever used when the normal stream is available, and Patent Owner argues that Cooper’s use of the robust stream only while the normal stream is unavailable does not satisfy limitation [1c], which requires reception of multiple streams. Prelim. Resp. 34–35.

Patent Owner also argues that in Baldwin's system, the server, not the receiver, identifies the stream with the next-earliest random access point. Prelim. Resp. 37–41. Citing Baldwin's Figure 5 and related descriptions, Patent Owner contends Baldwin teaches that the receiver queries a multicast server and then merely joins the stream identified by the server. Prelim. Resp. 38–41 (citing Ex. 1005, 10:11–12, 10:15–29, Fig. 5). In particular, Patent Owner cites Baldwin's statements that “the exemplary fast start-up system *queries a multicast server . . .* in order to determine which of the alternative [random access point]-phase-staggered lead-in alternative video streams is the first lead-in that has not yet started” and “the exemplary fast start-up system joins the alternative multicast transmission *identified by the query.*” Prelim. Resp. 39 (quoting Ex. 1005, 10:18–26). According to Patent Owner, Baldwin's server returns the identity of only one stream in response to the query and there is no plurality of video information streams presented to the receiver. Prelim. Resp. 40.

Regarding Baldwin, we note that both parties cite Baldwin's statement that “individual client device[s] may determine for themselves which streams to be listening to at any given point” (Ex. 1005, 6:31–33). Pet. 37–38; Prelim. Resp. 40–41. Petitioner contends Baldwin teaches that the receiver itself identifies which stream has the next available access point (Pet. 37–38), but Patent Owner contends Baldwin provides no explanation regarding how to implement the client device mentioned in that statement (Prelim. Resp. 40–41).

At this stage, we understand Baldwin's teachings to indicate that its client devices (receivers) can determine for themselves which stream has the next available random access point or I-frame and to accordingly select the

stream that is expected to result in lower latency based on the statement quoted above. Ex. 1005, 6:31–33; *but see* Ex. 1005, 7:53–58 (“While alternative video-stream is presented . . . , the exemplary fast start-up system starts receiving main video-stream transmission”). On the current record, we do not agree with Patent Owner’s suggestion that Baldwin is limited to a server identifying streams or that Baldwin’s “mere statement” regarding the client devices’ ability to identify such streams lacks sufficient explanation. Reading Baldwin as a whole and on this record, Baldwin appears to teach that either device—a server or a client device—can select a stream that has the next available access point or I-frame. *See* Ex. 1005, 6:20–55, 9:24–46 (“By sending multiple different streams, tuning time is improved because the receiver may select one of the lead-in streams to play. The one selected will typically be the one which will be ready to be presented the quickest after the time at which the user tunes.”). Accordingly, at this stage, we determine Petitioner has sufficiently shown that Baldwin teaches this limitation.

We are also persuaded for the purposes of institution that Petitioner has sufficiently shown that Cooper teaches this limitation. As noted with limitation [1c], Cooper teaches a receiver that receives a normal-mode signal and a robust-mode signal multiplexed together into a composite signal. *E.g.*, Ex. 1004, 1:66–2:2. At this stage, we determine the composite signal comprising two signals falls within the scope of the recited “plurality of video information streams,” but Patent Owner is encouraged to brief that issue if it disagrees. *See* Prelim. Resp. 34 (“It is certainly true that Cooper’s system, at times, transmits a composite stream that includes both the normal stream and the robust stream.”); *but see* Prelim. Resp. 34 (arguing Petitioner

fails to establish that Cooper teaches both “receiving . . . *a plurality* of video information streams” and “identifying . . . which of *the plurality* of video information streams”). Further, for the purposes of institution, we determine that Petitioner has sufficiently shown that Cooper teaches the identifying limitation of [1d] with its teaching that the receiver identifies the robust-mode packet stream to decode first because it can be available for presentation sooner than the normal-mode packet stream. Pet. 35; Ex. 1004, 22:29–32.

It is not clear at this stage how Patent Owner’s arguments that “no disclosure in Cooper . . . indicates that the robust stream is ever used when the normal stream is available” would distinguish limitations [1c] and/or [1d]. We note that the ’014 patent describes examples in which “a first video information stream may correspond to expected lower video presentation latency, while a second video information stream may correspond to a higher video quality.” Ex. 1001, 17:36–40; *accord* Ex. 1001, 2:23–25 (“The first and second encoded versions may, for example, be encoded at identical or different quality levels.”), 4:13–16, 8:1–16 (“the receiver might process first one stream and then another stream if the second stream is expected to result in higher quality video display”), 19:43–55, 20:53–56 (dependent claim 4), 22:1–4 (dependent claim 15), Fig. 6. The parties are encouraged to address the scope of the claim limitations and clarify their positions in future briefing.

[1e] “processing, by the receiver, the identified video information stream to present the unit of video information.”

Petitioner contends the combination of Cooper and Baldwin renders this limitation obvious “because Cooper teaches a receiver decoding and displaying video data in a packet stream and Baldwin teaches a receiver

decoding and displaying video data.” Pet. 42. Petitioner contends a person of ordinary skill would have understood that Cooper teaches a receiver processing the identified video stream with its teachings regarding the receiver decoding and displaying video data. Pet. 42. Petitioner also contends a person of ordinary skill would have understood that Baldwin teaches “a receiver (e.g., client device, presentation device) . . . processing (e.g., decoding) video data, such as I-frames, and presenting (e.g., displaying, rendering) the video data.” Pet. 43.

At this stage, Patent Owner does not address Petitioner’s showing for this limitation.

Motivation to combine Cooper and Baldwin

Petitioner contends Cooper and Baldwin teach complementary techniques relating to a fast channel change, and Petitioner contends a person of ordinary skill would have been motivated to combine Cooper and Baldwin for a number of reasons. Pet. 18–23. For example, Petitioner contends “[c]ombining Cooper’s receiver teachings with Baldwin’s teachings of providing alternative streams with staggered access points and selecting the stream with the next available access point” involves combining prior art elements according to known methods to yield predictable results “because both teach video receivers that receive alternative streams representing content selected by a viewer.” Pet. 19–20.

Patent Owner argues that Petitioner fails to establish that a person of ordinary skill would have had reason to combine Cooper and Baldwin because “Petitioner alleges that both Cooper and Baldwin individually teach every limitation of [c]laim 1.” Prelim. Resp. 41.

As noted above, we determine for the purposes of institution that Petitioner has shown that each of Cooper and Baldwin teaches each limitation of claim 1, but at this stage, we are not persuaded that Petitioner has established how and why a person of ordinary skill would have combined the references. Petitioner's presents reasons to combine the references generally, largely removed from Petitioner's discussion of the limitations of claim 1, and it is not clear in the Petition how or where Petitioner relies on the combined teachings, as opposed to the references individually, to satisfy any particular limitation. Nor is it clear where or if Petitioner presents the combination of references as alternative arguments. However, we expect the parties to address these issues at trial.

Patent Owner cites *LG Electronics, Inc. v. Cellular Communications Equipment LLC*, IPR2016-00197, Paper 7 (PTAB Apr. 29, 2016), as an instance in which the Board denied institution for lack of a rationale to combine where a petitioner asserted a two-reference obviousness ground while asserting that the primary reference itself teaches each limitation. *See* Prelim. Resp. 9–10, 41–45. The Court of Appeals for the Federal Circuit has held, though, that a petitioner asserting a two-reference obviousness ground can satisfy 35 U.S.C. § 312(a)(3) by presenting evidence that one of the references individually teaches each limitation of a challenged claim. *Realtime Data*, 912 F.3d at 1373. In *Realtime Data*, the court noted that the Board may not rely on a basis for unpatentability unless the patent owner had notice of the basis and an adequate opportunity address it, but the court determined that the petition in that case satisfied 35 U.S.C. § 312(a)(3) by showing how one of the two references satisfied every limitation. *Id.* Here, Patent Owner acknowledges that Petitioner contends each of Cooper and

Baldwin teaches each limitation, notwithstanding Petitioner's presentation of its challenge as a single ground based on the combination of the two references. Prelim. Resp. 41–45.

At this stage, we are skeptical of Petitioner's presentation of the combination of references and the purported reasons for combining the references to arrive at the claimed invention. As noted above, however, we determine Petitioner has sufficiently shown for the purposes of institution that each of Cooper and Baldwin teaches each limitation of claim 1, and at this stage, we preliminarily determine the Petition satisfies the requirements of § 312 and 37 C.F.R. § 42.104(b). We encourage the parties to address this issue, including relevant case law, in future briefing.

2. Conclusion Regarding Claim 1

Based on the current record, we determine Petitioner has made a sufficient showing for each element of claim 1 for the purposes of institution. Accordingly, Petitioner has established that it is likely to prevail in showing that claim 1 is unpatentable over Cooper and Baldwin.

3. Claims 3–12 and 14–20

Petitioner presents a claim-by-claim, limitation-by-limitation comparison of each of claims 3–12 and 14–20 to the teachings of Cooper and Baldwin. Patent Owner does not substantively address Petitioner's showings for these claims beyond its arguments advanced for claim 1. *See* Prelim. Resp. 45–46.

We note that for certain dependent claims, Petitioner cites one or the other of Cooper and Baldwin, although with language purporting to address the combination of references. As appropriate, where Petitioner relies on the purported combination of references for specific dependent claims, we

encourage the parties to address whether Petitioner presented adequate reasons for combining the references for those claims.

III. CONCLUSION

For the reasons set forth above, we determine that Petitioner has demonstrated a reasonable likelihood that it will prevail with respect to at least one claim of the '014 patent. Accordingly, we institute an *inter partes* review as to all challenged claims.

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 as to claims 1, 3–12, and 14–20 of the '014 patent on all 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 given of the institution of a trial, which commences on the entry date of this Decision.

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