

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIGHT & WONDER, INC.,
Petitioner,

v.

EVOLUTION MALTA LIMITED,
Patent Owner.

IPR2025-01072
Patent 11,011,014 B1

Before ROBERT L. KINDER, SHEILA F. McSHANE, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Light & Wonder, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–3, 5–11, 13–19, and 21–24 of U.S. Patent No. 11,011,014 B1 (Ex. 1001, “the ’014 patent”). Evolution Malta Limited (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Petitioner filed an authorized Reply. Paper 12 (“Reply”). Patent Owner thereafter filed a Sur-reply. Paper 13 (“Sur-reply”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a) (2024). 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.” 35 U.S.C. § 314(a). Moreover, a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 371 (2018).

Upon consideration of the papers above and the evidence of record, we conclude that the information presented shows a reasonable likelihood that Petitioner will prevail in showing the unpatentability of at least one of the challenged claims at issue.

Pursuant to § 314, we hereby institute an *inter partes* review as to challenged claims 1–3, 5–11, 13–19, and 21–24 of the ’014 patent.

A. Related Matters

According to the parties, the ’014 patent subject to civil action in *Evolution Malta Limited v. Light & Wonder, Inc.*, Case No. 2:24-cv-00993-CDS (D. Nev.). Pet. 81; *see* Paper 4, 2 (Patent Owner Mandatory Notices).

Petitioner has filed other IPR petitions challenging patents related to

the '014 patent, including: U.S. Patent No. 10,629,024 (IPR2025-01073) and U.S. Patent No. 11,756,371 (IPR2025-01078). Pet. 81; Paper 4, 2.

B. The '014 Patent (Ex. 1001)

The '014 patent is titled “Systems, Methods, and Media for Implementing Internet-Based Wagering.” Ex. 1001, code (54). The '014 patent relates to a roulette-based system that “provide[s] Internet-based wagering.” *Id.* at 1:16–25.

Referring to Figure 2 of the '014 patent, a process for implementing a roulette wagering game in accordance certain embodiments of the invention is shown. *Id.* at 4:33–35.

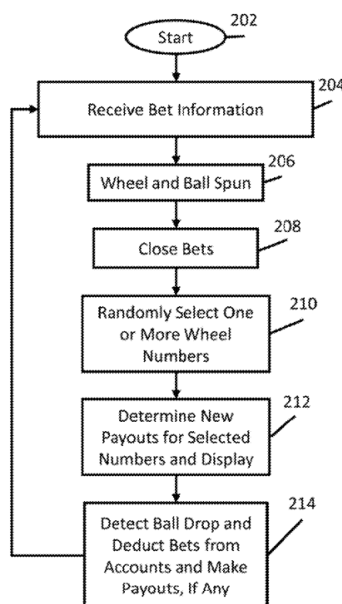


FIG. 2

Figure 2 of the '014 patent shows a flow chart of the wager game according to certain embodiments. *Id.* at 2:31–32. “[A]fter process 200 begins at 202, the process can receive bet information at 204,” such as “any suitable roulette bet” with “an amount wagered.” *Id.* at 4:35–41. “Next, at 206, a roulette wheel and ball can be spun . . . in any suitable manner.” *Id.* at 4:42–43. Bets may be closed at 208 and at 210 “one or more of the roulette wheel

numbers” can be randomly selected by “any suitable manner” such as “a pseudo-random number generator function.” *Id.* at 4:50–63. Next, at 212, the process can “determine the increased payouts for the numbers selected at 210.” *Id.* at 5:15–19. The Specification states that “[a]ny suitable payouts can be used in some embodiments,” and provides as an example “increased payouts for the selected numbers can range from 49:1 to 499:1.” *Id.* Finally, “at 214, process 200 can detect the ball dropping into a position on the roulette wheel, deduct bet money from player accounts . . . and make payouts of money.” *Id.* at 5:33–37.

C. Challenged Claims

Petitioner challenges claims 1–3, 5–11, 13–19, and 21–24. Pet. 1. Claims 1, 9, and 17 are independent. Ex. 1001, 8:10–10:35. Claim 1 is illustrative of the challenged claims:

1. A system for wagering, comprising:
 - a roulette wheel;
 - a ball configured to be used in the roulette wheel;
 - at least one hardware processor collectively configured to:
 - generate a first graphical user interface for presentation on a first player device of a first player;
 - generate a second graphical user interface for presentation on a second player device of a second player;
 - receive first bet information for a first bet on a spin of the roulette wheel via the first graphical interface, the first bet information corresponding to only a single first position on the roulette wheel;
 - receive second bet information for a second bet on the spin of the roulette wheel via the second graphical interface,

the second bet information corresponding to only a single second position on the roulette wheel that is different from the single first position;

determine that the roulette wheel and the ball have been spun for the spin of the roulette wheel;

randomly select a first selected position on the roulette wheel for the spin of the roulette wheel prior to the ball falling into an outcome position on the roulette wheel, wherein the first selected position is the same as the single first position;

determine a first payout for first single position and a second payout for the single second position for the spin of the roulette wheel, wherein the first payout is higher than the second payout;

determine that the ball has fallen in the single first position for the spin of the roulette wheel; and

indicating that the first player is to be paid at the first payout for the spin of the roulette wheel.

Id. at 8:11–43. Claim 9 recites similar limitations but is directed to a “method for wagering.” *Id.* at 9:7. Claim 17 likewise recites similar limitations but is directed to “[a] non-transitory computer-readable medium.” *Id.* at 10:4.

D. Alleged Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

References	35 U.S.C. §	Claims Challenged
Kido ¹	102	1–3, 5–7, 9–11, 13–15, 17–19, 21–23
Kido	103	1–3, 5–7, 9–11, 13–15, 17–19, 21–23
Kido and Yee ²	103	8, 16, 24
Baron ³	102	1–3, 5–7, 9–11, 13–15, 17–19, 21–23
Baron	103	1–3, 5–7, 9–11, 13–15, 17–19, 21–23
Baron and Yee	103	8, 16, 24

Pet. 6. In addition to the references listed above, Petitioner relies on the Declaration of Stacy Friedman. Ex. 1003.

II. ANALYSIS

Petitioner bears the burden of persuasion to prove unpatentability of the claims challenged in the Petition, and that burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

¹ US 2008/0248853 A1, published Oct. 9, 2008 (Ex. 1007) (“Kido”).

² US Patent No. 9,600,974 B2, issued Mar. 21, 2017 (Ex. 1009) (“Yee”).

³ US 2016/0155296 A1, published Jun. 2, 2016 (Ex. 1008) (“Baron”).

A. Claim Construction

We construe each claim “in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b) (2025). Under this standard, claim terms are generally given their plain and ordinary meaning as would have been 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. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc).

Payout

According to Petitioner, “all the claim terms are given their plain meaning.” Pet. 5. In its Reply, Petitioner provides a proposed claim construction for “payout.” Reply 1–2. According to Petitioner, “[t]he term ‘payout’ should be interpreted according to its plain and ordinary meaning, which is simply an amount that is paid to someone.” *Id.*

Patent Owner proposes a claim construction for “payout” as “the amount a player will win in relation to the amount wagered.” Prelim. Resp. 15. Patent Owner’s proposed construction requires the amount awarded to a player be directly correlated to the specific amount wagered. *See id.* For example, Patent Owner contends that in context of roulette games, as claimed in the ’014 patent, a payout is “the amount the player will win based on the amount wagered, such as 29:1 or between 49:1 and 499:1.” *Id.* To support this construction, Patent Owner relies on exemplary payout ranges provided in the specification of the ’014 patent, which are written in odds format. *Id.* (quoting Ex. 1001, 5:17–32).

In its Sur-reply, Patent Owner emphasizes that the game of roulette is the context provided by the claims and specification of the '014 patent and “payout” in the game of roulette is odds correlated to the amount wagered. Sur-reply 2. Patent Owner notes that “because roulette payouts are in odds format in relation to the amount wagered, the terms ‘payout’ and ‘payout odds’ are used interchangeably in the art.” *Id.* at 3.

At this juncture in the proceeding, and based on the current record, we do not agree with Patent Owner that “payout,” as claimed, should be limited to “the amount a player will win in relation to the amount wagered.” Sur-reply 2. We recognize, as Patent Owner points out, that the examples provided in the Specification are listed in odds format. *See id.* The Specification, however, also states that “[a]ny suitable payouts can be used in some embodiments.” Ex. 1001, 5:16–17. This language suggests a broader interpretation of “payout” beyond just payout odds and we therefore decline to import the wager limitation into the claim term. Although the '014 patent generally describes payouts in terms of odds, like 49:1, the intrinsic record lacks clear evidence necessary to limit the claims as Patent Owner proposes.

Both parties rely on extrinsic evidence, which we determine also does not support limiting “payout” as proposed by Patent Owner. *See* Reply 3–5; Sur-reply 4. Petitioner relies on references cited on the face of the '014 patent, as well as the prior art references Kido and Baron, to show that the term “payout” does not necessarily depend on the amount wagered by the player and it may refer to a progressive jackpot. Reply 3. Patent Owner counters that the “specific passages” relied on by Petitioner relate to progressive jackpots and not to payouts in the game of roulette. Sur-reply 4.

We agree with Petitioner that the Kido and Baron references support an understood plain and ordinary meaning of the term “payout” that is not limited to payout odds, like 49:1, for roulette games. Reply 3–4. Kido describes, for example, an “amount indicator 15 [that] displays a jackpot (JP) amount that is a *special payout*.” *Id.* (quoting Ex. 1007 ¶ 129). “Baron likewise discloses a ‘payout’ equal to the amount accumulated in a progressive pot (*e.g.*, \$2,500) that does not vary in relation to the amount wagered, stating that ‘the amount of the *payout* may be . . . an entire amount of the progressive pot.’” *Id.* at 4 (quoting Ex. 1008 ¶ 45). Both Kido and Baron use “payout” to refer to progressive awards in the references’ respective roulette games.

Based on the record currently before us, we do not agree with Patent Owner that “payout” should be strictly correlated to odds-based wagers. According to its plain and ordinary meaning, “payout” is an amount that is paid someone. *See* Ex. 1001, 5:15–19 (“[a]ny suitable payouts can be used”).

Spin of the roulette wheel

Patent Owner contends that “[t]he term ‘a spin of the roulette wheel’ should be given its ordinary meaning in the context of the patent and file history, which is one spin of one roulette wheel.” Prelim. Resp. 18.

Petitioner does not object to this proposed interpretation, but instead focuses its arguments on whether Baron teaches the limitation as construed by Patent Owner. *See* Reply 5–7.

Having considered Patent Owner’s proposed support for “a spin of the roulette wheel” to mean “one spin of one roulette wheel,” we adopt this

interpretation as the plain and ordinary meaning of the term in the context of the '014 patent.

If either party intends to further argue claim construction at trial, they should do so in a clearly designated section of their briefing so as to expressly identify such arguments. *See, e.g.*, 37 C.F.R. § 42.104(b)(3) (content of petition); *see also* Board's Consolidated Trial Practice Guide (CTPG), 84 Fed. Reg. 64,280, at 42, 44–50 (Nov. 2019) (available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>). Claim construction arguments should not be relegated to patentability arguments on the facts.

B. Legal Standards for Anticipation

“Under 35 U.S.C. § 102 a claim is anticipated ‘if each and every limitation is found either expressly or inherently in a single prior art reference.’” *King Pharm., Inc. v. Eon Labs, Inc.*, 616 F.3d 1267, 1274 (Fed. Cir. 2010) (quoting *Celeritas Techs. Ltd. v. Rockwell Int’l Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998)). “Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)).

C. 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).

Petitioner proposes “a person having at least a Bachelor’s Degree in electrical engineering, computer science, or computer engineering, or undergraduate training in an equivalent field and at least two years of relevant experience in electronic gaming technology.” Pet. 5–6 (citing Ex. 1003 ¶¶ 22–26). Petitioner further notes that “[a]dditional graduate education could substitute for professional experience, and significant work experience could substitute for formal education.” *Id.* at 6.

Patent Owner does not dispute this level of skill. *See* Prelim. Resp. 13–14 (“Evolution does not set forth an alternative level of skill for a person of ordinary skill in the art”).

For purposes of this Decision, we adopt Petitioner’s proposal, which comports with the teachings of the ’014 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (holding that the prior art itself can reflect the appropriate level of ordinary skill in the art).

D. Anticipation Based on Kido

Petitioner asserts that each of claims 1–3, 5–7, 9–11, 13–15, 17–19, and 21–23 of the ’014 patent is anticipated by Kido. Pet. 7–47. In support of its showing, Petitioner relies upon the Friedman Declaration (Ex. 1003).

For the reasons discussed below, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that at least one challenged claim is anticipated by Kido. We focus our discussion below on independent claims 1, 9, and 17, and Patent Owner’s contentions with respect to those claims.

1. *Kido (Ex. 1007)*

Kido teaches a modified roulette type game that sets a randomly selected “star mark” before a spin and awards a privilege when the selected mark is the star mark and the mark bet is the star mark. Ex. 1007, code (57), ¶ 83. A predetermined ratio of a portion of the chips bet is stocked as a payout portion to be paid out when it is made a win with the star mark and is added to the accumulated portion from previous games. *Id.* ¶ 226. Thus, in addition to a normal roulette payout based on the game value placed as a bet and a rate (or odds) corresponding to the mark bet on, Kido discloses awarding “a privilege when the selected mark is the special game value award mark and the mark bet is also the special game value award mark.” *Id.* ¶ 83; *see also id.* ¶ 119 (“When the privilege unit 113 obtains the win information from the special game value award mark win determining unit 112, it awards, as a payout, the game value stored in the accumulated game value memory 117.”).

2. *Claims 1, 8, and 15*

a. *Uncontested Limitations*

Petitioner presents uncontested argument and evidence that most limitations of claims 1, 9, and 17 are disclosed by Kido. *See* Pet. 8–39. For example, Kido discloses a roulette wheel (*id.* at 10; Ex. 1007 ¶ 132, Fig. 4), generating a first and second graphical interface (*id.* at 15–18; Ex. 1007, ¶¶ 161–170, 188, 193, Figs. 3, 7), receiving first and second bet information (*id.* at 18–20; Ex. 1007 ¶¶ 127, 167, 172, 177, 182, 190, Figs. 3, 5), determining that the roulette wheel and ball have been spun (*id.* at 23–25; Ex. 1007 ¶¶ 156, 108, 114, 137, 138, 154, 201, 215, 228, 241, 259), and randomly selecting a first selected position on the roulette wheel prior to the

ball falling into a position (*id.* at 25–31; Ex. 1007 ¶¶ 221, 249, 250, 265, Fig. 14).

Patent Owner does not address the preamble or these other elements of the claims. Based on our review of the initial record before us, we determine that Petitioner has shown by a reasonable likelihood that Kido discloses these uncontested limitations.

b. Contested Limitations

Based on its proposed claim construction for “payout,” Patent Owner first challenges whether Kido discloses “determine a first payout for first single position and a second payout for the single second position for the spin of the roulette wheel, wherein the first payout is higher than the second payout.” *See* Prelim. Resp. 24–29.

Patent Owner’s first argument is largely dependent upon its claim interpretation of “payout,” addressed above. Petitioner relies on Kido’s progressive bonus (“Prog bonus”) won by landing on the star mark as disclosing a first payout that is higher than a second. *See* Pet. 32–33. According to Petitioner, Kido’s Prog bonus routine discloses a first higher payout because the first payout will include not only the basic payout for selecting the win number but also an additional payout in the form of the Prog bonus for landing on the star mark. *Id.* (citing Ex. 1007 ¶¶ 114, 221).

Patent Owner first contends that regardless of the position of the wheel a player bets on, the payout the player will receive is based on the odds, or amount wagered, so certain payouts cannot be higher than others. Prelim. Resp. 25–26. Next, Patent Owner attempts to distinguish Kido’s Prog bonus as “simply the total amount that can be won regardless of the wager,” and thus not a “first payout” as that term is used in the claims. *Id.* at

26–27 (“it is simply the total amount of the jackpot” because “[i]n Kido, if a player wins the progressive jackpot, the player receives the entire jackpot no matter how much was bet”).

Based on the evidence before us, we find persuasive Petitioner’s contention that Kido’s accumulated jackpot paid when landing on a star mark reads on the claimed “first payout . . . wherein the first payout is higher.” *See* Pet. 32–36. As explained above, the current record does not support limiting the term “payout” to just the amount a player will win in relation to the amount wagered. As Petitioner notes, a first payout that receives Kido’s accumulated Prog bonus payout is necessarily higher than a second payout that does not receive the Prog bonus. *Id.* at 35. Further, Kido even describes its bonus routines and jackpots as payouts. Kido describes, for example, that “[w]hen the privilege unit 113 obtains the win information from the special game value award mark win determining unit 112, it awards, as a payout, the game value stored in the accumulated game value memory 117” and it describes the “jackpot (JP) amount” as “a special payout.” Ex. 1007 ¶¶ 119, 129.

Patent Owner next contends that Kido does not disclose a first payout that is “for the spin of the roulette wheel.” Prelim. Resp. 29. Patent Owner’s argument is premised on the cumulative nature of Kido’s Prog bonus – it builds with every spin of the roulette wheel until won. *Id.* (“Each time the wheel is spun, 0.5% of the amount wagered is added to the progressive jackpot, and thus, the jackpot’s value reflects multiple spins of the roulette wheel.”). Thus, according to Patent Owner, the value of the jackpot is determined using multiple spins of the roulette wheel and is not “for a spin of the roulette wheel” as claimed. *Id.* at 30.

The claims, however, only require a first payout that is higher than a second payout. Nothing prohibits the higher payout from accumulating from prior spins of the roulette wheel because, when it is actually won, it will be for that last spin of the roulette wheel. Ex. 1001, 8:42–43 (“indicate that the first player is to be paid at the first payout for the spin of the roulette wheel”). Regardless of how Kido’s Prog bonus accumulated, it is paid for a spin of the roulette wheel – at that juncture Kido discloses each claim element. Anticipation occurs when a prior art reference discloses every element of a patent claim at a point in time, as Kido does with a single spin of the roulette wheel that pays the Prog bonus. As persuasively explained by Petitioner, “the steps of Figure 12 (including A7 and A8) occur within a single round of roulette, for a single spin of the roulette wheel, until the routine ‘returns to the step of A1 and is transited to a next game.’” Pet. 37–38 (quoting Ex. 1007 ¶ 233).

Patent Owner next contends that Kido does not disclose “a second payout for the single second position,” because “Kido determines the award for only one position on the roulette wheel: the position the ball fell into.” Prelim. Resp. 32.

Petitioner contends that the “second payout for the single second position” of the roulette wheel corresponds to the second bet information for a second bet from a second player device. Pet. 32–33 (citing Ex. 1007 ¶¶ 114, 221). Kido discloses that a “bet win determining unit 111 determines whether the number determined in the win number determining unit 1110 matches with the bet area stored in the memory 107,” and if so, “the payout calculating unit 114 calculates a payout corresponding to the bet

area bet, based on the payout rate relative to the bet type stored in the rate memory 115.” Ex. 1007 ¶ 114.

The portions of Kido cited by Petitioner disclose that bet win determining unit 111 determines payouts based on the payout rate relative to the bet type for all positions bet. *See id.* Further, Kido stores a bet area with a game value for each bet. *Id.* ¶¶ 19, 21, 12 (“to cause each of the terminal devices to store therein a mark bet on and a game value placed as a bet”), 14 (“to award a payout when the mark bet on corresponds to the selected mark, based on the game value placed as a bet and a rate corresponding to the mark bet on”). Kido discloses that each terminal device stores a mark bet on and a game value placed as a bet, which determines a payout for each mark bet. *See id.* at p.18 (claim 1). On the current record, we do not agree with Patent Owner that Kido is limited to determining the payout for only one position. Patent Owner may address the evidence cited above and further develop its position.

Lastly, Patent Owner alleges that “Ground 1 mixes and matches features from different embodiments in Kido and proposes modifications to Kido.” Prelim. Resp. 33. Patent Owner contends that Petitioner primarily relies on the Prog Routine and Figure 12, but also on features from different embodiments that are not part of the Prog Routine. *Id.* at 33–34. According to Patent Owner, Petitioner relies on features from the Special Rate Award Routines to teach several claim limitations. *Id.* (citing Pet. 26–28, 33). Patent Owner contends this is improper for anticipation, because the Prog Routine is different from the Special Rate Award Routines. *Id.* at 34 (“it describes them as *alternative* ways to award a privilege when the player wins on a star mark”).

Based on the current record, Petitioner has shown by a reasonable likelihood that claims 1, 9, and 17 are anticipated by Kido because Petitioner has shown that a person of ordinary skill in the art would at once envisage the claimed invention upon consideration of Kido's disclosure. Although Patent Owner describes the Special Rate Routine and the Prog Routine as multiple distinct teachings within Kido that must be combined, we disagree. Kido describes awarding a privilege as its main embodiment. *See* Ex. 1007, Fig. 1 (Privilege Award 8). Different privileges include the Prog bonus and payouts from the Special Rate Routine. As Patent Owner recognizes both originate "when a player wins on a star mark." Prelim. Resp. 33–34. We do not, on this record, see these as distinct embodiments, but instead they are different ways to execute the privilege award that would be immediately apparent to a person of ordinary skill in the art.

Patent Owner argues that the quotation of "an increased payout," which is part of the Special Rate Award Routine and not the Prog Routine, demonstrates Petitioner's reliance on distinct alternatives in Kido. *Id.* at 35 (quoting Pet. 27–28). Petitioner, however, does not appear to rely on this "increased payout" described in Kido as disclosing the claimed first or second payout. Petitioner relies instead on Kido's Prog bonus as disclosing a first payout higher than the second. *See* Pet. 32–35. Although Petitioner states in a footnote that "[i]n other routines, Kido uses multipliers to make the first payout higher than the second payout," we do not see this as relying on these other routines as Patent Owner alludes. Pet. 33, n.2. Thus, regardless of whether or not the Special Rate Routine is a distinct or alternative embodiment, Petitioner only cites these other routines as examples of the types of privilege payouts possible ("such as an increased

payout,” Pet. 26–27). Because Petitioner relies on the Prog bonus as disclosing the claimed first payout as explained above, we disagree with Patent Owner’s contentions.

c. Summary

Upon review of the parties’ arguments and supporting evidence, we determine that Petitioner sufficiently explains for purposes of institution how Kido discloses each element of claims 1, 9, and 17. Thus, Petitioner, demonstrates a reasonable likelihood that claims 1, 9, and 17 are anticipated by Kido.

We therefore institute review of this ground as to challenged claims 1–3, 5–7, 9–11, 13–15, 17–19, and 21–23. *See* 37 C.F.R. § 42.108 (“When instituting *inter partes* 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.”). We invite the parties to develop the record on all contested issues during trial.

III. CONCLUSION

For the foregoing reasons, we institute *inter partes* review of the ’014 patent. We determine that Petitioner demonstrates a reasonable likelihood of prevailing with respect to at least one of the claims challenged in the Petition. Accordingly, *inter partes* review of the ’014 patent shall proceed in this case on all of the grounds raised in the Petition. *See SAS Inst.*, 584 U.S. at 371 (holding that a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition).

Our determination in this Decision is not a final determination on either the patentability of any challenged claims or the construction of any claim term. The factual findings set forth in this Decision are preliminary

and provided for the sole purpose of deciding whether to institute a review. Any final findings will be based on the full trial record, including any information presented by Patent Owner in a timely filed response to the Petition. *See TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1068 (Fed. Cir. 2016) (noting that “there is a significant difference between a petitioner’s burden to establish a ‘reasonable likelihood of success’ at institution, and actually proving invalidity by a preponderance of the evidence at trial”) (quoting 35 U.S.C. § 314(a) and comparing *id.* with § 316(e)).

IV. ORDER

Upon consideration of the record before us, it is:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–3, 5–11, 13–19, and 21–24 of the ’014 patent is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of the ’014 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

IPR2025-01072
Patent 11,011,014 B1

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