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Paper 11
Entered: October 11, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

DIALECT, LLC,
Patent Owner.

IPR2024-00748
Patent 8,015,006 B2

Before KRISTEN L. DROESCH, NEIL T. POWELL, and GEORGE R. HOSKINS, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. BACKGROUND

Google LLC ("Petitioner") filed a Petition for *inter partes* review of claims 1–6 and 9 of U.S. Patent No. 8,015,006 B2 (Ex. 1001, "the '006 patent"). Paper 2 ("Pet."). Dialect, LLC ("Patent Owner") filed a Preliminary Response. Paper 8 ("Prelim. Resp.").

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). Having considered the arguments and the associated evidence, we determine that Petitioner has not shown a reasonable likelihood that it will prevail in establishing the unpatentability of any of the challenged claims. Accordingly, we do not institute *inter partes* review of claims 1–6 and 9 of the '006 patent.

B. RELATED PROCEEDINGS

The parties indicate that the '006 patent is involved in *Dialect, LLC v. Google LLC*, No. 1:23-cv-00378 (D. Del.), as well as *Dialect, LLC v. Amazon.com, Inc.*, No. 1:23-cv-00581 (E.D. Va.). Pet. 15; Paper 5, 1. Petitioner also identifies IPR2024-00746, IPR2024-00747, IPR2024-00749, IPR2024-00750, IPR2024-00751, IPR2024-00752, and IPR2024-00753 as involving the same parties and patents related to the '006 patent. Pet. 15–16.

C. THE '006 PATENT

The '006 patent relates to retrieving online information or processing commands through a speech interface. Ex. 1001, 1:20–22. According to the '006 patent, "current systems are generally unable to provide a complete environment for users to make natural language speech queries and receive

natural sounding responses" due to "a number of significant barriers to creation of a complete natural language speech-based query and response environment." *Id.* at 1:50–55. The '006 patent explains that the "present invention provides a complete speech-based information query, retrieval, processing and presentation environment." *Id.* at 9:61–63. The '006 patent discusses one embodiment in connection with Figure 1, which is reproduced below.

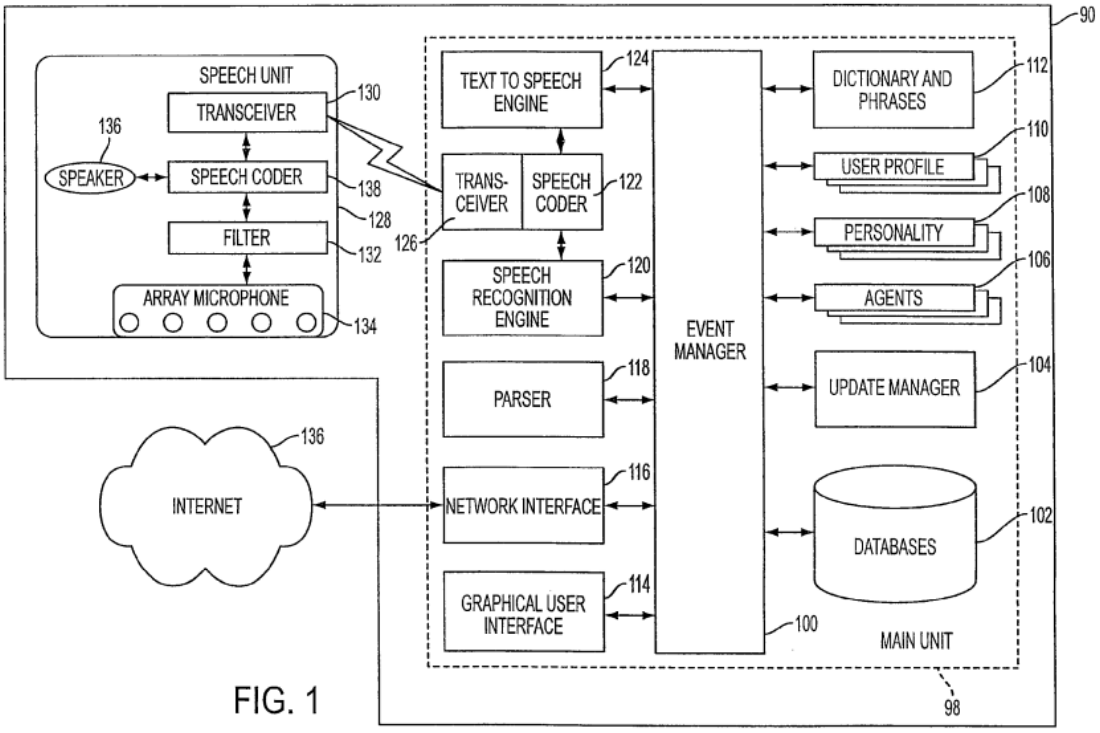

FIG. 1

"[Figure] 1 shows a schematic diagram view of a system 90 according to an embodiment of the invention." Ex. 1001, 10:4–5.

In particular, Figure 1 shows system 90 with main unit 98 and speech unit 128. Ex. 1001, 10:6–7. "Agents 106 contain packages of both generic and domain specific behavior for the system 98." *Id.* at 10:15–16. "User specific data, parameters, and session and history information that may

determine the behavior of agents 106 are stored in one or more user profiles 110." *Id.* at 10:19–22. "The system 90 may [also] comprise of different types of agents," such as "domain agents" that organize "generic and domain specific behavior and information," as well as "system agent[s]" that "provide[] functionality and basic services." *Id.* at 11:28–32.

D. ILLUSTRATIVE CLAIMS

Of the challenged claims, claims 1, 4, 5, and 6 are independent. Each of claims 2 and 3 depends, directly or indirectly, from claim 1. Claim 9 depends from claim 6. Independent claim 1 is reproduced below:

> 1. A method for processing natural language speech utterances with context-specific domain agents, comprising:
>
> receiving, at a speech unit coupled to a processing device, a natural language speech utterance that contains a request;
>
> recognizing, at a speech recognition engine coupled to the processing device, one or more words or phrases contained in the utterance using information in one or more dictionary and phrase tables, wherein recognizing the one or more words or phrases contained in the utterance includes:
>
> dynamically updating the information in the one or more dictionary and phrase tables based on a dynamic set of prior probabilities or fuzzy possibilities;
>
> determining an identity associated with a user that spoke the utterance based on voice characteristics associated with the utterance; and
>
> associating the one or more recognized words or phrases and a pronunciation associated with the one or more recognized words or phrases with the determined identity and the request contained in the utterance in response to the one or more recognized words or phrases satisfying a predetermined confidence level;

> parsing, at a parser coupled to the processing device, the one or more recognized words or phrases to determine a meaning associated with the utterance and a context associated with the request contained in the utterance, wherein the one or more recognized words or phrases are further associated with the determined context in response to the one or more recognized words or phrases satisfying the predetermined confidence level;
>
> formulating, at the parser, the request contained in the utterance in accordance with a grammar used by a domain agent associated with the determined context;
>
> processing the formulated request with the domain agent associated with the determined context to generate a response to the utterance; and
>
> presenting the generated response to the utterance via the speech unit.

Ex. 1001, 25:49–26:21.

E. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner challenges the patentability of claims 1–6 and 9 of the '006 patent on the following grounds (Pet. 17–18):

Claim(s) Challenged	35 U.S.C. §	References
1–3	103(a)[1]	Coffman[2], Kanevsky[3], Kneser[4], Zadrozny[5]
4	103(a)	Coffman, Kanevsky, Kneser, Zadrozny, Maes '101[6], Franceschi[7]
5	103(a)	Coffman, Kanevsky, Kneser, Zadrozny, Chai[8]
6, 9	103(a)	Coffman, Kanevsky, Kneser, Zadrozny, Redfern[9]

In support of its challenges, Petitioner also relies on the Declaration of Christopher M. Schmandt. Ex. 1002.

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[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. § 103, effective March 16, 2013. The '006 patent's filing date is before March 16, 2013, so we apply the pre-AIA version of § 103. Ex. 1001, code (22).

[2] Coffman et al., International Patent Application Publication No. WO 00/20962, published Apr. 13, 2000 (Ex. 1003, "Coffman").

[3] Kanevsky et al., U.S. Patent No. 5,897,616, issued Apr. 27, 1999 (Ex. 1004, "Kanevsky").

[4] Kneser et al., U.S. Patent No. 6,157,912, issued Dec. 5, 2000 (Ex. 1005, "Kneser").

[5] Zadrozny et al., *NL Understanding with a Grammar of Constructions*, Coling 94: The 15th International Conference on Computational Linguistics, 1994 (Ex. 1006, "Zadrozny").

[6] Maes, U.S. Patent No. 6,073,101, issued June 6, 2000 (Ex. 1010, "Maes '101").

[7] Franceschi, U.S. Patent No. 6,321,196 B1, issued Nov. 20, 2001 (Ex. 1011, "Franceschi").

[8] Chai et al., U.S. Patent No. 6,829,603 B1, issued Dec. 7, 2004 (Ex. 1012, "Chai").

[9] Redfern, U.S. Patent No. 6,078,914, issued June 20, 2000 (Ex. 1013, "Redfern").

II. ANALYSIS

A. LEVEL OF ORDINARY SKILL IN THE ART

Petitioner contends that an ordinarily skilled artisan for the '006 patent "would have possessed a bachelor's degree in electrical engineering or computer science, and two years of work experience in the field of speech- and natural language-interfaces for interacting with and directing computer systems and software, including speech recognition and processing (and more experience could substitute for less formal education, and vice versa)." Pet. 19 (citing Ex. 1002 ¶¶ 11–15). At this stage, Patent Owner does not dispute Petitioner's proposed level of skill in the art. *See, generally,* Prelim. Resp.

Based on this record, we adopt Petitioner's articulation of the level of ordinary skill in the art, which appears to be consistent with the '006 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

B. CLAIM INTERPRETATION

We apply the same claim construction standard used in district courts, namely that articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). *See* 37 C.F.R. § 42.100(b) (2022). In applying that standard, claim terms generally are given their ordinary and customary 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*, 415 F.3d at 1312–13.

Both parties express that we do not need to construe any claim language explicitly. Pet. 21; Prelim. Resp. 14. We agree that no explicit claim construction is necessary for this Decision. *See Nidec Motor Corp. v.*

Zhongshan Broad Ocean Motor Co., 868 F.3d 1013, 1017 (Fed. Cir. 2017) (holding that only claim terms in controversy need to be construed, and only to the extent necessary to resolve the controversy (citing *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

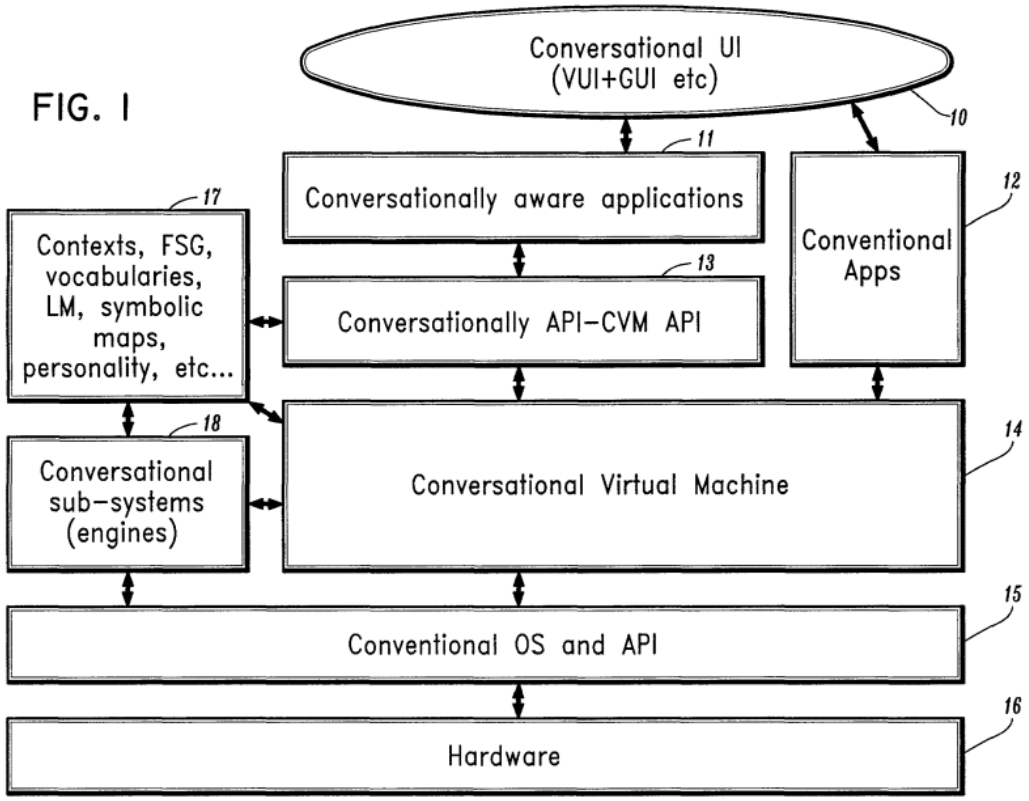
C. PRIOR ART REFERENCES

1. *Coffman*

Coffman relates to conversational computing. Ex. 1003, 1:7–8.[10] Coffman discusses "a system that provides conversational computing across multiple platforms, devices and applications through a universal conversational user interface, which goes far beyond adding speech I/O or conversational capabilities to existing applications, building conventional conversational applications or superficially integrating 'speech' in conventional operating systems." *Id.* at 3:29–4:2. Coffman discusses an example embodiment in connection with Figure 1, which is reproduced below.

[10] When addressing Coffman, we cite its native pagination.

FIG. 1



"[Figure] 1 is a block diagram of a conversational computing system according to an embodiment of the present invention." Ex. 1003, 9:27–28.

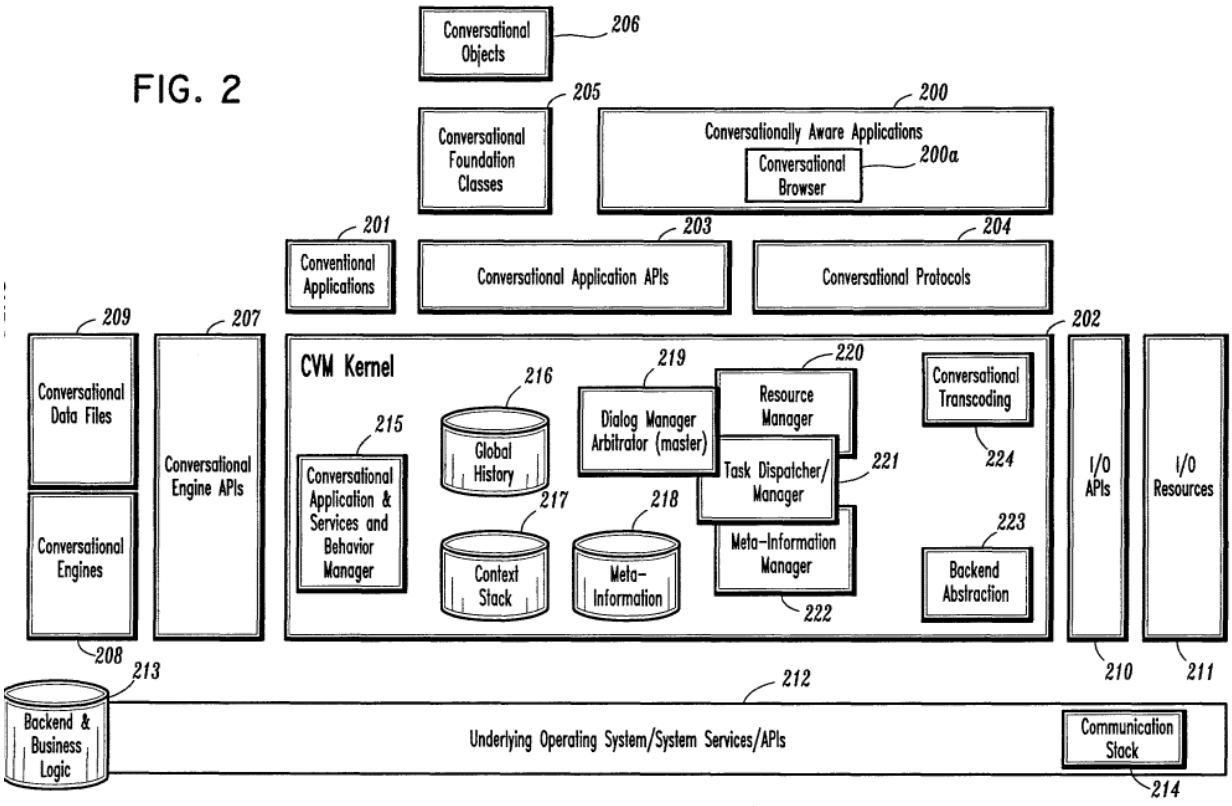
Coffman discloses conversational virtual machine (CVM) 14 as a kernel that runs on top of conventional operating system (OS) 16 to provide backward compatibility for conventional platforms by managing dialog and context, conversational sub-systems (engines) and resources, and conversational protocols/communications across platforms and devices with different capabilities. Ex. 1003, 1:12–17, 4:17–26, 13:1–3. "The CVM kernel is the core layer that controls the dialog across applications and devices on the basis of their registered conversational capabilities and requirements." *Id.* at 4:27–28. "[C]onventional applications 12 are managed by the CVM kernel layer 14 which is responsible for accessing, via the OS APIs, GUI menus and commands of the conventional applications as

well as the underlying OS commands." *Id.* at 13:3–5. Conversational subsystems 18, e.g., speech recognition, natural language understanding (NLU) and natural dialog generation (NLG) engines, are accessed through the CVM. *Id.* at 5:1–7.

Coffman also discloses conversationally aware applications 11, which "are specifically programmed for operating with a CVM core layer (or kernel) 14 via conversation applications APIs 13," based on "their registered conversational capabilities and requirements." Ex. 1003, 12:28–32. CVM kernel 14 controls the dialog across applications and devices based on their registered conversational capabilities and provides a unified conversational user interface (CUI). *Id.* A conversationally aware application 11 provides its data file to the CVM for use by the conversational subsystems 18 by "registering all its conversational capabilities and requirements," including active vocabulary, symbolic mapping (if NLU is supported or in a context state list), associated meta-information to allow categorization of the output, conversational I/O information, and CVM capabilities/state (master, slave, or partner CVM). *Id.* at 57:22–58:2.

Figure 2 of Coffman, reproduced below, illustrates abstract layers of an embodiment of Coffman's conversational computing system. Ex. 1003, 9:29–30.

FIG. 2



Ex. 1003, Fig. 2. Conversationally aware applications 200 interact with CVM kernel layer 202 via conversationally aware application API layer 203. *Id.* at 13:16–19. CVM kernel layer (or CVM controller) 202 includes a meta-information manager 222, resource manager 220, context stack 217, global history 216, dialog manager 219, and task dispatcher 221. *Id.* at Fig. 2, 19:26–29, 21:3–4, 21:23, 21:28–29. Within kernel 202, context stack 217 "is associated with the organized/sorted context corresponding to each active dialog (or deferred dialog- agents/memorization)" and "includes all the variable, states, input, output and queries to the backend that are performed in the context of the dialog and any extraneous event that occurs during the dialog." *Id.* at 21:23–28.

2. *Kanevsky*

Kanevsky discloses a "method and apparatus for securing access to a service or facility employing automatic speech recognition, text-independent speaker identification, natural language understanding techniques and additional dynamic and static features." Ex. 1004, code (57). Kanevsky explains employing "a unique combination of random questions, automatic speech recognition (ASR) and text-independent speaker recognition to provide a significant improvement in secure access to services and/or facilities . . . requiring security measures." *Id.* at 5:34–39.

3. *Kneser*

Kneser discloses a method "for adapting the unigram language model values which automatically carries out a subdivision of the words into semantic classes." Ex. 1005, code (57). As part of this system and method, Kneser explains that "unigram language model values obtained from a large quantity of texts are adapted on the basis of an updated speech signal, and adapted M-gram language model values are obtained by means of said adapted unigram language model values." *Id.* at 2:1–6. "This renders it possible to adapt the M-gram values already on the basis of a small quantity of spoken text data in which a major portion of the word sequences on which the M-gram values are based has not yet occurred." *Id.* at 2:9–14. "[C]lassification can be achieved automatically when different training speech signals are available which originate, for example, from different subject fields and comprise different styles of speech or language." *Id.* at 2:34–38.

4. *Zadrozny*

Zadrozny discloses "an approach to a natural language understanding based on a *computable grammar of constructions*," each of which "consists of a set of features of form and a description of meaning in a context." Ex. 1006, 19. Zadrozny explains that "[a] grammar is a set of constructions." *Id.* Zadrozny further discloses that "grammars of constructions can be parsed like 'standard' grammars, except that the set of features is richer. Given a string (representing a sentence, a fragment of a discourse or a paragraph), the parser assigns it a construction." *Id.* Specifically, "the program uses application-specific knowledge to translate the action and its parameters into a form that can be executed by the application." *Id.* at 20.

5. *Maes '101*

Maes '101 relates to "provid[ing] speaker dependent information for speech recognition and/or ambiguity resolution." Ex. 1010, code (57). Maes '101 explains "[f]eature vectors representing each of a plurality of overlapping frames of an arbitrary, text independent speech signal are computed and compared to vector parameters and variances stored as codewords in one or more codebooks corresponding to each of one or more enrolled users." *Id.*

6. *Franceschi*

Franceschi discloses a "[s]peech recognition apparatus [that] includes means for determining when a speaker desires to spell a first word." Ex. 1011, code (57). Franceschi explains that "[t]he speaker may then say a sequence of words selected from a large vocabulary without being restricted to a pre-specified phonetic alphabet." *Id.* "The apparatus recognizes the

spoken words, associates letters with these words and then arranges the letters to form the first word." *Id.*

7. *Chai*

Chai relates to a "system, method, and program product that are used in interactive natural language dialog." Ex. 1012, code (57). Chai explains "presentation managers operating on a computer system present information from the computer system to one or more users over network interface(s) and accept queries from the users using one or more known input/output modalities." *Id.* Then, "[a] natural language parser parses one or more natural language phrases received over one or more of the network interfaces by one or more of the presentation managers into one or more logical forms (parsed user input), each logical form having a grammatical and structural organization." *Id.*

8. *Redfern*

Redfern relates to "[a] meta search system [that] accepts natural language queries which are parsed to extract relevant content." Ex. 1013, code (57). Redfern explains "[t]he results from . . . search engines are received and examined and a selected number of the information sources represented therein are obtained." *Id.* "These obtained information sources are then examined to rank their relevance to the extracted relevant content and the portions of interest in each of these ranked information sources are determined" and "output to the user in ranked order, having first been processed to clean up the portions to include valid formatting and complete paragraphs and/or sentences." *Id.*

D. PETITIONER'S OBVIOUSNESS CHALLENGES

Petitioner asserts that its "grounds rely primarily on **Coffman**." Pet. 21. More specifically, Petitioner explains that "[a]ll grounds combine Coffman with **Kanevsky** (**EX1004**), **Kneser** (**EX1005**) and **Zadrozny** (**EX1006**), which disclose known techniques related to speech recognition and natural language processing. Grounds 2-4 combine these references with **Maes '101** (**EX1010**), **Franceschi** (**EX1011**), **Chai** (**EX1012**) and/or **Redfern** (**EX1013**) for features recited in claims 2-6 and 9." *Id.* at 21–22. Petitioner then elaborates on its bases for asserting that the challenged claims would have been obvious over the prior art, addressing each limitation of claims 1–6 and 9 in detail. *Id.* at 22–91.

Patent Owner argues that Petitioner fails to address persuasively "every claim requirement of a 'domain agent,'" as recited in the challenged claims. Prelim. Resp. 4. For example, Patent Owner contends that Petitioner does not address sufficiently persuasively the challenged claims' recitation of "processing the formulated request with the domain agent associated with the determined context to generate a response to the utterance" (which we also refer to as the "processing limitation"), as recited in each of independent claims 1 and 4–6. *E.g., id.* at 28–36.

In view of all of the parties' arguments and evidence, the record does not demonstrate a reasonable likelihood of Petitioner prevailing with respect to any challenged claim. For example, Petitioner and Mr. Schmandt do not address the challenged claims' processing limitation in a sufficiently persuasive manner. Coffman provides high-level disclosure, which Petitioner and Mr. Schmandt recognize. *See, e.g.*, Pet. 49; Ex. 1002 ¶ 137. Coffman's high-level discussion lacks clear disclosures of certain key things

that Petitioner and Mr. Schmandt perceive in Coffman's disclosure. And Petitioner and Mr. Schmandt do not provide sufficiently clear, persuasive explanation to substantiate their position that Coffman teaches certain key aspects of the challenged claims' processing limitation.

Mr. Schmandt rests his opinion regarding the processing limitation on his testimony that "[a]s explained above, Coffman teaches that the conversationally-aware application associated with the determined context (**'the domain agent associated with the determined context**') is invoked to process the user's request." Ex. 1002 ¶ 139 (citing Ex. 1003, 37:2–4, 13:8–13, 58:9–11, 40:9–19, 30:4–10); *see also* Pet. 49–50 (same position citing same Coffman passages). This alleged teaching is not clearly in the cited passages of Coffman. And, although Mr. Schmandt represents that he "explained above"[11] why he reads Coffman this way, he does not provide a cohesive, persuasive explanation of his reading of Coffman. Ex. 1002 ¶ 139. Instead, Mr. Schmandt's testimony resorts significantly to conclusory statements without logical, persuasive support. *See, e.g.*, Ex. 1002 ¶ 125 ("making clear that an application is automatically selected and carries out a request as a result of processing by the conversational system."). Petitioner does no better. *See, e.g.*, Pet. 44.

For example, Petitioner and Mr. Schmandt do not persuasively explain their view that Coffman teaches processing a user's request by invoking a conversationally-aware application "associated with the determined context," as required by the challenged claims. *See, e.g.*,

[11] We find this vague reference unhelpful for identifying which parts of Mr. Schmandt's testimony allegedly explain why he reads Coffman the way he does.

Pet. 49–51; Ex. 1002 ¶¶ 139–140. In support of their understanding of Coffman, Petitioner and Mr. Schmandt first cite Coffman's disclosure that "[t]he first task to have its dialog completed by producing a non-ambiguous query is executed and the corresponding query as interpreted by the other application is stored to activate if the recognized query is rejected by the user." Ex. 1003, 37:2–4; Pet. 49–50; Ex. 1002 ¶ 139. Based on this and Coffman's passage at page 42, lines 1–7, Petitioner and Mr. Schmandt contend that Coffman "mak[es] clear that an application is automatically selected and carries out a request as a result of processing by the conversational system." Pet. 44 (citing Ex. 1003, 37:2–4, 42:1–7; Ex. 1002 ¶ 125); Ex. 1002 ¶ 125 (citing Ex. 1003, 37:2–4, 42:1–7).

Contrary to this conclusory assertion, Coffman's passages at page 37, lines 1–2 and page 42, lines 1–7 do not teach clearly that the system selects or invokes a conversationally aware application (i.e., the alleged domain agent) associated with a determined context. In these passages, the only mention of an application refers to "a query as interpreted by the other application," which is not a clear teaching of selecting or invoking a conversationally aware application associated with a determined context. Ex. 1003, 37:3–4. And Petitioner and Dr. Schmandt do not explain persuasively why they read these passages the way they do. *See, e.g.,* Pet. 49–50; Ex. 1002 ¶ 139.

Petitioner and Mr. Schmandt also cite the following passages of Coffman:

> In general, conversational sub-systems 18 are responsible for converting voice requests into queries and converting outputs and results into spoken messages using the appropriate data files 17 (e.g., contexts, finite state grammars, vocabularies, language models, symbolic query maps etc.) The conversation application

> API 13 conveys all the information for the CVM 14 to transform queries into application calls and conversely converts output into speech, appropriately sorted before being provided to the user.

Ex. 1003, 13:8–13.

> Again, the API conveys all information for the CVM to transform queries into application calls and conversely converts output into speech, appropriately sorted before being provided to the user.

Ex. 1003, 58:9–11; Pet. 50; Ex. 1002 ¶ 139. In these passages, the only mention of an application is the vague language "transform queries into application calls," which is not a clear disclosure of selecting or invoking a conversationally-aware application associated with a determined context to process a user request. To the contrary, the cited passages seem to suggest that user requests are processed by conversational sub-systems 18 with data files 17. Ex. 1003, 13:8–11 ("In general, *conversational sub-systems 18 are responsible for converting voice requests into queries and converting outputs and results into spoken messages using the appropriate data files 17* (e.g., contexts, finite state grammars, vocabularies, language models, symbolic query maps etc.)." (emphasis added)). And again, Petitioner and Mr. Schmandt do not provide a cohesive, persuasive explanation of why they believe these passages support their understanding of Coffman's teachings. *See, e.g.*, Pet. 49–50; Ex. 1002 ¶ 139.

Petitioner and Mr. Schmandt further cite Coffman's passage at page 40, lines 9–19. This passage does not mention an application, let alone a conversationally-aware application associated with a determined context. *See* Ex. 1003, 40:9–19. Instead, the passage refers to, for example, "activities," "basic system calls," "actions," "subsystems," "complet[ing] the query," and "executed or running processes." *Id.*

Petitioner and Mr. Schmandt also cite Coffman's passage at page 30, lines 4–10. This disclosure states "each new task, process, or thread creates *a new stack entry* and is associated with a *discourse*," as opposed to being associated with an "application" as Mr. Schmandt testifies, and also states "*[e]ach application may be associated with multiple discourses*." Ex. 1003, 30:4–10 (emphases added). Neither Petitioner nor Mr. Schmandt provides persuasive explanation of how Coffman's disclosure of determining a matching *discourse* in a context stack can correspond to determining a matching *application* such as one of Coffman's conversationally-aware applications 11, especially when each application can be associated with multiple discourses. *See* Pet. 49–50; Ex. 1002 ¶ 139. Such explanation also is lacking in prior portions of the Petition and Mr. Schmandt's testimony, which cite various Coffman disclosures that most pertinently describe Coffman's context stack(s) as being associated with a "discourse," or perhaps with a non-specific "engine" or "process" or "task" or "thread" or "subsystem." *See, e.g.*, Pet. 35, 40–41 (citing Ex. 1003, 6:32–7:3, 29:18–30:10, 41:2–5, 42:1–5; Ex. 1002 ¶ 120); Ex. 1002 ¶¶ 113, 120 (citing Ex. 1003, 6:32–7:3, 29:18–30:10, 41:2–5, 42:1–5). In sum, Petitioner and Mr. Schmandt never explain persuasively why they believe Coffman teaches invoking a conversationally-aware application that is "associated with the determined context," as required by the challenged claims.

Nor do Petitioner and Mr. Schmandt persuasively demonstrate that the other cited prior art references cure the foregoing deficiency with respect to the challenged claims' requirement for a "domain agent associated with the determined context." For example, although Zadrozny demonstrates

knowledge in the art of using a grammar of constructions suitable for a particular application, Petitioner and Mr. Schmandt do not allege or persuasively demonstrate that it teaches or suggests using a domain agent or conversationally-aware application "associated with the determined context," as required by the challenged claims. *See, e.g.*, Ex. 1006, 19–22; Pet. 46–49; Ex. 1002 ¶¶ 57–61, 132–138.

Because Petitioner's arguments and evidence do not address sufficiently persuasively the challenged claims' "domain agent associated with the determined context," the record does not demonstrate a reasonable likelihood of Petitioner prevailing with respect to any of the challenged claims.

III. CONCLUSION

For the above reasons, we conclude the record does not demonstrate a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, so we deny institution of the petitioned *inter partes* review per 35 U.S.C. § 314(a).

IV. ORDER

In consideration of the foregoing, it is:

ORDERED that, pursuant to 35 U.S.C. § 314(a), the petitioned institution of *inter partes* review of the '006 patent is *denied*.

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