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Paper 11
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENKEL CORPORATION,
Petitioner,
v.

H.B. FULLER CO.,
Patent Owner.

Case IPR2014-00606
Patent 6,833,404 B2

Before DONNA M. PRAISS, CHRISTOPHER L. CRUMBLEY, and BRIAN P. MURPHY, *Administrative Patent Judges.*

MURPHY, *Administrative Patent Judge*.

DECISION

Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On April 23, 2014, Henkel Corporation ("Petitioner") filed an Amended Petition requesting *inter partes* review of claims 22-28, 31, and 32 of U.S. Patent No. 6,833,404 B2 ("the '404 patent"). Paper 4 ("Pet."). H.B. Fuller Company ("Patent Owner") did not file a Preliminary Response to the Amended Petition. We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

Petitioner challenges claims 22-28, 31, and 32 of the '404 patent as unpatentable under 35 U.S.C. §§ 102(b) and 103. Based on the information presented in the Petition and cited exhibits, we are persuaded there is a reasonable likelihood that Petitioner would prevail with respect to at least one of the claims challenged in the Petition. On this record, we institute an *inter partes* review of claims 22-25, 27, 28, 31, and 32 of the '404 patent. We do not institute an *inter partes* review of claim 26 of the '404 patent.

A. Related Proceedings

Petitioner identifies the district court action captioned *H.B. Fuller Co. v. Henkel Corp.*, No. 0:13-cv-2980, pending in the US District Court for the District of Minnesota, as related to the '404 patent. Pet. 1. Petitioner represents that it was served with the Complaint in that action on February 24, 2014. *Id.*

B. The '404 Patent (Ex. 1001)

The '404 patent is titled "Hot Melts Utilizing a High Glass Transition Temperature Substantially Aliphatic Tackifying Resin." Ex. 1001. The '404 patent issued December 21, 2004 from an application filed April 27,

1999, which claimed priority from a provisional application filed June 30, 1998. *Id.* The '404 patent relates to an improved hot melt adhesive composition utilizing a hydrogenated substantially aliphatic tackifying resin having a high glass transition temperature. *Id.* at 1:12-15. The glass transition temperature ("Tg") is the temperature at which a polymer undergoes a transformation from a rubber to a glass. Ex. 1015 ("Hsu Declaration."),[1] ¶ 18.

Hot melt adhesives typically comprise a thermoplastic polymer component, a tackifying resin component, and either a wax or plasticizing component. Ex. 1001, 1:20-23. The claimed composition is useful for non-pressure sensitive adhesive applications such as bookbinding and packaging, and for structural applications, such as construction and automotive repairs. *Id.* at 3:47-51. The '404 patent states that by using tackifying resins with a high glass transition temperature greater than about 65º C (149º F), the total amount of resin may be decreased. *Id.* at 3:62-66. For example, the resin concentration may be lower than the thermoplastic polymer concentration to provide an adhesive having better heat and cold temperature resistance. *Id.*

Claim 22 of the '404 patent is illustrative and reproduced below.

> 22. A hot melt adhesive composition comprising:
>
> a) about 10% by weight to about 50% by weight of at least one hydrocarbon tackifying resin derived, at least in part, from dicyclopentadiene and having a glass transition temperature of greater than about 65º C.;

[1] Declaration of Shaw Ling Hsu, Ph.D. submitted in support of the Petition. Dr. Hsu is a Professor in the Department of Polymer Science and Engineering at the University of Massachusetts, Amherst, Massachusetts. Ex. 1016.

b) about 10% by weight to about 80% by weight of at least one thermoplastic base polymer selected from the group consisting of copolymers and terpolymers of ethylene; amorphous polyalphaolefins, homogenous ethylene/α-olefin interpolymer, and mixtures thereof.

C. Prior Art Relied Upon in the Petition

Petitioner relies upon the following references:

Stauffer	US 5,256,717	Oct. 26, 1993	Ex. 1004
Litz	ADHESIVES AGE	Aug. 1974	Ex. 1005
Exxon Reference	EXXON CHEMICAL CO. - POLYMER PRODUCT SHEET	Oct. 1990	Ex. 1003
Eastotac Brochure	EASTMAN CHEMICAL CO. - EASTOTAC HYDROCARBON RESINS BROCHURE	Aug. 1992	Ex. 1002

D. Asserted Grounds of Unpatentability

Petitioner asserts that the challenged claims are unpatentable based on the following grounds:

Reference[s]	**Basis**	**Claim[s] Challenged**
Eastotac Brochure	§ 102(b)	22, 23, 25, 28, 31, and 32
Exxon Reference	§ 102(b)	22-25 and 28
Eastotac Brochure or Exxon Reference, and Stauffer	§ 103	26
Eastotac Brochure or Exxon Reference, and Litz	§ 103	27

Eastotac Brochure or Exxon Reference	§ 103	22-25, 28, 31, and 32

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, we construe claim terms according to their broadest reasonable interpretation in light of the patent specification. 37 C.F.R. § 42.100(b). Under the broadest reasonable interpretation standard, we assign claim terms their ordinary and customary meaning, as understood by one of ordinary skill in the art, in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Petitioner proposes constructions for several claim limitations,[2] but we determine there is no need to provide an express construction of these limitations, with one exception. The '404 patent defines "glass transition temperature" or "Tg" as the "onset temperature as determined using Dynamic Mechanical Analysis." Ex. 1001, 4:12-14. We adopt this construction of "glass transition temperature," set forth with reasonable clarity and precision in the '404 patent, and otherwise proceed on the basis that claim terms are given their ordinary and customary meaning as understood by one of ordinary skill in the art in the context of the '404 patent.

[2] For example, "hydrocarbon tackifying resin," "derived, at least in part, from dicyclopentadiene," "aliphatic tackifying resin," "hydrogenated." Pet. 10-12.

B. Anticipation of Claims 22, 23, 25, 28, 31, and 32 by Eastotac Brochure

Petitioner argues that the Eastotac Brochure (Ex. 1002) discloses every limitation of claims 22, 23, 25, 28, 31, and 32 of the '404 patent and, therefore, anticipates the claims pursuant to 35 U.S.C. § 102(b). Pet. 13-29. The Eastotac Brochure qualifies as prior art under 35 U.S.C. § 102(b) because it was published in 1992, more than one year prior to the June 30, 1998 provisional filing date of the '404 patent. *Id.* at 3-4.

1. Eastotac Brochure (Ex. 1002)

The Eastotac Brochure discloses hydrogenated, C_6 aliphatic hydrocarbon tackifying resins, which can be used in hot melt adhesives "where elevated temperature resistance and high cohesive strength are required." Ex. 1002, 3-4. Suggested hot melt adhesive applications include bookbinding and frozen food cartons. *Id.* at 4. We note that the '404 patent describes (Ex. 1001, 5:21-28, 6:26-29) some of the same tackifying resins disclosed in the Eastotac Brochure. The Eastotac Brochure additionally discloses hot melt adhesive compositions allegedly encompassed by the '404 patent claims. Pet. 13-25. Table 1 discloses thirteen different resins, including H-142R, the resin characterized by the highest softening point and viscosity. *Id.* at 5. Table 3 discloses composition ranges for the Eastotac resins as used in the amorphous polyolefin and ethylene-vinyl acetate copolymer hot melt adhesive compositions. *Id.* at 6.

2. Anticipation Analysis

To anticipate a patent claim under 35 U.S.C. § 102, "a reference must describe, either expressly or inherently, each and every claim limitation and enable one of skill in the art to practice an embodiment of the claimed invention without undue experimentation." *Am. Calcar, Inc. v. Am. Honda*

Motor Co., 651 F.3d 1318, 1341 (Fed. Cir. 2011) (citing *In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009)). Petitioner provides a claim chart that correlates specific disclosures from the Eastotac Brochure to each and every limitation of claims 22, 23, 25, 28, 31, and 32 of the '404 patent. Pet. 26-29. We are persuaded, on the present record, by Petitioner's claim chart analysis and our own review that an enabling disclosure of each and every limitation in claims 22, 23, 25, 28, 31, and 32 is found either expressly or inherently in the Eastotac Brochure. We provide the following exemplary discussion.

Independent claim 22 of the '404 patent recites a hot melt adhesive composition comprising two components: 1) about 10-50% of a hydrocarbon tackifying resin derived from dicyclopentadiene and having a Tg greater than about 65º C; and 2) about 10-80% of at least one thermoplastic base polymer. Petitioner asserts that Table 3 of the Eastotac Brochure expressly discloses both components, within the recited ranges, in a hot melt adhesive composition. Pet. 26 (citing Ex. 1002, 6). On the record before us, we are persuaded that the H-142R resin satisfies the requirements of claim 22, in that it is derived from dicyclopentadiene and has a glass transition temperature of 82º C, which is within the temperature range of claim 22. *Id.* (citing Ex. 1001, 5:21-28, 6:27-29).

Dependent claim 25 recites a tackifying resin that is "hydrogenated." The introduction to the Eastotac Brochure discloses that the Eastotac resins are hydrogenated and "essentially fully saturated." Ex. 1002, 3. Table 1 discloses a Molten Gardner Color of 4 and a Bromine number of 5 for the H-142 resin (Ex. 1002, 5), both objective indicators of a hydrogenated tackifying resin (Ex. 1001, 5:45-6:3). Pet. 19 (citing Ex. 1015 ¶ 58). We are

persuaded, therefore, that the Eastotac Brochure discloses a hydrogenated tackifying resin in accordance with claim 25 of the '404 patent.

Dependent claims 31 and 32 both recite a hot melt adhesive composition where the tackifying resin concentration is less than the thermoplastic base polymer concentration. Table 3 of the Eastotac Brochure expressly discloses a hot melt composition where the Eastotac resin concentration of 30-50% is less than the amorphous polyolefin base polymer concentration of 50-70%. *Id.* at 19-20 (citing Ex. 1015 ¶ 59). We are persuaded, therefore, that the Eastotac Brochure discloses a hot melt adhesive where the tackifying resin concentration is less than the thermoplastic base polymer concentration, in accordance with claims 31 and 32 of the '404 patent.

For the reasons given above, we conclude on the present record Petitioner has shown a reasonable likelihood of prevailing in its challenge that claims 22, 23, 25, 28, 31, and 32 of the '404 patent are anticipated by the Eastotac Brochure under 35 U.S.C. § 102(b).

C. Anticipation of Claims 22-25 and 28 by the Exxon Reference

Petitioner argues that the Exxon Reference (Ex. 1003) discloses every limitation of claims 22-25 and 28 of the '404 patent and, therefore, anticipates the claims pursuant to 35 U.S.C. § 102(b). Pet. 29-37. The Exxon Reference qualifies as prior art under 35 U.S.C. § 102(b) because it was published in October 1990, more than one year prior to the June 30, 1998 provisional filing date of the '404 patent. *Id.* at 3-4.

1. Exxon Reference (Ex. 1003)

The Exxon Reference discloses specialty polymers for adhesives and sealants. Ex. 1003, 1-2. Escorez 5340 is disclosed as a tackifying resin that can be used in an adhesive composition with a base copolymer and paraffin wax. *Id.* at 2. The Exxon Reference discloses one adhesive composition comprising 40% tackifier, 20% Escorene UL 7750 (an ethylene copolymer), and 40% 158º F paraffin wax. *Id.* We note that the '404 patent describes Escorez 5340 (Ex. 1001, 6:21-23). Pet. 13. The '404 patent describes Escorez 5340 as a preferred "substantially aliphatic hydrocarbon resin having a T*g* at onset of about 76º C." Ex. 1001, 6:14-23, 9:3-10.

2. Anticipation Analysis

Petitioner provides a claim chart that correlates specific disclosures from the Exxon Reference to each and every limitation of claims 22-25 and 28 of the '404 patent. Pet. 36-37. On the present record, we are persuaded by Petitioner's claim chart analysis and our own review that each and every limitation in claims 22-25 and 28 is found either expressly or inherently in the Exxon Reference. We provide the following exemplary discussion.

Regarding claim 22, footnote 1 of the Exxon Reference expressly discloses an adhesive composition comprised of 40% tackifying resin (e.g. Escorez 5340) and 20% Escorene UL 7750, an ethylene copolymer. Pet. 36 (citing Ex. 1003, 2). The Escorez 5340 resin, on the present record, satisfies the dicyclopentadiene derivation requirement and has a glass transition temperature of 76º C, as expressly recognized in the '404 patent. *Id.* (citing Ex. 1001, 6:14-29, 9:6-9). Escorene UL 7750 is within the group of thermoplastic base polymers — a copolymer of ethylene — recited in claim 22.

Dependent claim 24 recites an adhesive composition where "greater than about 80 wt-% of the total resin unit is derived from dicyclopentadiene." The Exxon Reference does not indicate whether more than 80% of the Escorez 5340 hydrocarbon resin is derived from dicyclopentadiene, but the '404 patent does so indicate. Pet. 33 (citing Ex. 1001, 9:3-9). We are persuaded, therefore, that the Exxon Reference discloses an adhesive composition in accordance with claim 24 of the '404 patent.

Regarding claim 25, the Exxon Reference discloses a Molten Gardner Color of << 1 (Ex. 1003, 2), an objective indicator of a hydrogenated tackifying resin (Ex. 1001, 5:45-6:3). Pet. 33-34 (citing Ex. 1015 ¶ 75). We are persuaded, therefore, that the Exxon Reference discloses a hydrogenated tackifying resin in accordance with claim 25 of the '404 patent.

For the reasons given above, we conclude that on the present record Petitioner has shown a reasonable likelihood of prevailing in its challenge that claims 22-25 and 28 of the '404 patent are anticipated by the Exxon Reference under 35 U.S.C. § 102(b).

D. Obviousness of Claim 26 over One of the Eastotac Brochure or Exxon Reference, and Stauffer

Claim 26 depends from claim 22 and claims a hot melt adhesive, "further comprising up to about 40% by weight of a solid benzoate plasticizer." Ex. 1001, 21:22-23. Petitioner, in reliance on the teachings of Stauffer (Ex. 1004)[3] and the Hsu Declaration, asserts that the use of a solid benzoate plasticizer in a hot melt adhesive was well known and routine for one of ordinary skill in the art at the time of the '404 patent filing. Pet. 38-

[3] Stauffer issued on October 26, 1993 and is prior art to the '404 patent under 35 U.S.C. § 102(b).

40 (citing Ex. 1015 ¶¶ 81-82). Petitioner argues that claim 26 of the '404 patent would have been obvious under 35 U.S.C. § 103. *Id.*

The '404 patent describes the use of a solid benzoate plasticizer to enhance heat resistance, cold temperature flexibility, and adhesion. Ex. 1001, 11:32-34. Stauffer, on the other hand, teaches hot melt adhesive compositions useful in non-destructive temporary binding operations, such as wrapping goods on a pallet for temporary storage or transportation. Ex. 1004, 1:45-55, 4:36-39. Stauffer teaches, in particular, the desirability of using a solid benzoate plasticizer to form a temporary adhesive with a "cohesively weak or breakaway bond" needed for certain industrial applications. *Id.* The adhesive bond of Stauffer is designed such that it cracks "cohesively" and "shatters in a non-destructive manner" when peeled from the surface to which it is temporarily bonded without damaging the surface. *Id.* at 4:31-34; *see id.* at 6:34-41.

Petitioner quotes a statement from the Hsu Declaration, which in turn paraphrases a sentence in Stauffer, as the reason or motivation for adding solid benzoate plasticizer to the Eastotac or Exxon hot melt adhesive compositions. Pet. 39 (citing Ex. 1015 ¶ 82). Dr. Hsu opines, "[t]he motivation to use a benzoate plasticizer was because it helped to increase the open time while maintaining high crystallinity." Ex. 1015 ¶ 82 (citing Ex. 1004, 3:1-4). The full sentence from Stauffer column 2, line 67 to column 3, line 4 actually reads as follows:

> The benzoate plasticizers of the type described above are compatible in the polybutylene adhesive composition and most important help to increase the open time while maintaining high crystallinity, *necessary characteristics for the cohesively weak temporary adhesive product desired.*

Ex. 1004, 2:67-3:4 (emphasis added).

The partial quote of Stauffer upon which Petitioner and Dr. Hsu rely is misleading, and we find the Hsu Declaration's conclusory one-sentence opinion based on this out-of-context quote unpersuasive. Petitioner and Dr. Hsu neither acknowledge nor attempt to reconcile Stauffer's use of solid benzoate to form a cohesively weak breakaway bond in a temporary non-destructive adhesive application, with the '404 patent's description of adding solid benzoate to enhance adhesion and temperature resistance (Ex. 1001, 11:32-34). Pet. 38-40 (citing Ex. 1015 ¶¶ 81-82). The Eastotac Brochure, for example, expressly states that the resins listed therein are especially suited for hot melt adhesives "where elevated temperature resistance and high cohesive strength are required." Ex. 1002, 4. Why one of ordinary skill in the art would be motivated by Stauffer to add solid benzoate to the Eastotac composition where high cohesive strength bonds are required, in contrast to Stauffer's teaching of compositions having cohesively weak breakaway bonds, is not addressed by Petitioner or the Hsu Declaration. Petitioner's analysis on this crucial point of the obviousness determination is deficient.

For the reasons given above, the Petition and evidence of record are insufficient to persuade us that Petitioner has shown a reasonable likelihood of prevailing in its challenge that the Eastotac Brochure or Exxon Reference, combined with Stauffer, render claim 26 of the '404 patent obvious under 35 U.S.C. § 103.

E. Obviousness of Claim 27 over One of the Eastotac Brochure or Exxon Reference, and Litz

Claim 27 depends from claim 22 and claims a hot melt adhesive, "wherein the peel values are greater than about 70º C." Ex. 1001, 21:24-25.

Petitioner, in reliance on the teachings of Litz (Ex. 1005[4]) and the Hsu Declaration, asserts that obtaining a hot melt composition where peel values are greater than about 70º C would have been obvious and routine for one of ordinary skill in the art at the time of the '404 patent filing. Pet. 40-43 (citing Ex. 1015 ¶¶ 83-85). Petitioner argues that claim 27 of the '404 patent would have been obvious under 35 U.S.C. § 103. *Id.*

The '404 patent describes peel values as a measure of heat resistance, with higher peel value temperatures corresponding to higher heat resistance of the hot melt composition. Ex. 1001, 1:25-27, 8:25-30. Heat resistance may be increased by increasing the resin concentration or using a resin having a higher glass transition temperature. *Id.* at 3:55-58, 8:37-40, Fig. 1. Petitioner contends that, prior to the filing date of the '404 patent, it was known that use of tackifiers having a higher glass transition temperature would increase heat resistance of hot melt compositions and, accordingly, increase peel values. Pet. 41 (citing Ex. 1001, 1:25-30; Ex. 1015 ¶ 84).

Litz traces developments in hot melt adhesive technology. Ex. 1005. Litz provides an example where hot melt adhesive technology was developed to satisfy the "difficult standards" of Rule 41 issued by the Uniform Freight Classification Committee governing packaging requirements of articles shipped by rail. *Id.* at 36 (middle column). Rule 41 mandated hot melt adhesives that "maintain a bond" (will not peel) between -20º F and +165º F (between 29º C and 74º C). Pet. 42 (citing Ex. 1015 ¶ 85; Ex. 1005, 36 (middle column)). Dr. Hsu opines that Litz provides a reason and suggestion for routine modification of the Eastotac Brochure and

[4] Litz published in August 1974 and is prior art to the '404 patent under 35 U.S.C. § 102(b).

Exxon Reference compositions to obtain peel values greater than about 70º C. *Id.*

We are persuaded, on the present record, by Petitioner that Rule 41 of the Uniform Freight Classification Committee provided good reason for one of skill in the art to make the asserted modification to the hot melt compositions disclosed in the Eastotac Brochure or Exxon Reference. The compositions contain tackifying resins, and the Eastotac Brochure expressly states that the resins listed therein are "especially suited" for hot melt adhesives where "elevated temperature resistance and high cohesive strength are required." Ex. 1002, 4. The '404 patent, moreover, acknowledges the known use of higher Tg tackifying resins to increase heat resistance, and the rail freight packaging requirement for maintaining a hot melt adhesive bond up to 74º C provides a known application and commercial rationale for using a high peel value adhesive, as claimed in claim 27. We also find Dr. Hsu's opinion articulates a specific, persuasive reason based on the evidence of record to explain why a person of ordinary skill in the art would have used a tackifying resin to achieve a hot melt peel value > 70 ºC, with a reasonable expectation of success.

For the reasons stated above, the Petition and evidence of record are sufficient to persuade us that Petitioner has shown a reasonable likelihood of prevailing in its challenge that claim 27 of the '404 patent would have been obvious over the Eastotac Brochure or Exxon Reference, combined with Litz under 35 U.S.C. § 103.

F. Obviousness of Claims 22-25, 28, 31, and 32 over the Eastotac Brochure or Exxon Reference

Petitioner argues that claims 22-25, 28, 31, and 32, if not anticipated by the Eastotac Brochure or the Exxon Reference, would have been obvious

to one of ordinary skill "in light of the art and the general knowledge in the field." Pet. 43. Petitioner argues, in particular, that one of ordinary skill would have been motivated to choose either the Eastotac H-142 resin or Escorez 5340 resin for applications requiring high heat resistance and a high peel value. *Id.* at 44-48. Petitioner's claim charts asserting obviousness refer back to Petitioner's anticipation claim charts and add additional citations. *Id.* at 49-52.

Obviousness under 35 U.S.C. § 103 requires an assessment of, *inter alia,* the "differences between the prior art and the claims at issue." *KSR Int'l Co. v. Teleflex Inc*., 550 U.S. 398, 406 (2007) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)). Although Petitioner provides argument and declaration evidence in support of reasons why one of ordinary skill would choose the H-142 or 5340 resin for a hot melt adhesive composition, Petitioner does not identify any differences between the claimed invention and the prior art. *Id.* at 46–48. Petitioner does not identify a particular claim limitation, for example the "dicyclopentadiene" derivation limitation or "glass transition temperature" limitation of claim 22, that might be found lacking in the Eastotac Brochure or Exxon Reference. Without having identified any potential differences between the claimed invention and the prior art, Petitioner has failed to make a threshold showing of obviousness under 35 U.S.C. § 103. *See Graham v. John Deere,* 383 U.S. at 17-18; *Motorola Mobility LLC v. Intellectual Ventures I LLC*, Case IPR2014-00500, slip op. at 20-21 (PTAB Sep. 10, 2014) (Paper 12).

Therefore, we conclude that Petitioner has not demonstrated a reasonable likelihood of prevailing on the ground that claims 22-25, 28, 31,

and 32 are unpatentable as obvious over the Eastotac Brochure or Exxon Reference.

III. CONCLUSION

For the foregoing reasons, we are persuaded that Petitioner has shown a reasonable likelihood it would prevail with respect to at least one of the claims challenged in this Petition. The Board has not made a final determination on the patentability of the challenged claims.

IV. ORDER

For the reasons given, it is

ORDERED that pursuant to 35 U.S.C. § 314(a), *inter partes* review is instituted as to claims 22-25, 27, 28, 31, and 32 of the '404 patent based on the following grounds of unpatentability:

A. Whether claims 22, 23, 25, 28, 31, and 32 are unpatentable under 35 U.S.C. § 102(b) as anticipated by the Eastotac Brochure;

B. Whether claims 22-25 and 28 are unpatentable under 35 U.S.C. § 102(b) as anticipated by the Exxon Reference; and

C. Whether claim 27 is unpatentable under 35 U.S.C. § 103 as obvious over one of the Eastotac Brochure or Exxon Reference, and Litz;

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

FURTHER ORDERED that the trial is limited to the grounds of unpatentability listed above, all other grounds presented in the petition are

denied, and no other grounds of unpatentability are authorized for *inter partes* review.

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