EXHIBIT 2010

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Paper 9
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARESTREAM HEALTH, INC.
Petitioner

v.

SMARTPLATES, LLC
Patent Owner

Case IPR2013-00600
Patent 8,374,461

Before TREVOR M. JEFFERSON, SCOTT E. KAMHOLZ, and DAVID C. McKONE, *Administrative Patent Judges.*

McKONE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Carestream Health, Inc. ("Petitioner") filed a Petition (Paper 4, "Pet.") to institute an *inter partes* review of claims 13-23 and 27-31 of U.S. Patent 8,374,461 (Ex. 1001, "the '461 patent"). *See* 35 U.S.C. § 311. Smartplates, LLC ("Patent Owner") did not file a preliminary response.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

> THRESHOLD.—The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 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.

Upon consideration of the petition, we conclude that Petitioner has established a reasonable likelihood that it would prevail with respect to claims 13-23 and 27-31 of the '461 patent. Accordingly, we institute an *inter partes* review of claims 13-23 and 27-31 of the '461 patent.

B. Related Matters

Patent Owner has sued Petitioner for infringement of the '461 patent in *Smart Plates, LLC v. Carestream Health, Inc.*, No. 2:13-cv-00540 (E.D. La.), filed on March 22, 2013. Pet. 1; Paper 5 at 1.

Petitioner also filed a petition for *Inter Partes* Review of claims 1-12 and 24-26 of the '461 patent, IPR2013-00599, on September 20, 2013. Pet. 1; Paper 5 at 1. A decision on that petition is being entered simultaneously with this decision.

C. References Relied Upon

Petitioner relies upon the following prior art references:

Ex. 1003	Robar	US 6,826,313 B2	Nov. 30, 2004
Ex. 1004	Haug	US 7,095,034 B2	Aug. 22, 2006
Ex. 1005	Buytaert	US 6,359,628 B1	Mar. 19, 2002
Ex. 1006	Crucs	US 2009/0212107 A1	Aug. 27, 2009
Ex. 1007	Taskinen	US 2012/0019369 A1 (filed Mar. 22, 2010)	Jan. 26, 2012
APA	Prior art allegedly admitted in the '461 patent		

D. The Asserted Grounds

Petitioner contends that the challenged claims are unpatentable based on the following specific grounds (Pet. 3):

References	Basis	Claims challenged
Robar	§ 102(b)	13-17, 19, 22, 23, 28-30
Robar	§ 103(a)	18
Robar and APA	§ 103(a)	27
Robar and Crucs	§ 103(a)	14-16, 23
Robar and Haug	§ 103(a)	14-18, 20, 21, 27-31
Robar and Buytaert	§ 103(a)	17, 18, 27-31
Taskinen	§ 102(e)	13-16, 19-23, 28-30
Taskinen	§ 103(a)	18
Taskinen and APA	§ 103(a)	17, 27

Taskinen and Haug	§ 103(a)	18
Taskinen and Buytaert	§ 103(a)	31
Taskinen and Crucs	§ 103(a)	14-16, 23
Robar and Taskinen	§ 103(a)	14-16, 19-21

For the reasons described below, we institute an *inter partes* review of all challenged claims (13-23 and 27-31) based on the following grounds:

(1) Claims 13, 15-17, 19, 22, 23, 28, and 29 under 35 U.S.C. § 102(b) for anticipation by Robar;

(2) Claim 18 under 35 U.S.C. § 103(a) for obviousness over Robar;

(3) Claim 27 under 35 U.S.C. § 103(a) for obviousness over Robar and APA;

(4) Claims 14, 20, 21, 30, and 31 under 35 U.S.C. § 103(a) for obviousness over Robar and Haug;

(5) Claims 13, 15, 16, 19-23, 28, and 29 under 35 U.S.C. § 102(e) for anticipation by Taskinen;

(6) Claim 18 under 35 U.S.C. § 103(a) for obviousness over Taskinen;

(7) Claims 17 and 27 under 35 U.S.C. § 103(a) for obviousness over Taskinen and APA;

(8) Claim 31 under 35 U.S.C. § 103(a) for obviousness over Taskinen and Buytaert; and

(9) Claim 14 under 35 U.S.C. § 103(a) for obviousness over Taskinen and Crucs.

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