

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IDLE FREE SYSTEMS, INC.
Petitioner

v.

BERGSTROM, INC.
Patent Owner

Case IPR2012-00027
Patent 7,591,303

Before JAMESON LEE, THOMAS L. GIANNETTI, and
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

BACKGROUND

A. *Introduction*

Petitioner, Idle Free Systems, Inc. (“Idle Free”), filed a Petition on September 18, 2012, for an *inter partes* review of claims 1-23 of U.S. Patent No. 7,591,303 (“the ’303 patent”) pursuant to 35 U.S.C. §§ 311 *et seq.* On January 31, 2013, the Board granted the Petition and instituted trial for all claims 1-23 on less than all of the grounds of unpatentability alleged in the Petition. Paper 14.

After institution of trial, Bergstrom, Inc. (“Bergstrom”) filed a Patent Owner Response (“PO Resp.”). Paper 21. In a telephone conference call held on May 20, 2013, Bergstrom conceded the unpatentability of claims 1-4, 8, 10, and 17-19, and the Board indicated that those claims would be cancelled, without need of further briefing for those claims on any ground of unpatentability. Paper 26.

Bergstrom also filed a Motion to Amend Claims, which was dismissed on June 11, 2013. Paper 26. Bergstrom then filed a Renewed Motion to Amend Claims, by substituting proposed new claims 24-26 for claims 17-19, respectively. Paper 29. Idle Free filed a Reply (Paper 35) to Bergstrom’s Patent Owner Response, and an Opposition (Paper 36) to Bergstrom’s Renewed Motion to Amend Claims. Bergstrom then filed a Reply (Paper 41) to Idle Free’s Opposition to Bergstrom’s Renewed Motion to Amend Claims.

Oral hearing was held on October 7, 2013.¹

The Board has jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

¹ A transcript of the final hearing is included in the record as Exhibit 3001.

Idle Free has shown that claims 5-7, 9, 11-16, and 20-23 of the '303 patent are unpatentable. Bergstrom has conceded the unpatentability of claims 1-4, 8, 10, and 17-19 of the '303 patent.

Bergstrom's Renewed Motion to Amend Claims is *denied*.

B. The Invention of the '303 Patent

The disclosed invention of the '303 patent relates to a vehicle air conditioning system and a method of operating the same. Ex. 1001, Abstr.: 1-3. The '303 patent states that the method operates the air conditioning system at one capacity when the engine is running, and at a second capacity when the engine is not running. *Id.* at Abstr.: 3-6. It also states that the selection of the particular capacities is based on the power capacity of the source of electric power from which the air conditioning system is operated. *Id.* at Abstr.: 6-8. For instance, when a storage battery is used to power the air conditioning system during engine off conditions, the second capacity is lower than the capacity at which the system is operated when the engine is running. *Id.* at Abstr.: 8-11.

The specification states that there exists a need in the art for a vehicle heating, ventilation, and air conditioning system that is able to provide air conditioning of the interior of the vehicle, not only during periods of engine operation, but also during "engine off or no-idle" conditions. *Id.* at 2:27-31. According to the specification, the invention provides a new and improved heating, ventilating, and air conditioning system for a vehicle that may be operated regardless of the operational state of the engine. *Id.* at 2:35-38. The system may be operated to condition the interior compartments of a vehicle while the engine is running and also while the engine is in a "no-idle (off)" condition. *Id.* at 2:38-42.

C. *Exemplary Claims*²

Claims 1, 13, and 17 are the only independent claims:

1. A method of operating a vehicle air conditioning system, the vehicle having an engine, to provide engine on and engine off operation, comprising the steps of:

operating the air conditioning system at a first capacity when the engine is running; and

operating the air conditioning system at a second capacity when the engine is not running.

13. A method of operating a vehicle air conditioning system having an interior compartment fan and a compressor, the vehicle having an engine, to provide engine on and engine off operation, comprising the steps of:

operating at least one of the interior compartment fan and the compressor of the air conditioning system at a first speed when the engine is running; and

operating at least one of the interior compartment fan and the compressor of the air conditioning system at a second speed when the engine is not running.

17. A method of operating a vehicle air conditioning system, the vehicle having an engine, to provide engine on and engine off operation, comprising the steps of:

operating the air conditioning system with at least electric power generated as a result of the engine running when the engine is running; and

² Although Bergstrom conceded the unpatentability of claims 1 and 17, the content of these claims are still relevant for determining the patentability of the claims which depend from claim 1 or claim 17.

operating the air conditioning system with stored electric power when the engine is not running.

D. The Prior Art References Supporting Alleged Unpatentability of Claims 5-7, 9, 11-16, and 20-23

Iritani	US Published App. 2002/0084769 A1	July 4, 2002	Exhibit 1005
Erdman	US Patent 4,015,182	March 29, 1977	Exhibit 1007
Yoshida ³	Japanese Published Application JP H05-32121	February 9, 1993	Exhibit 1011
	English Translation of Yoshida		Exhibit 1008

E. The Still-Pending Grounds of Unpatentability Against Claims 5-7, 9, 11-16, and 20-23

Claims	Grounds	References
Iritani	§ 102(e)	Claims 5-7, 9, 11-16, 20-23
Erdman and Yoshida	§ 103(a)	Claims 5-7, 9, 11-16, 20-23

DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); Office Patent Trial

³ In this opinion, all references to “Yoshida,” unless otherwise noted, are to the English translation of the prior art reference, Exhibit 1008.

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