

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOTIVEPOWER, INC.,  
Petitioner,

v.

CUTSFORTH, INC.,  
Patent Owner.

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Case IPR2013-00272  
Patent 8,179,014 B2

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Before TRENTON A. WARD, MIRIAM L. QUINN, and  
CARL M. DeFRANCO, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

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

## I. BACKGROUND

MotivePower, Inc., Petitioner, filed a Petition to institute an *inter partes* review of all the claims (1–16) (the “challenged claims”) of U.S. Patent 8,179,014 B2 (Ex. 1001, “the ’014 patent”) pursuant to 35 U.S.C. §§ 311–19. Paper 1 (“Pet.”). The Board granted the Petition and instituted trial for all asserted claims. Paper 7 (“Dec. on Inst.”). Although Petitioner proposed seven grounds of unpatentability, the panel instituted trial on the following grounds:<sup>1</sup>

- (1) Claims 1–16 anticipated by Kartman;
- (2) Claims 1–5 and 7–15 anticipated by Baylis;
- (3) Claims 6 and 16 obvious over Baylis and Kartman;
- (4) Claims 1, 3–5, and 7–9 anticipated by Bissett; and
- (5) Claims 1–16 as obvious over Bissett and Kartman.

During trial, Patent Owner, Cutsforth Inc., filed a Patent Owner Response relying on Declarations of Dr. Thomas A. Keim (Ex. 2024) and Mr. Dustin Cutsforth (Ex. 2050). Paper 12 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response. Paper 22 (“Pet. Reply”).

We granted Patent Owner’s motion requesting cancellation of claims 6 and 16 of the ’014 patent. Paper 13, Order on Mot. to Amend.

Additionally, an oral hearing was held on August 6, 2014, and a transcript of the hearing is included in the record. Paper 32 (“Tr.”).

We have 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.

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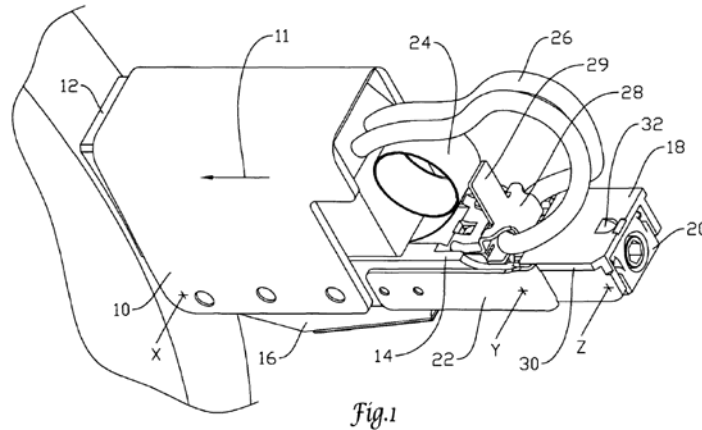
<sup>1</sup> U.S. Patent No. 5,043,619 (Ex. 1003) (“Kartman”); U.S. Patent No. 3,432,708 (Ex. 1004) (“Bissett”); and U.S. Patent No. 629,418 (Ex. 1005) (“Baylis”).

For the reasons that follow, we determine that Petitioner has met its burden to prove by a preponderance of the evidence that claims 1–5 and 7–15 of the '014 patent are unpatentable.

*A. The '014 Patent (Exhibit 1001)*

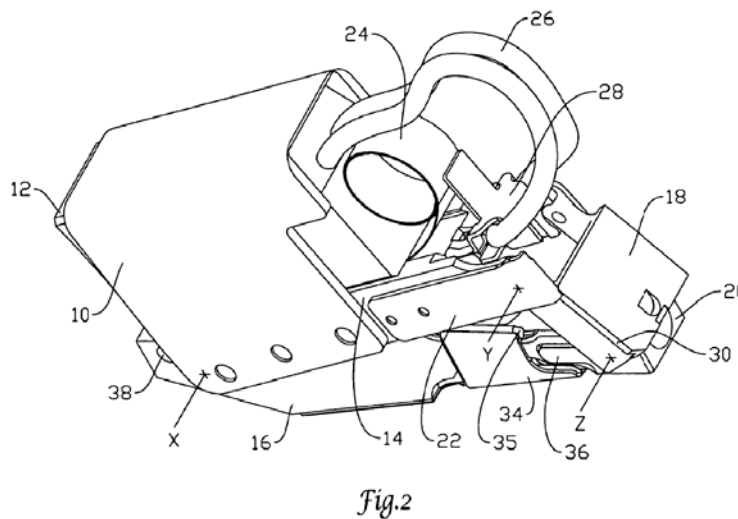
The '014 patent generally relates to a brush holder assembly for use in electrical devices and slip ring assemblies. Ex. 1001, col. 1, ll. 26–28. In particular, the patent describes that a brush is used in an electrical device to pass electrical current from a stationary contact to a moving contact surface, and vice versa. *Id.* at col. 1, ll. 42–47. Because the brush typically is in contact with a moving surface, the surface of the brush wears down, thus reducing the quality of the electrical contact. *Id.* at col. 1, ll. 47–63. The '014 patent describes that when the brush is so worn that it requires replacement, the moving contact surface may need to be halted, which may be difficult or expensive. *Id.* at col. 2, ll. 9–12. Alternatively, the '014 patent describes that maintaining the relative motion during replacement of the brush may be unsafe because of the risk of arcing and an accidental short circuit in the electrical components. *Id.* at col. 2, ll. 13–17. The patent thus describes that it would be an advantage to remove or replace a worn brush without stopping the moving parts involved. *Id.* at col. 2, ll. 16–20.

One embodiment of the '014 patent describes a brush holder assembly with a mounting bracket in an “engaged” configuration, relative to a lower mount block. *Id.* at col. 2, l. 66 – col. 3, l. 2. For example, Figure 1 of the '014 patent, reproduced below, illustrates an “engaged” configuration where brush 12, surrounded by brush box 10, is put in contact with a conducting surface because brush spring 24 pushes the brush toward the bottom edge of the box 10. *Id.* at Fig. 1; col. 4, ll. 27–34; col. 6, ll. 26–29.



According to Figure 1 above, brush box 10 is affixed to beam 14, which is affixed, via a hinged attachment, to the lower mount block 16. *Id.* at col. 4, ll. 34–41. In the “engaged” position, a conductive path is formed from brush 12 through brush conductor 26, terminal 28, and conductor strap 34 (shown in Figure 2, reproduced *infra*). *Id.* at col. 7, ll. 10–14.

The '014 patent further describes a “disengaged” configuration, shown in particular with respect to Figure 2, reproduced below.



As illustrated in Figure 2 above, a hinging action takes place at certain pivot lines, such as pivot line “X,” about which beam 14 moves with respect to lower

mounting block 16. *Id.* at col. 6, ll. 46–53. In the disengaged position, conductor strap 34 breaks contact with terminal 28, thus interrupting the current flow before the brush breaks contact with the conductive surface. *Id.* at col. 10, ll. 55–62.

### *B. Illustrative Claim*

Claims 1 and 10 of the '014 patent are the only independent claims at issue. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A brush holder assembly for holding a brush in contact with a conductive surface, the brush holder assembly comprising:
  - an elongate mounting block having an upper end and a lower end, and a front side and rear side opposite the front side; the rear side configured to face a stationary base of an electrical device;
  - a fastener extending from the rear side to secure the mounting block to the stationary base such that the entire mounting block is positioned on a single side of the stationary base; and
  - a brush holder component for removably mounting to the mounting block, the brush holder component comprising a brush box and a channel for receiving a portion of the mounting block therein.

## II. ANALYSIS

### *A. Claim Interpretation*

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 Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Claim terms also are given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic*

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