

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ATLANTA GAS LIGHT COMPANY,  
Petitioner,

v.

BENNETT REGULATOR GUARDS, INC.,  
Patent Owner.

---

Case IPR2015-00826  
Patent 5,810,029

---

Before JENNIFER S. BISK, JAMES B. ARPIN, and  
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### A. *Background*

Atlanta Gas Light Company (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1–8 of U.S. Patent No. 5,810,029 (Ex. 1001, “the ’029 patent”). After consideration of a Preliminary Response (Paper 6) filed by Bennett Regulator Guards, Inc. (“Patent Owner”), the Board instituted review of claims 1–8. Paper 12 (“Institution Decision” or “Dec.”).

During the trial, Patent Owner filed a Patent Owner Response (Paper 16, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 21, “Reply”). An oral hearing was held on June 23, 2016, and a transcript of that hearing has been entered in the record. Paper 30 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the claims on which we instituted trial. Based on the record before us, Petitioner has shown, by a preponderance of the evidence, that claims 1–8 of the ’029 patent are unpatentable.

### B. *The ’029 Patent*

#### 1. *Overview*

The ’029 patent, titled “Anti-Icing Device for a Gas Pressure Regulators,” issued on September 22, 1998, based on Application No. 08/491,273. The ’029 patent “relates to natural gas distribution and especially to problems associated with the pressure regulator valve used to

reduce gas pressure from the relatively high level used in a distribution system to the relatively low pressure level used in a customer's building or residence.” Ex. 1001, col. 1, ll. 5–9. Typically, the pressure regulator includes a flexible diaphragm that divides the interior space of a surrounding diaphragm housing into low-pressure and atmospheric-pressure chambers, with an opening provided to vent the atmospheric-pressure chamber to the atmosphere. *Id.* at col. 1, ll. 37–44. Because the pressure regulator commonly is mounted on the outside of a building, where it is exposed to prevailing weather conditions, the vent typically is protected with a vent tube having a downward orientation that prevents precipitation from entering the vent tube. *Id.* at col. 1, ll. 51–60. A metal screen over an outlet end of the vent tube further protects against intrusion by insects. *Id.* at col. 1, ll. 56–60. As the '029 patent explains, these precautions do not prevent problems associated with icing, which can manifest by the formation of an icicle or by splashing of freezing rain, either of which eventually may block the vent tube. *Id.* at col. 1, ll. 61–67.

Figure 4 of the '029 patent is reproduced below:

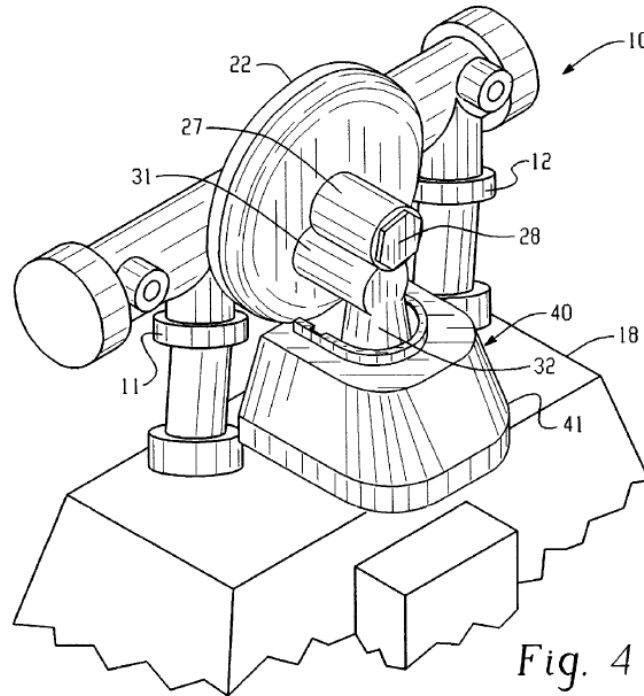


Figure 4 of the '029 patent illustrates a flared skirt assembly 40 connected to vent tube 31. The skirt assembly “prevents the formation of an icicle over the end 32 of the vent tube by enclosing the space around the vent tube and providing a substantially expanded passage.” *Id.* at col. 3, ll. 47–49. In addition, “because the skirt assembly is flared out substantially from the center line of the exit passage, rain or freezing rain is deflected away from an area where it could splash upwardly back into the vent tube.” *Id.* at col. 3, ll. 50–53).

Figure 6 of the '029 patent, reproduced below, illustrates a further feature of the skirt assembly:

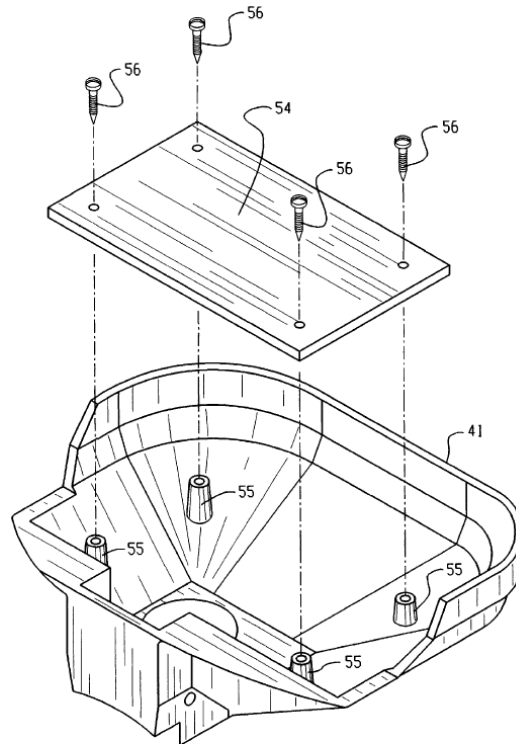


Fig. 6

Figure 6 of the '029 patent provides an exploded perspective view of the bottom of the skirt assembly, showing baffle plate 54 having edges that “are sufficiently spaced from the interior walls of the skirt that substantial space is provided for the venting of gas and or air through the skirt.” *Id.* at col. 4, ll. 6–8. A screen may be mounted at the lower end of the skirt to prevent insect intrusion. *Id.* at col. 4, ll. 8–9.

## 2. Prosecution History

The '029 patent issued on a first-action allowance, and underwent an *ex parte* reexamination initiated by Patent Owner. *See* Ex. 1010. During the reexamination, Patent Owner argued that claims 1–8 are not anticipated by

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.