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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION,
Petitioner,

v.

VALMONT INDUSTRIES, INC.,
Patent Owner.

Cases IPR2015-01039
Patent 7,003,357 B1

Held: June 16, 2016

BEFORE: SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and WILLIAM M. FINK, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday, June 16, 2016, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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P R O C E E D I N G S

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JUDGE WEINSCHENK: Good afternoon. This is a hearing for IPR2015-01039, Lindsay Corporation versus Valmont

Industries, Inc. Let's start with appearances. Who do we have for petitioner?

MR. BROWN: Good afternoon. Scott Brown appearing on behalf of Lindsay Corporation.

JUDGE WEINSCHENK: And who do we have for patent owner?

MR. BONILLA: Good afternoon. Ricardo Bonilla appearing for Valmont Industries, Inc.

JUDGE WEINSCHENK: All right. As you know from our order, each side will have 30 minutes to present their case. We'll start with petitioner and then followed by patent owner. Petitioner, you may begin when you are ready. Just let us know before you begin how much time you would like to reserve for rebuttal.

MR. BROWN: I do have hard copies if any of the panel members would like a hard copy of my presentation materials.

JUDGE MEDLEY: I would, please. Thank you.

MR. BROWN: May it please the Board, Your Honors, I think I would like to reserve five minutes for rebuttal.

I'm going to start with a brief overview of a common theme for the obviousness argument that's made with respect to all of the grounds. And then I'm going to address the particular disclosures of the '357 patent and the prior art, Scott, Pyotsia and AIMS references, and how those show all of the elements of the

independent claims. I intend to address the rationale for the combination at that point in time. And then I'll turn to Dr. Mercer's analysis and why that's legally irrelevant. If there's any time left, I'll address the dependent claims that are alleged to have missing limitations from the prior art.

The '357 patent discloses and claims a remote irrigation control unit that has a display, that has a processor that can be handheld, that uses GUIs to monitor and control the irrigation equipment. It really doesn't disclose anything beyond that except also that the remote user interface has wireless communication with the irrigation equipment. Those are the basic tenets of what is disclosed.

Now, in looking at the figures and the disclosure of the patent and what was admitted by Valmont's expert, Dr. Mercer, on cross-examination, there can be no doubt that with respect to the hardware and software that is implemented and disclosed in the '357 patent, Valmont did not invent any of the hardware. They were using commercially-available handheld units like PDAs. They did not invent any of the software that's used to run the GUIs or make the GUIs react to user interaction or make the GUIs send control signals to the irrigation equipment. All of that was common background information, as admitted by Valmont's expert.

So the question for all of the obviousness attack can really be reduced to a fairly simple one, which is this, given that

the prior art, Scott and Pyotsia references, disclosed a laptop that had GUI control, wireless communication directly to irrigation components, a display that the user could interact with the GUIs to monitor status information from the irrigation equipment and send control signals to the irrigation equipment, all of that on a laptop, that could be handheld, as we have argued.

JUDGE WEINSCHENK: Do we need to construe the term "handheld"?

MR. BROWN: I don't believe you have to construe the term "handheld," no, because there's an admission by Valmont that certainly the Pyotsia reference has a handheld in it even as they would interpret the term. So it's not absolutely necessary that it be construed. But if you do construe it, as we have urged, it certainly undercuts the entirety of Dr. Mercer's opinion about why wouldn't combine Scott with Pyotsia, because if Scott has a handheld, you are not needing to find a handheld in Pyotsia.

JUDGE WEINSCHENK: What evidence do you have that handheld includes a laptop?

MR. BROWN: Our evidence first starts with the basic analysis from the specification. So what's disclosed in the specification is that it could be, the examples are it could be a PDA or PDA connected to a cell phone or a combined PDA/cell phone or similar type products. That's the full extent of the disclosure from the '357 patent. There is no -- and the reason you want to have that, according to the '357 patent, is you want to be

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