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Paper 37
Entered: September 14, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION,
Petitioner,

v.

VALMONT INDUSTRIES, INC.,
Patent Owner.

Case IPR2015-01039
Patent 7,003,357 B1

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and WILLIAM M. FINK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Lindsay Corporation ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting an *inter partes* review of claims 1–18 of U.S. Patent No. 7,003,357 B1 (Ex. 1001, "the '357 patent"). Valmont Industries, Inc. ("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp.") to the Petition. On September 24, 2015, we instituted an *inter partes* review of claims 1–15, 17, and 18 ("the challenged claims") of the '357 patent on the following grounds:

Claims	**Statutory Basis**	**Applied References**
1–3, 6–14, 17, and 18	35 U.S.C. § 103(a)	Scott et al., PCT International Publication No. WO 99/39567 (published Aug. 12, 1999) (Ex. 1004, "Scott"); and Pyotsia et al., U.S. Patent No. 7,010,294 B1 (issued Mar. 7, 2006) (Ex. 1007, "Pyotsia")
1–3, 6–14, 17, and 18	35 U.S.C. § 103(a)	Scott; Pyotsia; and *Irrigation Advances: Conserving Water, Energy and Labor*, Vol. 5, No. 1 (Spring 1996) (Ex. 1012, "AIMS")
4, 5, 11, and 15	35 U.S.C. § 103(a)	Scott; Pyotsia; and Abts, U.S. Patent No. 6,337,971 B1 (issued Jan. 8, 2002) (Ex. 1008, "Abts")

Paper 7 ("Dec. on Inst."), 15.

After institution, Patent Owner filed a Response (Paper 15, "PO Resp.") to the Petition, and Petitioner filed a Reply (Paper 20, "Pet. Reply") to the Response. An oral hearing was held on June 16, 2016, and a transcript of the hearing is included in the record. Paper 36 ("Tr.").

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons set forth below, Petitioner has shown by a preponderance of the evidence that claims 1–10, 12–15, 17, and 18 of

the '357 patent are unpatentable, but Petitioner has not shown by a preponderance of the evidence that claim 11 is unpatentable.

A. *Related Proceedings*

The parties indicate that the '357 patent is at issue in the following district court case: *Valmont Industries, Inc. v. Lindsay Corp.*, No. 1:15-cv-00042 (D. Del.). Pet. 1; Paper 5, 2.

B. *The '357 Patent*

The '357 patent relates to remotely monitoring and controlling irrigation equipment.[1] Ex. 1001, Abstract. According to the '357 patent, prior systems for remotely monitoring and controlling irrigation equipment used a personal computer ("PC") located at a base station control. *Id.* at col. 1, ll. 24–30. The '357 patent explains that situations may arise when immediate action is required after viewing the operation of irrigation equipment. *Id.* at col. 1, ll. 30–33. With the prior systems, though, a user would have to travel back to the PC at the base station control, which may be located miles away, in order to control the irrigation equipment. *Id.* at col. 1, ll. 33–35.

To address the aforementioned deficiency in the prior systems, the '357 patent describes a handheld remote user interface ("RUI") with a display and optional keypad. *Id.* at col. 1, ll. 51–55. The handheld RUI communicates with the irrigation equipment using wireless telemetry technology. *Id.* at col. 1, ll. 56–58. Thus, according to the '357 patent, the handheld RUI allows a user to control the irrigation equipment from any

[1] The parties agree that, for the purposes of this case, the '357 patent is *not* entitled to the benefit of the filing date of U.S. Application No. 09/778,367. Tr. 10:18–11:5, 28:14–29:4.

location without having to travel back to a PC located at a base station control. *Id.* at col. 1, ll. 58–61.

C. *Illustrative Claim*

Claims 1, 17, and 18 are independent. Claim 1 is reproduced below.

> 1. A remote user interface for reading the status of and controlling irrigation equipment, comprising:
>
> a hand-held display;
>
> a processor;
>
> wireless telemetry means for transmitting signals and data between the remote user interface and the irrigation equipment; and
>
> software operable on said processor for:
>
> (a) displaying data received from the irrigation equipment as a plurality of GUIs that are configured to present said data as status information on said display;
>
> (b) receiving a user's commands to control the irrigation equipment, through said user's manipulation of said GUIs; and
>
> (c) transmitting signals to the irrigation equipment to control the irrigation equipment in accordance with said user's commands.

Ex. 1001, col. 6, ll. 47–64.

II. ANALYSIS

A. *Level of Ordinary Skill in the Art*

Petitioner argues that a person of ordinary skill in the art at the time of the invention of the '357 patent would have had a Bachelor's degree in electrical engineering or a related engineering discipline such as industrial engineering, and several years of relevant academic, research, or industry work experience. Ex. 1009 ¶ 29. Patent Owner argues that a person of ordinary skill in the art at the time of the invention of the '357 patent would

have had a Bachelor of Science degree in electrical engineering, computer engineering, or computer science with related work experience. Ex. 2006 ¶ 28. The parties do not identify any material differences between their respective definitions of the level of ordinary skill in the art. PO Resp. 15–16. Thus, we determine that both parties define the level of ordinary skill in the art appropriately in this case. To the extent necessary, though, we adopt Petitioner's definition that a person of ordinary skill in the art at the time of the invention of the '357 patent would have had a Bachelor's degree in electrical engineering or a related engineering discipline such as industrial engineering, and several years of relevant academic, research, or industry work experience.

B. *Claim Construction*

The claims of an unexpired patent are interpreted using the broadest reasonable interpretation in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–45 (2016). In applying that standard, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the specification. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An applicant may provide a different definition of the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). In the absence of such a definition, limitations are not to be read into the claims from the specification. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

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