

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WANGS ALLIANCE CORPORATION D/B/A WAC LIGHTING CO.,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2015-01291
Patent 6,561,690 B2

Before GLENN J. PERRY, TREVOR M. JEFFERSON, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

PERRY, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Reconsideration
37 C.F.R. § 42.71(c, d)

Patent Owner requests reconsideration (Paper 10, “Rqst.”) of our Decision to Institute (Paper 8, “Dec.”).

Claim Construction

Patent Owner’s request is directed to our preliminary claim construction of “*guiding the light emitted by the LED toward outside of the housing.*” Rqst. 3. It urges that our preliminary construction (Dec. 8) of this claim phrase as “a collimator” is too broad, arguing that we overlooked description of specific structure described in the specification that a collimator should have for performing the recited function (guiding light). According to Patent Owner, our construction should be limited to specific structure of a collimator described at 3:29–36 of Ex. 1001, namely — a “symmetrical lateral surface.” Rqst. 2 (citing Ex. 1001 at 3:29). Patent Owner argues that this more specific structural arrangement is “necessary to perform the recited function,” and thus the Board’s construction is legally erroneous. *Id.*

The claim drafter chose to describe the function of guiding light using a “means plus function” clause. For purposes of the Decision to Institute, we preliminarily construed this means-plus-function clause as corresponding to the structures disclosed in the specification for carrying out the specified function and its equivalents.

We are not persuaded by the evidence of record as of the date of our Decision to Institute that the construction of the means-plus-function clause is limited to the structure described in an embodiment without any range of equivalents whatsoever. Thus, we are not inclined at this stage of the proceeding to limit that range of equivalents.

Constructions made at the institution stage are preliminary in nature and the parties are able to argue (and support those arguments with evidence) during trial that that a particular construction should be adopted for purposes of our final written decision.

Analysis of Sharrah

Patent Owner argues that because of our erroneous claim construction, it follows that our analysis of Sharrah is flawed. Rqst. 6. Given that we maintain our construction of “guiding the light emitted by the LED toward outside of the housing” as set forth in our Decision to Institute, our analysis of Sharrah for purposes of that decision remains unchanged at this time.

ORDER

Accordingly, it is

ORDERED that the requested relief is *denied*.

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