

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

KONINKLIJKE PHILIPS N.V.,  
Patent Owner.

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Case IPR2015-01291  
Patent 6,561,690 B2

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

PERRY, *Administrative Patent Judge*.

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

## I. INTRODUCTION

This is a Final Written Decision entered in an *inter partes* review instituted pursuant to 35 U.S.C. § 314. For reasons discussed below, we determine that Petitioner has shown by a preponderance of the evidence that claim 1 of U.S. Patent No. 6,561,690 B2 (Ex. 1001, “the ’690 patent”) is unpatentable.

### A. Procedural History

Wangs Alliance Corporation d/b/a Wac Lighting Co. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 1, 5, and 6 (the “challenged claims”) of the ’690 patent. 35 U.S.C. § 311. Koninklijke Philips N.V. (“Patent Owner”) timely filed a Preliminary Response (Paper 6, “Prelim. Resp.”) contending that the petition should be denied as to all challenged claims.

On November 25, we instituted *inter partes* review of claim 1. Paper 8, “Decision on Institution” or “Dec.”). Patent Owner filed a Patent Owner Response (Paper 17, “PO Resp.”), and Petitioner filed a Reply (Paper 24, “Reply”). Patent Owner filed a Motion to Exclude Evidence (Paper 38, “PO Mot. Exclude”). Petitioner opposed (Paper 46, “Opp. PO Mot. Exclude”). Petitioner filed a Motion to Exclude Evidence (Paper 40, “Pet. Mot. Exclude”). Patent Owner opposed (Paper 45, “Opp. Pet. Mot. Exclude”). A transcript of oral argument held on August 23, 2016 is included in the record (Paper 55, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

*B. Related Matters*

Petitioner and Patent Owner report the following pending litigation matter related to the '690 Patent: *Koninklijke Philips N.V. et al. v. Wangs Alliance Corporation*, Case No. 14-cv-12298-DJC (D. Mass.). Pet. 1; Paper 5, 2. Patent Owner also identifies *Koninklijke Philips N.V. v. Troy-CSL Lighting, Inc.*, Case No. 1:15-cv-11053-WGY (D. Mass.), which has settled. Paper 22, 2.

Petitioner reports that Patent Owner is suing the Petitioner and/or other parties under one or more of U.S. Patent Nos. 6,013,988; 6,147,458; 6,586,890; 6,250,774; 6,788,011; 7,038,399; 7,352,138; 6,094,014; and 7,262,559, all of which generally relate to light emitting diodes (“LEDs”). Petitioner further reports that on the same week as the filing of this petition, the Petitioner is also filing additional petitions for *inter partes* review for six other patents asserted by the Patent Owner against the Petitioner: U.S. Patent Nos. 6,013,988; 6,147,458; 6,586,890; 6,250,774; 7,038,399; and 7,352,138. Pet. 1.

*C. The '690 Patent (Ex. 1001)*

*1. Described Invention*

The '690 patent describes a light-emitting diode (LED) luminaire that is structured to be rugged to transport. Ex. 1001, 1:25–41. Patent Owner provides (PO Resp. 3) the following annotated version of Figure 1 of the '690 patent which is a cross-sectional view of an example of a luminaire.

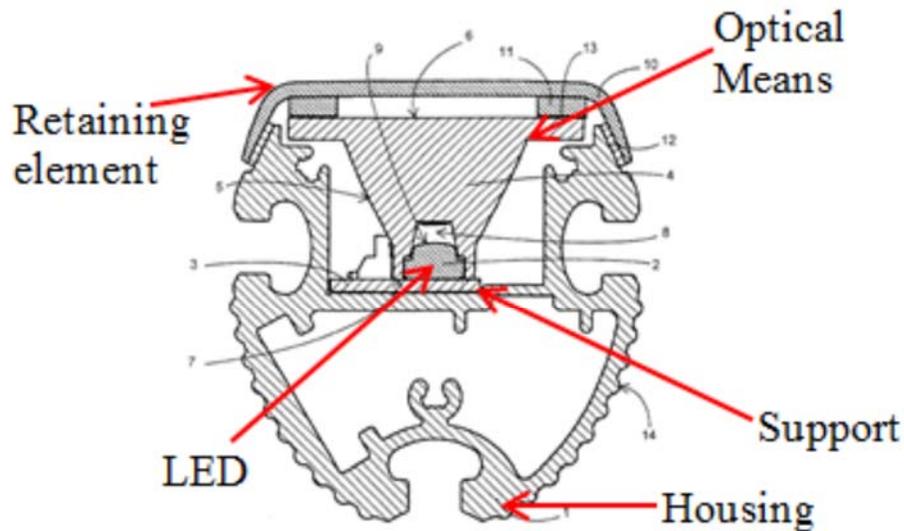


FIG. 1

Figure 1 is a cross-sectional view of an example of a luminaire.

A housing defines an internal space containing at least one LED. In use, an “optical means for guiding” guides light from the LED to the exterior of the housing. The LED is mounted to a support connected to the housing; and is held between a retaining element (claimed “elastic retention means”), connected to the housing, and the support. Ex. 1001, 1:48–51, Figure 1. The retaining element applies pressure to hold the optical means against the support. Ex. 1001, 2:5–14.

## 2. Claim at Issue

Claim 1 of the '690 patent is the only claim at issue and is reproduced below with parenthetical letter annotations identifying its various limitations for ease of reference:

1. (a) A luminaire comprising  
(b) a housing which defines an internal space containing  
(c) at least one light source formed by a light-emitting diode (LED) and (d) optical means for

- guiding the light emitted by the LED towards outside of the housing,
- (e) characterized in that the LED is mounted to a support connected to the housing, and
  - (f) the optical means is held between a retaining element connected to the housing and the support for the LED by pressure exerted by the retaining element and the support for the LED,
  - (g) wherein the optical means has first and second ends, the first end being proximate the support connected to the housing and the second end being proximate the retaining element.

#### *D. Ground of Unpatentability*

We instituted trial regarding patentability of claim 1 of the '690 patent based on anticipation by Sharrah.<sup>1</sup> Petitioner relies on declaration testimony of Eric Bretschneider, Ph.D. Ex. 1007.

## II. DISCUSSION

### *A. Claim Interpretation*

The Board interprets claims using the “broadest reasonable construction 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, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard as the claim interpretation standard to be applied in *inter partes* reviews). Under this standard, we interpret claim

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<sup>1</sup> U.S. Patent 5,871,272, issued February 16, 1999 (Ex. 1004, “Sharrah”).

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