

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DAIFUKU CO., LTD. AND DAIFUKU AMERICA CORP.,
Petitioner,

v.

MURATA MACHINERY, LTD.,
Patent Owner.

Case IPR2015-01538
Patent 6,113,341

Before KEN B. BARRETT, BARRY L. GROSSMAN, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Daifuku Co., Ltd. and Daifuku America Corp. (together, “Petitioner”) filed a Petition requesting *inter partes* review of claim 1 of U.S. Patent No. 6,113,341 (“the ’341 patent”). Paper 1 (“Pet.”). Murata Machinery, Ltd. (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 6 (“Prelim. Resp.”). We have statutory authority under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Petitioner challenges claim 1 of the ’341 patent as unpatentable under 35 U.S.C. §§ 102 and 103 on multiple grounds. Pet. 2–3. Based on the information presented in the Petition and Preliminary Response, we are persuaded there is a reasonable likelihood Petitioner would prevail with respect to the claim challenged in the Petition. Therefore, we institute *inter partes* review of claim 1 of the ’341 patent.

A. *Related Proceedings*

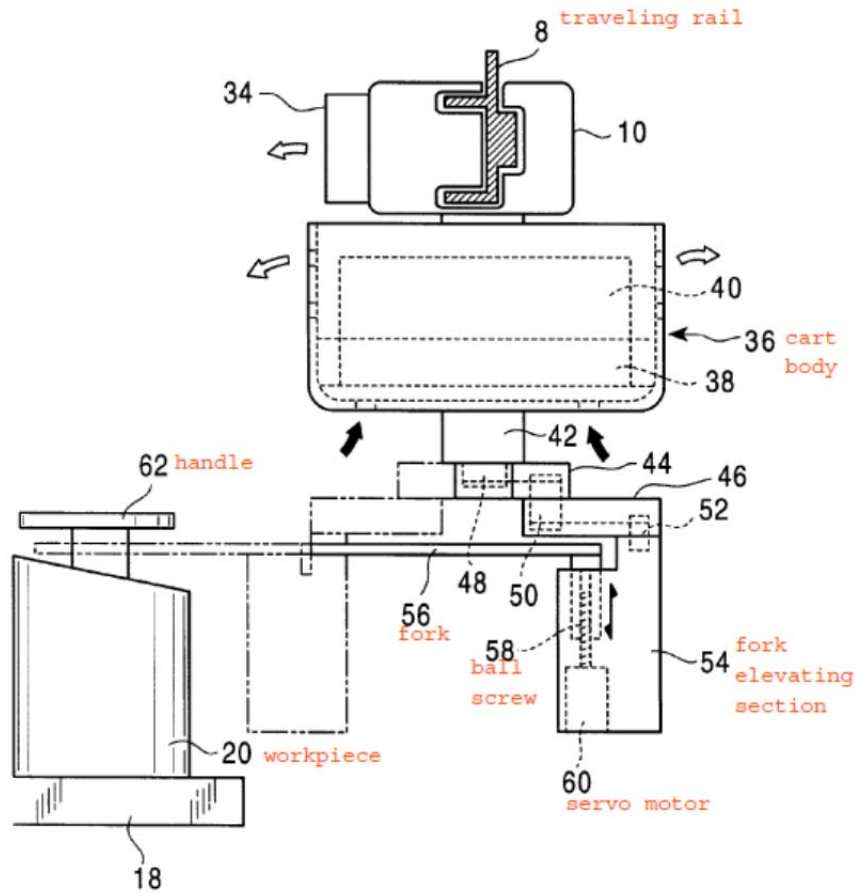
The parties identify the following as a related proceeding regarding the ’341 patent:

U.S. district court action titled *Murata Machinery USA, Inc. v. Daifuku Co., Ltd.*, No. 2:13-cv-00866 (D. Utah 2013), in which the ’341 patent is at issue. Pet. 1; Paper 4, 1.

B. *The ’341 Patent*

The ’341 patent, titled “Tracking Cart System,” issued September 5, 2000, from an application filed October 22, 1998. Ex. 1001. The tracking cart system described in the ’341 patent includes an overhead traveling rail and tracking cart that travels along the rail to load a workpiece. *Id.* at

Abstract, 1:62–67. Annotated Figure 2 of the '341 patent is reproduced below.



Annotated Figure 2, above, depicts a tracking cart system that includes traveling rail 8 and cart body 36. *Id.* at 3:33–38, 57–58. Fork elevating section 54 and fork 56 move horizontally back and forth during loading and unloading of workpiece 20. *Id.* at 3:57–4:6. “[A]n arm motor 42 turns arms 44 and 46, which are positioned atop of one another, in the opposite directions to cause a fork elevating section 54 mounted at the tip of the lower arm 46 to move forward and backward perpendicularly to the traveling rail.” *Id.* at 3:57–62. The horizontal back-and-forth movement of elevating section 54 and fork 56 positions fork 56 to engage and disengage

handle 62 of workpiece 20, as depicted by the phantom lines for fork 56 in Figure 2.

Vertical movement of fork 56 is accomplished by attaching fork 56 “to the fork elevating section 54 via a ball screw 58 that is moved up and down by a servo motor 60, and a forked portion of the fork located at its tip grips a handle 62 of the work[piece] 20.” *Id.* at 4:11–14. “Accordingly, only the fork 56 must be moved up and down slightly, while a small fork elevating section 54 enables the fast elevating and lowering motions required to grip and load the work[piece] 20.” *Id.* at 4:14–17. The depicted traveling cart arrangement “eliminates any need to lower the entire loading means from the ceiling area to the loading station.” *Id.* at 6:4–6.

Claim 1 of the '341 patent is illustrative and reproduced below.

1. A tracking cart system, comprising
 - a traveling rail provided at a level higher than that of a loading station;
 - a tracking cart suspended from said traveling rail; and
 - loading means for loading a workpiece by moving within a horizontal plane, said loading means being provided under said tracking cart,wherein said loading means includes *a fork elevation section* which moves forward and backward nearly perpendicularly to said traveling rail and *a fork mounted on said fork elevation section so as to be lowered and raised by said fork elevation section.*

Id. at 6:9–20 (emphases added).

C. Asserted Grounds of Unpatentability

Petitioner asserts that claim 1 of the '341 patent is unpatentable as anticipated by either the '913 Publication¹ or the '777 Patent.² Pet. 2. Petitioner further asserts that claim 1 is unpatentable as obvious over the '913 Publication and the '777 Patent. *Id.* Petitioner further asserts that claim 1 is unpatentable as obvious over the '809 Publication³ alone or as obvious over the '809 Publication and the '777 Patent. *Id.* at 3. Petitioner relies on the Declaration of Dr. Robert H. Sturges (Ex. 1006) in support of its arguments. We address the parties' arguments below.

II. ANALYSIS

A. Real Party in Interest

In accordance with 35 U.S.C. § 312(a)(2) and 37 C.F.R. § 42.8(b)(1), Petitioner identifies “Daifuku Co., Ltd. and Daifuku America Corp.” as the real parties-in-interest. Pet. 1.

Patent Owner asserts that Petitioner should have listed Daifuku North America Holding Company (“Daifuku Holdings”) as a real party in interest. Prelim. Resp. 1, 5. According to Patent Owner, Daifuku Holdings possesses effective control over Petitioner in relation to this proceeding, and has a “blurred” parent-subsidiary relationship with Petitioner Daifuku America Corp. *Id.*

¹ Japanese Utility Model Application No. 1993-82913, published November 9, 1993. Ex. 1003 (“the '913 Publication”) (certified English translation).

² U.S. Patent No. 3,863,777 issued February 4, 1975 to Murata on an application filed July 18, 1973. Ex. 1004 (“the '777 Patent”).

³ Japanese Patent Application Publication No. 1988-242809, published October 7, 1988. Ex. 1005 (“the '809 Publication”) (English translation).

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