

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXON EP, INC. and SCREEN LOGIX, LLC,
Petitioner,

v.

DERRICK CORPORATION,
Patent Owner.

Case IPR2016-00642
Patent 7,228,971 B2

Before BARRY L. GROSSMAN, CARL M. DEFRANCO, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Petitioner, Axon EP, Inc. and Screen Logix, LLC (collectively, “Axon”), filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claim 6 of U.S. Patent No. 7,228,971 B2 (Ex. 1001, “the ’971 patent”).¹ Patent Owner, Derrick Corp. (“Derrick”), filed a Preliminary Response (Paper 8, “Prelim. Resp.”) to the Petition. We have jurisdiction under 35 U.S.C. § 314.

To institute an *inter partes* review, we must determine that the information presented in the Petition shows “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). For the reasons set forth below, upon considering the Petition and the Preliminary Response, we conclude that the information presented in the Petition establishes a reasonable likelihood that Axon will prevail in challenging claim 6 of the ’971 patent. Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to that claim.

Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far. This decision to institute trial is not a final decision as to patentability of the claim for which *inter partes* review is instituted. Our final decision will be based on the full record developed during trial.

¹ Axon indicates that HitecVision V, L.P., Axon Energy Products AS, Axon Pressure Products, Inc., and Drilling Controls, Inc. are also real parties-in-interest to the petition. Pet. 1.

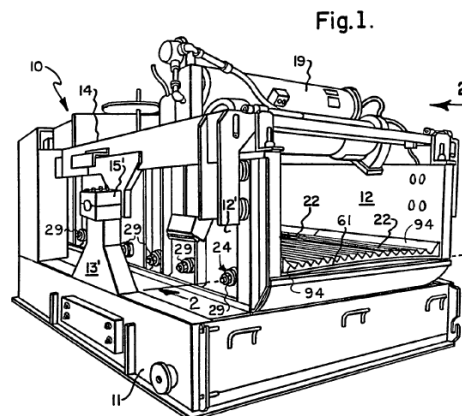
A. Related Matters

The parties indicate that the '971 patent is involved in two pending litigations in the United States District Court for the Western District of Louisiana (Lafayette Division), one styled *Derrick Corp. v. Screen Logix, LLC*, case no. 6:15-cv-01238, and the other styled *Derrick Corp. v. Big West Oilfield Servs.*, case no. 6:15-cv-02822. Pet. 1; Paper 4, 1.²

B. The '971 Patent

The '971 patent, titled “Vibratory Screening Machine and Vibratory Screen and Screen Tensioning Structure,” issued June 12, 2007. Ex. 1001. The '971 patent is generally directed to an improved vibratory screening machine and an improved tensioning structure for the machine. *Id.* at 1:18–21. Claim 6, the only claim challenged by Axon, is directed to a vibratory screen assembly. *Id.* at 10:6.

Figures 1 and 2, reproduced below, depict an embodiment of the apparatus of the '971 patent.



² The parties are reminded of their continuing obligation to update their mandatory notices within 21 days of any change of the information listed in 37 C.F.R. § 42.8(b) stated in an earlier paper, including, *inter alia*, changes in related matters. 37 C.F.R. §§ 42.8(a)(3), 42.8(b)(2).

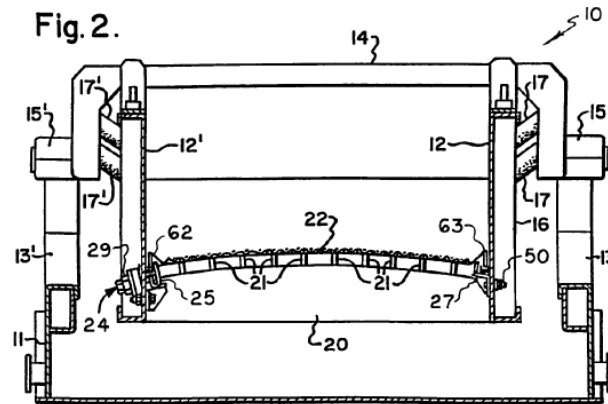
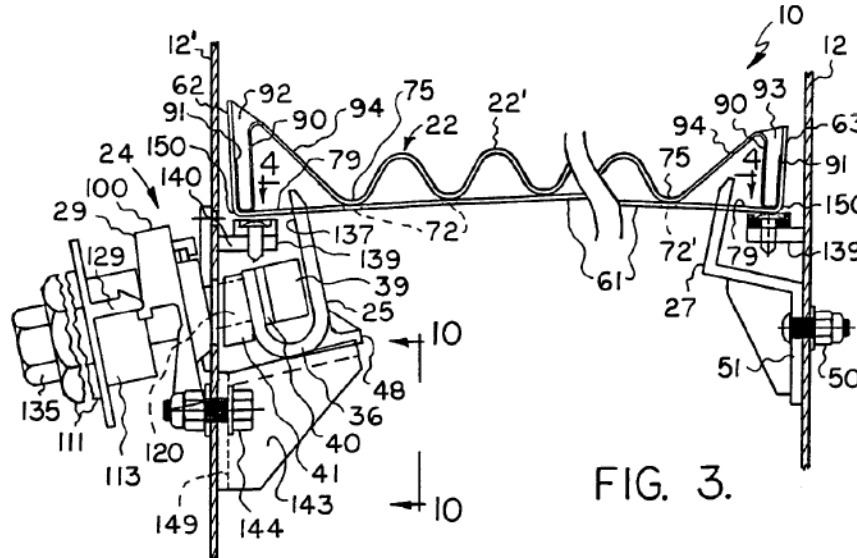


Figure 1 depicts “a perspective view of a vibratory screening machine mounting the improved screen and screen tensioning structure” and Figure 2 depicts “a cross sectional view taken substantially along line 2-2 of [Figure] 1 and showing a vibratory screen.” Ex. 1001, 2:42–46.

Figures 3 and 4 of the '971 patent, reproduced below, depict an enlarged view of the screen assembly of the embodiment of Figures 1 and 2.



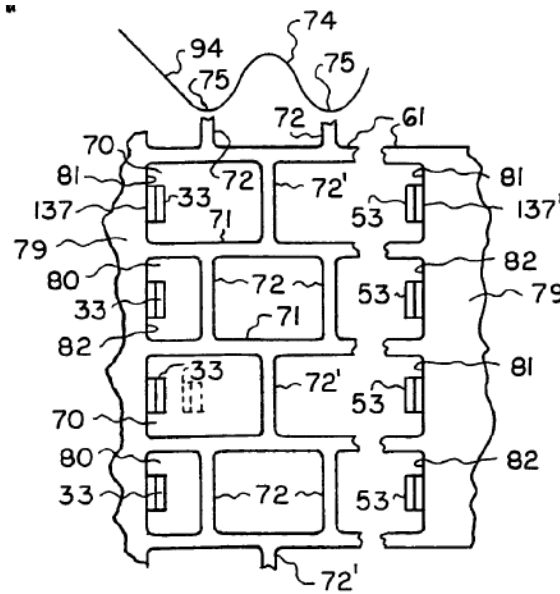


FIG. 4.

Figure 3 depicts an enlarged view of the screen and tensioning structure of Figure 2 and Figure 4 depicts an enlarged view taken in the direction of arrows 4-4 of Figure 3. Ex. 1001, 2:50–54. As seen in Figure 3, screen assembly 22 includes undulating screen sub-assembly 22' and plate 61. *Id.* at 5:46–47, 5:4–5.³ Undulating screen sub-assembly 22' is formed of three layers of screen and undulates to form ridges 74 and grooves or troughs 75, with the underside of troughs 74 bonded to plate 61 at members 72. *Id.* at 5:46–50; 5:31–39. The two outer edges of screen sub-assembly 22' are formed into planar sides 90, which are parallel to flanges 62 and 63 of plate 61, with each edge ending in short sides 91, which are parallel to sides 90. *Id.* at 5:50–54. Screen sub-assembly 22' also includes straight screen portions 94 between the last trough 75 and screen side 90 at each end

³ We note that the Specification of the '971 patent typically uses the term “subassembly,” but claim 6 hyphenates the term “sub-assembly.” Throughout this Decision, we use the hyphenated version that appears in claim 6.

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