

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DAKTRONICS, INC.,
Petitioner,

v.

OLAF SÖÖT DESIGN, LLC,
Patent Owner.

Case IPR2016-01369
Patent 6,520,485 B1

Before JOSIAH C. COCKS, NEIL T. POWELL, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

DECISION

Not Instituting *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. §§ 42.4, 42.108

I. INTRODUCTION

A. BACKGROUND

Daktronics, Inc. (“Daktronics”) filed a corrected petition (Paper 7, “Pet.”) to institute an *inter partes* review of claims 21, 23, 24, and 26–28 (the “challenged claims”) of U.S. Patent No. 6,520,485 B1 (Ex. 1001, “the ‘485 patent”). 35 U.S.C. § 311. Daktronics also relies upon expert

testimony from Mr. William B. Gorlin (Ex. 1004). Olaf Sööt Design, LLC (“OSD”) timely filed a Preliminary Response, Paper 11 (“Prelim. Resp.”) that is supported by a declaration from Olaf Sööt (Ex. 2001). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is 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); 37 C.F.R. § 42.108. Based on our review of the record, we conclude that Daktronics has failed to demonstrate that it is reasonably likely to prevail with respect to any of its challenges.

Daktronics contends that the challenged claims are unpatentable under 35 U.S.C. §§ 102 and/or 103 based on the following grounds (Pet. 14–50):

References	Basis	Claims challenged
German Patent Publication No. DE 4204153 (Ex. 1007 with certified translation at Ex. 1008, “Geiss”)	§ 102	21, 23, 24, and 26–28
Geiss	§ 103	21, 23, 24, and 26–28
Geiss and UK Patent Application No. GB 2296481 (Ex. 1005, “Barnet”)	§ 103	21, 23, 24, and 26–28
Geiss and German Patent Publication No. DE 3737612 (Ex. 1009 with certified translation at Ex. 1010, “Bittner”)	§ 103	21, 23, 24, and 26–28
Barnet and U.S. Patent No. 652,893 (Ex. 1006, “Herdman”)	§ 103	27 and 28
Barnet, Bittner, and Geiss	§ 103	21, 23, 24, and 26
Barnet, Bittner, and Herdman	§ 103	21, 23, 24, and 26

References	Basis	Claims challenged
German Patent Publication No. DE 19512899 (Ex. 1014 with certified translation at Ex. 1015, “Fajtak”) and U.S. Patent No. 1,110,248 (Ex. 1012, “Atwood”)	§ 103	21, 23, 24, and 26–28
Fajtak and Herdman	§ 103	21, 23, 24, and 26–28
All obviousness combinations referenced above in further view of U.S. Patent No. 2,942,879 (Ex. 1011, “Izenour”)	§ 103	24, 26, and 28

Generally, OSD contends that the Petition should be denied in its entirety. For the reasons described below, we decline to institute *inter partes* review of the challenged claims on any of the alleged grounds of unpatentability.

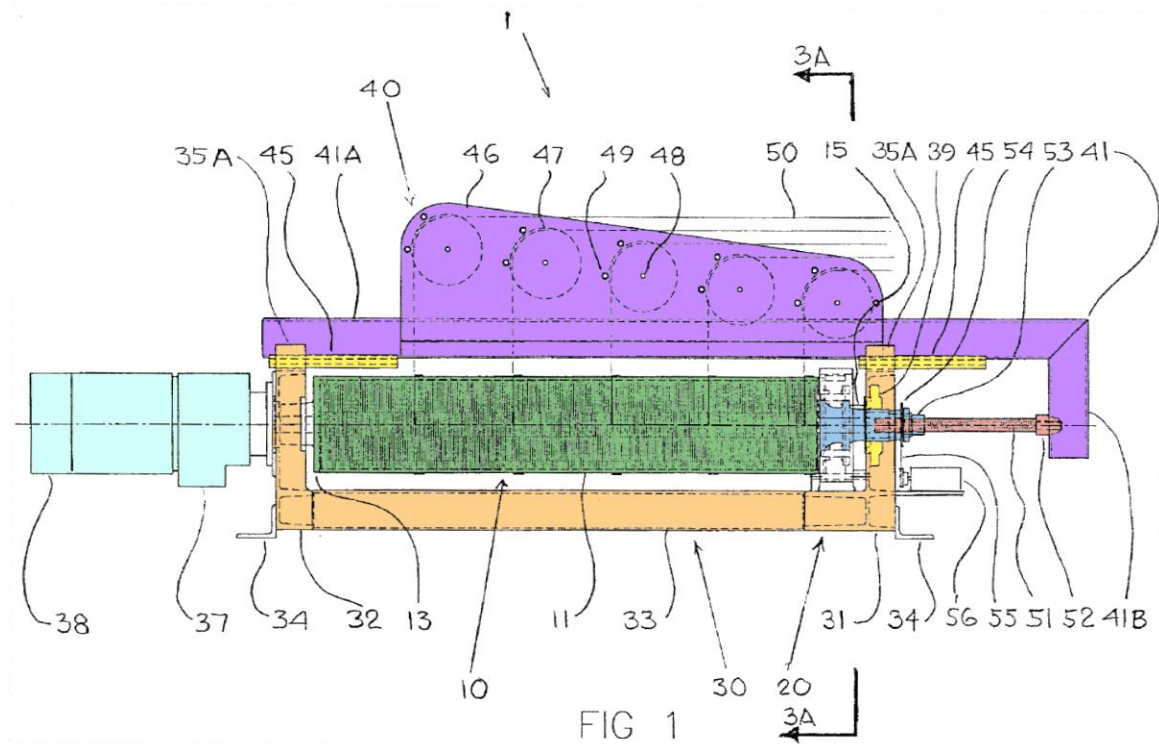
B. RELATED PROCEEDINGS

The parties identified as a related proceeding the co-pending district court proceeding of *Olaf Sööt Design, LLC v. Daktronics Hoist, Inc. and Daktronics, Inc.*, Case Number 1:15-cv-05024-RWS (S.D.N.Y.). Pet. 2–3; Paper 9, 2. The parties also identified two previously filed petitions for *inter partes* review involving the ’485 patent, IPR2015-00116 and -00117, for which joint motions to terminate the proceedings were granted. Pet. 2–3; Paper 9, 2.

C. THE ’485 PATENT

The patent describes a winch for “raising and lowering objects, in particular, objects such as theater scenic elements, suspended from fly sets, by failsafe motorized means.” Ex. 1001, 1:6–8. To aid us in describing the

subject matter of the '485 patent, we refer to the colorized version of Figure 1 shown below.

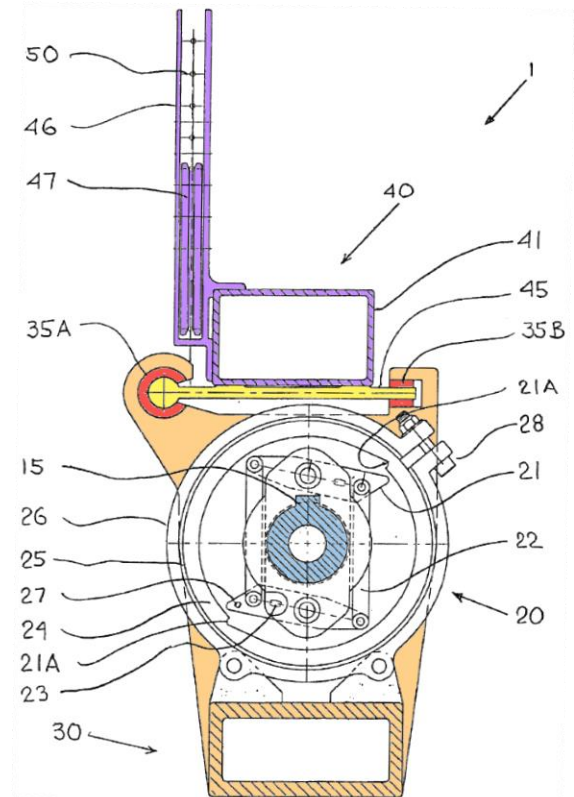


The colorized version of Figure 1 is a side view of an exemplary embodiment of the claimed winch system with some internal structures shown in dashed lines.

Winch 1 includes grooved drum 11 (green) around which cables 50 wind and unwind to raise and lower objects. *Id.* at 3:53–55. Drum 11 (green) is rotatably supported near its ends by base 30 (orange) and rotated via the combination of motor 38 and gear reducer 37 (teal). *Id.* at 3:55–59. Cables 50 are guided from grooved drum 11 to those objects over sheaves 47 that are mounted on carriage 40 (violet). *Id.* at 4:7–11. A hub (blue) is non-rotatably mounted on one end of drum 11 (green) and supported by bearing 39 (yellow) so that it can rotate freely within vertical member 31 (orange) when drum 11 (green) rotates. The distal end of the hub (blue) carries an internally threaded nut (blue) that mates with screw 51 (pink), which is non-

rotatably secured to vertical member 41B (violet) of frame 41 (violet). Accordingly, when drum 11 (green) and its hub (blue) rotates, the nut (blue) within the hub (blue) engages the threads on screw 51 (pink), which causes carriage 40 (violet) and sheaves 47 (violet) to slide laterally relative to drum 11 (green) and base 30 (orange). Because the threads on screw 51 (pink) and the grooves on drum 11 (green) have the same pitch, carriage 40 moves laterally at the same rate at which cables 50 advance in the grooves on drum 11 to maintain a straight path for each cable 50 from its sheave 47 to drum 11. *Id.* at 4:55–60. As carriage 40 (violet) slides to the left from the position shown in Figure 1, the distal end of screw 51 (pink) moves through the hub (blue) into the hollow cavity within drum 11 (green).

Carriage 40 is thus slidably mounted to base 30. Slides 45 (yellow) are secured to carriage 40 (violet) and guide the sliding of carriage 40 (violet) with respect to base 30 (orange) and drum 11 (green). Friction between slides 45 (yellow) and base 30 (orange) is reduced by bearings 35A, 35B (red), which are illustrated in the colorized version of Figure 3 reproduced at right, which is a cross section taken along line 3A—3A of Figure 1. The colorized figure illustrates the relationships among slides 45 (yellow), cylindrical linear bearing 35A (red), and flat linear bearing 35B (red).



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