

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HONEYWELL INTERNATIONAL, INC.,
Petitioner,

v.

ALLURE ENERGY, INC.,
Patent Owner.

Case IPR2016-01475
Patent 8,174,381 B2

Before BART A. GERSTENBLITH, KEVIN W. CHERRY, and
SCOTT C. MOORE, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Honeywell International, Inc., filed a Petition requesting an *inter partes* review of claims 1–11 of U.S. Patent No. 8,174,381 B2 (Ex. 1002, “the ’381 patent”) under 35 U.S.C. §§ 311–319. Paper 2 (“Petition” or “Pet.”). Patent Owner, Allure Energy, Inc., did not file a Preliminary Response. Under 35 U.S.C. § 314, an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . 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.”

For the reasons that follow, we institute an *inter partes* review of claims 1–11 of the ’381 patent.

A. Related Proceedings

According to Petitioner and Patent Owner, the ’381 patent is not at issue in any district court cases or proceedings before the Office. Pet. 1; Paper 5, 1.

B. The ’381 Patent

The ’381 patent relates to home systems, and more particularly to an energy management system and method. Ex. 1002, 1:42–44, Figs. 2, 7, 10. Figure 2 is reproduced below:

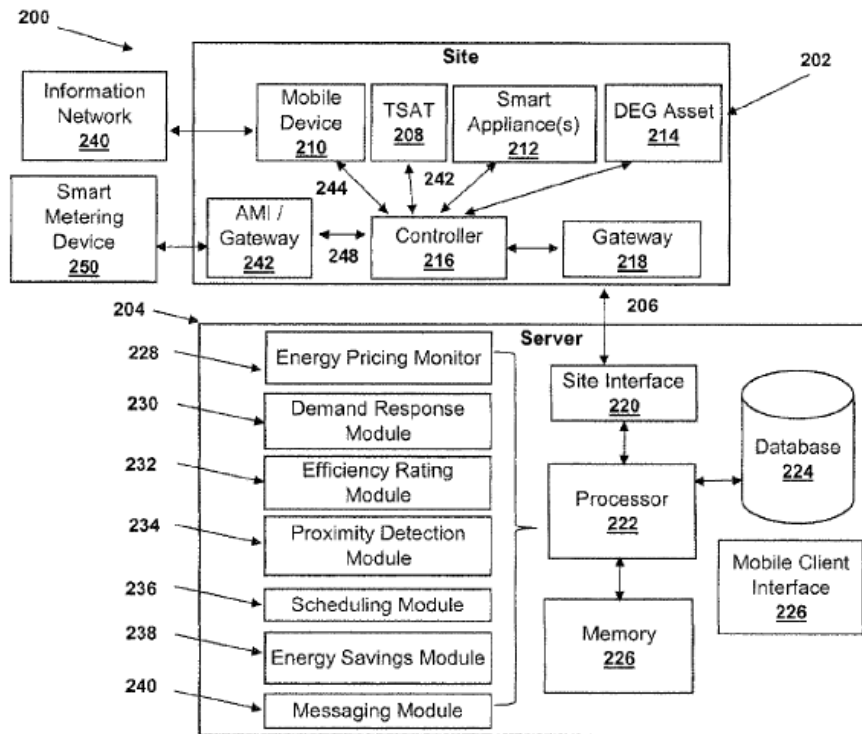


FIG. 2

Figure 2 illustrates an energy management system. *Id.* at 6:57–58. System 200 is configured for use at site 202. *Id.* at 6:57–59. Proximity detection module 234 can detect a distance between mobile device 210 and site 202. *Id.* at 12:47–49. Proximity detection module 234 can further detect a current thermostat setting, and can determine how much to adjust the thermostat’s temperature based on how close the user is to the site. *Id.* at 12:54–67. The system can be configured to employ multiple user schedules that may be linked to multiple mobile devices. *Id.* at 13:35–14:6. For example, a second user schedule can be used or not used based on a distance a second mobile device may be from site 202. *Id.* at 13:58–62. The system can include a user interface that can be accessed using a mobile device, desktop computer, or other computing device. *See, e.g., id.* at 41:28–35. The user interface can display current inside temperature, current

thermostat set-point, and can include a proximity detection selector configured to enable proximity detection of one or more mobile devices associated with a residential site. *See, e.g., id.* at 41:36–42:24.

C. Illustrative Claim

Claims 1 and 11, both method claims, are the only independent claims of the '381 patent. Claims 2–10 depend, either directly or indirectly, from claim 1. Claim 1 is illustrative of the subject matter in this proceeding and is reproduced below.

1. A method of managing a site in a mobile environment, comprising:
 - detecting an availability of at least one network device at a site wherein the at least one network device has an operating condition;
 - detecting a distance of a mobile device relative to the site;
 - providing a proximity control selector within a user interface of the mobile device to manage a proximity detection module for controlling a proximity control of the site wherein the proximity control selector having an enabled setting of the proximity detection module and a disabled setting of the proximity detection module;
 - enabling the proximity detection module of the site in response to the enabled setting of the proximity control selector to modify the operating condition of the network device based on the detected distance of the mobile device relative to the site; and
 - disabling the proximity detection module in response to the disabled setting of the proximity control selector.

Id. at 62:51–63:2.

D. Evidence Relied Upon

Petitioner relies upon the following prior art references.

Rosenblatt	US 2010/0081375 A1	Apr. 1, 2010 ¹	Ex. 1004
Trundle	US 8,350,697 B2	Jan. 8, 2013 ²	Ex. 1005
Petricoin	US 7,973,678 B2	July 5, 2011 ³	Ex. 1007
Shamoon	US 7,257,397 B2	Aug. 14, 2007	Ex. 1008

Petitioner contends that Rosenblatt, Trundle, Shamoon, and Petricoin are each prior art to the '381 patent under pre-AIA 35 U.S.C. § 102(e).

Pet. 4. Patent Owner does not, at this stage, challenge the prior art status of any reference.

Petitioner also relies upon the Declaration of Edwin Selker, dated July 21, 2016. Ex. 1001.

E. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–11 of the '381 patent are unpatentable based on the following grounds:

Reference(s)	Basis	Challenged Claims
Rosenblatt	§ 102(e)	1, 2, 6, 10, and 11
Rosenblatt and Trundle	§ 103(a)	1–11
Rosenblatt, Trundle, and Petricoin	§ 103(a)	3–5, 8, and 9
Rosenblatt, Trundle, and Shamoon	§ 103(a)	3 and 4

¹ Rosenblatt was filed September 30, 2008. Ex. 1004, at [22].

² Trundle claims priority to a provisional application filed May 18, 2009. Ex. 1005, at [60].

³ Petricoin was filed February 2, 2009. Ex. 1007, at [22].

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