UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROBERT BOSCH TOOL CORPORATION,
Petitioner,

v.

SD3, LLC,
Patent Owner.

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Case IPR2016-01753
Patent 7,895,927 B2

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Before HYUN J. JUNG, SCOTT A. DANIELS, and ROBERT L. KINDER,
Administrative Patent Judges.

KINDER, *Administrative Patent Judge.*

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

Robert Bosch Tool Corporation ("Petitioner") filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–12 of U.S. Patent No. 7,895,927 B2, issued on March 1, 2011 (Ex. 1001, "the '927 patent"). Paper 2 ("Pet."). SD3, LLC ("Patent Owner") filed a Preliminary Response. Paper 9 ("Prelim. Resp."). On January 9, 2017, we issued an Order requesting reply briefing by the Petitioner on the issue of "whether the time bar of 35 U.S.C. § 315(b) applies to a complaint filed with the ITC." Paper 11. Petitioner filed a Reply to the Preliminary Response on January 27, 2017. Paper 12 ("Reply"). We have authority under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a).

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). Having considered both the Petition and the Preliminary Response, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of claims 1–12 of the '927 patent. Accordingly, we do not institute an *inter partes* review.

I. BACKGROUND

A. The '927 Patent (Ex. 1001)

The '927 patent is titled "Power Equipment with Detection and Reaction Systems." Ex. 1001, (54). The Specification of the '927 patent describes woodworking machines, which "include a detection system adapted to detect one or more dangerous conditions and a reaction system associated with the detection system." *Id.* at Abstract. The '927 patent

describes that "[t]he reaction system can include an explosive to trigger the system, and also can be configured to retract a cutting tool at least partially away from a cutting region upon detection of a dangerous condition by the detection system." *Id.*

Referring to Figure 1 of the '927 patent, depicted below, woodworking machine 10 is equipped with safety system 18 that includes detection subsystem 22, reaction subsystem 24, and control subsystem 26. *Id*. at 8:3–27; Fig. 1.
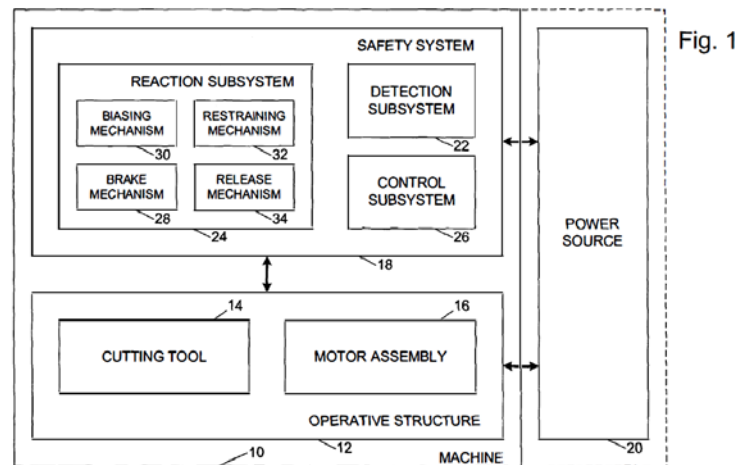

Figure 1 of the '927 patent represents "a schematic block diagram of a machine with a fast-acting safety system." *Id.* at 6:41–42. The detection subsystem is configured to detect dangerous, or triggering, conditions such as when a hand is dangerously close to, or in contact with, a portion of cutting tool 14. *Id.* at 8:14–27. In one embodiment, detection subsystem 22 is adapted to detect the dangerous condition of the user contacting a blade. *Id*. at 8:14–27, 9:19–40. In such an embodiment, detection subsystem 22 may use a capacitive sensor arrangement. *Id*. at 9:19–40. The sensor includes contact detection plates 44 and 46 that are capacitively coupled onto blade 40. *Id*., Fig. 2. Detection subsystem 22 transmits a signal to

control subsystem 26 when contact between the user and the blade is detected. *Id.*

In response to the detection subsystem determining that a dangerous condition exists, the reaction subsystem performs one or more predetermined actions to mitigate injury. *Id.* at 8:23–45. In one embodiment, the reaction subsystem includes a brake mechanism that stops rotation of the saw blade. *Id.* at 9:65–10:32. In other embodiments, the reaction subsystem retracts the saw blade in addition to or instead of braking the blade's rotation. *Id.* at 12:6–16:24; Figs. 3, 4, 10–12. In these embodiments, shown in Figures 3 and 4 reproduced below, saw blade 300 is mounted on arbor block 311 that pivots relative to the woodworking machines support frame. *Id.*
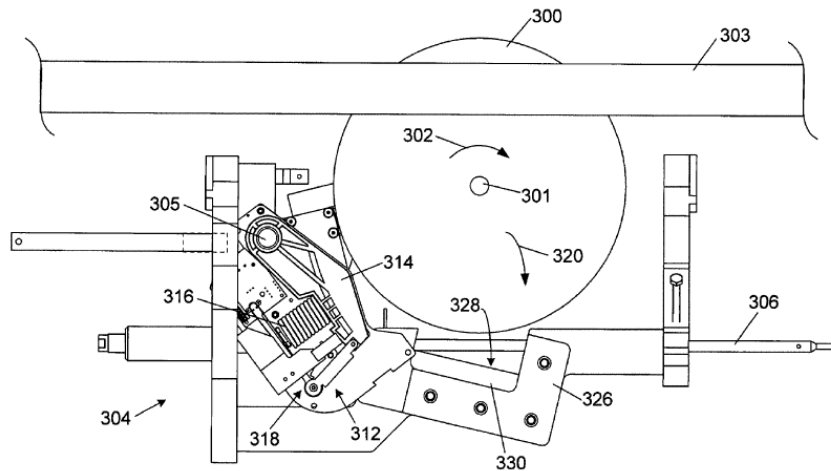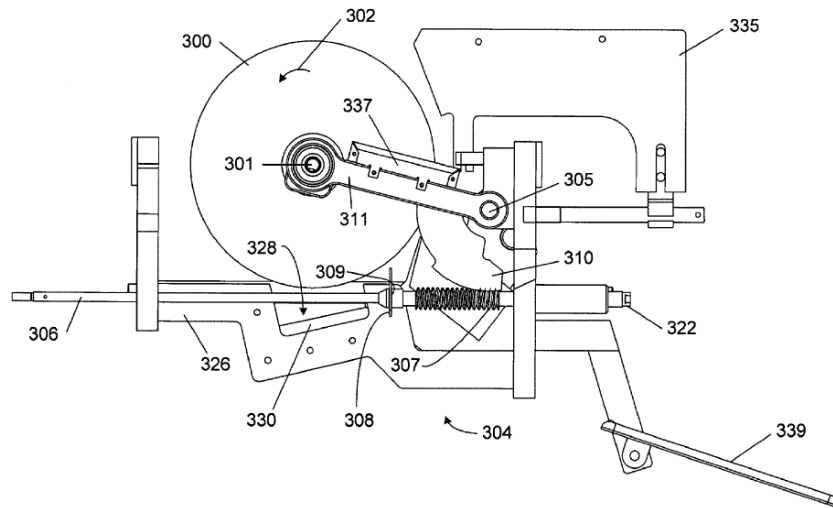
Fig. 3

Fig. 4

Figures 3 (top) and 4 (bottom) of the '927 patent depict a first and second side view of a table saw with a retraction system. *Id.* at 6:45–46. In one embodiment, when brake pawl 314 is urged into the teeth of the saw blade, the angular momentum of the blade transfers to arbor block 311, causing it to retract downward and away from the user. *Id.* at 12:6–13:49; Figs. 3, 4. The Specification explains that in this embodiment:

> the angular momentum of the blade causes the blade, arbor block and cartridge to all pivot down away from the cutting region when the pawl strikes the blade. Thus, the angular momentum of the blade causes the retraction. Blade **300** is permitted to move downward a sufficient distance so that the blade is completely retracted. In independent experiments, the safety system depicted in FIGS. 3 and 4 and described above has been shown to retract the blade completely below table **303** within approximately 14 milliseconds after contact is detected. Indeed the downward motion of the blade during retraction is too fast to detect with the human eye, i.e., the blade disappears below table **303** with no discernable transition or downward motion. The ability of the blade to retract minimizes any injury from accidental contact with the blade.

Id. at 13:35–49.

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