

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ONE WORLD TECHNOLOGIES, INC.  
d/b/a TECHTRONIC INDUSTRIES POWER EQUIPMENT,  
Petitioner,

v.

THE CHAMBERLAIN GROUP, INC.,  
Patent Owner.

---

Case IPR2017-00073  
Patent 7,196,611 B2

---

Record of Oral Hearing  
Held: January 18, 2018

---

Before JONI Y. CHANG, JUSTIN T. ARBES, and JOHN F. HORVATH,  
*Administrative Patent Judges.*

Case IPR2017-00073  
Patent 7,196,611 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DION M. BREGMAN, ESQUIRE  
ALEANDER B. STEIN, ESQUIRE  
Morgan Lewis  
1400 Page Mill Road  
Palo Alto, CA 94304

ON BEHALF OF THE PATENT OWNER:

JOSHUA A. GRISWOLD, ESQUIRE  
KARL RENNER, ESQUIRE  
DAN SMITH, ESQUIRE  
Fish & Richardson, P.C.  
1717 Main Street  
Suite 5000  
Dallas, TX 75201

The above-entitled matter came on for hearing on Thursday, January 18, 2018, at 1:00 p.m., at the U.S. Patent and Trademark Office, Madison Building East, 600 Dulany Street, Alexandria, Virginia, before Walter Murphy, Notary Public.

PROCEEDINGS

- - - - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JUDGE ARBES: Good afternoon, everyone. Please be seated. This is the first of two oral hearings today regarding Patent 7,196,611. First we will hear Case IPR2017-00073. Can counsel please state your names for the record?

MR. GREGMAN: Sure. Good morning, Your Honor. Dion Bregman representing TTI or Techtronic Industries.

MR. GRISWOLD: Good afternoon, Your Honors. I'm Joshua Griswold and I represent the Patent Owner, Chamberlain. I have with me Dan Smith and Karl Renner.

JUDGE ARBES: Thank you. Per the Trial Hearing Order in this case, each party will have 40 minutes of time to present arguments. Petitioner will present its case first regarding the challenged claims and may argue the Motion to Exclude. Petitioner may also reserve time for rebuttal. Then Patent Owner will then respond to Petitioner's presentation and Petitioner may use any remaining time to respond.

A few reminders before we begin to ensure that the transcript is clear and because we have one judge participating remotely. Please only speak at the podium and refer to your demonstratives by slide number. Also, we have received a list of objections to Petitioner's demonstrative exhibits pertaining to the allegedly improper material in Petitioner's Reply that Patent Owner has already filed objections to. The objections to the demonstratives today will be overruled. The parties are reminded that demonstrative exhibits are merely visual aids to assist a party's presentation at the hearing. They're not briefs and they're not evidence. Lastly, if either

1 party believes that the other party is presenting an improper argument, we  
2 ask you to please raise that in your own presentation rather than interrupting  
3 the other side.

4 Any questions before we begin today? Counsel for Petitioner, you  
5 may proceed, and would you like to reserve time for rebuttal?

6 MR. BREGMAN: Seven minutes, Your Honor. We don't have a  
7 clock here but I see some lights. I assume those lights, are those related to  
8 how much time I've got or anything?

9 JUDGE ARBES: We don't have those running but I can give you a  
10 warning.

11 MR. BREGMAN: Okay, that'll be great. Just maybe five minutes or  
12 ten minutes. Right. So why don't we dig in? So the first IPR we'll be  
13 talking about today is 2017-00073. Both of these IPR's relate to the 611  
14 patent. The first set that we're going to discuss now relates to apparatus  
15 claims related to diagnostics, and the second set we're going to discuss a  
16 little bit later today relates to learning mode, and those are method claims.

17 If we look at the 611 patent, it's a very, very simple technology. In  
18 essence, it's a garage door opener with blinking lights of a wall unit to show  
19 faults. The Patent Owner however disclosed the same technology years  
20 before in one of their own references.

21 So if we look at slide 2, here is a road map of what we're going to  
22 discuss today. We're going to start with very briefly go over the 611 patent,  
23 the instituted grounds and some claim construction, and then we're going to  
24 jump into the substantive arguments as well as an argument that Patent  
25 Owner has raised regarding whether there is a single anticipatory reference.

1           So if we jump to slide No. 4, this is the front of the patent, the 611  
2 patent. As you can see the Patent Owner is the Chamberlain Group and this  
3 patent was filed back in April of 2003. Skipping to slide 6, this patent is  
4 directed -- or sorry, this set of claims is directed to sending signals to a wall-  
5 control unit to display faults. You can see here is the garage door and you  
6 can see we've circled in red the wall-control unit that has some LED's on it  
7 that display faults.

8           Jumping to slide 8, these are the instituted grounds of unpatentability.  
9 We have a very extremely strong case here. There are two grounds. The  
10 first ground is anticipation based on the Crimmins reference or Crimmins,  
11 and the second ground is unpatentability -- obviousness over the  
12 combination of Crimmins and Weik.

13           For the first ground, there is only one independent claim in this entire  
14 set and as we have shown in our briefs, that claim is clearly anticipated. The  
15 Patent Owner only challenges two elements from those claims that are easily  
16 dismissed and we'll go into those in a few minutes time.

17           If we jump to slide 9 you can see the entire claim here. Really the only  
18 dispute or the main dispute really is this last element, the apparatus for  
19 communicating the identities of faults to a remote input/output unit. This  
20 limitation clearly discloses no structure as appreciated by Your Honors who  
21 construed this limitation as a means plus function term.

22           Turning to claim construction, as Your Honors instructed us in the  
23 Institution decision, the parties were encouraged to address -- this is slide 11  
24 -- were encouraged to address the interpretation of all limitations potentially  
25 subject to means plus function treatment. Unbelievably however, when we  
26 asked Patent Owner's expert are you aware that this phrase, we're talking

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.