UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

THE CHAMBERLAIN GROUP, INC.,
Patent Owner.

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Case IPR2017-00432
Patent 7,339,336 B2

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

HORVATH, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 1, 7, 11–13, and 15 ("the challenged claims") of U.S. Patent No. 7,339,336 B2 (Ex. 1001, "the '336 patent"). The Chamberlain Group, Inc., ("Patent Owner") filed a Corrected Preliminary Response (Paper 7, "Prelim. Resp.").[1]

Upon consideration of the Petition and Corrected Preliminary Response, we are not persuaded, under 35 U.S.C. § 314(a), that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of the challenged claims of the '336 patent. Accordingly, we do not institute an *inter partes* review of these claims.

B. Related Matters

Petitioner identifies the following as matters that could affect, or be affected by, a decision in this proceeding: *The Chamberlain Group, Inc. v. Techtronic Industries Co. Ltd. et al.*, Case No. 16-cv-06094 (N.D. Ill.); and *In the Matter of Certain Access Control Systems and Components Thereof*, ITC Investigation No. 337-TA-1016. Pet. 3. Patent Owner identifies the same matters. Paper 3, 2.

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[1] Patent Owner notified the Board that it filed a Corrected Preliminary Response to correct typographical errors in its original Preliminary Response (Paper 6) filed on the same day, and requested that the original version be expunged. Petitioner stated that it did not oppose Patent Owner's request. On April 7, 2017, we granted Patent Owner's request via email and expunged the originally filed version.

C. Evidence Relied Upon[2]

Reference		Date	Exhibit
Mullet	US 6,326,751 B1	Dec. 4, 2001	Ex. 1004
Murray	US 5,278,480	Jan. 11, 1994	Ex. 1005

D. The Asserted Grounds of Unpatentability

References	Basis	Claims Challenged
Mullet	§ 102(b)	1, 12, 13, and 15
Mullet	§ 103(a)	1
Mullet and Murray	§ 103(a)	7 and 11

II. ANALYSIS

A. The '336 Patent

The '336 patent discloses a movable barrier operator (MBO) with automatic force setting, which allows the MBO to regularly update one or more thresholds that are used to determine when the MBO exerts excess force. Ex. 1001, 1:15–16, 3:12–17. This can occur, for example, when the movable barrier encounters an obstacle. *Id*. at 3:12–17. The MBO can determine it is using excess force when a measured parameter, such as the current applied to the motor that drives the movable barrier, exceeds a threshold current. *Id*. at 1:20–25, 1:27–30, 3:21–24. When the MBO determines it is using excess force, it undertakes one or more predetermined actions, which can include stopping or reversing the movement of the movable barrier, setting an alarm, or logging the excess force incident. *Id*. at 1:25–27, 6:1–5.

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[2] Petitioner also relies on the Declaration of Stuart Lipoff. Ex. 1003.

The thresholds the MBO uses to determine when excess force is applied are typically obtained during a learning mode of operation. *Id.* at 1:60–65. During the learning mode, the MBO "monitor[s] force conditions during movement of the barrier and use[s] such information to automatically establish an excess-force threshold to be used during subsequent normal operations." *Id.* However, the '336 patent explains that the excess force thresholds obtained during the learning mode can become outdated due to changes in MBO operating conditions, such as changes in the MBO's physical condition (aging) or changes in the MBO's environment (e.g., temperature). *Id.* at 1:65–67, 3:27–32. Therefore, the MBO continually updates its excess force thresholds during the normal mode of operation. *Id.* at 3:12–16, 3:28–33. This is shown, for example, in Figure 2 of the '336 patent, which is reproduced below:
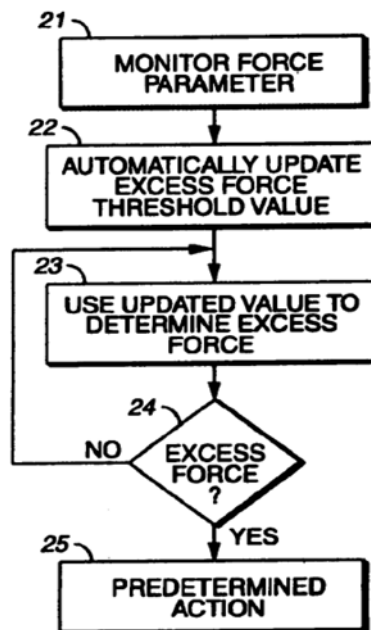

FIG. 2

Figure 2 is a flow diagram depicting the normal mode of operation of the MBO. During the normal mode, the MBO measures a force parameter, such as the current supplied to the motor to drive the movable barrier. *Id*. at 3:21–28, 5:27–32, Fig. 2. The measured parameter is used to automatically update the excess force thresholds. *Id*. at 3:28–33, 5:48–53, Fig. 2. The MBO then determines whether excess force was used to drive the movable barrier by comparing the measured parameter to the updated excess force threshold. *Id*. at 5:65–67. If excess force was used, the MBO takes a predetermined action, such as stopping or reversing the direction of motion of the movable barrier. *Id*. at 1:25–27, 6:1–5, Fig. 2. The foregoing actions can be performed during the normal mode of operation regardless of whether the MBO has a learning mode of operation, and regardless of whether the MBO sets the initial excess force thresholds during the learning mode of operation. *Id*. at 3:12–20, 5:48–53.

Claims 1, 7, 12, and 15 of the '336 patent are independent. Claim 12, reproduced below, is illustrative.

> 12. A method for use with a movable barrier operator having both a user-initiable dedicated learning mode of operation and a normal mode of operation, comprising:
>
> during the normal mode of operation:
>
> monitoring at least one parameter that corresponds to force as applied to a movable barrier to selectively cause the movable barrier to move between at least a first position and a second position;
>
> automatically changing an excess force threshold value in response to the monitored at least one parameter to provide an updated excess force threshold value;
>
> using the updated excess force threshold value and the monitored at least one parameter to determine when excess force is being applied to the movable barrier via the movable barrier operator;

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