

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLASTIC DEVELOPMENT GROUP, LLC,
Petitioner,

v.

MAXCHIEF INVESTMENTS LIMITED,
Patent Owner.

Case IPR2017-00846
Patent 6,622,644 B2

Before SCOTT A. DANIELS, TIMOTHY J. GOODSON, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Plastic Development Group, LLC (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–6, 9–11, 14–18, and 22–24 of U.S. Patent No. 6,622,644 B2 (“the ’644 patent”). Paper 2 (“Pet.”). Maxchief Investments Limited (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, we determine that Petitioner has established a reasonable likelihood of prevailing on the claims challenged in the Petition. For the reasons expressed below, we institute an *inter partes* review of claims 1–6, 9–11, 14–18, and 22–24 of the ’644 patent.

B. Additional Proceedings

Petitioner states that the ’644 patent is asserted against it in Civil Action No. 3:16-cv-00063 in the United States District Court, Eastern District of Tennessee. Pet. *iv*.

C. The ’644 Patent

The ’644 patent (Ex. 1001), titled “Collapsible Table,” describes a collapsible table where the leg supports of the table are “collaps[ible] from a use position to a storage position.” Ex. 1001, 1:8–9. Figure 7 of the ’644 patent is reproduced below.

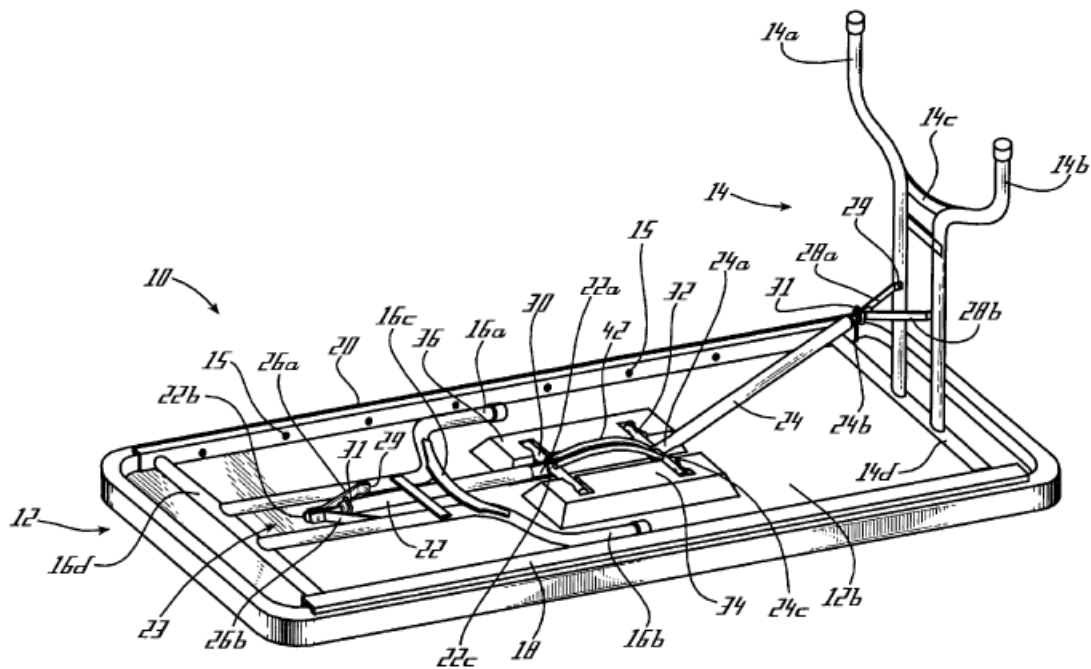


Fig. 7

Figure 7 of the '644 patent, above, illustrates collapsible table 10 having one leg assembly 16 collapsed in a storage position and opposing leg assembly 14 extended in the use position.

By way of example, leg assembly 14 includes cross member 14d that is pivotally connected to frame members 18, 20. The leg assembly is supported further by brace structure 28, which is in turn pivotally connected to one end 24b of support bar 24. *Id.* at 4:36–48. The opposite end 24a of support bar 24 is pivotally connected to pivot bar 32 situated in a channel formed in projections 34, 36 in the bottom of the table. *Id.* at 4:67–5: 9. Support bar 24 rotates around pivot bar 32 permitting leg assembly 14 to rotate between the use and storage positions. *Id.* at 5:31–38.

D. Illustrative Claim

Of the challenged claims, claims 1, 10, 14, 21, and 22 are independent. Each of claims 2–6, 9–11, 15–18, and 23–24 depends from its respective independent claim. Claim 1 illustrates the claimed subject matter and is reproduced below:

1. A collapsible table comprising:
 - a table top having:
 - a substantially planar top surface;
 - a bottom surface opposite the top surface; and
 - opposing first and second channels formed into the bottom surface;
 - a first pivot bar disposed within the first channel;
 - a second pivot bar disposed within the second channel;
 - opposing first and second frame members secured to the bottom surface of the table top;
 - opposing first and second leg assemblies disposed between and pivotally attached to the first and second frame members, the first and second leg assemblies movable between a use position and a storage position;
 - a first support assembly for maintaining the first leg assembly in the use position, the first support assembly comprising:
 - a first brace structure having a first central pivotal attachment point and at least one first distal pivotal attachment point, the at least one first distal pivotal attachment point pivotally attached to the first leg assembly; and
 - a first support bar having first and second ends, the second end of the first support bar pivotally attached to the first central pivotal attachment point of the first brace structure, and the first end of the first support bar pivotally attached to the first pivot bar; and

- a second support assembly for maintaining the second leg assembly in the use position, the second support assembly comprising:
 - a second brace structure having a second central pivotal attachment point and at least one second distal pivotal attachment point, the at least one second distal pivotal attachment point pivotally attached to the second leg assembly; and
 - a second support bar having first and second ends, the second end of the second support bar pivotally attached to the second central pivotal attachment point of the second brace structure, and the first end of the second support bar pivotally attached to the second pivot bar.

E. The Alleged Grounds of Unpatentability

Petitioner contends that the challenged claims are unpatentable on the following specific grounds.¹

References	Basis	Claims Challenged
Simpson, ² either alone or in view of Stanford ³	§ 103	1–6, 9–11, 14–18, and 22–24
Stanford in view of the general knowledge of a person of ordinary skill in the art	§ 103	1–6, 9–11, 14–18, and 22–24

¹ Petitioner supports its challenge with a Declaration of Gregory W. Davis, Ph.D. (Ex. 1005). *See infra*.

² Ex. 1003, U.S. Patent No. 6,371,034 B1 (April 16, 2002). Simpson is asserted as prior art under 35 U.S.C. § 102(e) as of its filing date, May 22, 2000. Pet. 1.

³ Ex. 1004, U.S. Patent No. 6,431,092 B1 (Aug. 13, 2002). Stanford is asserted as prior art under 35 U.S.C. § 102(e) as of its filing date, August 9, 2000. Pet. 2.

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