

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 IPR2017-01132
Patent 6,998,977 B2

Before JONI Y. CHANG, JUSTIN T. ARBES, and
JON M. JURGOVAN, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318 (a) and 37 C.F.R. § 42.73

I. INTRODUCTION

One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 12–21 (“the challenged claims”) of U.S. Patent No. 6,998,977 B2 (Ex. 1001, “the ’977 patent”) and a Declaration of Stuart Lipoff (Ex. 1008). Paper 2 (“Pet.”). The Chamberlain Group, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted the instant *inter partes* review as to all of the challenged claims for all of the grounds of unpatentability presented in the Petition. Paper 7 (“Dec.”).

Subsequent to institution, Patent Owner filed a Response (Paper 10, “PO Resp.”) and a Declaration of Nathaniel J. Davis IV, Ph.D. (Ex. 2001). Petitioner filed a Reply (Paper 16, “Reply”) and a second Declaration of Mr. Lipoff (Ex. 1014). A combined oral hearing with Case IPR2017-01137 was held on June 14, 2018, and a transcript has been entered into the record as Paper 27 (“Tr.”).

This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has demonstrated by a preponderance of the evidence that claims 12–21 of the ’977 patent are unpatentable.

A. *Related Matters*

Petitioner also challenges claims 1–11 and 22–25 of the ’977 patent in Case IPR2017-01137. Petitioner indicates that the ’977 patent has not been asserted against Petitioner. Pet. 1. Petitioner also identifies other related proceedings—e.g., U.S. Patent Nos. 7,224,275 and 7,635,966 are involved in

The Chamberlain Group, Inc. v. Techtronic Industries Co. Ltd., Case No. 1:16-cv-06097 (N.D. Ill.). *Id.* at 1–2.

B. The '977 Patent

The '977 patent describes a method and an apparatus for monitoring a movable barrier (e.g., a garage door) over a network. Ex. 1001, 1:12–15.

Figure 3 of the '977 patent is reproduced below with color highlighting added by Petitioner (Pet. 5).

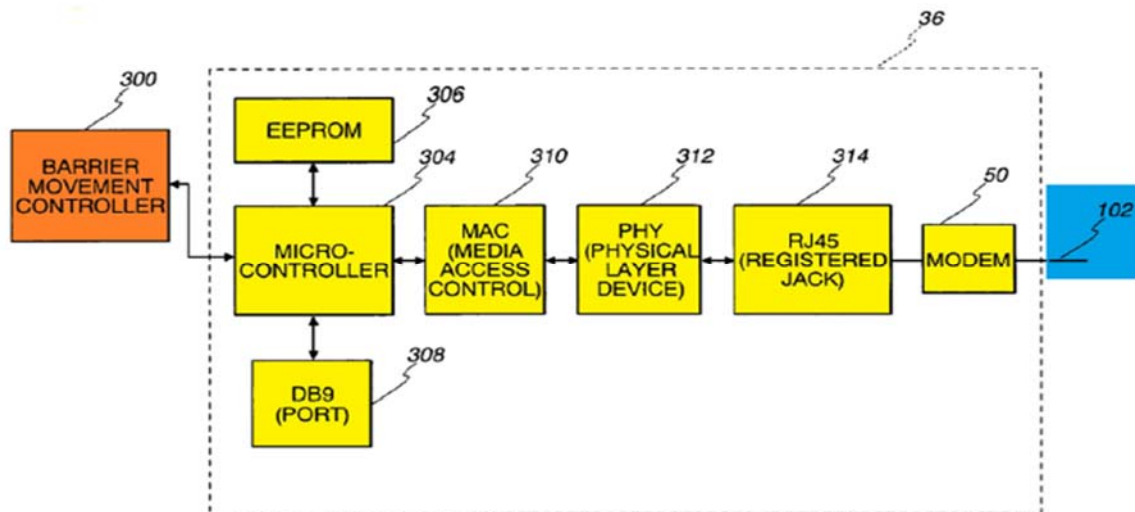


Figure 3 above illustrates a block diagram of a garage door operator connected to network 102. Ex. 1001, 3:36–43. Barrier movement controller 300 (in orange) controls the movement and/or position of the barrier (e.g., garage door). *Id.* at 3:9–12. Network interface 36 is connected to network 102 and coupled to controller 300, which provides network interface 36 with information regarding the status of the garage door operator, allowing an individual to receive the status of the garage door through network 102. *Id.* at 3:20–35. Network interface 36 includes micro-controller 304, electrically

erasable programmable read-only memory (EEPROM) 306, port 308, media access control layer 310, physical layer device 312, jack 314, and modem 50. *Id.* at 3:48–51, Fig. 3.

C. Illustrative Claim

Of the challenged claims, claim 12 is independent. Claims 13–21 depend, indirectly or directly, from claim 12. Claim 12 is illustrative:

12. A method for checking the status of a movable barrier comprising the steps of:

receiving from a network client over a network, a status request for a movable barrier;

determining a status of the movable barrier;

sending a status of the movable barrier over the network to the network client in response to the status request and;

wherein the movable barrier comprises a barrier movement operator for controlling the movement of the barrier and the method comprises receiving a status change request from the network client and controlling movement of the barrier in response to the status change request.

Ex. 1001, 5:38–6:4.

D. Prior Art Relied Upon

Petitioner relies upon the references listed below.

Menard	US 2002/0183008 A1	Dec. 5, 2002	(Ex. 1003)
Lee	US 5,475,377	Dec. 12, 1995	(Ex. 1007)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 2–3)¹:

Claims	Basis	Reference(s)
12–21	§§ 102(a), 102(e)(1)	Menard
13 and 21	§ 103(a)	Menard and Lee

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). “Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification and prosecution history.” *Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016).

The parties propose constructions for several claim terms. Pet. 6–14; Prelim. Resp. 2–3. Upon review of the parties’ contentions, we addressed two claim terms identified by the parties in our Institution Decision. Dec.

¹ Because the claims at issue have a filing date prior to March 16, 2013, the effective date of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), we apply the pre-AIA versions of 35 U.S.C. §§ 102 and 103 in this Decision.

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