

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENDRICKSON USA L.L.C., GREAT DANE L.L.C., and
QUEST GLOBAL, INC.,
Petitioners,

v.

TRANS TECHNOLOGIES COMPANY,
Patent Owner.

Case IPR2017-01510
Patent 7,669,465 B2

Before KEN B. BARRETT, JEFFREY A. STEPHENS, and
GARTH D. BAER, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background*

Hendrickson USA L.L.C., Great Dane L.L.C., and Quest Global, Inc. (“Petitioners”) filed a Petition requesting *inter partes* review of claims 1, 8–10, and 12–17 (“challenged claims”) of U.S. Patent No. 7,669,465 B2 (Ex. 1001, “‘465 patent”). Paper 2 (“Pet.”). Trans Technologies Company (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). On December 4, 2017, the Board instituted trial to review patentability of the challenged claims on one of the three grounds presented in the Petition. Paper 7 (“Inst. Dec.”). After the decision in *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018), the Board also instituted trial on the remaining two grounds presented in the Petition. Paper 35.

Subsequent to institution, Patent Owner filed a Patent Owner Response (Papers 41, 42, “PO Resp.”),¹ Petitioners filed a Reply (Paper 46, “Pet. Reply”), Patent Owner filed a Sur Reply (Papers 50, 51, “PO Sur Reply”),² and Petitioners filed a Response to Patent Owner’s Sur Reply

¹ Patent Owner filed two versions of the Patent Owner Response: Paper 42, to which access is restricted to the parties and the Board; and Paper 41, a publicly available, redacted version of Paper 42. Patent Owner’s Response, which is labeled “Revised” as filed, superseded previous versions of the Patent Owner Response.

² Patent Owner filed two versions of the Patent Owner Sur Reply: Paper 51, to which access is restricted to the parties and the Board; and Paper 50, a publicly available, redacted version of Paper 51.

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(Paper 52, “Pet. Resp. to Sur Reply”). Patent Owner filed a Motion to Exclude (Paper 53, “Mot. Exclude”), Petitioners filed an Opposition to Patent Owner’s Motion (Paper 54, “Opp.”), and Patent Owner filed a Reply (Paper 56, “PO Reply to Mot. Exclude”).³ The parties also filed joint Motions to Seal in connection with Patent Owner’s Response and Patent Owner’s Sur Reply. Paper 40; Paper 49. At the request of the parties, the Board entered its Standing Protective Order in this proceeding. Paper 33; Ex. 3001.

On September 5, 2018, we held an oral hearing. Paper 57.

We have jurisdiction under 35 U.S.C. § 6, and we issue this Final Written Decision under 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioners have demonstrated that claims 1, 8–10, and 12–17 of the ’465 patent are unpatentable under 35 U.S.C. § 103(a) by a preponderance of the evidence.

B. Related Matters

The parties indicate that Patent Owner asserted the ’465 patent against Petitioners in *Trans Technologies Company v. Hendrickson USA L.L.C. et al.*, No. 1:16-cv-01778-AT (N.D. Ga). Pet. 3; Paper 4, 1.

³ Petitioners filed objections under 37 C.F.R. § 42.64(b)(1) (Paper 45), but did not preserve the objections with the filing of a motion to exclude under § 42.64(c).

C. *The '465 Patent*

The '465 patent relates to maintaining correct air pressure in tractor-trailer tires. Ex. 1001, col. 1, ll. 21–22. The background explains that tires in most trailers normally operate at approximately 100 pounds per square inch (“psi”), but that “traveling through hot climates such as the Arizona desert can cause the pressure in the tires to increase to dangerous levels increasing likelihood of a blow-out or other catastrophic failure.” *Id.*, col. 1, ll. 33–37. Tires for long haul trailers will also experience a gradual pressure loss, which can accelerate tire wear. *See id.*, col. 1, ll. 42–44. The '465 patent describes maintaining correct air pressure by keeping it within adjustable predetermined values, such as 100 and 110 psi. *Id.*, col. 2, ll. 56–59.

Figure 3 of the '465 patent is reproduced below.

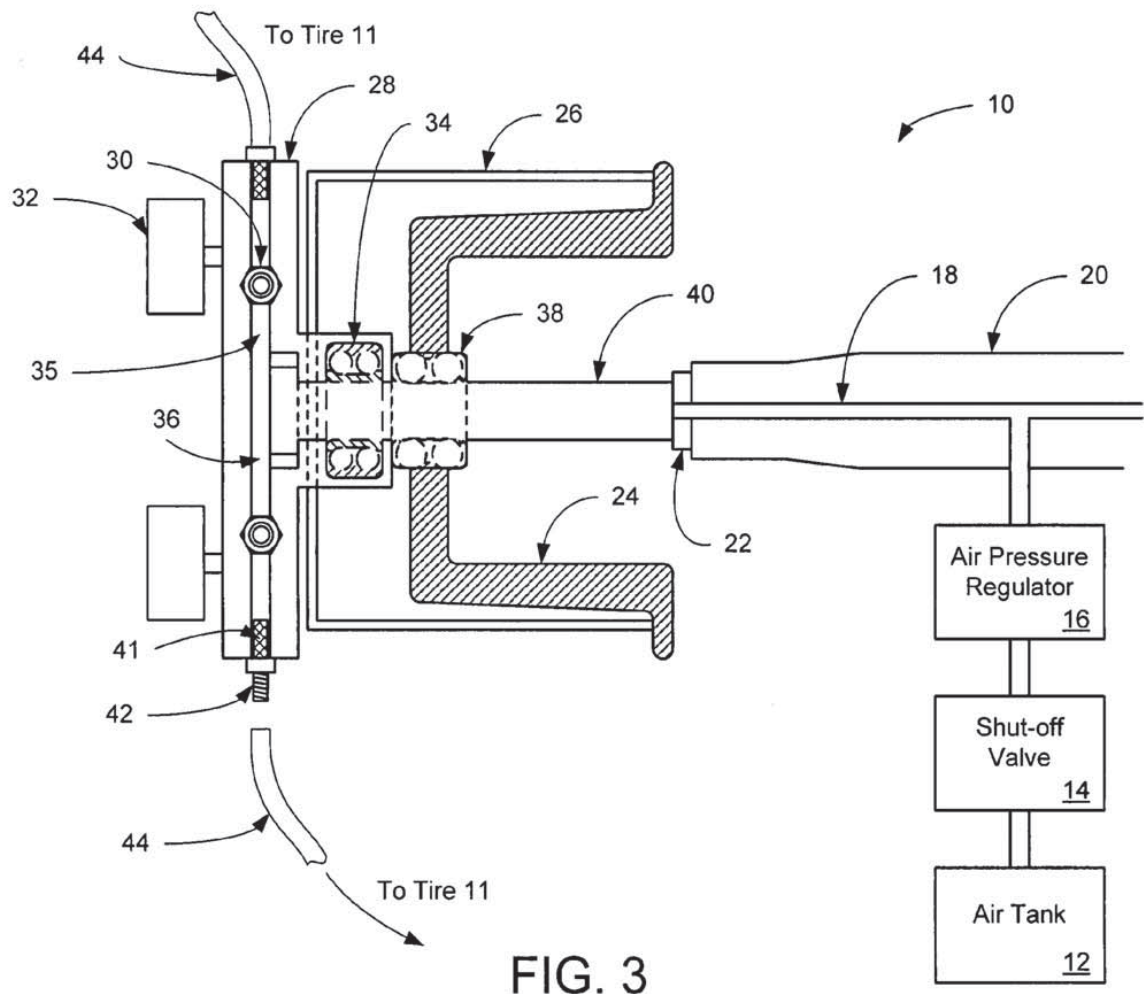


FIG. 3

Figure 3 is a cut-away view of the tire inflation system described in the '465 patent, showing the system in relation to axle 20 and hub cap 24.

Air pressure flows to the tires from pressurized air tank 12, with shutoff valve 14 and regulator 16 between the tank and the tires. *Id.*, col. 3, ll. 18–21. The air flows from the tank through air line 18, which extends through axle 20 of the trailer. *Id.*, col. 3, ll. 29–30. Air line 18 extends to air shaft 40, which extends through hub cap 24 and into rotary air chamber 28 attached to hub cap 24. *Id.*, col. 3, ll. 30–32. Rotary air chamber 28 is

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