

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLEXITALLIC INVESTMENTS, INC.,
Petitioner,

v.

ERIKS N.V.,
Patent Owner.

Case IPR2017-01968
Patent 9,388,924 B2

Before JOSIAH C. COCKS, PATRICK R. SCANLON, and
SCOTT C. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Flexitallic Investments, Inc. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–5 of U.S. Patent No. 9,388,924 B2 (“the ’924 patent”). Paper 1 (“Pet.”). Eriks N.V. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“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).

On this record and for the reasons discussed below, we do not institute an *inter partes* review of any claim of the ’924 patent. The Petition is *denied*.

B. Related Proceedings

The parties indicate that pending application 15/204,521 claims priority to the ’924 patent. Pet. 1; Paper 7. The parties do not identify any litigation or Board proceedings involving the ’924 patent. *Id.*

C. The ’924 Patent

The ’924 patent (Ex. 1001), titled “Alky-One Gasket,” discloses a method for forming a gasket designed to seal opposing flanges of a pipe that carries a corrosive fluid. Ex. 1001, (54), Abst.

Figure 1, reproduced below, illustrates a fluid sealing gasket 10 in accordance with the disclosed invention. Ex. 1001, 3:3–4.

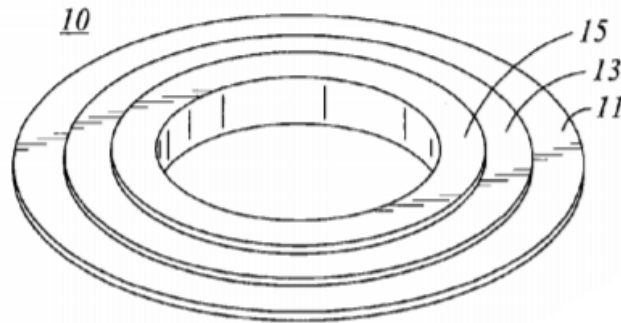


FIG. 1

As depicted in Figure 1, above, gasket 10 includes an outer guide ring 11, a serrated profile sealing element 13, and deformable barrier pillow 15. *Id.* at 3:38–42.

Figure 3 of the '924 patent is reproduced below.

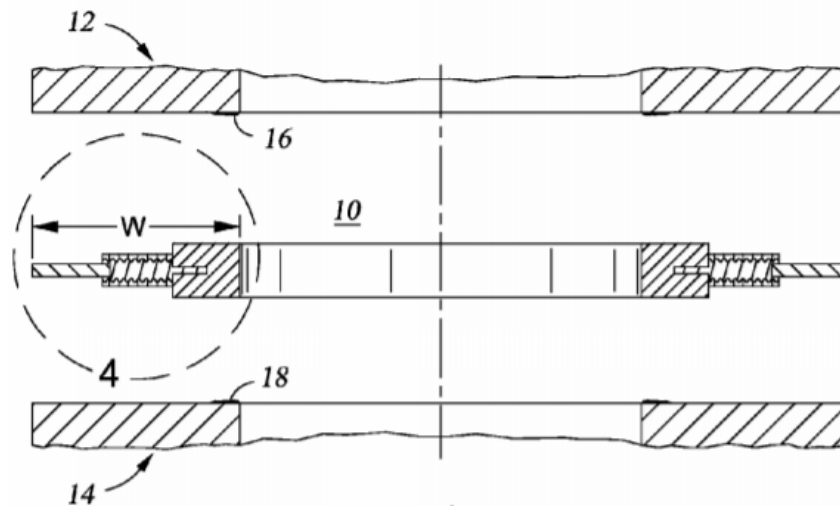


FIG. 3

Figure 3, above, is a sectional view of fluid sealing gasket 10 disposed between a pair of opposing pipe flanges 12 and 14. Ex. 1001, 3:44–46.

Figure 4 of the '924 patent, which is reproduced below, shows an enlarged sectional view of the portion of gasket 10 that is designated by a circle in Figure 3.

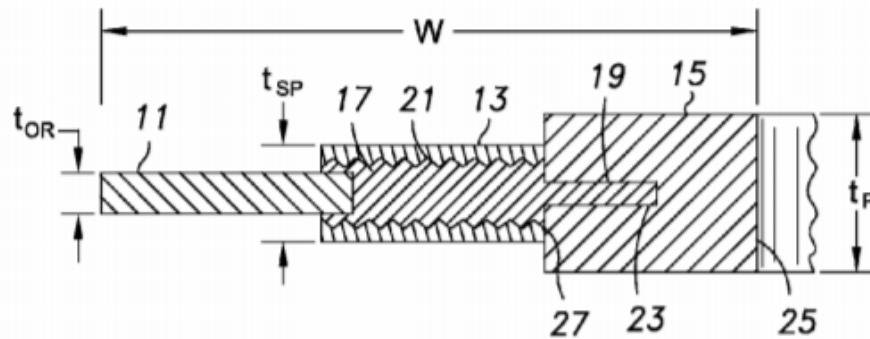


FIG. 4

See Ex. 1001, 3:7–8; Figs. 3, 4. As depicted in Figure 4, above, gasket 10 includes outer guide ring 11, serrated core 17, and flange 19. *Id.* at 4:13–17. Serrated core 17 and flange 19 may be formed from a single piece of metallic alloy. *Id.* at 4:17–19. A graphite sealing facing extends over/across serrated core 17 to form serrated profile sealing element 13 having thickness t_{sp} . *Id.* at 4:5–7, 13–16. Barrier pillow 15 having thickness t_p envelops flange 19 and abuts against core 17. *Id.* at 4:5–7, 4:31–32.

Figure 6, below, is an enlarged sectional view of gasket 10 showing different zones of the gasket that have different stress characteristics.

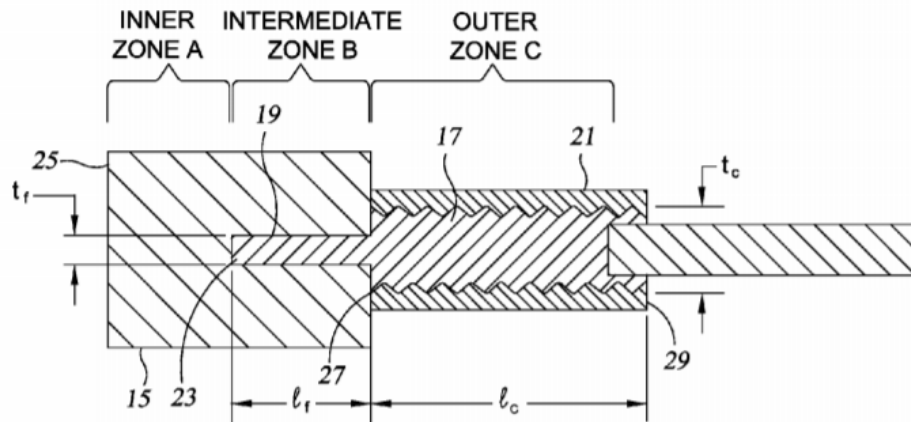


FIG. 6

Figure 6, above, depicts three separate sealing zones: “inner Zone A,” “intermediate Zone B,” and “outer Zone C.” Ex. 1001, 5:59–6:3. Inner Zone A corresponds to inner portion of barrier pillow 15 extending from the inner surface of the gasket to inner surface 23 of flange 19. *Id.* at 5:62–65. Intermediate zone B corresponds to the portion of barrier pillow 15 through which flange 19 extends. *Id.* at 5:65–6:1. Outer Zone C corresponds to the core portion of the gasket extending from core inner surface 27 to core outer surface 29. *Id.* at 6:1–3. When the gasket is in use, inner Zone A, the softest portion of gasket 10, exhibits the lowest stress levels and functions to seal imperfections on the pipe flanges. *See id.* at 6:4–14. Intermediate zone B exhibits an intermediate level of stress, and acts as an initial primary seal. *See id.* at 6:20–35. Outer zone C exhibits the highest level of stress, and functions as the primary seal. *See id.* at 6:45–50, 7:28–34.

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