

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OLYMPIA TOOLS INTERNATIONAL, INC.,
Petitioner,
v.
JPW INDUSTRIES, INC.,
Patent Owner.

Case IPR2018-00388
Patent 9,079,464 B2

Before JOSIAH C. COCKS, ULRIKE W. JENKS, and
MICHAEL L. WOODS, Administrative Patent Judges.

JENKS, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Olympia Tools International, Inc. (“Petitioner”), filed a Petition requesting an *inter partes* review of claims 1, 3, 5–8, 12, and 21–25 of U.S. Patent No. 9,079,464 (Ex. 1001, “the ’464 patent”). Paper 1 (“Pet.”). JPW Industries, Inc. (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”).

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the Petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon consideration of the arguments and evidence presented in the Petition and the Preliminary Response, we are not persuaded that Petitioner has established a reasonable likelihood that it would prevail in any of its challenges with respect to any of claims 1, 3, 5–8, 12, and 21–25 of the ’464 patent. Accordingly, we deny institution of an *inter partes* review of claims 1, 3, 5–8, 12, and 21–25.

A. *Related Proceedings*

Petitioner identifies district litigation involving claims 1, 3, 5–8, 12, and 21–25 of the ’464 patent in *JPW Industries, Inc., v. Olympia Tools International, Inc.*, United States District Court, Central District of California, No. 2:17-cv-07415. Pet. 2. Petitioner identifies no other related matters for *inter partes* review of the ’464 patent.

B. *The ’464 Patent (Ex. 1001)*

The ’464 patent issued from Application No. 13/301,359 (“the ’359 application”), filed on Nov. 21, 2011.

The '464 patent, entitled “Portable Work Holding Device and Assembly,” relates to a vise that is portable and can be mounted onto a vehicle hitch or onto a work surface with device support. Figure 7, reproduced below, shows a portable vise attached to a vehicle hitch.

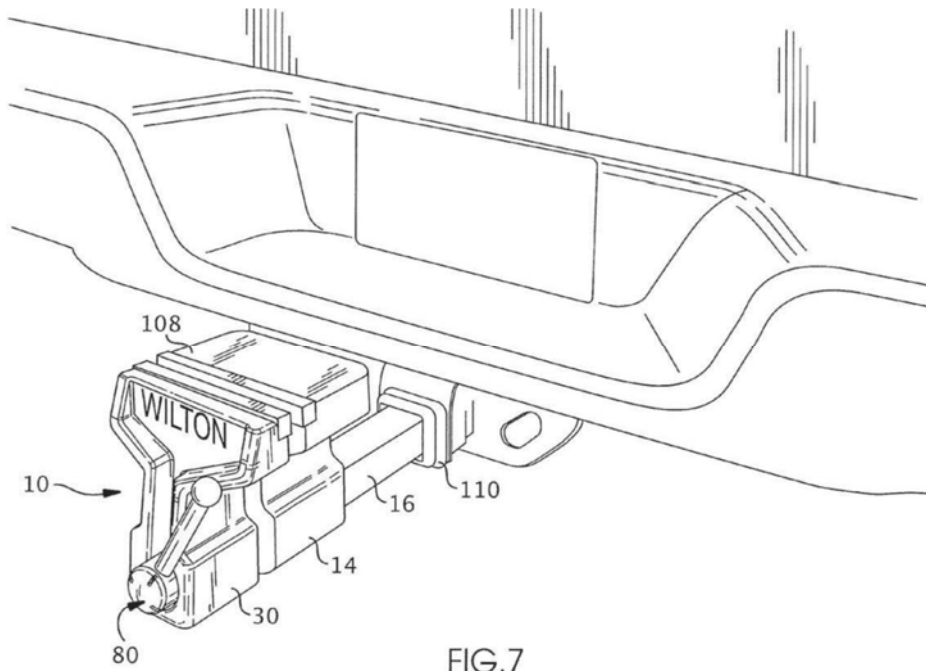
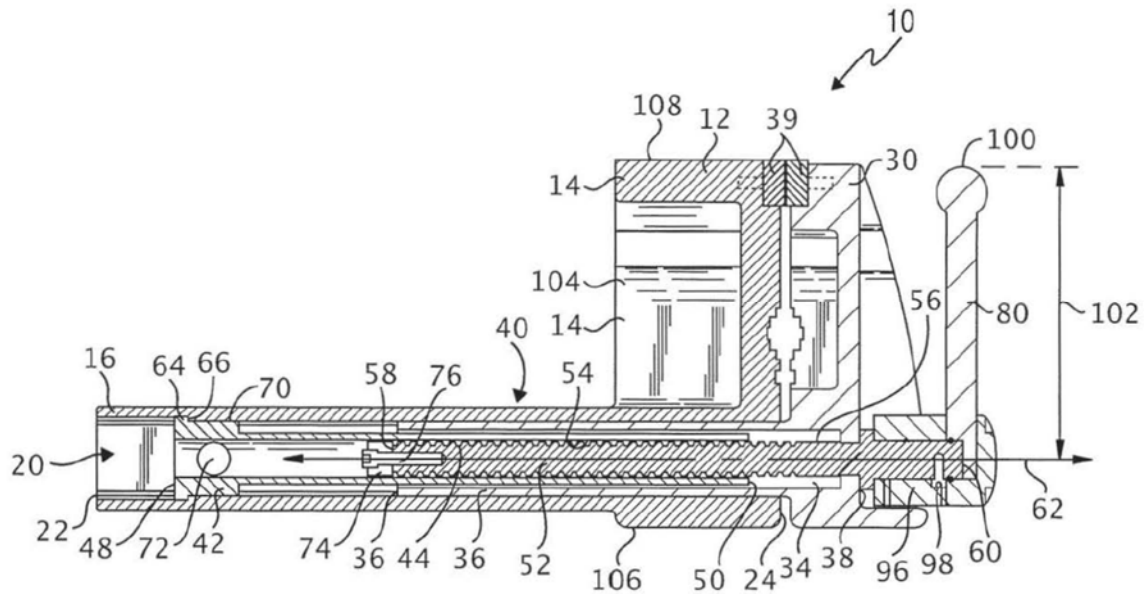


FIG.7

“FIG. 7 is a perspective view of an exemplary work holding device coupled to a vehicle receiver hitch.” Ex 1001, 2:33–34. First connection member 16 is inserted into vehicle receiver hitch 110, and secured by a pin. *Id.* at 5: 50–53. Holding device 10, includes stationary first jaw piece 12 (not identified in figure 7 above) having casting 14 and elongated first connection member 16 extending from a first end of the casting, and the device also includes second movable jaw piece 30. *Id.* at 3:15–39. First connection member 16 is a square tube extending from casting 14. *Id.* at 5: 55–56. First jaw piece 12 has casting 14 and an anvil surface 108. *Id.* at 5: 45–46. Holding device 10 includes handle 80 operatively coupled to spindle 52 (not shown in figure 7 above). *Id.* at 4:49–50. “Handle 80 is configured to be fixed in a locked

position to facilitate transporting work holding device 10, such as when work holding device 10 is coupled to a vehicle receiver hitch.” *Id.* at 4:55–58.

Figure 2, reproduced below, shows a cross section of the portable vise assembly.



“FIG. 2 is a cross-section view of the work holding device.” *Id.* at 2:23–24. Anvil surface 108 is raised above first jaw piece 12 and second jaw piece 30 to provide a work surface while mounted to the support. *Id.* at 5:45–48. Movable second jaw piece 30 includes elongated second connection member 32 (element not identified in figure 2 above but visible in figure 1) extending from a first end of second jaw piece 30. *Id.* at 3:37–39. Handle 80 is operatively coupled to spindle 52 and moves jaw piece 30 in and out from the assembly. *See id.* at 4:48 to 5:2.

Some of the other elements, shown in Figure 2 above, are identified as follows:

Elements 16, 20, 22, and 24: First connection member 16 is a two-inch square tube extending from casting 14. *Id.* at 5:55–56. First connection member 16 defines first passage 20 that extends between second end 22 and opposing first end 24. *Id.* at 3:19–21.

Elements 34, 36, and 38: Second passage 34 that extends between second end 36 and opposing first end 38. *Id.* at 3:42–44.

Element 40, 42, and 52: Spindle assembly 40 also includes spindle 52 operatively coupled to spindle nut 42. *Id.* at 3:6–7.

Elements 44, 48, and 50: Spindle nut 42 has first end 48 and opposing second end 50. *Id.* at 4:4–5. Helical thread 44 is formed on at least a portion of inner surface 46 of spindle nut 42. *Id.* at 4:2–3. Spindle nut 42 extends through first passage 20 and into second passage 34. *Id.* at 4:1–2.

Elements 54, 56, 58, and 60: Helical thread 54 is formed on at least a portion of outer surface 56 of spindle 52 along a length of spindle 52 between first end 58 and opposing second end 60 of spindle 52. *See id.* at 4:6–19.

C. *Illustrative Claims*

Claims 1, 3, 5–8, 12, and 22–25 of the '464 patent are challenged. Claims 1, 8, 23, and 24 are independent. Claims 1 and 23 of the '464 patent are illustrative and reproduced below:

1. A work holding device, comprising:
a first jaw piece having an elongated first connection member for connecting the work holding device to a support, the first connection member defining a first passage, the first

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