

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEIT ELECTRIC COMPANY, INC.,
Petitioner,

v.

PHILIPS LIGHTING NORTH AMERICA CORPORATION,
Patent Owner.

Case IPR2018-00790
Patent 7,038,399 B2

Before TREVOR M. JEFFERSON, MIRIAM L. QUINN and JASON
REPKO, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

Feit Electric Company Inc. (“Feit Electric” or “Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 7, 8, 17, 18, 19, 34, 35, and 58–60 of U.S. Patent No. 7,038,399 B2 (Ex. 1001, “the ’399 patent”). Patent Owner, Philips Lighting North America Corporation, filed a Preliminary Response to the Petition. (Paper 7, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a).

Section 314(a) 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.” After considering the Petition, the Preliminary Response, and associated evidence, we conclude that Petitioner has *not* demonstrated a reasonable likelihood that it would prevail in showing unpatentability of the challenged claims.

A. Related Proceedings

The parties report the following pending litigation matters related to the ’399 patent: *Koninklijke Philips N.V. et al. v. Wangs Alliance Corporation*, Case No. 14-cv-12298-DJC (D. Mass.) and *LED Lighting Devices, LED Power Supplies, and Components Thereof*, Case No. 337-TA-1081 (ITC). Pet. 2, Paper 3, 2–3. The parties further note the following litigation matters related to the ’399 patent: *Wangs Alliance Corp. d/b/a WAC Lighting Co. v. Philips Lighting North America*, No. 17-1532 (Fed. Cir.), which was an appeal from *Wangs Alliance Corporation v. Philips Lighting North America Corporation*, Case No. IPR2015-01294 (P.T.A.B. Nov. 23, 2016). *Id.*

B. The '399 Patent

The '399 patent discloses a method and apparatus for providing power to devices via an A.C. power source for LED-based light sources when the power circuits provide other than standard line voltages. Ex. 1001, at [57]. The claimed invention allows LED-based sources to be substituted for other light sources, such as incandescent lights, in environments using A.C. dimming devices or controls. *Id.*

Figure 1, below, shows an example operation of conventional A.C. dimming devices. *Id.* at 8:30–31.

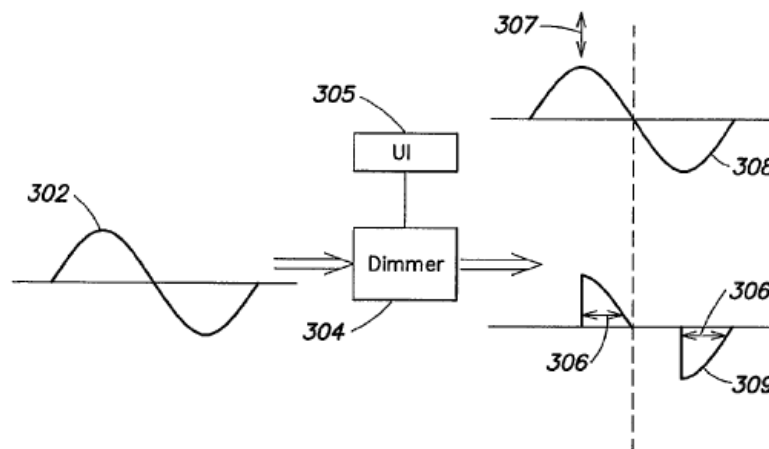


FIG. 1
(PRIOR ART)

Figure 1 shows an example of A.C. dimmer known in the prior art. *Id.* at 8:30–31. Figure 1 “shows . . . voltage waveform 302 (e.g., representing a standard line voltage) that may provide power to one or more conventional light sources.” *Id.* at 2:18–21. A.C. dimmer 304 responsive to user interface 305 alters the A.C. signals, such that “dimmer 304 is configured to output waveform 308, in which the amplitude 307 of the dimmer output signal may be adjusted via the user interface 305.” *Id.* at 2:23–35. The Specification

also states that “dimmer 304 is configured to output the waveform 309, in which the duty cycle 306 of the waveform 309 may be adjusted via the user interface 305.” *Id.*

Figure 3, below, shows one embodiment of the invention using an LED-based light source. *Id.* at 8:35–36.

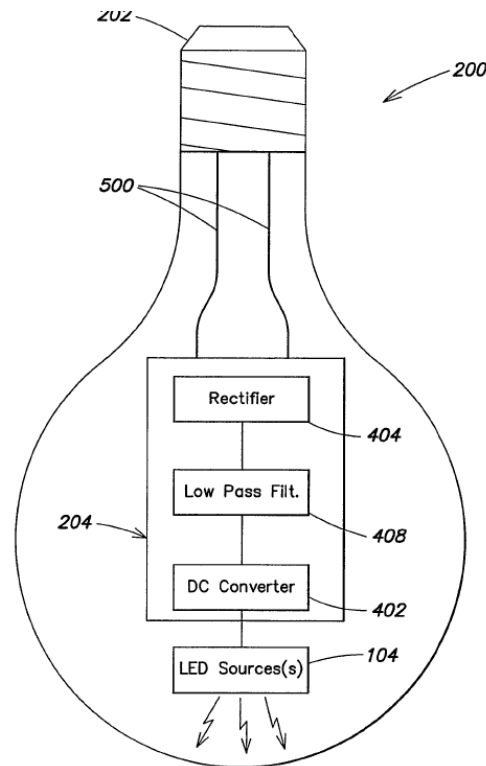


FIG. 3

Figure 3 illustrates an LED-based lighting unit 200 “depicted generally to resemble a conventional incandescent light bulb having a screw-type base connector 202 to engage mechanically and electrically with a conventional light socket.” *Id.* at 12:32–37. Lighting unit 200 includes LED-based light source 104 and controller 204 configured to receive A.C. signal 500 via connector 202 and provide operating power to LED-based light source 104. Controller 204 includes components to ensure proper operation of the

lighting unit for A.C. signals 500 that are provided by a dimmer circuit, such as those that output duty cycle-controlled (i.e., angle modulated) A.C. signals. *Id.* at 12:50–60. Controller 204 includes rectifier 404, low pass filter 408, and DC converter 402. *Id.* at 12:61–64.

C. Illustrative Claims

Claims 7, 8, and 17 are illustrative and reproduced below (Ex. 1001, 25:41–67, 26:28–59).

7. An illumination apparatus, comprising:
 - at least one LED; and
 - at least one controller coupled to the at least one LED and configured to receive a power-related signal from an alternating current (A.C.) power source that provides signals other than a standard A.C. line voltage, the at least one controller further configured to provide power to the at least one LED based on the power-related signal,
 - wherein the A.C. power source is an A.C. dimmer circuit,
 - wherein the A.C. dimmer circuit is controlled by a user interface to vary the power-related signal, and
 - wherein the at least one controller is configured to variably control at least one parameter of light generated by the at least one LED in response to operation of the user interface, and
 - wherein the operation of the user interface varies a duty cycle of the power-related signal, and wherein the at least one controller is configured to variably control the at least one parameter of the light based at least on the variable duty cycle of the power-related signal.
8. The apparatus of claim 7, wherein the at least one parameter of the light that is variably controlled by the at least one controller in response to operation of the user interface includes at least one of an intensity of the light, a

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.