

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COOPER CROUSE-HINDS, LLC,  
Petitioner,

v.

CMP PRODUCTS LIMITED,  
Patent Owner.

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Case IPR2018-00994  
Patent 8,872,027 B2

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Before HUBERT C. LORIN, MICHAEL W. KIM, and HYUN J. JUNG,  
*Administrative Patent Judges.*

LORIN, *Administrative Patent Judge.*

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

## I. INTRODUCTION

### A. *Background*

Cooper Crouse-Hinds, LLC (“Petitioner”) filed a Petition requesting institution of an *inter partes* review of claims 1, 2, 4, 5, and 10–19 of U.S. Patent No. 8,872,027 B2 (Ex. 1001, “the ’027 patent”). Paper 2 (“Pet.”). CMS Products Limited (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have authority under 35 U.S.C. § 314.

Upon consideration of the arguments and evidence presented by Petitioner and Patent Owner, we are not persuaded that Petitioner has demonstrated, under 35 U.S.C. § 314(a), a reasonable likelihood that it would prevail in showing the unpatentability of any of the challenged claims. Accordingly, we do not institute an *inter partes* review of any claim.

### B. *Related Proceedings*

Petitioner notifies us that

[t]he ’027 patent is at issue in a co-pending litigation captioned as *CMP Products Limited v. Cooper Crouse-Hinds, LLC and Cooper Industries, LLC*, Case No. 4:17-cv-02194 (S.D. Tex.), the complaint in which was filed on July 18, 2017.

Pet. 3; *see also* Paper 5, 2 (indicating similar).

### C. *The ’027 Patent (Ex. 1001)*

#### 1. *Disclosure*

The ’027 patent, titled “Filler Assembly for Cable Gland,” relates to “a filler assembly for filling cable glands for use in hazardous areas.” Ex. 1001, [54], 1:15–17.

Figures 1, 2, and 3 illustrate an exemplary embodiment of dispensing apparatus 2 and cable gland 4 of the ’027 patent, and are set forth below.

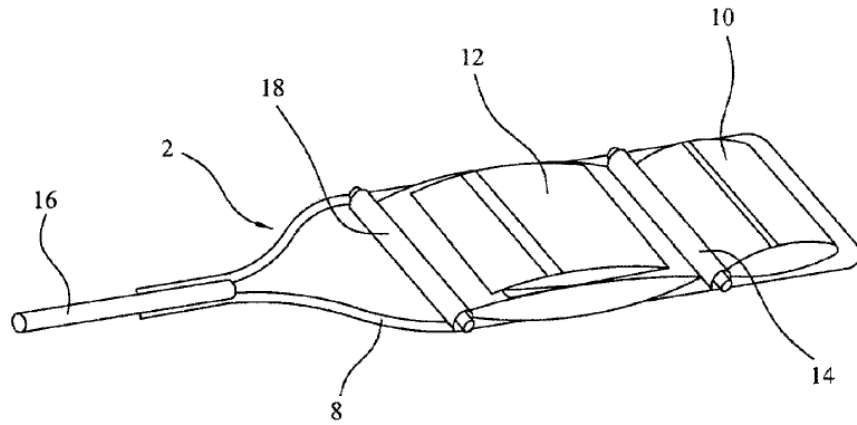


FIG. 1

Figure 1 is a perspective view of dispensing apparatus 2.

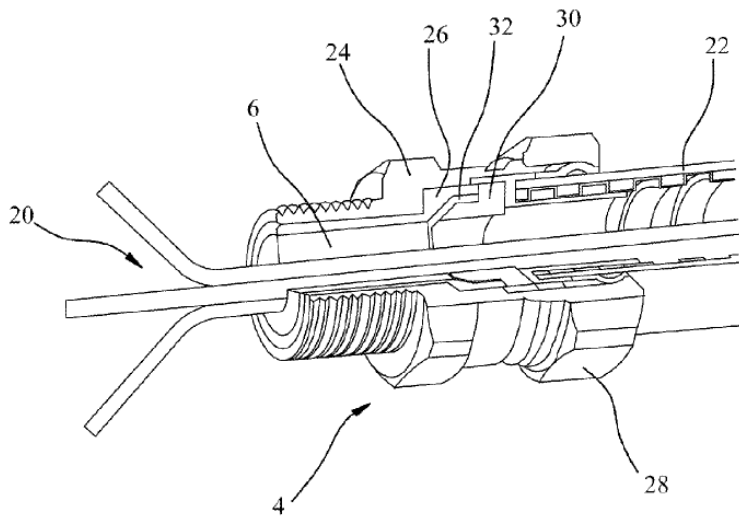


FIG. 2

Figure 2 is a partial cut away perspective view of cable gland 4.

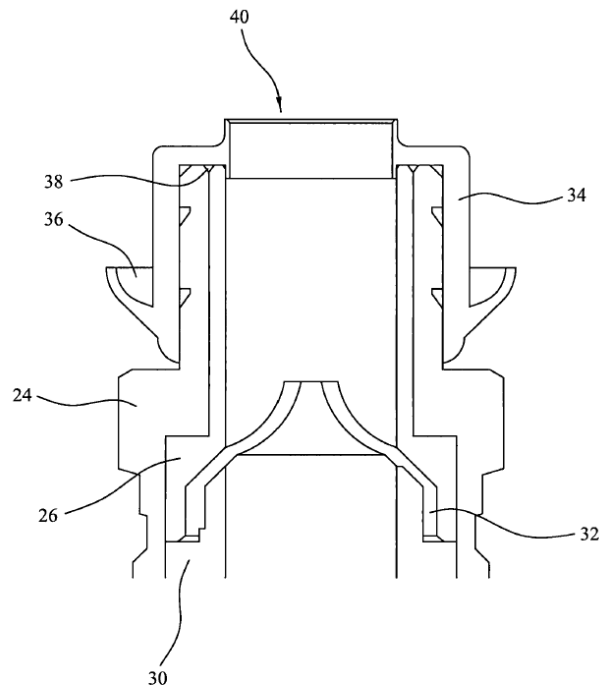


FIG. 3

Figure 3 is a cross sectional view of the filled cable gland of Figure 2.

As shown in Figure 1 above, dispenser apparatus 2 includes first compartment 10 and second compartment 12 for accommodating, respectively, first and second components of liquid material (depicted as curable material 6 in FIG. 2) for filling a cable gland. Ex. 1001, 3:26–36. Dispenser apparatus 2 also includes first clamp 14 for temporarily separating liquid material in first compartment 10 from liquid material in second compartment 12, and second clamp 18 for temporarily preventing material from flowing from second compartment 12 into elongate hollow nozzle 16. Ex. 1001, 3:33–56. Elongate hollow nozzle 16 extends from second compartment 12 and is insertable into a cable gland. Ex. 1001, 3:43–46.

As shown in Figure 2 above, curable material 6 is insertable into cable gland 4. Ex. 1001, 4:1–13. Specifically, elongate hollow nozzle 16 is

insertable into cable gland 4 for inserting curable material 6 between individual core conductors 20 of the core of cable 22. Ex. 1001, 3:46–52.

As shown in Figures 2 and 3 above, flexible seal 32 is located around core conductors 20 and compressed between tube 26 and ring 30 for limiting the extent of penetration of curable material 6 into cable gland 4. Ex. 1001, 4:9–13. “[F]lexible seal 32 comprises a generally frusto-conical body of elastomeric material having an aperture therethrough for engaging the core conductors 20.” Ex. 1001, 4:13–16. “The aperture in [flexible] seal 32 is sized such that it stretches to pass around core conductors 20 to tightly engage the core conductors 20 to form a reasonably effective barrier to passage of curable material 6 along the space defined between core conductors 20 and [ ] tube 26.” Ex. 1001, 4:17–21.

## 2. *Claims*

The ’027 patent has 19 claims, of which only claims 1, 2, 4, 5, and 10–19 are challenged.

Claims 1, 14, and 16 are the independent claims. Claims 2, 4, 5, and 10–13 depend from claim 1; claim 15 depends from claim 14; and, claims 17–19 depend from claim 16.

Independent claim 1, reproduced below, is illustrative.

1. A filler assembly for filling with curable liquid material a cable gland, the cable gland having a plurality of cores of at least one cable extending therethrough, the assembly comprising:

(a) a dispenser apparatus for a curable liquid material, the apparatus comprising:

a body adapted to define at least one first chamber for accommodating a first component of a curable liquid material, and at least one second chamber for accommodating a second component of said curable liquid

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