

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUEST USA CORP.,
Petitioner,

v.

POPSOCKETS LLC,
Patent Owner.

Case IPR2018-01294
Patent 8,560,031

Before CHRISTA P. ZADO, JESSICA C. KAISER, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

DECISION

Instituting *Inter Partes* Review

35 U.S.C. § 314(a) and 37 C.F.R. § 42.4(a);

Denying Petitioner's Motion for Joinder or Consolidation

35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) or

35 U.S.C. § 315(d) and 37 C.F.R. § 42.122(a)

I. INTRODUCTION

Petitioner, Quest USA Corp.,¹ filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–3 and 6 (“challenged claims”) of U.S. Patent No. 8,560,031 B2 (Ex. 1001, “the ’031 patent”). Pet. 7. Patent Owner, PopSockets LLC,² filed a Preliminary Response. Paper 10 (“Prelim. Resp.”).

We have authority under 35 U.S.C. § 314. Under 35 U.S.C. § 314, the Board “may not authorize an *inter partes* review to be instituted unless . . . the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the Preliminary Response, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one challenged claim of the ’031 patent.

¹ Petitioner identifies itself and Isaac Srour as real parties-in-interest in this proceeding pursuant to 37 C.F.R. § 42.8. Pet. 3.

² Patent Owner identifies itself as real party-in-interest in this proceeding pursuant to 37 C.F.R. § 42.8. Paper 3, 2.

A. *The '031 Patent*

The '031 patent, titled “Extending Socket for Portable Media Player,” was filed on February 23, 2012. Ex. 1001, at [22]. The '031 patent claims priority to Provisional Application No. 61/453,375, filed March 16, 2011.

The '031 patent specification (“Specification”) describes extending sockets for attaching to the back of a portable media player or media player case. Ex. 1001, at [57]. The Summary of Invention lists a number of purposes for the extending sockets, including

storing headphone cords and preventing the cords from tangling, forming stand legs, forming gaming grips, clipping to belts, waistbands and shirt pockets, forming legs for wedging [media] players that are phones between the shoulder and ear, and forming a grip that allows a user to securely hold and manipulate the [media] player with one hand.

Id. at 1:37–45. Figures 6–11 depict some of these uses of the extending sockets.

With respect to the embodiment depicted in Figures 1 through 3, “socket 24 generally comprises a collapsible accordion 2.” *Id.* at 4:44–45. Figure 3A is reproduced below.

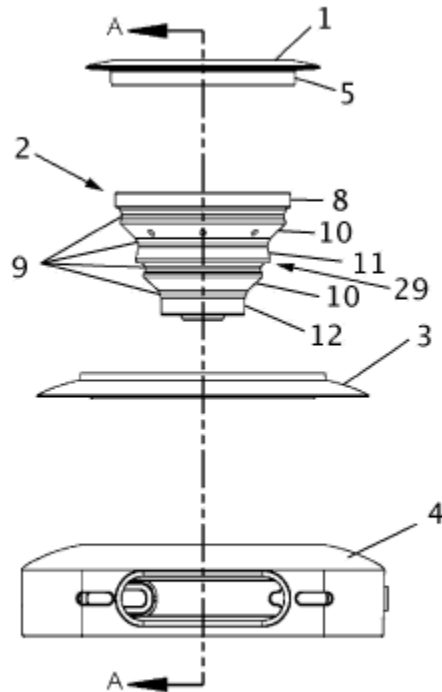


Figure 3A

Id. at Fig. 3A. Figure 3A illustrates a preferred embodiment of accordion 2 in its expanded configuration. Accordion 2 includes “a folding section 29 comprising a series of relatively rigid walls 10, 11, and 12 interspersed with flexural (or ‘living’) hinges 9, which flex as accordion 2 is collapsed or expanded.” *Id.* at 5:50–53. In this embodiment, “button 1 is attached to the distal end of accordion 2.” *Id.* at 4:46–47.

Figure 5 is reproduced below.

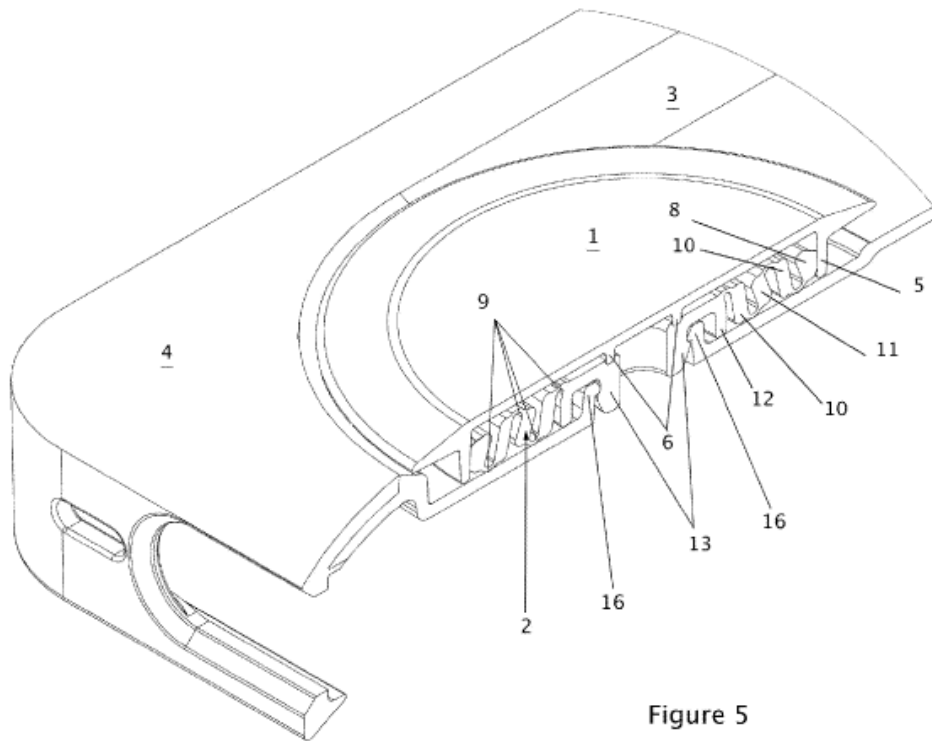


Figure 5

Figure 5 shows accordion 2 in its collapsed configuration. *Id.* at 6:7–10. In the collapsed configuration illustrated in Figure 5, the “flexing of hinges 9 allows walls 10 and 11 to fold up in a generally parallel configuration next to one another, rather than stacking on top of one another.” *Id.* at 6:11–13.

The Specification discloses an alternative accordion structure that allows “the buttons to extend not just straight outward from the case, but

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