

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIRCUSTRIX HOLDINGS, LLC; CIRCUSTRIX, LLC;
HANGAR15 FLORIDA, LLC; 2INFINITY FLORIDA, LLC;
FLYING PANDA FLORIDA, LLC; FLYING PANDA PSL LLC,
ROCKIN' JUMP, LLC; SKY ZONE, LLC;
SKY ZONE FRANCHISE GROUP, LLC; RPSZ CONSTRUCTION, LLC;
SEVEN STARS ON THE HUDSON CORP.;
FAMILY CHRISTIAN SPORTS, LLC; MARJAC VENTURES, LLC;
MARJAC VENTURES TAMPA, LLC;
Y & J GLOBAL ENTERPRISES OF FLORIDA, LLC; SZSC, LLC;
OTTWAY II LLC; SZSARASOTA LLC;
INNOVATIVE HEIGHTS FLORIDA, LLC; AND NO CALL EAST, LLC,
Petitioners,

v.

CHEROKEE GRAY EAGLE IP, LLC,
Patent Owner.

Case IPR2019-00263
Patent 8,764,575 B1

Before JAMES A. TARTAL, FRANCES L. IPPOLITO, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

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

I. INTRODUCTION

CircusTrix Holdings, LLC, CircusTrix, LLC, Hangar15 Florida, LLC, 2Infinity Florida, LLC, Flying Panda Florida, LLC, Flying Panda PSL LLC, Rockin' Jump, LLC, Sky Zone, LLC, Sky Zone Franchise Group, LLC, RPSZ Construction, LLC, Seven Stars on the Hudson Corp., Family Christian Sports, LLC, Marjac Ventures, LLC, Marjac Ventures Tampa, LLC, Y & J Global Enterprises of Florida, LLC, SZSC, LLC, Ottway II LLC, SZSarasota LLC, Innovative Heights Florida, LLC, and No Call East, LLC (“Petitioners”) filed a Petition (Paper 1, “Pet.”) requesting institution of *inter partes* review of claims 1–19 of U.S. Patent No. 8,764,575 B1 (Ex. 1001, “the ’575 patent”). Cherokee Gray Eagle IP, LLC (“Patent Owner”) filed a Preliminary Response (Paper 31, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . 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 conclude the information presented does not show a reasonable likelihood that Petitioners would prevail in showing the unpatentability of any of claims 1–19 of the ’575 patent challenged by Petitioners. Accordingly, we deny the Petition and do not authorize institution of an *inter partes* review of the ’575 patent.

II. BACKGROUND

A. *The '575 Patent*

The '575 patent, titled "Trampoline Arena," issued July 1, 2014, from U.S. Application No. 14/182,775, filed February 18, 2014. Ex. 1001, (21), (22), (45), (54). The '575 patent relates to trampoline arenas formed from a plurality of trampolines. *Id.* at Abstract, 1:17–18. The '575 patent describes "an improved trampoline arena that can be freestanding, in which stresses from the use of the trampolines are very evenly distributed throughout the frame work assembly, even in corners thereof." *Id.* at 4:9–12.

Figure 1 of the '575 patent is reproduced below.

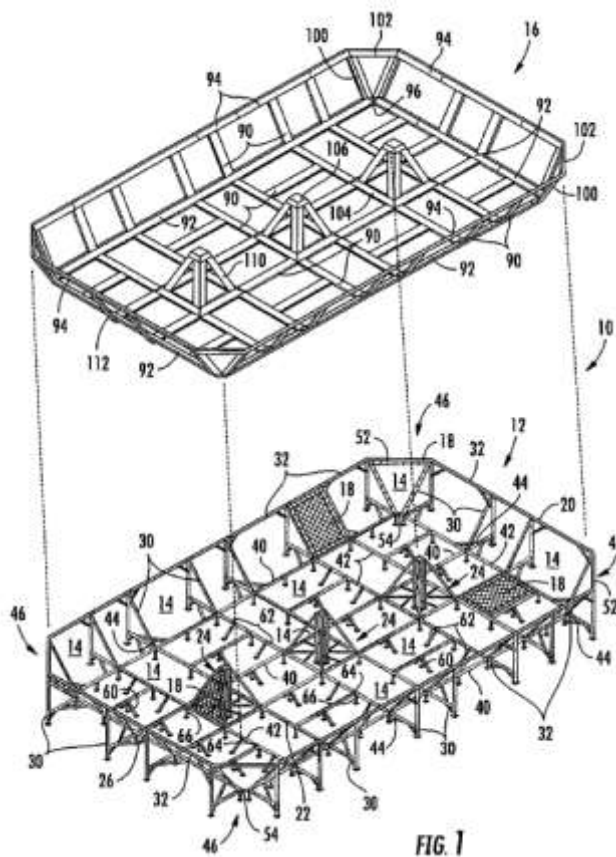


Figure 1 is a partially-exploded view of a trampoline arena according to one embodiment of the '575 patent. *Id.* at 1:56–59. Trampoline arena 10 includes framework assembly 12 supporting plurality of trampolines 18

across voids 14. *Id.* at 2:32–35. Trampolines 18 connect to framework assembly 12 using hooks at the end of trampoline springs 18A. *Id.* at 2:38–41. Overlaying framework assembly 12 and the peripheries of trampolines 18 is padding assembly 16, which cushions user contact with frame assembly 12 and inhibits entanglement with trampoline springs 18A. *Id.* at 2:36–37, 3:35–37. Framework assembly 12 includes deck 22, which is formed by longitudinal and transverse frame elements 40 and 42 and an outwardly-sloping outer wall 20. *Id.* at 2:46–47, 3:9–10. Outer wall 20 is supported by a plurality of side frames 30 that are substantially-parallel and spaced apart from each other. *Id.* at 2:56–58.

Figure 2 of the '575 patent is reproduced below.

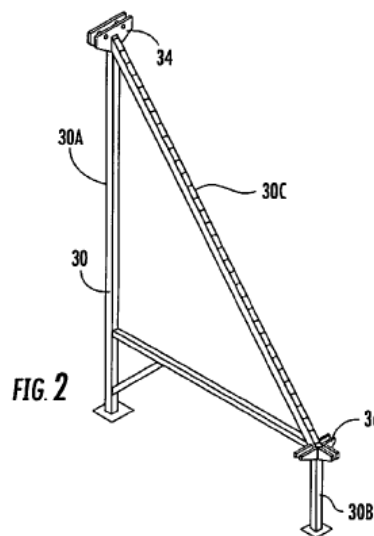


Figure 2 is a perspective view of side frame 30, which includes first and second vertical members 30A and 30B and angled member 30C, which extends between the top ends of vertical members 30A and 30B. *Id.* at 2:58–61. Adjacent side frames 30 are secured together by upper frame members 32, which connect to brackets 34 at the top of each side frame 30 and form a top margin of wall 20. *Id.* at 2:61–64. Bracket 36 joins each side frame 30 to longitudinal and transverse frame elements 40 and 42 of

deck 22. *Id.* at 2:64–65. At corners 46 of outer wall 20, adjacent side frames 30 are arranged perpendicular to each other, with upper and lower corner brackets 48 and 50 connected by upper and lower corner members 52 and 54. *Id.* at 3:1–4. According to the '575 patent, corners 46 are designed to “more evenly distribute stresses throughout the corner than a unitary member underlying the corner would, and increases available void space for trampolines at the corners 46.” *Id.* at 3:5–8.

B. Illustrative Claim

Claims 1 and 19 of the '575 patent are independent. Claims 2–18 depend from claim 1. Claim 1 is illustrative of the claimed subject matter and is reproduced below:

1. A trampoline arena comprising:
 - a plurality of side frames defining an outwardly sloping outer wall, each of the plurality of side frames including:
 - a rigid first upright member having a top first upright member portion and a bottom first upright member portion mountable to a floor; and
 - a rigid angled member connected at an upper angled member portion to the top first upright member portion and extending at a downward angle therefrom to a lower angled member portion, a plurality of voids being defined between the plurality of angled members;
 - a horizontally-extending deck connected to the second angled member portions of the plurality of side frames;
 - a plurality of trampolines connected to the angled members along peripheries thereof and extending across the plurality of voids; and
 - a padding assembly including a plurality of pads at least partially overlying the angled members and the peripheries of the trampolines.

Ex. 1001, 4:26–45.

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.