

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VRG CONTROLS, LLC,
Petitioner,

v.

DRESSER, LLC,
Patent Owner.

Case IPR2019-00618
Patent 8,141,843 B2

Before LAURA A. PETER, *Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office*, MICHAEL W. KIM, and GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

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

I. INTRODUCTION

VRG Controls, LLC (“Petitioner”) filed a Petition (Paper 1, “Pet.”), requesting an *inter partes* review of claims 1, 2, 4, 6, 11, 17–21, and 23–25 (the “challenged claims”) of U.S. Patent No. 8,141,843 (Ex. 1001, “the ’843 patent”). Dresser, LLC (“Patent Owner”), filed a Preliminary Response to the Petition (Paper 6, “Prelim. Resp.”). For the reasons discussed below, we deny the Petition and do not institute an *inter partes* review.

A. RELATED PROCEEDINGS

The parties identify *Dresser, LLC v. VRG Controls, LLC*, Case No. 1:18-cv-01957 (N.D. Ill.) as a related matter. Pet. 9.

B. THE ’843 PATENT

The ’843 patent, filed December 31, 2008, and issued March 27, 2012, is directed to a valve including “a body, a throttling ball, and a shoe.” Ex. 1001, Abstract.

The body includes an upstream flow passage and a downstream flow passage in fluid communication with an interior cavity of the body. The throttling ball is rotatable within the interior cavity on an axis to adjust the valve from a closed position to an open position and includes a fluid conduit extending through the throttling ball, where the fluid conduit is alignable with the upstream flow passage and the downstream flow passage.

Id. Figure 4 is reproduced below.

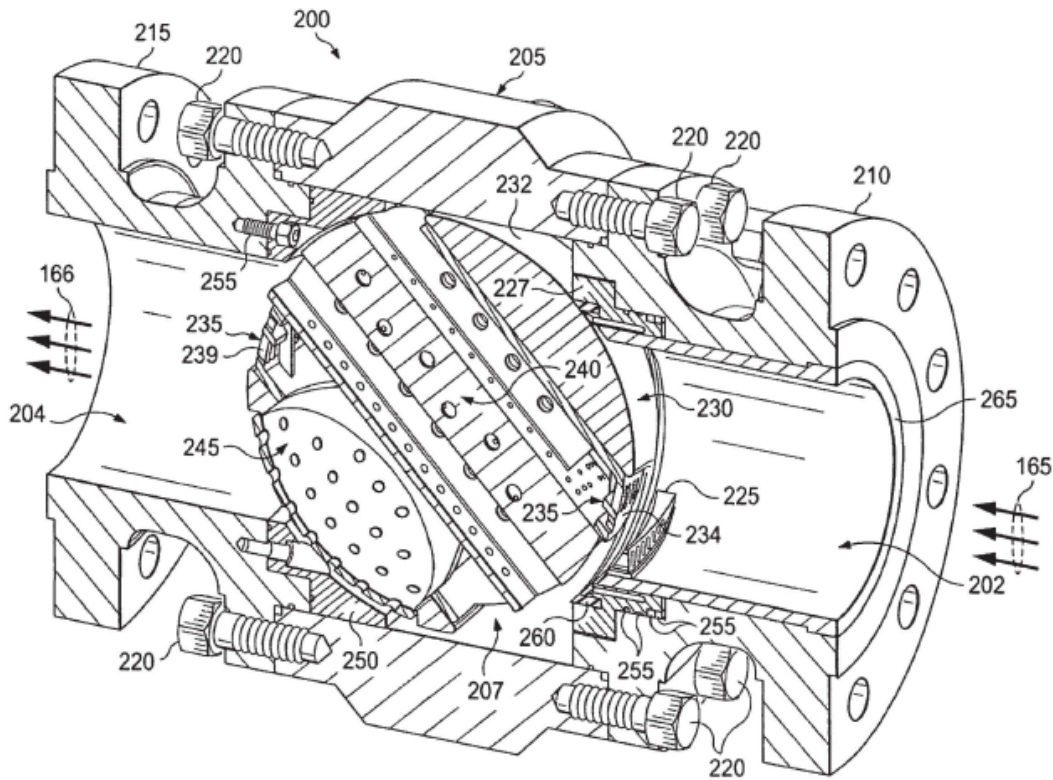


Fig. 4

Above Figure 4 is a partial cross-section view of the ball valve's internal components. *Id.* at 5:13–14.

C. ILLUSTRATIVE CLAIM

Petitioner challenges claims 1, 2, 4, 6, 11, 17–21, and 23–25 of the '843 patent. Of the challenged claims, claims 1, 17, and 24 are independent. Independent claim 1 is illustrative of the challenged claims and is reproduced below:

1. A valve comprising:
 - a body including an upstream flow passage and a downstream flow passage in fluid communication with an interior cavity of the body;
 - a throttling ball disposed within the interior cavity, the throttling ball rotatable within the interior cavity on an axis to adjust the

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valve from a closed position to an open position, the throttling ball including a fluid conduit extending through the throttling ball, the fluid conduit being alignable with the upstream flow passage and the downstream flow passage; and

the throttling ball further comprising a ball plate disposed in a downstream transverse passage of the throttling ball that intersects the fluid conduit through the throttling ball, the ball plate including a plurality of orifices allowing fluid communication there through; and

a shoe member disposed in the cavity abutting an interior surface of the cavity and detachably secured to the body, the shoe including a fluid passage there through having an inlet on an upstream side being alignable with the flow conduit of the throttling ball and an outlet being alignable with the downstream flow passage of the body, the shoe having an interior surface comprising at least a partial hemisphere with an opening therein, the interior surface of the shoe disposed adjacent to and tracking an external surface of the throttling ball.

Ex. 1001, 14:49–15:7.

D. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner asserts the following grounds of unpatentability. Pet. 1.

Reference(s)	Basis	Challenged Claims
Davenport ¹	§ 102	1, 2, 4, 6, 11, 17, 18, and 23–25
Davenport and Partridge ²	§ 103	19–21
EP'269, ³ Leinen, ⁴ Durco, ⁵ Carlson, ⁶ and Neles Q-Ball ⁷	§ 103	1, 2, 4, 6, 11, 17–21, and 23–25

II. DISCUSSION

A. CLAIM CONSTRUCTION

In its claim construction portion of the Petition, Petitioner explains that although “each independent claim (*i.e.*, Claims 1, 17, and 24) recites a ‘shoe member . . . detachably secured to the body,’” “the entirety of the disclosure describes and illustrates a ‘shoe member’ which is ‘detachably secured’ to the outlet closure.” Pet. 21. In sum, Petitioner “contends that ‘detachably secured to the body’ is not enabled by the specification.” *Id.* Petitioner informs us that the patent includes “no illustrations of the shoe 250 being ‘detachably secured’ to the body 205 of the valve.” Pet. 22.

¹ U.S. Patent No. 5,070,909 (filed June 11, 1990) (Ex. 1005, “Davenport”).

² U.S. Patent App. 2007/0034267 A1 (pub. Feb. 15, 2007) (Ex. 1006, “Partridge”).

³ European Patent Application Publication No. 0,889,269 (pub. Jan. 7, 1999) is in German (Ex. 1007a). All references herein will be to a certified English language translation of European Patent Application Publication No. 0,889,269 A1 (Ex. 1007b, “EP’269”).

⁴ U.S. Patent No. 5,437,305 (filed Sept. 1, 1994) (Ex. 1008, “Leinen”).

⁵ DurcoTrim publication, “Soundtrim Modulating Low Noise Control Plug Valve”, Durco Brochure Bulletin V-37, June 1987 (Ex. 1011, “Durco”).

⁶ U.S. Patent No. 6,039,304 (filed May 26, 1998) (Ex. 1009, “Carlson”).

⁷ Neles Q-Ball publication, “Trim Alternatives,” pub. May 1986. (Ex. 1010, “Q-Ball”).

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