

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LEE SPECIALTIES, INC.,  
Petitioner,

v.

FHE USA LLC,  
Patent Owner.

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IPR2019-01366  
Patent 10,030,461 B2

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Before JAMES A. TARTAL, MICHAEL L. WOODS, and  
SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### *A. Background*

Lee Specialties, Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–3, 5–8, and 10 (“the challenged claims”) of U.S. Patent No. 10,030,461 B2 (Ex. 1001, “the ’461 patent”). Paper 2 (“Pet.”), 1. FHE USA LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

On November 21, 2019, we held a conference call with the parties during which we authorized the parties to submit additional papers regarding the district court litigation involving the ’461 patent. *See generally* Paper 7. Petitioner subsequently filed a Reply to Patent Owner’s Preliminary Response (Paper 8, “Pet. Reply”), and Patent Owner filed a Sur-Reply to Petitioner’s Reply to Patent Owner’s Preliminary Response (Paper 9, “PO Sur-Reply”).

Institution of an *inter partes* review is authorized by statute only when “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.” 35 U.S.C. § 314(a) (2018). For the reasons set forth below, upon considering the Petition, Preliminary Response, and evidence of record, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of a least one of the challenged claims.

*B. Real Parties-in-Interest*

The statute governing *inter partes* review proceedings sets forth certain requirements for a petition for *inter partes* review, including that “the petition identif[y] all real parties in interest.” 35 U.S.C. § 312(a)(2) (2018); *see also* 37 C.F.R. § 42.8(b)(1) (2019) (requiring identification of real parties-in-interest in mandatory notices). Each party asserts that it is the sole real party-in-interest. Pet. 4; Paper 4, 1.

*C. Related Matters*

The parties indicate that the ’461 patent is the subject of the following litigation:

*FHE USA LLC v. Express Supply & Rental LLC*, No. 6-18-cv-00913 (W.D. La. filed July 12, 2018) (“the Louisiana litigation”), and

*FHE USA LLC v. Lee Specialties Inc.*, No. 5-18-cv-00715 (W.D. Tex. filed July 12, 2018) (“the Texas litigation”).

Pet. 4; Paper 4, 1.

*D. The Challenged Patent*

The ’461 patent discloses pressure control apparatus for use at a wellhead. Ex. 1001, 1:28–37. Figures 23A and 23B illustrate a wedge seal design of the pressure control apparatus and are reproduced below:



wedge receptacle to move upward. *Id.* at 21:24–29, Fig. 23B. This upward movement of the lower wedge receptacle in turn causes the lower wedge to move radially inward, compressing the adapter and the receptacle together. *Id.* at 21:29–32. Lower wedge top rib 843 locks over lower adapter rib 852, and lower wedge bottom rib 844 locks into wedge groove 865 provided in the receptacle. *Id.* at 21:32–34. A high pressure seal is formed between the adapter and receptacle. *Id.* at 13:8–30, 22:46–50.

The adapter is separated from the receptacle by introducing pressurized hydraulic fluid into chamber 833, causing the lower wedge receptacle to move downward. Ex. 1001, 21:35–47, Fig. 23A. This downward movement of the lower wedge receptacle releases the lower wedge from engagement with the adapter, releasing the high pressure seal. *Id.* at 21:47–52, Figs. 23A, 24 (illustrating lower wedge separator springs 841).

In a second embodiment of the wedge seal, movement of the lower wedge receptacle is effected via hydraulically-actuated pistons. Ex. 1001, 25:11–15, 25:26–30, Figs. 27A, 27B.

### *E. The Challenged Claims*

Petitioner challenges claims 1–3, 5–8, and 10 of the '461 patent. Pet. 1, 21. Claims 1 and 6 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below:<sup>1</sup>

1. A pressure-retaining seal, comprising:  
a generally t[u]bular adapter having first and second adapter ends, the first adapter end configured to mate with

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<sup>1</sup> The parties agree that “tabular” in the second line of claim 1 should be interpreted as “tubular.” *See* Ex. 1017, 1.

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