

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FOX FACTORY, INC.,
Petitioner,

v.

SRAM, LLC,
Patent Owner.

Case PGR2016-00043
Patent 9,291,250 C1

Before MICHAEL W. KIM, FRANCES L. IPPOLITO, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

DECISION
Denying Institution of Post-Grant Review
37 C.F.R. § 42.208

I. INTRODUCTION

FOX Factory, Inc. (“Petitioner”) filed a Petition (“Pet.”) for post-grant review of claims 1–26 of U.S. Patent No. 9,291,250 C1 (Ex. 1001, “the ’250 patent”) pursuant to 35 U.S.C. §§ 321–329. Paper 2. SRAM, LLC (“Patent Owner”) filed a Preliminary Response (“Prelim. Resp.”). Paper 5. Under 35 U.S.C. § 324, a post-grant review may be instituted only if “the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

Petitioner challenges the patentability of claims 1–26 of the ’250 patent under 35 U.S.C. §§ 112 and 103. After considering the Petition and the Preliminary Response, as well as all supporting evidence, we determine that the Petition fails to demonstrate that it is more likely than not that the ’250 patent is eligible for post-grant review. Accordingly, we *deny* the Petition.

A. *The ’250 patent*

The ’250 patent relates generally to chainrings, and more particularly, to a solitary chainring for use with a conventional chain in a bicycle drivetrain system that includes a bicycle crank. Ex. 1001, 1:8–10. Bicycles and other chain-driven vehicles typically employ one or more chainrings and set of rear hub-mounted sprockets connected by a chain. *Id.* at 1:11–13. According to the ’250 patent, the management of chain and chainring engagement in bicycles is important, and various mechanisms are used to maintain the chain on the chainring and the sprockets, including chain guards, chain tensioners, chain catchers, and derailleur configurations, among others. *Id.* at 1:13–19.

The ’250 patent explains that managing the connection between the chain and the chainring is particularly difficult in geared bicycles, which can experience

Drive chain 10 includes outer chain links 12 and inner chain links 14. *Id.* at 2:65–67. First group of teeth 58 is configured to be received by and fitted into the outer link spaces of drive chain 10 and second group of teeth 60 is configured to be received by and fitted into the inner link spaces. *Id.* at 3:67–4:4. The engagement of first group of teeth 58 with the outer link spaces and of second group of teeth with the inner link spaces is illustrated in Figure 6, reproduced below.

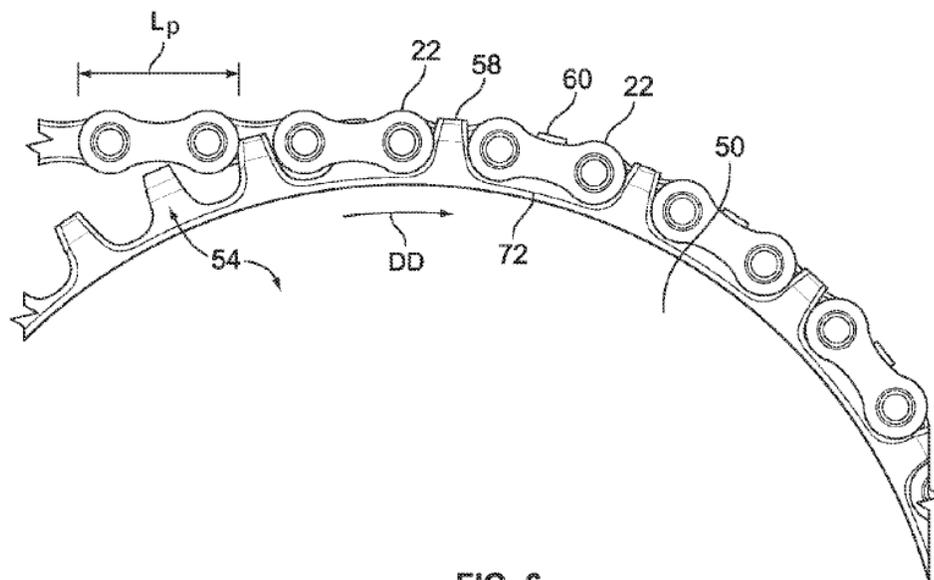


FIG. 6

Figure 6 shows a side view of the combined drive chain and chainring engaged by a drive chain with the outer link plates removed. *Id.* at 2:29–31. The '250 patent explains:

In use, the chain 10 is installed with each of the outer chain links 12 on one of the first group of teeth 58 and each of the inner chain links 14 on one of the second group of teeth 60. As the chainring 50 is rotated by the crank 48, the chain 10 is drawn about the chainring, and the outer chain links 12 and the inner chain links 14 are sequentially engaged with respective first and second ones of the groups of teeth 58, 60. As detailed above, the various features of the chainring 50 function to guide and maintain the chain 10 thereon.

Id. at 6:32–41.

B. Related Matters

Petitioner and Patent Owner identify the following related district court proceedings: (1) *SRAM, LLC v. Race Face Performance Products & RFE Holding (Canada) Corp.*, Case No. 1:16-cv-05262-JHL (N.D. Ill.) and (2) *SRAM, LLC v. Race Face Performance Products & RFE Holding (Canada) Corp.*, Case No. 1:16-cv-11362-JHL (N.D. Ill.). Pet. 83–84; Paper 7, 3. The '250 patent was subject previously to an *ex parte* reexamination proceeding (Reexamination Control No. 90/013,747). Paper 7, 2. The '250 is subject currently to a second *ex parte* reexamination filed on October 7, 2016 (Reexamination Control No. 90/013,831). *Id.* A related patent, U.S. Patent. No. 9,182,027 B2, is currently subject to several pending petitions for *inter partes* review and an *ex parte* reexamination. *Id.*

C. Illustrative Claim

Claims 1–26 are pending and challenged, of which claims 1 and 14 are independent. Independent claim 1, which is representative, is reproduced below:

1. A bicycle chainring of a bicycle crankset for engagement with a drive chain, comprising:
 - a plurality of teeth extending from a periphery of the chainring wherein roots of the plurality of teeth are disposed adjacent the periphery of the chainring;
 - the plurality of teeth including a first group of teeth and a second group of teeth, each of the first group of teeth wider than each of the second group of teeth; and
 - at least some of the second group of teeth arranged alternately and adjacently between the first group of teeth,wherein the drive chain is a roller drive chain including alternating outer and inner chain links defining outer and inner link spaces, respectively;

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