

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INVUE SECURITY PRODUCTS, INC.,
Petitioner,

v.

MOBILE TECH, INC.,
Patent Owner.

Case PGR2019-00019
Patent 10,026,281 B1

Before RAMA G. ELLURU, TERRENCE W. McMILLIN, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

DECISION
Denying Institution of Post-Grant Review
35 U.S.C. § 324

I. INTRODUCTION

InVue Security Products, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an post-grant review of claims 1–30 of U.S. Patent No. 10,026,281 B2 (Ex. 1001, “the ’281 patent”). Mobile Tech, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 5, “Prelim. Resp.”).

A post-grant review may not be instituted unless “the information presented in the petition . . . , if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” 35 U.S.C. § 324(a); *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Section 324(b) further provides that “[t]he determination required under subsection (a) may also be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.” Upon consideration of the Petition, the Preliminary Response, and the supporting evidence, we conclude that the information presented in the Petition does not demonstrate that it is more likely than not that any of the claims challenged in the Petition is unpatentable and that the Petition does not raise a novel or unsettled legal question. Accordingly, we do not institute a post-grant review as to the challenged claims of the ’281 patent.

A. *Related Matters*

The parties indicate that the ’281 patent has been asserted in *Mobile Tech., Inc. v. InVue Security Products, Inc.*, 3:18-cv-00052 (W.D.N.C.). Pet. 91;¹ Paper 4, 2. In addition, the Patent Owner states, “U.S. Patent

¹ The Petition states the case number is 3:18-cv-00505. However, the case with this number was consolidated with 3:18-cv-00052 and closed.

Application Serial Nos. 12/351,837 and 15/826,017, pending before the U.S. Patent and Trademark Office, are related to the '281 Patent.” Paper 4, 2.

B. The '281 Patent

The '281 patent is titled, “Display for Hand-Held Electronics.” Ex. 1001, (54). “The invention disclosed here is a display system for managing power and security for a plurality of hand-held electronic devices sold to consumers in a retail location.” *Id.* at (57) (Abstract). Figure 1 of the '281 patent is reproduced below.

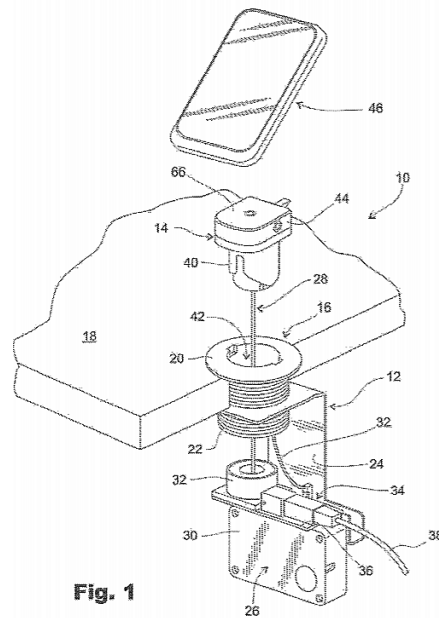


Figure 1 depicts “a ‘post’ position for mounting an electronic hand-held device to a retail display.” *Id.* at 8:25–26. “The post assembly 10 includes a base assembly portion (indicated generally at 12) and a puck assembly portion (indicated generally at 14).” *Id.* at 9:55–57. Spring-loaded steel cable 28 or tether “is drawn from and returned to the retractor housing 30 as the puck assembly 14 is lifted from and returned to the base assembly 12.” *Id.* at 9:66–10:3. Figure 22 of the '281 patent is reproduced below.

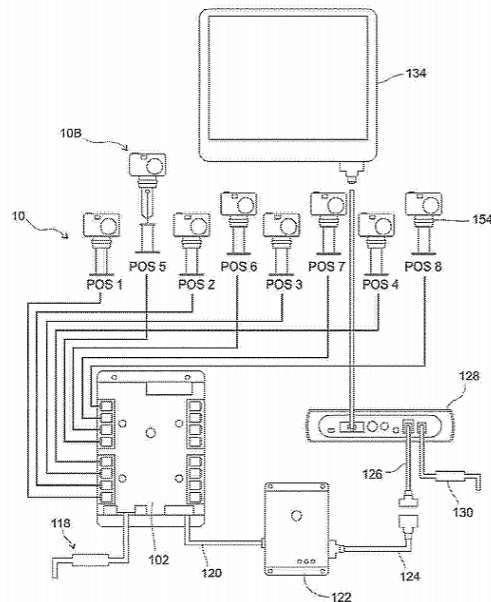


Fig. 22

Figure 22 depicts “a display system having a plurality of post positions along with a display monitor that shows media content depending on which device is examined by a consumer.” *Id.* at 8:64–67. “Post assembly position 10B in FIG. 22 represents a typical puck ‘lift’ condition.” *Id.* at 13:46–47. “[W]hen the puck at post position 10B is lifted, the controller 102 detects the lift signal and communicates it to the media player. The UIM [user interface] module 122, in essence translates the signal and instructs the media player 128 to play content that has been uniquely mapped to post position 10B.” *Id.* at 14:1–6.

C. Illustrative Claims

Petitioner challenges claims 1–30 (all claims) of the ’281 patent. Pet. 1. Claims 1 and 25 are independent apparatus claims and claim 30 is an independent method claim. Independent apparatus claim 1 is reproduced below.

1. A cable management apparatus for use in mounting an electronic device to a display, the apparatus comprising:
 - a puck assembly adapted to receive the electronic device;
 - a base assembly; and
 - a tether assembly adapted to connect the puck assembly with the base assembly;wherein the puck assembly is adapted to be moveable between (1) a rest position in which (i) the puck assembly is in engagement with the base assembly and (ii) the puck assembly and the base assembly are connected to the tether assembly, and (2) a lift position in which (i) the puck assembly is disengaged from the base assembly and (ii) the puck assembly and the base assembly are connected to the tether assembly;
- wherein the base assembly comprises a base assembly electrical contact, the base assembly electrical contact configured to receive power from a power source;
- wherein the puck assembly comprises (1) a puck assembly electrical contact, (2) a power storage device, and (3) puck assembly circuitry connected to the puck assembly electrical contact and the power storage device;
- wherein the base assembly electrical contact and the puck assembly electrical contact are adapted to contact each other when the puck assembly is in the rest position to form an electrical connection between the puck assembly circuitry and the power source;
- wherein the puck assembly circuitry is configured to, when the puck assembly is in the rest position, draw power from the power source through the electrical connection and provide the drawn power to the power storage device to charge the power storage device; and
- wherein the base assembly electrical contact and the puck assembly electrical contact are adapted to lose contact with each other in response to movement of the puck assembly from the rest position to the lift position to thereby break the electrical connection.

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