

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MAN WAH HOLDINGS LIMITED,  
Petitioner,

v.

RAFFEL SYSTEMS, LLC,  
Patent Owner.

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PGR2019-00029  
Patent D821,986 S

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Before GRACE K. OBERMANN, CHRISTOPHER G. PAULRAJ, and  
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining Challenged Claim Unpatentable  
35 U.S.C. § 328(a)

## I. INTRODUCTION

Raffel Systems, LLC (“Patent Owner” or “Raffel”) is the owner of U.S. Patent No. D821,986 S to Kenneth G. Seidl et al. (Ex. 1001, “the D’986 patent”). Man Wah Holdings Limited (“Petitioner” or “Man Wah”) filed a Petition requesting post-grant review of the claim of the D’986 patent. Paper 3 (“Pet.”). We instituted trial on July 10, 2019. Paper 9 (“Institution Decision”). Patent Owner filed a Response to the Petition. Paper 15 (“PO Resp.”). Petitioner responded with a Reply (Paper 20 (“Pet. Reply”)), to which Patent Owner responded with a Sur-reply (Paper 21 (“PO Sur-reply”)). A hearing was conducted on April 2, 2020, where the parties presented oral argument. *See* Paper 30 (“Hr’g Tr.”).

After considering the parties’ arguments and supporting evidence, we conclude that Petitioner has proved by a preponderance of the evidence that the claim of the D’986 patent is unpatentable. 35 U.S.C. § 326(e).

## II. BACKGROUND

### A. *REAL PARTIES-IN-INTEREST*

Petitioner states that the Real Party-in-Interest is “Man Wah Holdings Limited.” Pet. 1. Patent Owner states that the Real Party-in-Interest is “Raffel Systems, LLC.” Paper 4.

### B. *RELATED MATTERS*

Petitioner has disclosed, “[t]he ’986 patent is presently at issue in the action titled *Raffel Systems, LLC v. Man Wah Holdings LTD Inc et al.*, Case 2:18-cv-01765 (WIED).” Pet. 1. Patent Owner identifies the same related matter. *See* Paper 4.

C. *THE D'986 PATENT*

The D'986 patent is a design patent and the invention is an “ornamental design for a switch, as shown and described” in the patent. Ex. 1001, code (57) (claim). The D'986 patent indicates that it issued July 3, 2018, from US application 29/592,595, which was filed January 31, 2017. *Id.* at code (45), (21), (22). No other date for priority is indicated on the face of the D'986 patent. *Id.* Petitioner contends that January 31, 2017 is, therefore, the priority date for the D'986 patent against which prior art and patentability are measured. Pet. 3. Patent Owner agrees. PO Resp. 2.

As its claimed design (and disclosure), the D'986 patent includes six (6) drawings. The D'986 patent states:

FIG. 1 is a three-quarter perspective view showing our new design of a switch;

FIG. 2 is a front elevational view thereof, the rear elevational view being identical;

FIG. 3 is a left side elevational view thereof,

FIG. 4 is a right side elevational view thereof,

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

The broken lines shown in FIGS. 1 through 6 are for the purpose of illustrating environment, and form no part of the claimed design.

Ex. 1001, 1 (Description). The D'986 drawings are reproduced below:

The D'986 patent's Figure 1 is reproduced immediately below.

FIG. 1

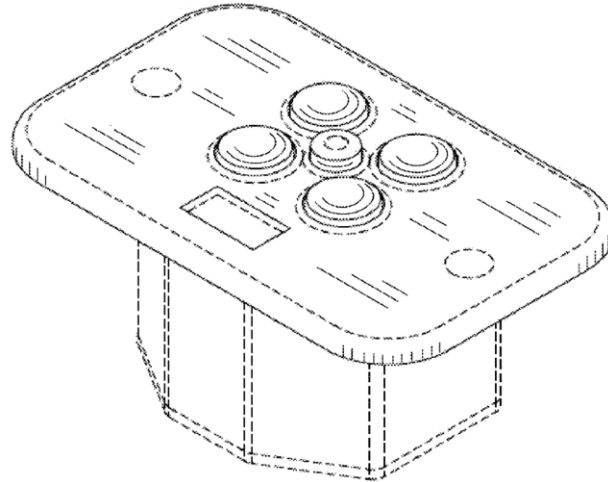


Figure 1, above, shows a perspective view of the claimed switch design from above, looking over one rounded corner. Ex. 1001, Fig. 1, code (57). The D'986 patent's Figure 5 is reproduced immediately below.

FIG. 5

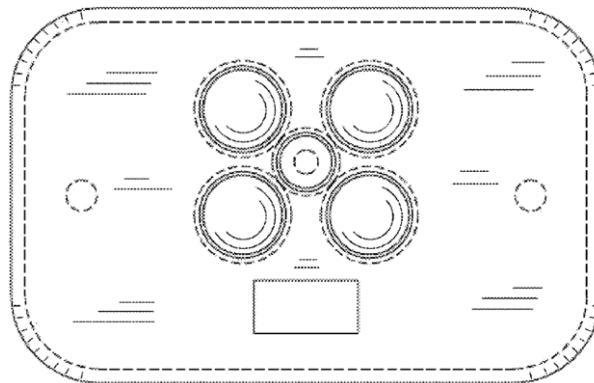


Figure 5, above, shows a top view of the claimed switch design. *Id.* at Fig. 5, code (57). The D'986 patent's Figure 2 is reproduced immediately below.

FIG. 2

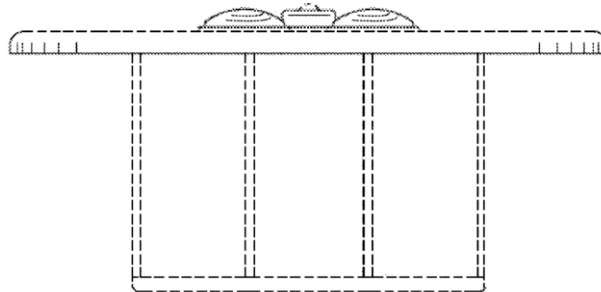
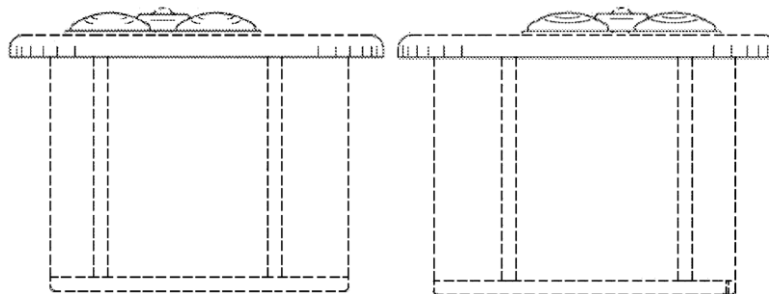


Figure 2, above, shows a side view of the claimed switch design, along a longer edge of the switch. *Id.* at Fig. 2, code (57). The D'986 patent's Figures 3 and 4 are reproduced immediately below.

FIG. 3

FIG. 4



Figures 3 and 4, above left and right, respectively, each show side views of the claimed design along shorter edges of the switch; Figure 3 shows the switch from one end and Figure 4 shows the switch from the opposite end. *Id.* at Figs. 3, 4, code (57). The D'986 patent's Figure 6 is reproduced immediately below.

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