

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT AND TRIAL APPEAL BOARD

SATTLER

TECH CORP.

Petitioner

v.

HUMANCENTRIC VENTURES, LLC

Patent Owner

Patent No. D 823,093

PETITION FOR POST-GRANT REVIEW

OF U.S. PATENT NO. D 823,093

TABLE OF CONTENTS

Table of Authorities

Table of Exhibits

I.	INTRODUCTION	Page 1
II.	STANDING AND PROCEDURAL STATEMENTS	Page 1
III.	MANDATORY NOTICES	Page 2
	A. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))	Page 2
	B. Related Matters (37 C.F.R. § 42.8(b)(2))	Page 2
	C. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3))	Page 2
	D. Service Information (37 C.F.R. § 42.8(b)(4))	Page 3
IV.	STATEMENT OF PRECISE RELIEF REQUESTED	Page 3
V.	'093 PATENT BACKGROUND AND RELEVANT FIELD	Page 3
	A. Overview of the '093 Patent	Page 3
	B. Relevant Field	Page 9
	1. Tabs	Page 10
	2. Grommet Spacing	Page 13
	3. Grommet Size	Page 15
	4. Grommet Raised Edges	Page 16
VI.	CLAIM CONSTRUCTION	Page 17
VII.	DETAILED EXPLANATION OF INVALIDITY	Page 17
	A. Lack of Ornamentality	Page 18
	1. Applicable Law Regarding Invalidity Regarding Ornamentality	Page 18
	2. The Design of the 093 Patent is Primarily Functional	Page 19
	3. Claim: The Ornamental Design for a VESA Mount Adapter Bracket, as Shown and Described.....	Page 27
VIII.	CONCLUSION	Page 30

Table of Authorities

Statutes

35 U.S.C. § 171	1, 3, 17, 18, 19
37 C.F.R. § 42.208	1
37 C.F.R. § 42.204(a)	1,7
37 C.F.R. § 42.206(a)	1,7
37 C.F.R. § 10(b).....	1
37 C.F.R. § 42.63(e).....	1
37 C.F.R. § 42.8(b)(1).....	2
37 C.F.R. § 42.8(b)(2).....	2
37 C.F.R. § 42.8(b)(3).....	2
37 C.F.R. § 42.8(b)(4).....	3
37 C.F.R. § 42.22(a)	3
37 C.F.R. § 42.100(b)	17, 18
M.P.E.P. § 1504.01(c).....	18
37 C.F.R. § 42.200(b).....	18

Cases

<i>Cuozzo Speed Techs., LLC v. Lee</i> , 136 S. Ct. 2131,2140-45 (2016)	17, 18
<i>High Point Design LLC v. Buyers Direct, Inc.</i> , 730 F.3d 1301, 1315 (Fed. Cir. 2013)	18
<i>L.A. Gear Inc. v. Thom McAn Shoe Co.</i> , 988 F.2d 1117, 1123 (Fed. Cir. 1993).....	18
<i>Egyptian Goddess, Inc. v. Swisa, Inc.</i> , 543 F.3d 665,679 (Fed. Cir. 2008)	19
<i>Dobson v. Dornan</i> , 118 U.S. 10, 14 (1886)	19
<i>Power Controls Corp. v. Hybrinetics, Inc.</i> , 806 F.3d 234,238-39 (Fed. Cir. 1986)	19
<i>Hupp v. Sirojlex of Am., Inc.</i> , 122 F.3d 1456, 1460 (Fed. Cir. 1997).....	19
<i>Ethicon Endo-Surgery, Inc. v. Covidien, Inc.</i> , 796 F.3d 1312,1329-30 (Fed. Cir. 2015)	19
<i>PGR 2016-00021</i>	18

TABLE OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. D 823,093
1002	Video Electronics Standards Association (VESA) Flat Display Mounting Interface Standard
1003	Amazon Page On Which The VESA Mount Adapter Bracket Of The '093 Patent Is Sold
1004	First Additional Figure Found On Amazon Page On Which The VESA Mount Adapter Bracket Of The '093 Patent Is Sold
1005	Second Additional Figure Found On Amazon Page On Which The VESA Mount Adapter Bracket Of The '093 Patent Is Sold
1006	Paper From The 17th International Conference On Metal Forming
1007	Gladiator Joe HP Pavilion Monitor VESA Adapter
1008	VIVO VESA Adapter For HP
1009	First Additional Figure From VIVO VESA Adapter For HP
1010	Humancentric Webpage On Which The VESA Mount Adapter Bracket Of The '093 Patent Is Sold

I. INTRODUCTION

Sattler Tech Corp. (“SATTLER” or “Petitioner”) requests post-grant review of the claim of U.S. Patent No. D 823,093 (Ex. 1001, “the ’093 Patent”), and cancellation of the claim as unpatentable under 35 U.S.C. § 171 for lacking ornamentality. This Petition demonstrates that it is more likely than not that the claim of the ’093 Patent is unpatentable. 37 C.F.R. § 42.208.

As an initial matter, the design claimed by the ’093 Patent lacks ornamentality, as it was dictated entirely by functional considerations and is primarily functional. The claim of the ’093 Patent is therefore not directed at patentable subject matter. It should be invalidated on that basis.

II. STANDING AND PROCEDURAL STATEMENTS

Petitioner certifies pursuant to 37 C.F.R. section 42.204(a) that the ’093 Patent is available for post-grant review and that Petitioner is not barred or estopped from requesting post-grant review of the ’093 Patent. This Petition is also filed within nine months from the July 17, 2018 issue date of the ’093 Patent.

Petitioner files this petition in accordance with 37 C.F.R. section 42.206(a), and files concurrently with this petition a Power of Attorney and an Exhibit List pursuant to 37 C.F.R. sections 10(b) and 42.63(e), respectively.

The required fee is paid via online Deposit Account payment.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.