

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SATTLER TECH CORP.,
Petitioner,

v.

HUMANCENTRIC VENTURES, LLC,
Patent Owner.

Case PGR2019-00030
Patent D823,093 S

Before SCOTT A. DANIELS, BART A. GERSTENBLITH, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background*

Sattler Tech Corp. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of a post-grant review of the design claim of U.S. Patent No. D823,093 S (Ex. 1001, “the ’093 patent”). Humancentric Ventures, LLC (“Patent Owner”) did not file a preliminary response.

We review the Petition under 35 U.S.C. § 324(a), which provides that a post-grant review may not be instituted unless “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). Upon consideration of the present record and for the reasons explained below, we determine Petitioner has satisfied its burden under § 324. Thus, we institute a post-grant review.

B. *Related Proceedings*

The parties indicate the sole related matter involving the ’093 patent is Case No. 2:18-cv-09332¹-PSG-JPR (N.D. Cal.). Pet. 3; Paper 6, 2.

C. *Real Parties in Interest*

Petitioner identifies itself as the sole real party in interest. Pet. 2. Patent Owner similarly identifies itself as the sole real party in interest. Paper 6, 1.

D. *The ’093 Patent*

The ’093 patent is titled “VESA MOUNT ADAPTER BRACKET” and claims “[t]he ornamental design for a VESA mount adapter bracket, as shown and described.” Ex. 1001, [54], [57]. The ’093 patent includes six

¹ Patent Owner mistakenly identifies the case number as “2:18-cv-09322” in its Mandatory Notice. Paper 6, 2.

figures, each of which is reproduced below. The '093 patent explains that “[t]he broken lines [in the figures] represent portions of the article and form no part of the claimed design.” *Id.* at DESCRIPTION.

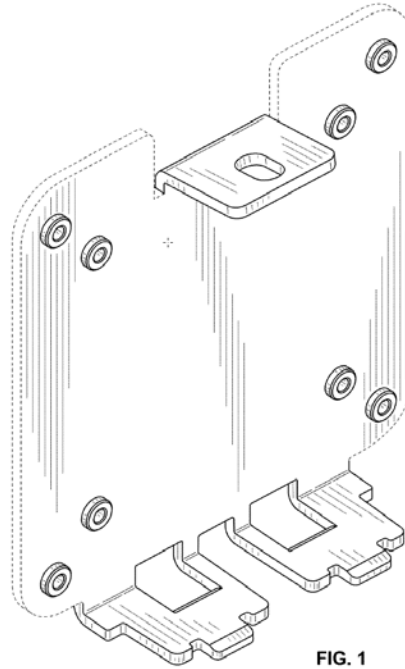


Figure 1, reproduced above, shows “a perspective view of a VESA mount adapter bracket.” *Id.*

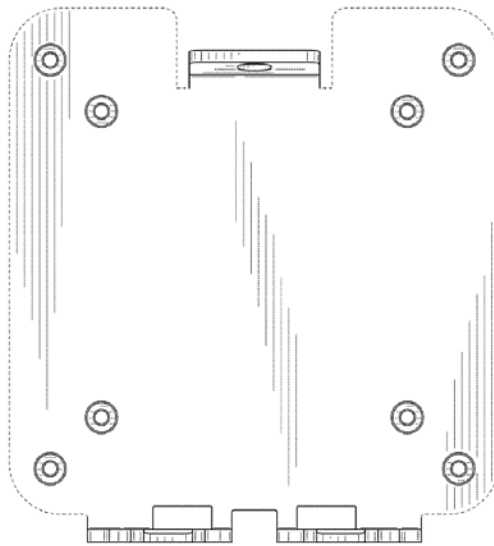


Figure 2, reproduced above, shows “a front view.” *Id.*

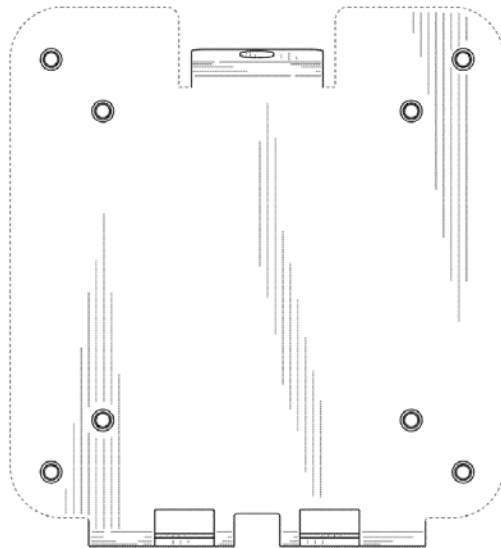


FIG. 3

Figure 3, reproduced above, shows “a back view.” *Id.*

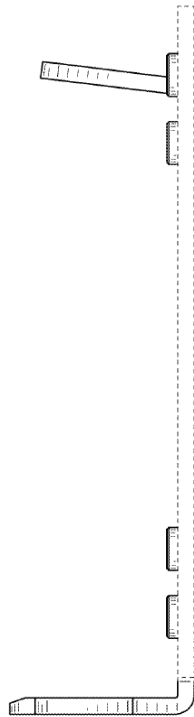


FIG. 4

Figure 4, reproduced above, shows “a right side view.” *Id.* The '093 patent explains that “the left side view” is “a mirror image of FIG. 4.” *Id.*

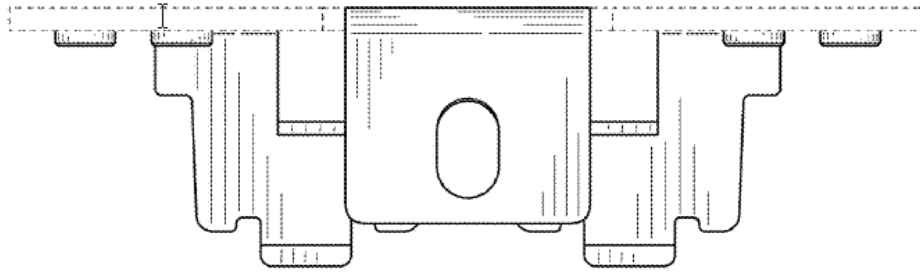


FIG. 5

Figure 5, reproduced above, shows “a top view.” *Id.*

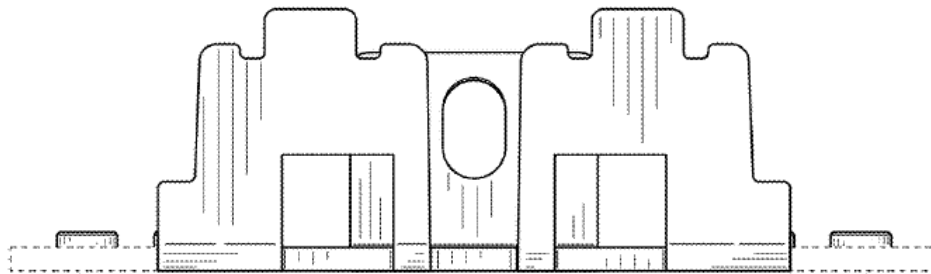


FIG. 6

Figure 6, reproduced above, shows “a bottom view.” *Id.*

As reflected in the figures above, the claimed portions of the design include: (1) top and bottom tabs and (2) eight raised grommets arranged in diagonal pairs toward the four corners of the plate.²

E. The Asserted Ground of Unpatentability

Petitioner’s sole challenge as set forth in the Petition is that the claim of the ’093 patent is unpatentable under 35 U.S.C. § 171 for lacking ornamentality. Pet. 3, 17.

² The plate is the portion of the adapter bracket shown in broken lines and, thus, is not part of the claimed design.

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