

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EVERSTAR MERCHANDISE CO. LTD.,  
Petitioner,

v.

WILLIS ELECTRIC CO. LTD.,  
Patent Owner.

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Case PGR2019-00055  
Patent 10,119,664 B2

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Before DEBRA K. STEPHENS, STACEY G. WHITE, and  
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### A. Overview

Everstar Merchandise Co. Ltd. (“Petitioner”) filed a Petition requesting post-grant review of claims 1–10 (the “challenged claims”) of U.S. Patent No. 10,119,664 B2 (Ex. 1101, “the ’664 patent”). Paper 1 (“Pet.”). Willis Electric Co. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have authority to determine whether to institute a post-grant review under 35 U.S.C. § 324 and 37 C.F.R. § 42.4(a). We may not institute a post-grant review 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).

Petitioner, supported by the declaration of Stephen D. Fantone, Ph.D., (Ex. 1009), contends that claims 1–10 of the ’664 patent are unpatentable on the following grounds. Pet. 6.

Reference(s)/Basis	35 U.S.C. §	Claims Challenged
Sylvania, <sup>1</sup> Gao, <sup>2</sup> optionally UL 2002 Standards <sup>3</sup>	103(a)	1, 2, 5–10

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<sup>1</sup> Commercial sale of Sylvania Net Light Set (Ex. 1007, “Sylvania”), purchased on September 9, 2008.

<sup>2</sup> CN 203910314 (Ex. 1003, “Gao”). The exhibit includes both the Chinese patent and certified translation. Unless otherwise indicated all references to Gao will be to the certified translation.

<sup>3</sup> Underwriters Laboratories Standard for Safety for Seasonal and Holiday Decorative Products, UL 588, 18th Ed., Feb. 15, 2002 (Ex. 1008, “UL 2002 Standards”).

Reference(s)/Basis	35 U.S.C. §	Claims Challenged
Kumada <sup>4</sup> , Gao, Lin, <sup>5</sup> optionally UL 2002 Standards	103(a)	1–10
Won <sup>6</sup> , Gao, Kumada, optionally UL 2002 Standards	103(a)	1–10

Upon considering the evidence and arguments presented, we determine, as discussed below, that Petitioner has not demonstrated that it is more likely than not that at least one of the claims challenged in the Petition is unpatentable. Therefore, we deny Petitioner’s request to institute post-grant review of claims 1–10.

*B. Related Proceedings*

Patent Owner advises us that Petitioner has filed a PGR petition (PGR 2019-00056) against U.S. Patent No. 10,222,037, an IPR petition (IPR2019-01484) against U.S. Patent No. 9,671,097, and an IPR petition (IPR2019-01485) against U.S. Patent No. 9,157,588, all of which are owned by Patent Owner. Paper 4, 2.

*C. The ’664 Patent*

The ’664 Patent, titled “Tangle-Resistant Decorative Lighting Assembly,” issued November 6, 2018. Ex. 1001, codes (45), (54). The ’664 Patent describes “decorative lighting assemblies, including net lights and icicle lights[] that are less prone to tangling than traditional decorative lighting assemblies.” *Id.* at 1:44–47. Figure 4 of the ’664 patent is reproduced below.

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<sup>4</sup> U.S. Pat. No. 6,367,951 (Ex. 1006, “Kumada”).

<sup>5</sup> Canadian Pat. App. Pub. No. CA2238113 (Ex. 1004, “Lin”).

<sup>6</sup> U.S. Pat. No. 6,217,193 (Ex. 1005, “Won”).

**Fig. 4**

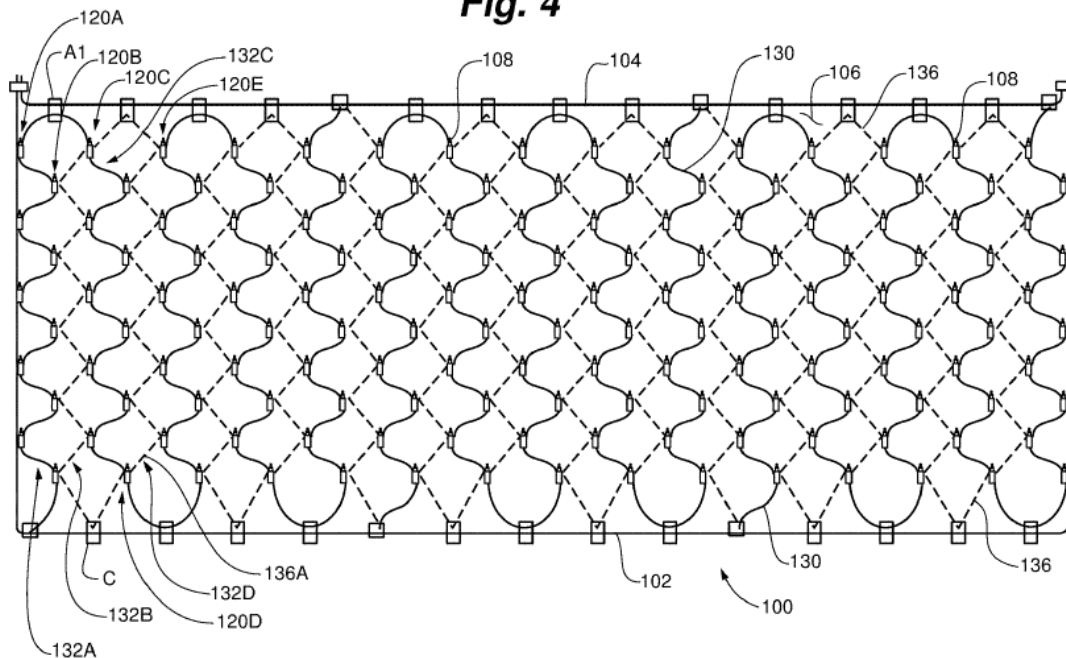


Figure 4 depicts an embodiment of the '664 patent's decorative lighting assembly. *Id.* at 2:53–55. Lighting assembly 100 has power wires 104 and 102 and a plurality of lamp assemblies 108 distributed across display area 106. *Id.* at 7:28–35. The plurality of lamp assemblies are interconnected by intermediate wires 130 to form electrical circuits. *Id.* at 7:41–43. In addition, the lamp assemblies are mechanically coupled by cords 136, which provide mechanical support for the assembly. *Id.* at 7:43–45. “[T]he wires and the cords cooperate to form a net-like structure.” *Id.* at 7:47–48. In some embodiments, “the intermediate wires comprise 22 AWG reinforced wire.” *Id.* at 8:45–46. Further, “intermediate wires 130, first power wire 102 and second power wire 104 may comprise a reinforced wire such as the reinforced wire described in published U.S. Patent Application US20150167944.” *Id.* at 6:16–20.

*D. Challenged Claims*

Petitioner challenges independent claim 1 and dependent claims 2–10, which depend directly or indirectly from independent claim 1. Claim 1, reproduced below, is illustrative of the subject matter of the challenged claims of the '664 patent.

1. A tangle-resistant decorative lighting assembly having first, second, third and fourth sides that define a rectangular display area, the lighting assembly comprising:

a power plug adjacent a first corner formed at the first and fourth sides of the rectangular display area;

a power receptacle adjacent a second corner formed at the first and second sides of the rectangular display area;

a first power wire in electrical connection with the power plug and the power receptacle, and defining the first side of the rectangular display area of the lighting assembly;

a plurality of lamp assemblies distributed within the rectangular display area;

a plurality of 22AWG reinforced intermediate wires electrically connecting the plurality of lamp assemblies, each of the plurality of 22AWG reinforced intermediate wires electrically connecting a pair of the plurality of lamp assemblies and extending in a direction from the first side of the rectangular display area to the third side of the rectangular display area, the plurality of 22AWG reinforced intermediate wires connected to the plurality of lamp assemblies forming a plurality of rows of the plurality of 22AWG reinforced intermediate wires connected to the plurality of lamp assemblies, each row of the plurality of 22AWG reinforced intermediate wires extending from the first side of the rectangular display area to the third side of the rectangular display area and

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