

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUNTING TITAN, INC.,
Petitioner,

v.

DYNAENERGETICS EUROPE GMBH,
Patent Owner.

PGR2020-00080
Patent 10,472,938 B2

Before JOSIAH L. COCKS, SCOTT A. DANIELS, and ERIC C.
JESCHKE, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Hunting Titan, Inc. (“Petitioner”) filed a Petition requesting post-grant review of claims 1–20 of U.S. Patent No. 10,472,938 B2 (Ex. 1001, “the ’938 patent”). Paper 1 (“Pet.”). DynaEnergetics Europe GmbH (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 6 (“Prelim. Resp.”).¹

We have authority to determine whether to institute a post-grant review. 35 U.S.C. § 324. For the reasons discussed below, we deny the Petition and do not institute a post-grant review.

B. *Related Proceedings*

Both parties identify the following matter involving the ’938 patent: *DynaEnergetics Europe GmbH, and DynaEnergetics US, Inc. v. Hunting Titan, Ltd.*, that was initially Civil Action No. 6:20-cv-00069 in the Western District of Texas but has since been transferred and is now Civil Action No. 4:20-cv-02123 in the Southern District of Texas. Pet. 2; Paper 4, 1–2.

¹ The Petition identified “DynaEnergetics GmbH & Co. KG” as the patent owner with respect to the ’938 patent. Pet. i (caption). In its Mandatory Notice (Paper 3), Patent Owner indicates that “DynaEnergetics GmbH & Co. KG has been dissolved and as recorded at Reel/Frame: 051691/0453 has assigned U.S. Patent No. 10,472,938 to DynaEnergetics Europe GmbH, the patent owner and real party in interest to this proceeding.” Paper 4 n.1. We, therefore, regard DynaEnergetics Europe GmbH as Patent Owner in this proceeding, which is reflected in the caption of this Decision.

C. The '938 Patent

The '938 patent is titled "Perforation Gun Components and System." Ex. 1001, code (54). The Abstract of the '938 patent is reproduced below:

Components for a perforation gun system are provided including combinations of components including a self-centralizing charge holder system and a bottom connector that can double as a spacer. Any number of spacers can be used with any number of holders for any desired specific metric or imperial shot density, phase and length gun system.

Id. at code (57).

Figures 1 and 2 of the '938 patent are reproduced below:

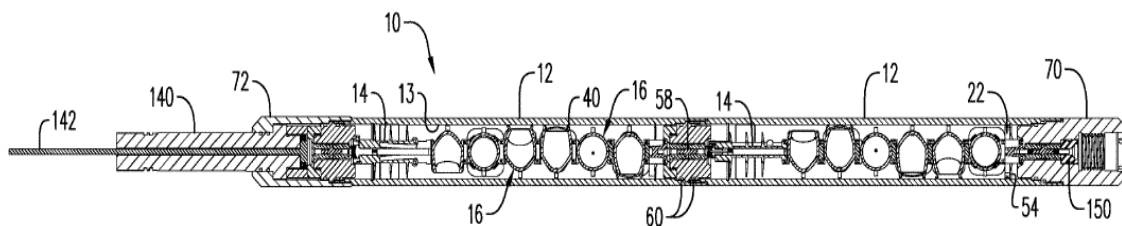


FIG. 1

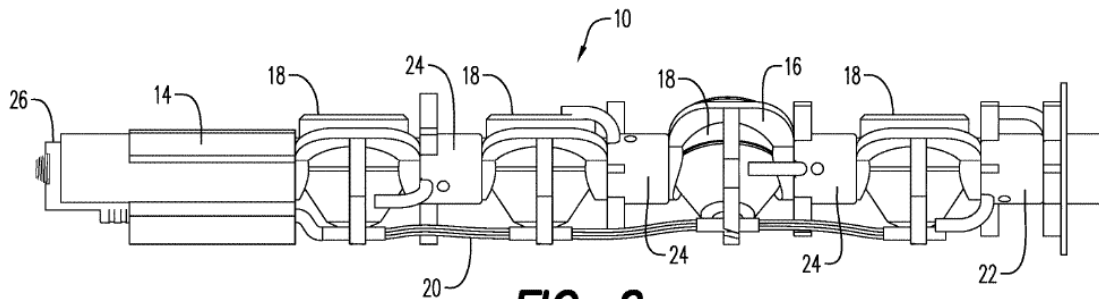


FIG. 2

Figure 1 above depicts "a side cut view of a perforation gun system according to an embodiment." *Id.* at 3:54–55. Figure 2 above shows "a side view of a top connector, bottom connector and stackable charge holders of a perforation gun system in accordance with another embodiment." *Id.* at 3:56–58. Gun system 10 includes outer gun carrier 12 (shown in Figure 1), top connector 14, stackable charge holder 16 for centralizing single shaped

charge 18 within gun carrier 12, detonation cord 20 (shown in Figure 2), and bottom connector 22. *Id.* at 5:38–46.

Figure 27 of the '938 patent is reproduced below:

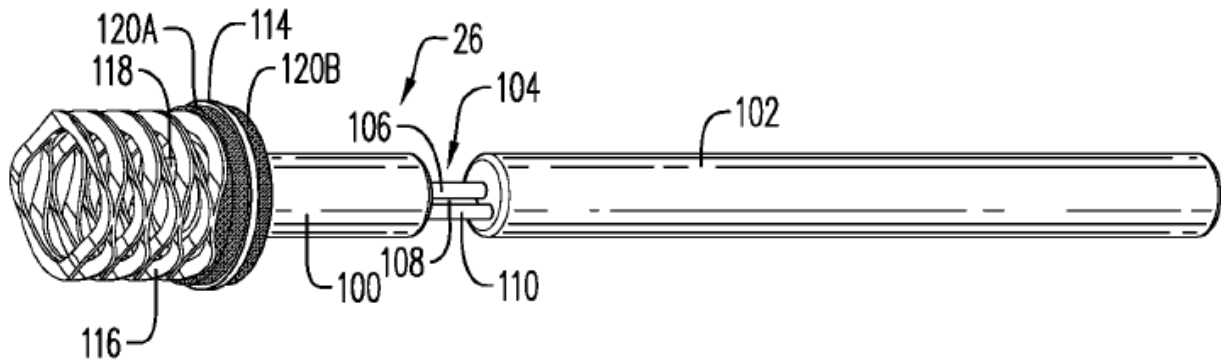


FIG. 27

Figure 27 above shows a “perspective view of a detonator” according to an embodiment. *Id.* at 4:42–43. Detonator assembly 26 includes detonator head 100, detonator body 102, and a plurality of detonator wires 104, including through wire 106, signal-in wire 108, and ground wire 110. *Id.* at 8:6–10.

Figure 32 of the '938 patent is reproduced below:

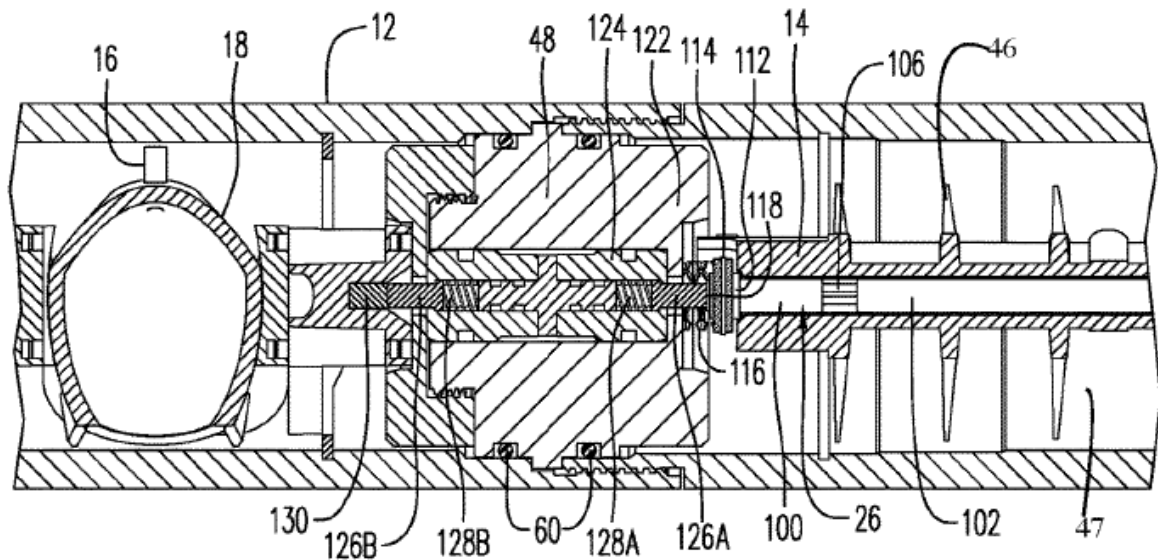


FIG. 32

Figure 32 above depicts “a detailed side view of a tandem seal adapter and detonator” in accordance with an embodiment of the invention of the '938 patent. *Id.* at 4:53–54. Figure 32 also shows connection of detonator assembly 26 to tandem seal adapter 48 and pressure bulkhead 124. *Id.* at 8:28–31.

D. Illustrative Claim

Independent claims 1 is illustrative of the claimed subject matter and is reproduced below:

1. A perforating gun, comprising:
 - an outer gun carrier;
 - a charge holder positioned within the outer gun carrier and including at least one shaped charge;
 - a detonator contained entirely within the outer gun carrier, the detonator including
 - a detonator body containing detonator components,

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.