Trials@uspto.gov
571-272-7822

Paper 12
Entered: March 13, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SCHRADER-BRIDGEPORT INTERNATIONAL, INC. et al.
Petitioner

v.

CONTINENTAL AUTOMOTIVE SYSTEMS US, INC.
Patent Owner

Case IPR2013-00014
Patent 6,998,973

Before SALLY C. MEDLEY, JOSIAH C. COCKS, and MICHAEL W. KIM
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

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I. INTRODUCTION

A. Background

Schrader-Bridgeport International, Inc. and Schrader Electronics, Inc. (collectively "Schrader" or "Petitioner") requests *inter partes* review of claims 1-5 and 7-11 of US Patent 6,998,973 ("'973 Patent") (Ex. 1001) pursuant to 35 U.S.C. §§ 311 et seq.[1] The Patent Owner, Continental Automotive Systems US, Inc. ("Continental" or "Patent Owner"), filed a Preliminary Response in opposition to Schrader's request.[2] We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a) which provides as follows:

> THRESHOLD -- The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

B. Summary of the Invention

The '973 Patent sets forth that its disclosed invention ('973 Patent, col. 1, ll. 6-11):

> [R]elates to a data transmission method for a tire-pressure monitoring system of a vehicle. More particularly, it relates to a method for preventing collisions between the data transmitted by the wheel units of one and the same vehicle.

[1] *See* Schrader's "Petition for Inter Partes Review Under 37 C.F.R. § 42.100" filed October 8, 2012 ("Pet.") (Paper 1).

[2] *See* Continental's "Preliminary Response of Patent Owner" filed January 10, 2013 ("Prelim. Resp.") (Paper 11).

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As explained in the ’973 Patent, in the art of tire-pressure monitoring systems for vehicles, there is a known disadvantage in transmitting sensed data from each wheel unit of a vehicle “simultaneously” to a central computer for processing of the data. (’973 Patent, col. 1, ll. 15-48.) As a result of such simultaneous transmissions, “scrambling” of the data may occur (*id*. at col. 1, ll. 43-47), also characterized as data “collision” (*id*. at col.1, ll. 56-58), which may render the data unusable. To alleviate the data collision problem, the invention of the ‘973 Patent incorporates internal clocks, for instance RC-type oscillating circuits, in each wheel unit, which clocks are of “relatively poor precision.” (*Id*. at col. 2, ll. 17-26.) The poor precision of the clocks introduces what is characterized as a “natural time lag” of the data transmission of each wheel unit, so as to impose time shifting of the transmissions. Such time shifting is not generally present in internal clocks recognized in the art as “extremely precise.” (*Id*. at col. 2, ll. 27-34.)

Claim 1 is the sole independent claim and is reproduced below (*id*. at col. 4, ll. 7-19):

> 1. A data transmission method for a tire-pressure monitoring system (10) of a vehicle, said data being transmitted by wheel units (12) to a central computer (13) located in the vehicle, said method comprising:
>
> a data transmission phase in parking mode, over a first period; and
>
> a data transmission phase in running mode, over a second period shorter than the first period; said method being characterized in that:
>
> a natural time lag between various internal clocks with which each wheel unit (12) is equipped is used to prevent

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> collisions between transmissions from the various wheel units of one and the same vehicle.

C. Involved Prior Art

Schrader challenges the patentability of claims 1-5 and 7-11 on the basis of the following items of prior art:

US 6,271,748 B1 (“Derbyshire”)	August 7, 2001	Ex. 1003
US 6,404,246 B1 (“Estakhri”)	June 11, 2002	Ex. 1004
US 5,883,582 (“Bowers”)	March 16, 1999	Ex. 1005
US 6,486,773 B1 (“Bailie”)	November 26, 2002	Ex. 1006

D. The Asserted Grounds

Schrader asserts the following grounds of unpatentability:

a. Claims 1, 2, 4, 5, 7, 9, and 11 are unpatentable under 35 U.S.C. § 102(b) as anticipated by Derbyshire.

b. Claims 3, 7, 8, 10, and 11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Derbyshire.

c. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Derbyshire and Estakhri.

d. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Derbyshire and Bowers.

e. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Derbyshire and Bailie.

f. Claims 1, 4, 5, 7, and 9-11 are unpatentable under 35 U.S.C. § 102(b) as anticipated by Bailie.

g. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Bailie and Estakhri.

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h. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Bailie and Bowers.

i. Claims 1-5 and 7-11 are unpatentable under 35 U.S.C. § 103(a) as obvious over Derbyshire, Bailie, and Bowers.

II. ANALYSIS

The preliminary inquiry before the Board at this stage of the *inter partes* review proceeding is whether Schrader has established that there is a reasonable likelihood that it will prevail in proving the unpatentability of at least one claim of the '973 Patent. If it has done so, then the institution of a trial is appropriate. In making the inquiry, we observe that the final clause of Continental's claim 1 is at the center of the dispute between the parties. The noted clause reads:

> a natural time lag between various internal clocks with which each wheel unit (12) is equipped is used to prevent collisions between transmissions from the various wheel units of one and the same vehicle.

Indeed, Continental, in urging that trial should not be instituted, characterizes that clause as constituting the "main dispute" in the proceeding. (Prelim. Resp., p. 4.) The clause is required by all of Continental's claims 1-5 and 7-11 involved in this *inter partes* review.

A. Claim Construction

The Board construes a claim in an *inter partes* review using the "broadest reasonable construction in light of the specification of the patent in which it appears." 37 C.F.R. § 42.100(b); *see* Office Patent Trial Practice Guide, 77 *Fed. Reg*. 48756, 48766 (Aug. 14, 2012). Claims terms usually are given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the underlying patent disclosure. *Phillips v. AWH Corp*., 415 F.3d

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