

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WAVELOCK ADVANCED TECHNOLOGY CO., LTD.  
Petitioner

v.

TEXTRON INNOVATIONS INC.  
Patent Owner

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Case IPR2013-00149 (SCM)  
Patent 6,455,138

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Before SALLY C. MEDLEY, JOSIAH C. COCKS, and BRYAN F. MOORE  
*Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

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

## I. INTRODUCTION

Petitioner Wavelock Advanced Technology Co., Ltd. (“Wavelock”) requests *inter partes* review of claims 1-3, 8, 10, 16-19, 21, and 25-36 of US Patent 6,455,138 (“’138 Patent”) pursuant to 35 U.S.C. §§ 311 et seq.<sup>1</sup> Patent Owner Textron Innovations Inc. (“Textron”) has filed no preliminary response under 37 C.F.R. § 42.107(b). 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.

For the reasons set forth *infra*, the Board has determined to institute an *inter partes* review.

### A. The ’138 Patent (*Exhibit 1001*)

The ’138 Patent is directed to a “metallized composite” composed of a series of layers. (*Exhibit 1001, Abstract.*) The ’138 Patent explains that such metallized composites “can be employed as reflective surfaces, such as are used as mirrors or substitutes for chrome trim on automobiles.” (*Id.*) Figure 1 of the ’138 Patent depicts an embodiment according to the invention and is reproduced below:

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<sup>1</sup> See “Petition for *Inter Partes* Review Under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*” filed February 15, 2013 (“Pet.”) (Paper 1).

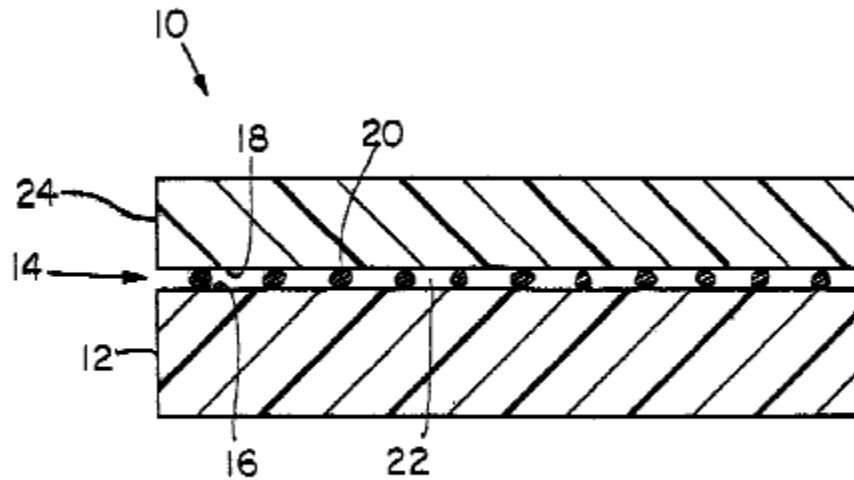


FIG. 1

As shown in the Figure above, metallized composite 10 includes a first thermoplastic layer 12, a second thermoplastic layer 24, and an intervening “discontinuous layer” 14. (*Id.* at col. 4, ll. 1-8.) The discontinuous layer includes “discrete islands of metal 20 and adhesive 22.” (*Id.*)

Claim 1 is the only independent claim of the '138 Patent and is reproduced below (*id.* at col. 9, ll. 5-12):

1. A metallized composite, comprising:
  - a) a first thermoplastic layer;
  - b) a discontinuous layer on said first layer, said discontinuous layer including discrete islands of metal in an adhesive; and
  - c) a second thermoplastic layer, said discontinuous layer being between said first and second thermoplastic layers.

*B. The Prior Art*

Wavelock challenges the patentability of claims 1-3, 8, 10, 16-19, 21, and 25-36 on the basis of the following prior art:

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Patent 6,455,138

JP Laid-Open Application 63-286337 published November 24, 1988 (“**Kuwahara**”) (Exs. 1006 & 1007<sup>2</sup>).

US Patent 4,407,871 issued October 4, 1983 to Eisfeller (“**Eisfeller**”) (Ex. 1012).

US Patent 4,503,189 issued March 5, 1985 to Igarashi et al. (“**Igrashi**”) (Ex. 1013).

US Patent 5,532,045 issued July 2, 1996 to Wade (“**Wade**”) (Ex. 1011).

US Patent 4,397,896 issued August 9, 1983 to Moran (“**Moran**”) (Ex. 1016).

US Patent 4,101,698 issued July 18, 1978 to Dunning et al. (“**Dunning**”) (Ex. 1008).

EP Application 0 738 580 published October 23, 1996 to Ohta (“**Ohta**”) (Ex. 1014).

US Patent 4,275,099 issued June 23, 1981 to Dani (“**Dani**”) (Ex. 1010).

US Patent 4,010,297 issued March 1, 1977 to Wenrick (“**Wenrick**”) (Ex. 1015).

US Patent 4,403,004 issued September 6, 1983 to Parker et al. (“**Parker**”) (Ex. 1009).

Content of the ’138 patent appearing at column 1, lines 24-27 and characterized by Wavelock as “Admitted Prior Art” (“**APA**”) (Ex. 1001).

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<sup>2</sup> Exhibit 1006 is the Japanese version of Kuwahara. Exhibit 1007 is an English translation of that Japanese document. Citations in this Decision to Kuwahara are to the English translation that is Exhibit 1007.

*C. The Alleged Grounds Of Unpatentability*

Wavelock challenges claims 1-3, 8, 10, 16-19, 21, and 25-36 on the following grounds:

1. Claims 1-3, 10, 26, 31, 32, and 36 are unpatentable under 35 U.S.C. § 102(b) as anticipated by Kuwahara;
2. Claims 8 and 25 are unpatentable under 35 U.S.C. § 103(a) as obvious over Kuwahara and Eisfeller;
3. Claims 16-19 and 21 are unpatentable under 35 U.S.C. § 103(a) as obvious over Kuwahara and Igarashi;
4. Claims 16-18, 27-30, and 33 are unpatentable under 35 U.S.C. § 103(a) as obvious over Kuwahara and Wade;
5. Claim 35 is unpatentable under 35 U.S.C. § 103(a) is obvious over Kuwahara and Moran;
6. Claims 1, 2, 25, 26, 28, 33, 34, and 36 are unpatentable under 35 U.S.C. § 102(b) as anticipated by Dunning;
7. Claims 1-3, 25, 26, 28, 31-34, and 36 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dunning and Ohta;
8. Claims 16-19 and 21 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dunning and Dani;
9. Claim 27 is unpatentable under 35 U.S.C. § 103(a) as obvious over Dunning, Dani, and Wenrick;
10. Claims 29 and 30 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dunning and Wade;
11. Claim 35 is unpatentable under 35 U.S.C. § 103(a) as obvious over Dunning and Moran;

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