

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATAS INTERNATIONAL, INC.
Petitioner

v.

CENTRIA
Patent Owner

Case IPR2013-00259
Patent D527834 S

Before SALLY C. MEDLEY, JENNIFER S. BISK, and TRENTON A. WARD,
Administrative Patent Judges.

BISK, *Administrative Patent Judge.*

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

I. INTRODUCTION

A. *Background*

ATAS International, Inc. (“ATAS”) filed a petition (Paper 2) to institute an *inter partes* review of Patent D527,834 (the “’834 patent”) pursuant to 35 U.S.C. § 311 *et seq.* Subsequently, ATAS filed a replacement petition. Paper 7 (“Pet.”). Centria filed a preliminary response. Paper 10 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314. We conclude that ATAS has not satisfied the burden to show, under 35 U.S.C. § 314(a), that there is a reasonable likelihood that it would prevail with respect to the ’834 patent’s single claim. Therefore, the petition is *denied*.

B. *Related Proceedings*

The parties identify pending litigation in the United States District Court for the Western District of Pennsylvania concerning the ’834 patent styled *Centria v. ATAS International, Inc.*, currently stayed. 2:13-cv-309 (W.D. Pa. May 16, 2013).

C. *The Challenged Patent*

The ’834 patent (Ex. 1001), entitled “Building Panel,” issued on September 5, 2006, and is assigned to Centria. The claim of the ’834 patent recites “[t]he ornamental design for a building panel as shown and described.” The ’834 patent includes 42 figures in total: seven embodiments made up of six figures each. The Petition and Preliminary Response focus on the seventh embodiment (Figures 37-42)¹, reproduced below.

¹ For convenience in presentation, some of the Figures from the ’834 patent were reduced in size.

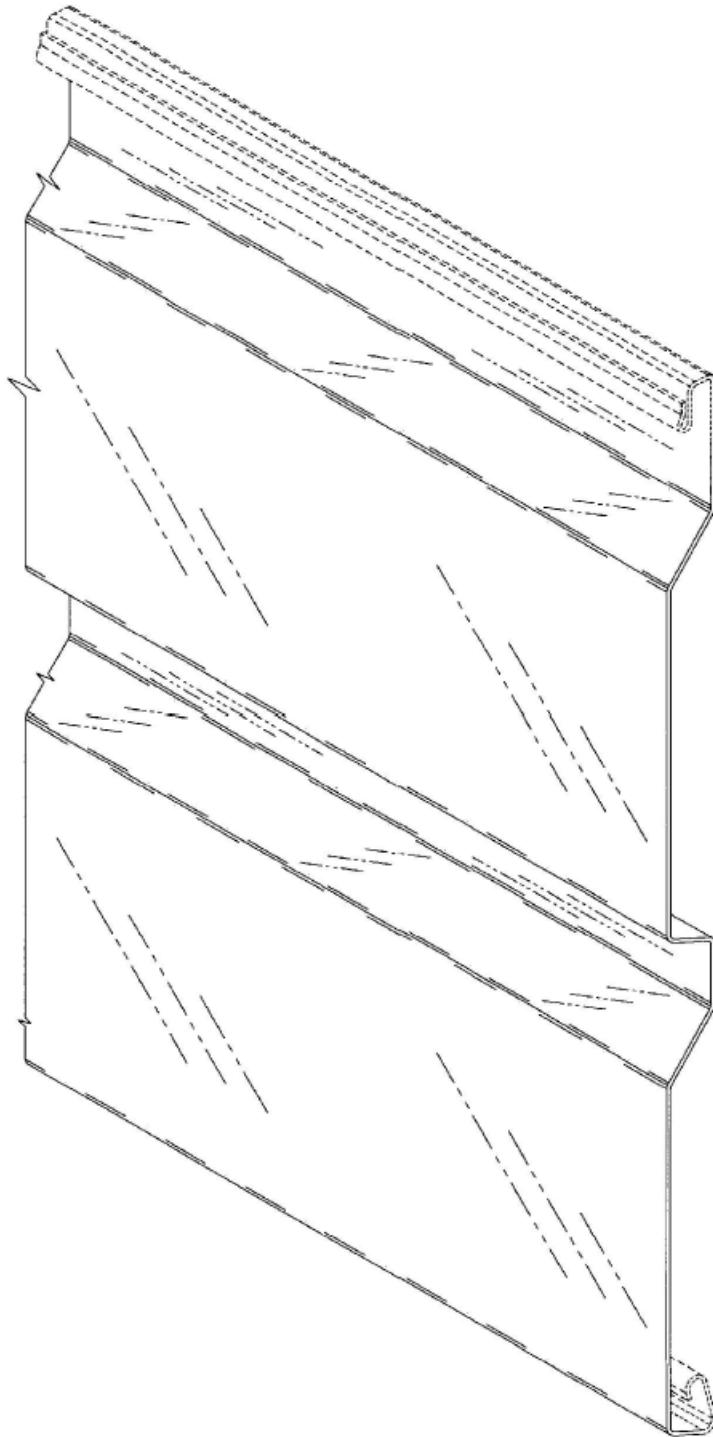


FIG. 37



FIG. 38



FIG. 41

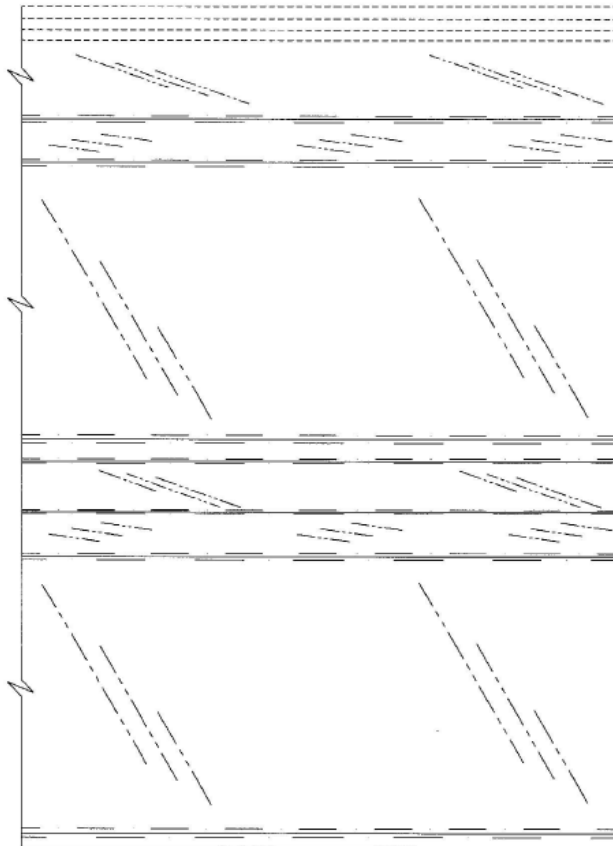


FIG. 39



FIG. 40

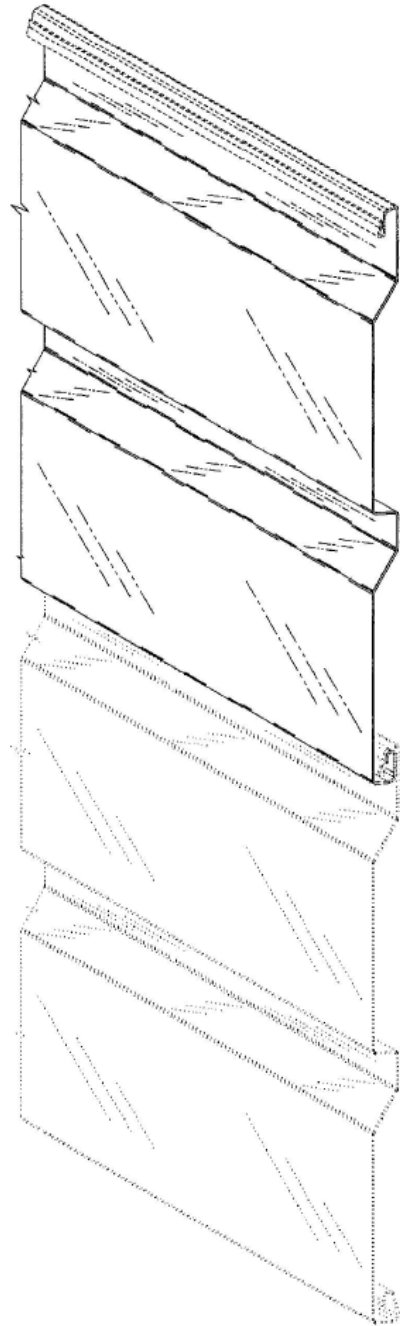


FIG. 42

Figure 37 is a perspective view of a seventh embodiment of the claimed building panel design. Ex. 1001 at 27. Figures 38-41 show left, front, bottom, and

top views, respectively, of the building panel design. *Id.* at 28-29. Figure 42 is a perspective view of two building panels attached together. *Id.* at 30.

D. Asserted Grounds of Unpatentability

ATAS asserts, as prior art, five building panels depicted in various publications. ATAS contends that the '834 patent's claim is unpatentable under 35 U.S.C. §§ 102 and/or 103 based on those five panels as follows (Pet. 3-4):

Reference[s] ²	Basis
MPS120 + BKR160	§ 103
MPS120 + IW60A	§ 103
BKR160	§ 102
BKR160	§ 103
BKR160 + MPS120	§ 103
MPH080 + BKR160	§ 103
MPH080 + IW60A	§ 103
FWDS-59	§ 102
FDWS-59 + BKR160	§ 103

² “MPS120” refers to a building panel that ATAS alleges appeared (1) on an Internet web page at least as early as December 3, 2000 (Ex. 1003) and (2) in a 2002 ATAS Metal Wall Panels Brochure included in the 2002 edition of Sweet’s Catalog of building materials (Ex. 1004 at 5-7, 9). “BKR160” refers to a building panel that ATAS alleges appeared in a 2002 ATAS Metal Wall Panels Brochure included in the 2002 edition of Sweet’s Catalog of building materials (Ex. 1004 at 10-11). “IW60A” refers to a panel that ATAS alleges appeared in a 1994 brochure named “Commercial & Industrial Metal Wall Systems” (Ex. 1007). “MPH080” refers to a panel that ATAS alleges appeared (1) in a 2002 ATAS Metal Wall Panels Brochure included in the 2002 edition of Sweet’s Catalog of building materials (Ex. 1004 at 5-6, 8) and (2) on a CD of CAD illustrations published by Sweet in the summer of 2000 (Ex. 1005 at 14-16). “FDS-59” refers to a panel that ATAS alleges appeared in a 2002 ATAS Metal Wall Panels Brochure included in the 2002 edition of Sweet’s Catalog of building materials (Ex. 1004 at 12-13).

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.