

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORMAN INTERNATIONAL, INC.
Petitioner

v.

HUNTER DOUGLAS INC.
Patent Owner

Case IPR2014-00276
Patent 6,968,884 B2

Before TONI R. SCHEINER, LINDA M. GAUDETTE, and JACQUELINE
WRIGHT BONILLA, *Administrative Patent Judges*.

GAUDETTE, *Administrative Patent Judge*.

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

I. INTRODUCTION

On December 20, 2013, Norman International, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 5-7 (the “challenged claims”) of U.S. Patent No. 6,968,884 B2 (Ex. 1001, “the ’884 patent”). 35 U.S.C. § 311. Hunter Douglas Inc. (“Patent Owner”) timely filed a Preliminary Response (Paper 10, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a).

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

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.

Upon consideration of Petitioner’s Petition and Patent Owner’s Preliminary Response, we determine Petitioner has not established a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, the Petition is denied under 35 U.S.C. § 314(a) for the reasons that follow.

II. BACKGROUND

A. Related Matters

Contemporaneous with the instant Petition, Petitioner also filed Petitions for *inter partes* review of U.S. Patent Nos. 8,230,896 B2, 6,283,192 B1, and 6,648,050 B1. These Petitions have been assigned the following case numbers: IPR2014-00282, IPR2014-00283, and IPR2014-00286, respectively. Of the patents at issue in the four proceedings, only U.S. Patent No. 8,230,896 B2 is in the same patent

family as the '884 patent. Petitioner indicates that Patent Owner filed suit against Petitioner alleging infringement of claims 5-7 of the '884 patent, *Hunter Douglas v. Nien Made Enterprise*, 1:13-cv-01412-MSK-MJW (D. Colo. May 31, 2013).
Pet. 1-2.

B. The '884 patent (Ex. 1001)

The '884 patent relates to a modular transport system for opening and closing coverings for architectural openings such as venetian blinds, pleated shades, and other blinds and shades. Ex. 1001, Title, 1:14-16. Typically, a transport system for such coverings includes a top head rail which both supports the covering and hides the mechanisms used to raise and lower, and/or open and close the covering. *Id.* at 1:21-23. A goal of the invention is to provide a system wherein these mechanisms are housed in independent, self-contained modules that are readily interconnected to satisfy the requirements of a multitude of different window covering systems. *Id.* at 3:10-18. “Each module is easily and readily installed, mounted, replaced, removed, and interconnected within the blind transport system with an absolute minimum of time and expense.” *Id.* at 3:22-25.

One embodiment of the invention described in the '884 patent is depicted in Figure 1, reproduced below.

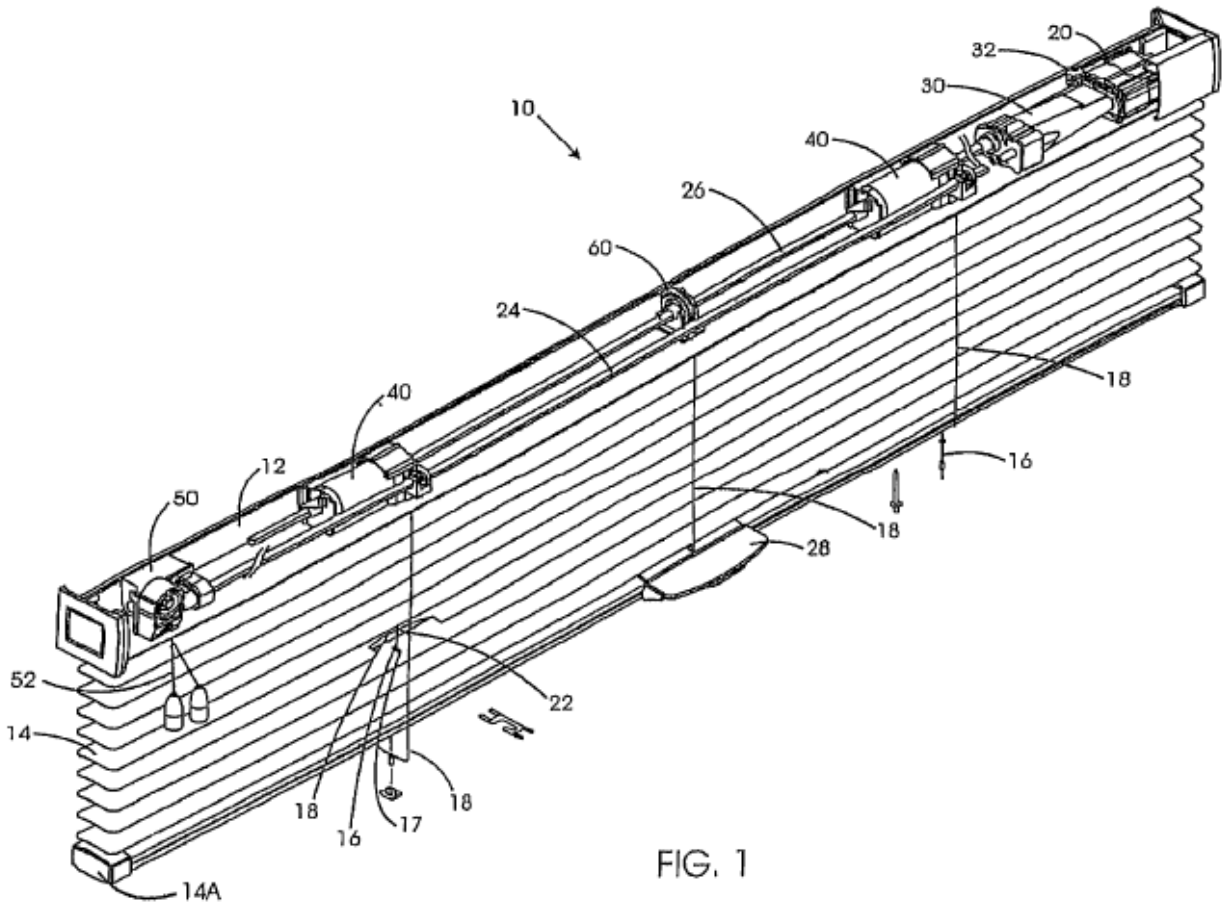


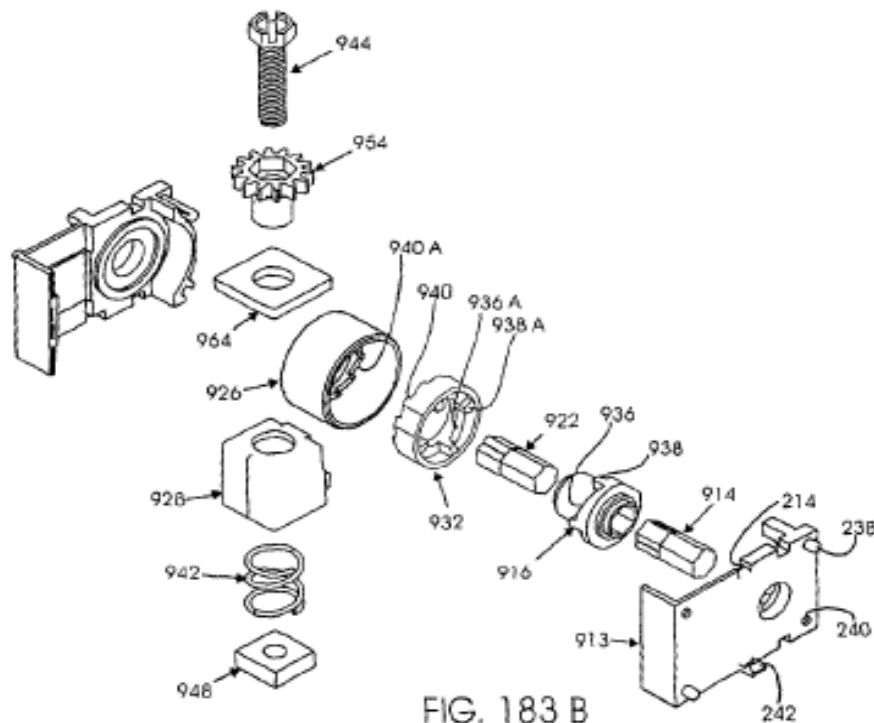
FIG. 1

Figure 1, above, is a partially broken away and partially exploded view of an embodiment of a blind transport system. Ex. 1001, 5:54-56. Blind 10 includes a plurality of slats 14 suspended from head rail 12 by ladder tapes 22. *Id.* at 17:10-13. Two lift cords 16 extend through holes 17 in slats 14 and are fastened to bottom rail 14A. *Id.* at 17:13-15. Positioned inside head rail 12 are spring motor power module 20, a transmission module 30, two lifting modules 40, and lift rod 26. *Id.* at 17:17-20, 23-24. Spring motor power module 20 includes coil spring 200, storage spool 206, and power spool 208. *Id.* at 17:39-41. Power spool 208 drives rotation of lift rod 26 via transmission 30, causing lift cords 16 to either wind onto or unwind from lifting modules 40, thereby raising or lowering blind 10.

Id. at 18:42-47, 26:6-16.

The transport system has a certain amount of system inertia caused by the mass of the covering as well as the frictional resistance of the components. *Id.* at 58:10-13. “[W]hen the blind is in the fully raised position, the available force to keep the blind in that raised position must be equal to or greater than weight (gravitational force) pulling down on the blind minus the system inertia which acts so as to keep the blind in the raised position.” *Id.* at 58:16-21. “[T]he force required to keep the blind in the fully lowered position must be less than the weight of the blind . . . plus the system inertia which acts to keep the blind in the lowered position.” *Id.* at 58:24-28.

The '884 patent also describes the use of a one-way brake to provide artificial system inertia. *Id.* at 58:43-45. An embodiment of a one-way brake is illustrated in Figure 183B below.



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