Trials@uspto.gov
Tel: 571-272-7822

Paper 7
Entered: February 10, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORMAN INTERNATIONAL, INC.,
Petitioner,

v.

HUNTER DOUGLAS INC.,
Patent Owner.

Case IPR2014-01175
Patent 6,968,884 B2

Before LINDA M. GAUDETTE, JAMES P. CALVE and HYUN J. JUNG, *Administrative Patent Judges.*

GAUDETTE, *Administrative Patent Judge*.

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

I. INTRODUCTION

On July 16, 2014, Norman International, Inc. ("Petitioner") filed a Petition (Paper 1, "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 6, "Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted "unless . . . 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 established a reasonable likelihood that it would prevail in showing the unpatentability of claim 7. Accordingly, pursuant to 35 U.S.C. § 314, we institute an inter partes review as to claim 7. Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far (prior to Patent Owner's Response). This is not a final decision as to patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record as fully developed during trial.

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. Pet. 2. These Petitions have been assigned the following case numbers: IPR 2014-01176, IPR 2014-01174 and IPR

2014-01173, respectively. Of the patents at issue in these proceedings, only U.S. Patent No. 8,230,896 B2 (at issue in IPR 2014-01176) is in the same patent family as the '884 patent. Petitioner previously submitted petitions for *inter partes* review of the same four patents on December 19–20, 2013. Pet. 2. On June 20, 2014, trial was instituted on claims 17 and 26 of U.S. Patent No. 6,283,192 B1 in IPR2014-00283 (Paper 9). Trial was denied in the remaining three petitions: IPR2014-00276 (Paper 11), IPR2014-00282 (Paper 8), and IPR2014-00286 (Paper 8). Petitioner indicates that Patent Owner filed suit against Petitioner alleging infringement of the '884 patent and the aforementioned three patents in *Hunter Douglas Inc. v. Nien Made Enterprise Co.*, 1:13-cv-01412-MSK-MJW (D. Colo. May 31, 2013). Pet. 1–2. Petitioner was served with a complaint in the district court action on July 16, 2013. *Id.* at 3; Ex. 1011.

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.

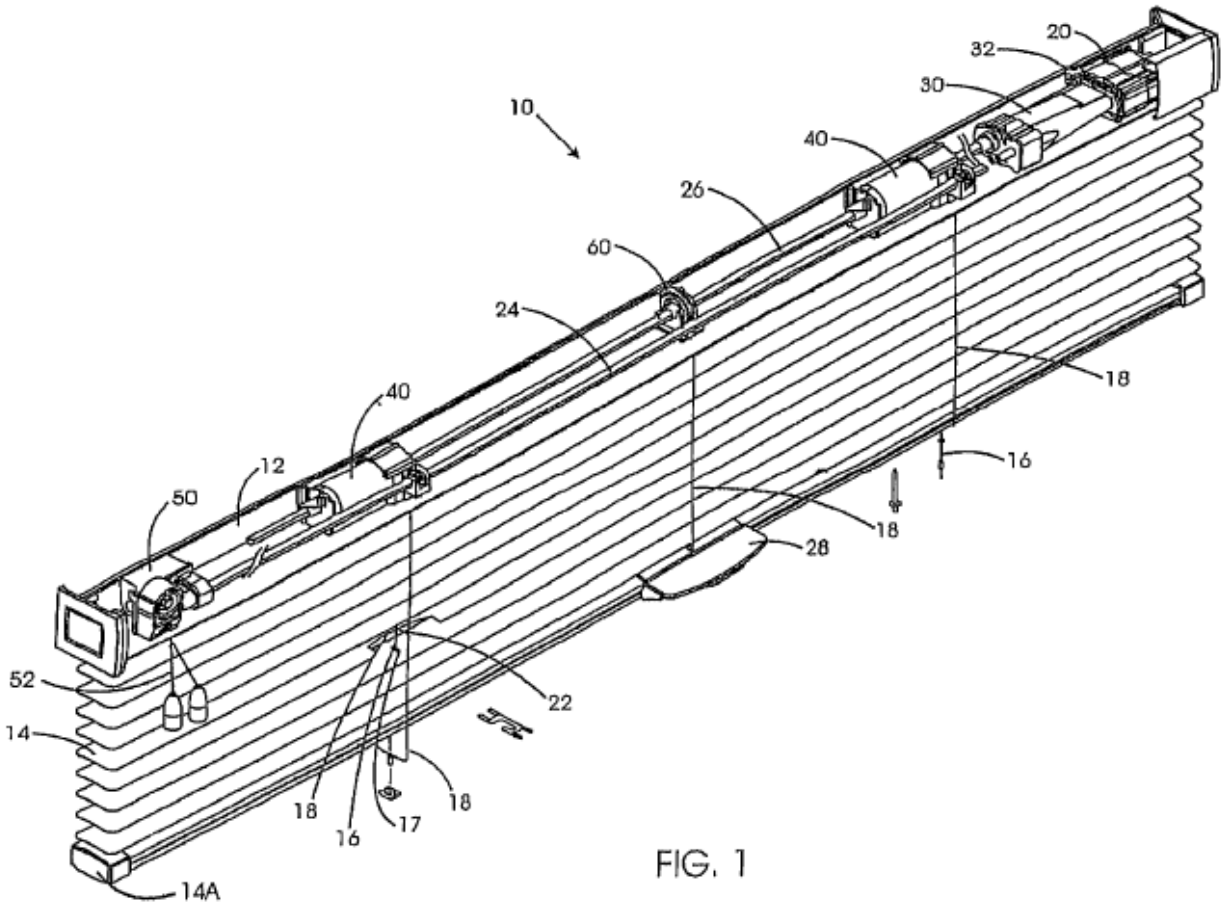

FIG. 1

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, 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.

DOCKET ALARM

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.