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Paper 10
Entered: March 30, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RF CONTROLS, LLC,
Petitioner,

v.

A-1 PACKAGING SOLUTIONS, INC.,
Patent Owner.

Case IPR2014-01536
Patent 8,690,057 B2

Before HOWARD B. BLANKENSHIP, BRYAN F. MOORE, and GREGG I. ANDERSON, *Administrative Patent Judges.*

MOORE, *Administrative Patent Judge*.

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

I. INTRODUCTION

RF Controls, LLC ("Petitioner") filed a Petition (Paper 4, Corrected Petition ("Pet.")) to institute an *inter partes* review of claims 1–16 (the "challenged claims") of U.S. Patent No. 8,001,057 B1 (Ex. 1008, "the '057 patent"). *See* 35 U.S.C. §§ 311–319. A-1 Packaging Solutions, Inc. ("Patent Owner") filed a Preliminary Response (Paper 7, "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 the Petition and Patent Owner's Preliminary Response, we determine Petitioner has established a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. We therefore institute an *inter partes* review as to claim 1. We decline to institute an *inter partes* review as to claims 2–16.

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 developed fully during trial.

II. BACKGROUND

A. Related Matters

Subsequent to the instant Petition, Petitioner also filed a second petition for *inter partes* review of the '057 patent: *RF Controls, LLC v. A-1 Packaging Solutions, Inc.*, Case IPR2015-00119 (PTAB).

B. The '057 Patent (Ex. 1001)

The '057 patent relates to a process management system that uses a radio frequency identification (RFID) detection system in the form of, for example, a phased array antenna based RFID detection system to track and manage material storage and flow in a manufacturing process or plant. Ex. 1001, Abstract. A block diagram of an exemplary process management system is shown in Figure 3 of the '057 patent, reproduced below.

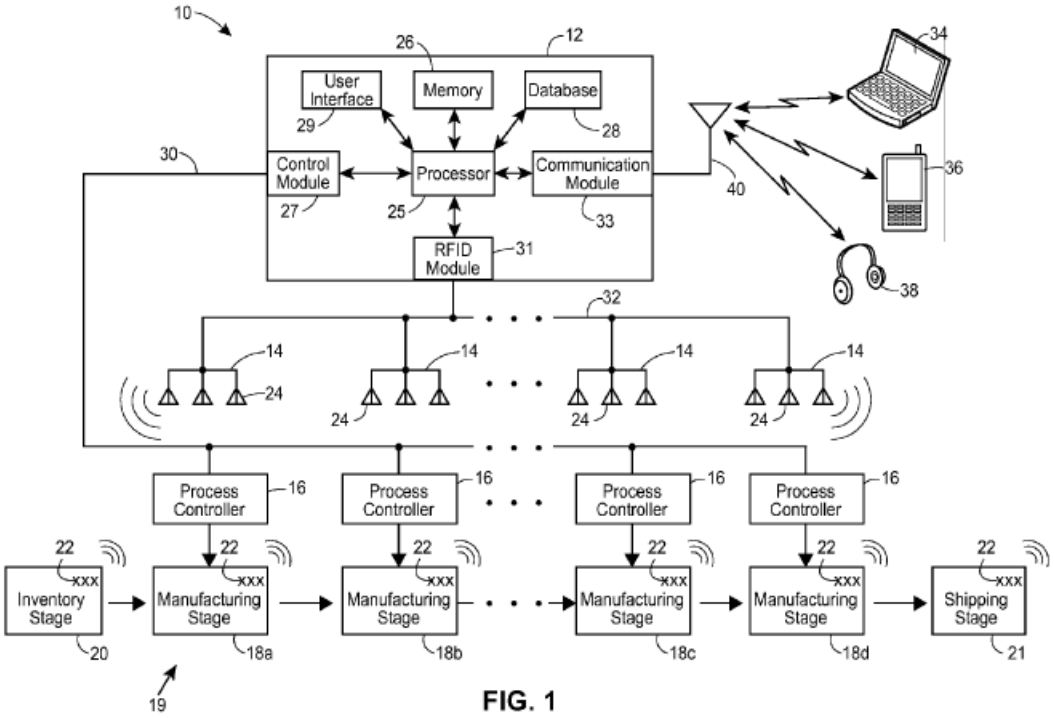

FIG. 1

As illustrated in Figure 3, above:

> [I]nventory and process management or tracking system 10 include[s] a command system 12 connected to an RFID detection and tracking system that includes a network of antenna systems 14 (which may be for example, one or more electronically steerable phased array antenna systems each having multiple antenna elements 24) connected to a processor

> (not shown) that directs or operates the antennas or elements 24 . . . and performs RFID detection and tracking.

Id. at 13:66–14:7. "During operation, material inputs and material outputs at each stage or region of the manufacturing process 19 are tagged with RFID tags 22 for identification and tracking." *Id.* at 14:25–28. "The antenna systems 14 . . . are used to detect and track the location and movement of the RFID tagged material inputs and material outputs and use this tracking information to manage the manufacturing process 19 using, for example, the controllers 16." *Id.* at 14:28–36.

C. Illustrative Claim

Of the challenged claims, claim 1 is independent. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. An inventory tracking system for use in tracking placement of physical items within an inventory tracking region, comprising:
>
> a radio frequency tag detection system including:
>
> a plurality of radio frequency antennas disposed in a spaced apart manner within the inventory tracking region; and
>
> a detection controller coupled to the plurality of radio frequency antennas, the detection controller including a beam-steering control system that controls the operation of each of the radio frequency antennas, wherein one of the plurality of radio frequency antennas uses a beam to scan a portion of the inventory tracking region to detect a current physical location of one or more radio frequency tags disposed in a scanned portion of the inventory tracking region, wherein the current physical location corresponds to a position defined by two coordinate units in a multidimensional

coordinate system and the value of each of the two coordinate units is determined by the one of the plurality of radio frequency antennas, and wherein the detection controller generates indications of the one or more detected radio frequency tags and the current physical locations of the one or more detected radio frequency tags in the scanned portion within the inventory tracking region; and

a tracking system coupled to the radio frequency tag detection system to receive the indications of the one or more detected radio frequency tags and the current physical locations of the one or more detected radio frequency tags in the scanned portion within the inventory tracking region, the tracking system including:

a memory for storing inventory item information for each of a plurality of inventory items, the inventory item information for each of the plurality of inventory items including an inventory item radio frequency tag identifier, inventory item identification information defining the identity of the inventory item, and an indication of the current physical location of the inventory item within the inventory tracking region; and

an access system that accesses the memory and provides at least a subset of the inventory item information for one or more of the inventory items to a user for determining the current physical location of the one or more of the inventory items within the inventory tracking region,

wherein the tracking system updates the indication of the current physical location of at least one particular inventory item within the inventory tracking region as stored in the memory for the at least one particular inventory item based on the indication of the current physical location of the one or more detected radio frequency tags for at the least one particular inventory item as produced by the detection controller.

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