

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION,
Petitioner,

v.

VALMONT INDUSTRIES, INC.,
Patent Owner.

Case IPR2015-01039
Patent 7,003,357 B1

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
WILLIAM M. FINK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Lindsay Corporation (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–18 of U.S. Patent No. 7,003,357 B1 (Ex. 1001, “the ’357 patent”). Valmont Industries, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”) to the Petition. 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.” 35 U.S.C. § 314(a).

For the reasons set forth below, Petitioner demonstrates a reasonable likelihood of prevailing in showing the unpatentability of claims 1–15, 17, and 18 of the ’357 patent, but does not demonstrate a reasonable likelihood of prevailing in showing the unpatentability of claim 16. Accordingly, we institute an *inter partes* review as to claims 1–15, 17, and 18 of the ’357 patent on the grounds specified below.

A. *Related Proceedings*

The parties indicate that the ’357 patent is at issue in the following district court case: *Valmont Industries, Inc. v. Lindsay Corp.*, No. 1:15-cv-00042 (D. Del.). Pet. 1; Paper 5, 2.

B. *The ’357 Patent*

The ’357 patent relates to remotely controlling irrigation equipment. Ex. 1001, Abstract. The ’357 patent describes a handheld remote user interface (“RUI”) with a display and keypad that can communicate with and control irrigation equipment. *Id.* at col. 3, ll. 21–29. According to the ’357 patent, the RUI communicates with the irrigation equipment using wireless telemetry technology. *Id.* at col. 3, ll. 26–29.

C. *Illustrative Claim*

Claims 1 and 16–18 are independent. Claim 1 is reproduced below.

1. A remote user interface for reading the status of and controlling irrigation equipment, comprising:

a hand-held display;

a processor;

wireless telemetry means for transmitting signals and data between the remote user interface and the irrigation equipment; and

software operable on said processor for:

(a) displaying data received from the irrigation equipment as a plurality of GUIs that are configured to present said data as status information on said display;

(b) receiving a user's commands to control the irrigation equipment, through said user's manipulation of said GUIs; and

(c) transmitting signals to the irrigation equipment to control the irrigation equipment in accordance with said user's commands.

Id. at col. 6, ll. 47–64.

D. *Evidence of Record*

Petitioner relies on the following references and declaration (*see* Pet. 2–3):

Reference or Declaration	Exhibit No.
PCT Publication No. WO 99/39567 (“Scott”)	Ex. 1004
PCT Publication No. WO 99/36297 (“Walker”)	Ex. 1005
U.S. Patent No. 7,010,294 B1 (“Pyotsia”)	Ex. 1007
U.S. Patent No. 6,337,971 B1 (“Abts”)	Ex. 1008
Declaration of Craig Rosenberg, Ph.D.	Ex. 1009
Irrigation Advances: Conserving Water, Energy and Labor, Spring 1996 (“AIMS”)	Ex. 1012

E. *Asserted Grounds of Unpatentability*

Petitioner asserts that the challenged claims are unpatentable on the following grounds (*see* Pet. 3):

Claim(s)	Basis	Reference(s)
1, 6–14, and 16–18	35 U.S.C. § 102(b)	Scott
1–3, 6–14, and 16–18	35 U.S.C. § 103(a)	Scott, Pyotsia, and AIMS
3	35 U.S.C. § 103(a)	Scott, Pyotsia, and Walker
4, 5, 11, and 15	35 U.S.C. § 103(a)	Scott, Pyotsia, and Abts

II. ANALYSIS

A. *Claim Construction*

The claims of an unexpired patent are interpreted using the broadest reasonable interpretation in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015). On this record and for purposes of this decision, we determine that only the claim terms addressed below require express construction.

1. *wireless telemetry means*

Independent claim 1 recites “wireless telemetry means for transmitting signals and data between the remote user interface and the irrigation equipment.” Ex. 1001, col. 6, ll. 51–53. Independent claims 16–18 recite similar limitations. *Id.* at col. 8, ll. 4–6, col. 8, ll. 18–20, col. 8, ll. 31–33. The parties agree that “wireless telemetry means” is a means-plus-function limitation under 35 U.S.C. § 112 ¶ 6. Pet. 7–8, Prelim. Resp. 1. Petitioner argues that the “wireless telemetry means” is described at column 6, lines 11–24 of the ’357 patent (Pet. 8), which states the following:

To enable the RUI **14** to exchange information with the irrigation components and ancillary equipment, the PDA is preferably coupled with wireless telemetry technology, such as RF telemetry or cell phone telemetry. It is contemplated that the PDA and wireless telemetry technology could be combined into a single integrated RUI **14** such as the Sprint TP3000, Kyocera 6035, Samsung 1300, or similar device that would enable the user to monitor and control the subject equipment from virtually anywhere. It is further contemplated that the RUI **14** could be comprised of a PDA that is interfaced with *a cellular or digital telephone* using an interface cable. Additionally, it is contemplated that the RUI **14** could be comprised of a PDA that is interfaced with *a VHF/UHF or spread spectrum radio* using an interface cable.

Ex. 1001, col. 6, ll. 11–24 (emphasis added). The above portion of the '357 patent links the claimed “wireless telemetry means” to several corresponding structures, namely a cellular telephone, a digital telephone, a VHF/UHF radio, and a spread spectrum radio. *Id.* Therefore, on this record and for purposes of this decision, we determine that the corresponding structure for the “wireless telemetry means” is “a cellular telephone, a digital telephone, a VHF/UHF radio, or a spread spectrum radio, and equivalent structures.”

Patent Owner argues that the Petition should be denied because, even though Petitioner identifies portions of the '357 patent that describe the corresponding structure for the “wireless telemetry means,” Petitioner does not provide a proposed construction. Prelim. Resp. 2–4. On this record, Patent Owner does not persuade us that the alleged deficiencies warrant a denial of the Petition in this particular case.

2. *directly*

Independent claim 17 recites “to directly control the operation of the irrigation components and ancillary equipment.” Ex. 1001, col. 8, ll. 24–26. Petitioner argues that “[t]he phrase ‘directly control’ as used in the '357

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