

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALLSTEEL INC.,  
Petitioner,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.,  
Patent Owner.

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Case IPR2015-01690  
Patent 8,024,901 B2

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Before SALLY C. MEDLEY, SCOTT A. DANIELS, and  
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Petitioner, Allsteel Inc., filed a Petition requesting an *inter partes* review of claims 1–25 of U.S. Patent No. 8,024,091 B2 (Ex. 1001, “the ’901 patent”). Paper 1 (“Pet.”). Patent Owner, DIRTT Environmental Solutions Ltd., filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). We have

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jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . 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.”

For the reasons that follow, we do not institute an *inter partes* review of claims 1–25 of the ’901 patent.

#### *A. Related Proceeding*

The ’901 patent is involved in the following lawsuit: *DIRTT Environmental Solutions Ltd. v. Allsteel Inc.*, No. 1:15-cv-04874 (N. D. Ill.). Pet. 1. IPR2015-01691 involves the same patent and same parties.

#### *B. The ’901 Patent*

The ’901 patent relates to a reconfigurable wall system. Ex. 1001, Abstract. The wall system has at least one module having a front and rear surface and vertical end frames disposed on side edges of the module. *Id.* The vertical end frame of one module connects to a vertical end frame of another module through a removable connecting strip. *Id.*

Figure 1 is reproduced below.

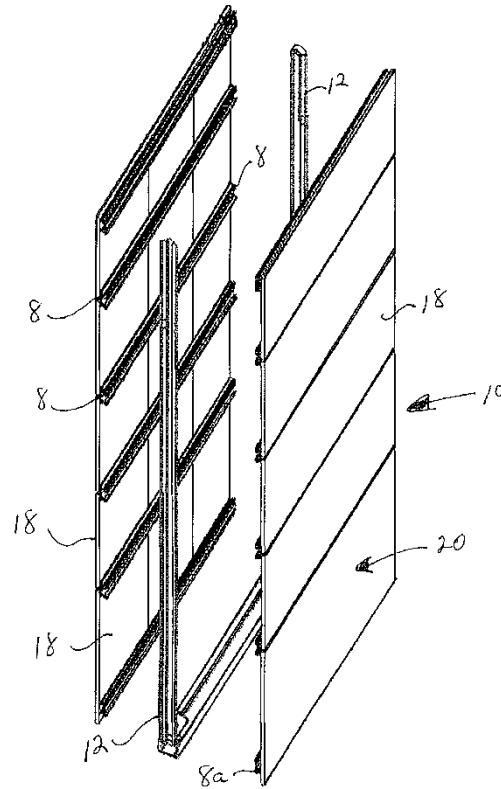


Figure 1 depicts a wall system 10

Figure 1 depicts a wall system 10 made up of one or more wall modules 20. *Id.* at 4:37–38. Each module 20 includes tiles 18, horizontal stringers 8, and a pair of vertical end frames 12. *Id.* at 4:39–45. A more detailed depiction of the vertical end frames is shown in Figure 28 below. In that figure, each vertical end frame 12 includes a pair of flanges 23, where each flange includes a bead 27. Vertical end frames can be connected by “zippers” or connecting strips 25. *Id.* at 5:14–24.

Figure 28 is reproduced below.

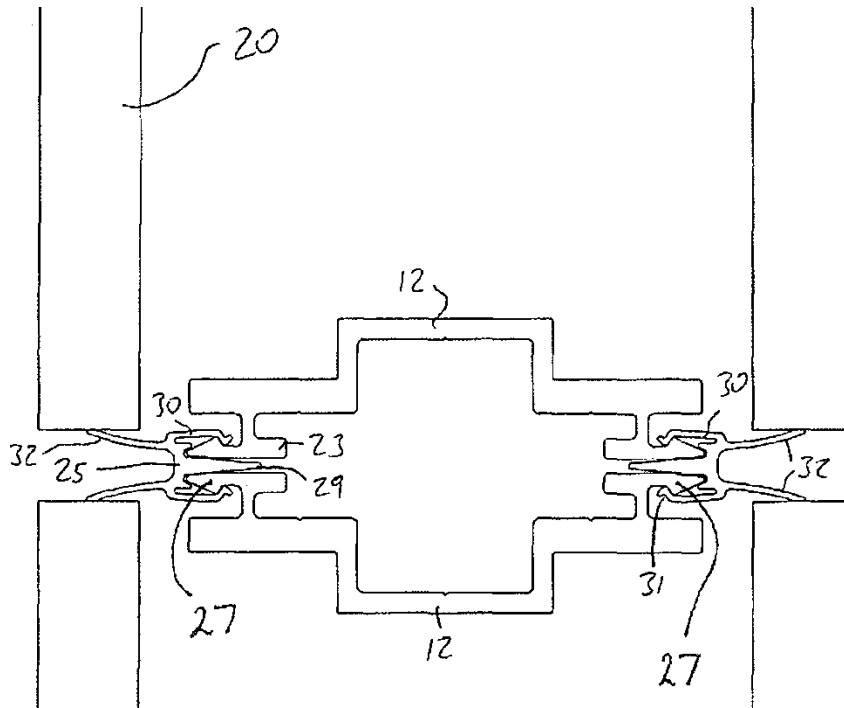


Figure 28 shows a top view of two connected wall modules

Connecting strip 25 includes central spine 29 that fits between flanges 23 and a pair of arms 30 on opposite sides of the spine. *Id.* at 5:24–27. Each arm includes a bead 31 that snap fits with beads 27 on flanges 23 for a secure releasable connection. *Id.* at 5:27–29.

### C. Illustrative Claim

Claim 1 is the sole independent claim and is reproduced below.

1. A movable reconfigurable wall system comprising:
  - a) at least one wall module having a front and rear surface and top, bottom, right side and left side edges, said at least one wall module having:
    - i) a vertical end frame disposed adjacent to each of said right and left side edges, each vertical end frame having a first vertically extending flange and a spaced apart second vertically extending flange thereon, each of said first vertically extending flange and said second vertically

extending flange having a beaded portion, the beaded portion on one of said first vertically extending flange or said second vertically extending flange extending toward the front surface of the wall module and the beaded portion on the other of said first vertically extending flange or said second vertically extending flange extending toward the rear surface of the wall module;

ii) a plurality of horizontal stringers affixed between said vertical end frames at said right and left side edges; and  
iii) an aesthetic surface affixed to said stringers; and

- b) a removable connecting strip having a pair of spaced apart flexible arms, each arm having a beaded portion thereon, the beaded portion of one of said arms being adapted to connect releasably to the beaded portion of one of said first vertically extending flange or said second vertically extending flange on said vertical end frame and the beaded portion of the other of said arms being adapted to connect releasably to the beaded portion of a corresponding opposed vertically extending flange on a separate vertical end frame of a second wall module, a wall bracket, a finishing trim or a connection post to hold one of said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange together, the beaded portions of said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange fitting inside the arms of said connecting strip to hold said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange together thereby releasably connecting said at least one wall module to the other of said second wall module, wall bracket, finishing trim or connection post.

Ex. 1001, 9:45–10:21.

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