

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MAZE INNOVATIONS, INC.,  
Petitioner,

v.

THE GREEN PET SHOP ENTERPRISES, LLC,  
Patent Owner.

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Case IPR2016-00117  
Patent 8,720,218 B2

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Before HYUN J. JUNG, SCOTT A. DANIELS, and  
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Maze Innovations, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”), requesting institution of an *inter partes* review of claims 15, 16, 18, and 19 of U.S. Patent No. 8,720,218 B2 (Ex. 1001, “the ’218 patent”). The Green Pet Shop Enterprises, LLC (“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.”

We determine that the information in the Petition does not demonstrate a reasonable likelihood that Petitioner would prevail with respect to claims 15, 16, 18, and 19 of the ’218 patent. Accordingly, we do not institute an *inter partes* review of those claims for the reasons that follow.

### A. *Related Proceeding*

The parties indicate that the ’218 patent is involved in *Green Pet Shop Enterprises, LLC v. Maze Innovations, Inc.*, Case No. 15-cv-01138 (N.D. Ill.). Pet. 3; *see also* Paper 5, 2.

*B. The '218 Patent (Ex. 1001)*

The '218 patent relates to “cooling platforms for animals.” Ex. 1001, 1:7–8. Figure 3 of the '218 patent is reproduced below.

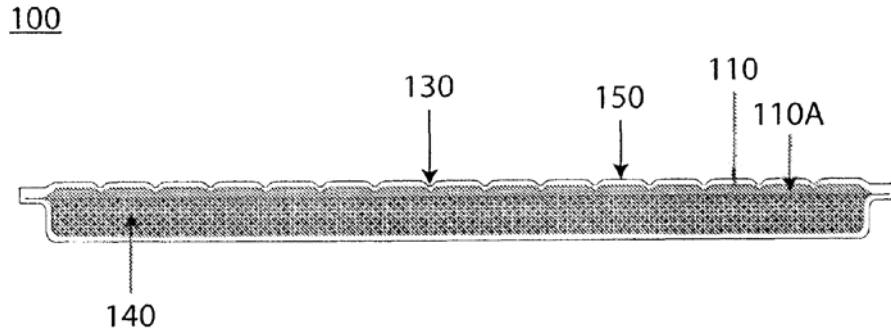


Fig. 3

Figure 3 is a cross-sectional view of a cooling platform. *Id.* at 1:38–39. Cooling platform 100 is comprised of temperature regulation layer 110, support layer 140, and channeled covering layer 150. *Id.* at 2:13–16.

Temperature regulation layer 110 is adapted to hold composition 110A. *Id.* at 2:18–20. Composition 110A “serves to control the temperature of the cooling platform 100” and “can encompass a variety of cooling and heating compounds.” *Id.* at 3:7–12. In an embodiment, composition 110 “can be activated by pressure, wherein the pressure . . . activates the composition 110A, triggering an endothermic process and subsequent cooling” and “[u]pon the release of that pressure, . . . undergoes a subsequent recharge, essentially the reverse of the initial reaction.” *Id.* at 3:17–23. Composition 110A of this embodiment can include water and polyacrylamide. *Id.* at 3:25–28.

*C. Illustrative Claim*

Each of the challenged claims is independent, and claim 15 is reproduced below:

15. A cooling platform for cooling an object, the platform comprising:

a temperature regulation layer, the temperature regulation layer having an angled segment formed by a top side and a bottom side at a predefined distance, and channels, wherein the channels form sides by contacting the top side with the bottom side; and

a pressure activated recharging cooling composition within the temperature regulation layer, the pressure activated recharging cooling composition endothermically activated and endothermically deactivated upon the application and release of pressure, respectively.

*D. Challenges*

Reference[s]	Basis	Claims challenged
Fan <sup>1</sup>	§102	15, 16, 18, and 19
Fan	§103	15, 16, 18, and 19
Xiong <sup>2</sup>	§102	15 and 16
Fan and Xiong	§103	15, 16, 18, and 19

II. ANALYSIS

*A. Claim Construction*

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b);

<sup>1</sup> CN 101305877 B, published Dec. 28, 2008 (Ex. 1003).

<sup>2</sup> Xiong, U.S. Patent No. 7,324,340 B2, iss. Jan. 29, 2008 (Ex. 1004).

Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766; *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1275–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 890 (mem.) (2016). Claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner submits that the broadest reasonable interpretation of “pressure” in the context of the ’218 patent is “contact.” Pet. 19. Petitioner cites portions of the ’218 patent that state “composition 110A can be activated by pressure, wherein the pressure of a[n] object sitting on the cooling platform 100 . . . activates the composition 110A,” that “composition 110A is able to recharge after alleviation of pressure,” that an “object contacts the channeled covering layer 150 exerting pressure over the cooling platform,” and that a “predefined distance . . . essentially prevents the dispersion of the composition 110A from the pressure the object exerts on the cooling platform 100.” Pet. 17–18 (citing Ex. 1001, 3:17–20, 4:43–45, 5:13–14, 5:23–27). Petitioner also asserts that the ’218 patent does not define or require a magnitude or range of pressure. Pet. 18. Petitioner contends that only “some amount of contact is required to activate and deactivate the recharging cooling composition” and that “moving of an object to recharge the composition shows that the composition recharges after there is no longer *contact*.” *Id.* Petitioner further contends that the “[t]he broadest reasonable interpretation must encompass the ’218 Patent’s use of ‘pressure’ as a synonym for ‘contact.’” *Id.* at 19. Petitioner also argues that a narrower interpretation would result in “claims that recite a

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